

REPUBLIC OF VENDA

# REPUBLIC OF VENDA CONSTITUTION

ACT, 1979

# ACT

To constitute the Republic of Venda and to provide for incidental matters.

## PREAMBLE

IN pursuit of the God-given rights of all nations and the accomplishment of the highest aspirations of the Venda Nation, we, on behalf of the Venda Nation, in humble submission to the God of all nations, hereby present this Constitution for an independent Republic of Venda;

WHEREBY the structure of the State and the mutual relationship between, and the powers of, the organs of State of the Republic of Venda shall be determined and controlled.

BE IT ENACTED by the Venda Legislative Assembly, as follows:-

## CHAPTER 1

### REPUBLIC OF VENDA

Establishment of Republic of Venda.

1. (1) Venda consisting of the districts mentioned in Schedule 1, together with such other land as may be added thereto, shall be a sovereign independent state and a republic.

(1) Thohoyandou shall be the seat of government of the Republic of Venda in all its functions.

## CHAPTER 2

### OFFICIAL SEAL, NATIONAL FLAG, COAT OF ARMS, ANTHEM AND LANGUAGES

Official Seal.

2. (1) There shall be a Seal of the Republic of Venda, in the design as set out in Schedule 2.

(2) The Seal shall at all times be in the custody of the President and, except in so far as may otherwise be determined by the President, shall be used on all public documents on which such use is required by this Constitution or any other law.

National Flag.

3. There shall be a National Flag of the Republic of Venda, in the design as set out in Schedule 3.

Coat of Arms.

4. There shall be a Coat of Arms of the Republic of Venda, which shall be as set out in Schedule 4.

National Anthem.

5. The literary work as set out in Schedule 5, shall be the National Anthem of the Republic of Venda.

Languages.

6. Luvenda, English and Afrikaans shall be the official languages of the Republic of Venda.

## CHAPTER 3

### THE PRESIDENT

Office of the President.

7. The Head of State of Venda is the President, who shall represent and serve Venda and its people.

Powers of the President.

8. (1) The President is the executive Head of Government and commander-in-chief of the national force of Venda.

(2) The President, in his capacity as commander-in-chief of the national force of Venda, may, subject to such conditions as may be prescribed by or under any law —

(a) mobilize and call out the national force or any part thereof for operational purposes or otherwise for the maintenance of law and order, the preservation of the peace, the protection of life, health or property or the provision or continuance of essential services; and

- (b) confer commissioned ranks in the national force on any person serving or qualified to serve therein.
- (3) The President shall, in addition to any other powers conferred upon him by this Constitution, have power —
  - (a) to confer honours;
  - (b) to appoint and to accredit, to receive and to recognise ambassadors, plenipotentiaries, diplomatic representatives and other diplomatic officers, consuls and consular officers.
  - (c) to pardon or reprieve offenders, either conditionally or unconditionally, and to remit any fines, penalties or forfeitures;
  - (d) to enter into and ratify international conventions, treaties and agreements;
  - (e) to proclaim and terminate martial law;
  - (f) to declare war and make peace; and
  - (g) to make such appointments as he may deem fit under powers conferred upon him by any law, and to exercise such powers and perform such functions as may be conferred or assigned to him under this Constitution or any other law.
- (4) The President shall exercise any power and perform any duty conferred or imposed upon him by or under this Constitution, or any other law in writing under his hand and the Seal of the Republic of Venda.

#### Election of President.

9. (1) The President shall be elected by an electoral college consisting of the members of the National Assembly at a meeting to be called in accordance with the provisions of this section and presided over by the Chief Justice or any judge designated by him.

(2) Subject to the provisions of subsection (3) the election of the President shall be held at a time and place to be fixed by the Speaker or, in his absence by the Deputy Speaker, or in the absence of both the Speaker and Deputy Speaker, by the Secretary of the National Assembly and made known by notice in the **Gazette** not less than fourteen days before such election.

(3) The first President shall be elected on the day upon which this Constitution comes into operation and any subsequent election shall be held on a date within thirty days after the constitution of a new national assembly: Provided that if the person holding the office of President dies or is removed from his office or resigns before the end of his term of office and before his successor has been elected, a date within thirty days after the office becomes vacant shall be so fixed: Provided further that if the President intimates in his resignation lodged with the Speaker in terms of section 12 that he will vacate his office on a date less than one month after the date of the lodging of his resignation, a date which is earlier than the day on which the office becomes vacant, may be so fixed.

(4) No person may be elected or remain in office as President unless he —

- (a) is at least thirty-five years of age; and
- (b) is a member of the National Assembly.

(5) Any person holding any public office, other than that of paramount chief, chief or member of the National Assembly, in respect of which he receives any remuneration or allowance out of public funds, who is elected as President, shall vacate such office with effect from the date on which he is elected.

#### Method of election as President.

10. (1) The procedure at a meeting held under section 9(1) shall be as follows:

- (a) The chairman shall call for the nomination of candidates for election as President;
- (b) every such nomination shall be signed by two members of the electoral college and by the person nominated unless he has previously in writing signified his willingness to accept nomination;
- (c) if only one candidate has been nominated and such candidate is competent to be elected as President, the chairman shall declare him to be duly elected as President;
- (d) if two or more competent candidates have been nominated, the chairman shall cause a vote to be taken by secret ballot (at

which each member of the electoral college shall have one vote), and, if a majority of all the votes so cast is in favour of one candidate, he shall declare such candidate to be duly elected as President;

- (e) if no candidate obtains a majority of all the votes so cast, the candidate who received the lowest number of votes shall be eliminated and a further ballot taken in relation to the remaining candidates and, this procedure shall subject to the provisions of paragraph (f), be repeated as often as may be necessary until one candidate receives a majority of all the votes cast and is declared duly elected: Provided that if two or more candidates received the same number of votes but less than the remaining candidates, the electoral college shall by separate vote, to be repeated as often as may be necessary, determine which of those candidates shall be eliminated for the purposes of this paragraph;
  - (f) if —
    - (i) only two competent candidates who comply with the provisions of section 9(4) have been nominated, or
    - (ii) only two candidates remain after the elimination of one or more candidates under paragraph (e), and there is an equality of votes between such two candidates, a further vote between those two candidates shall be taken on the following day and on each day thereafter until one candidate receives a majority of all the votes cast and is declared duly elected.
- (2) No debate shall be allowed at any meeting held under section 9(1).

#### Tenure of office of President.

11. (1) Subject to the provisions of sections 12 and 13, the person elected to the office of President shall hold that office from the date on which he makes and subscribes the oath prescribed by section 15, until his successor is elected in accordance with the provisions of section 9.

(2) The person holding the office of President shall, on the expiration of his period of office be eligible for re-election unless the National Assembly has expressly decided otherwise by resolution.

(3) The President shall at no time absent himself from Venda except with the prior consent of the Executive Council.

#### Resignation of President.

12. The person holding the office of President may at any time resign from such office by lodging his resignation in writing with the Speaker.

#### Removal of President from office.

13. (1) The President shall be removed from office if, in accordance with the provisions of this section —

- (a) a competent court finds him guilty of having committed any crime in respect of which capital punishment may be imposed, bribery or any other crime which the National Assembly determines, by resolution, to be of such serious nature that it warrants his removal; or
- (b) the National Assembly finds him to have misconducted himself or of being unable to perform efficiently the duties of his office.

(2) The removal from office of the President shall not be considered or effected by the National Assembly under subsection (1)

- (a) unless there has previously been submitted to the Speaker a petition signed by not less than fifty members of the National Assembly, praying for the removal of the person holding the office of President on the grounds mentioned in such petition and praying further that a committee be appointed to investigate the subject-matter of such petition and to report thereon and such report of such committee has been considered by the National Assembly; and
  - (b) unless a majority vote has been obtained in the National Assembly.
- (3) No debate shall be permitted in the National Assembly in any proceedings in terms of this section.

#### Acting President.

14. Whenever the office of President becomes vacant or the

President is in the judgment of the Executive Council unable by reason of illness or for any other reason to perform the duties of his office, a person appointed by the Executive Council from amongst its ranks shall serve as acting President for the period that the President is so unable to perform the duties of his office or, if the office of the President is vacant, until a President is elected in terms of the provisions of section 9(3).

**Oath of office of President and  
notice of assumption of office.**

15. (1) Before assuming the office of President, the person elected or otherwise designated to hold the office as acting President shall make and subscribe before the Chief Justice or any other judge, the following oath of office:

"In the presence of Almighty God, I, A.B., do swear to be faithful to the Republic of Venda, to serve its people and to devote myself to their well-being, to uphold the Constitution and observe all other laws of the Republic, and to discharge my duties with all my strength to the best of my knowledge and belief.  
So help me God."

(2) The President shall make known by proclamation in the **Gazette** that he has taken the oath and assumed his office.

**Protection of dignity and  
reputation of President.**

16. Any person who commits any act which is calculated to violate the dignity or injure the reputation of the President, shall be guilty of an offence and liable on conviction to a fine not exceeding two thousand rand or imprisonment for a period not exceeding five years.

**Salary of President.**

17. (1) There shall be paid to the President as a charge on the Revenue Fund, in addition to any allowances appropriated from time to time by the National Assembly, and apart from any privileges which he may enjoy, a salary determined by resolution of the National Assembly from time to time: Provided that the President shall not receive a salary as a member of the National Assembly in addition to a salary as President.

(2) The salary and allowances of the President shall not be altered to his disadvantage during his term of office.

**Pension of President and his  
widow.**

18. (1) There shall be paid as a charge on the Revenue Fund —

(a) to any person who has at any time held the office of President, excluding an acting President, a pension at the rate of three-quarters of the salary payable to such person on his last day of office if he has held that office for not less than five years and at the rate of half of the salary payable to such person on his last day of office if he has held that office for less than five years: Provided that in the event of a person holding such office being removed from such office in terms of the provisions of section 13, a pension at the rate of one-quarter of the salary payable to such person on his last day of office shall be paid to such person; and

(b) to the widow or widows jointly of the person referred to in paragraph (a) (unless she entered into a marriage with such person after he vacated the office of President) a pension in equal shares, at the rate of three-quarters of the pension payable or which would have been payable, to such person.

(2) The pension payable —

(a) under paragraph (a) of subsection (1) shall be payable with effect from the day following the day upon which the person concerned vacated the office of President;

(b) under paragraph (b) of subsection (1) shall be payable with effect from the day following the day upon which the beneficiary became a widow.

**CHAPTER 4**

**EXECUTIVE GOVERNMENT**

**Executive government.**

19. The executive government of Venda is vested in the President acting after consultation with the Ministers in Executive Council.

**Executive Council.**

20. (1) The Executive Council shall consist of the President and the Ministers of State appointed under section 21(1).

(2) All decisions of the Executive Council shall be recorded in

writing and such decisions shall be taken in accordance with such rules of procedure as determined by the Executive Council.

State departments and Ministers.

21. (1) the President shall establish such departments of State as he may deem necessary for the Government and shall appoint not more than nine persons to administer such departments.

(2) Persons appointed under subsection (1) shall be Ministers and shall hold office during the pleasure of the President.

(3) A Minister shall not hold office for longer than three months unless he is or becomes a member of the National Assembly: Provided that in the event of any dissolution of the National Assembly, whether by effluxion of time or otherwise, every Minister shall continue in office until his successor is appointed.

(4) The remuneration and retirement benefits of a Minister shall be determined by an act of Parliament.

(5) If any Minister is unable to perform any of the functions of his office, the President may appoint any other member of the Executive Council to act in that Minister's stead either generally or for the performance of any particular function.

(6) A Minister shall before assuming office make and subscribe the following oath before the Chief Justice or a person designated by the President:

"I, A.B., do hereby swear to be faithful to the Republic of Venda, and I undertake before God to honour this oath, to hold my office as a Minister and as a member of the Executive Council with honour and dignity, to uphold the Constitution and all other laws of the Republic and to be a true counsellor.

I swear further not to divulge any matters brought before the Executive Council which are entrusted to me under secrecy and to perform the duties of my office conscientiously and to the best of my ability.

So help me God."

Deputy Ministers.

22. (1) (a) The President may from time to time appoint persons who are members of the National Assembly, to hold office during his pleasure as Deputy Minister of any specified department or Deputy Minister of such other description as the President may determine, and to exercise or perform on behalf of a Minister any of the powers, functions and duties entrusted to such Minister under any law or otherwise which may, subject to the directions of the President, be assigned to him from time to time by the said Minister.

(b) Any reference in any law to a deputy of a Minister shall be construed as including a reference to a Deputy Minister appointed under this subsection, and any such reference to a Minister shall be construed as including a reference to a Deputy Minister acting in pursuance of an assignment under paragraph (a) by the Minister from whom he acts.

(c) Not more than four persons may be appointed under this subsection.

(d) A person appointed under paragraph (a) shall not be a member of the Executive Council.

(2) The remuneration and retirement benefits of a Deputy Minister shall be determined by an act of Parliament.

(3) Any person appointed under this section shall before assuming the duties of his office make and subscribe before the Chief Justice or a person designated by the President, the following oath:

"I, A.B., do hereby swear to be faithful to the Republic of Venda, to uphold its Constitution, to respect and obey its laws, to hold my office as Deputy Minister with honour and dignity, to perform the duties of my office diligently and conscientiously and without regard to my own advantage or benefit, and to keep secret any matters entrusted to me under secrecy.

So help me God."

Power to appoint and dismiss persons.

23. Except as may otherwise be provided in this Constitution or any other law, the appointment and dismissal of persons in the service of the Government of Venda vests in the President.

CHAPTER 5  
THE LEGISLATURE

Legislative.

Constitution of National Assembly and Electoral Divisions.

24. (1) The legislative power of the Republic of Venda shall vest in a Parliament consisting of the President and a National Assembly.

(2) Parliament shall be the sovereign legislative authority in and over the Republic and shall have full power to make laws for the peace, order and good government of the Republic.

(3) Parliament shall exercise its power to make laws by means of bills passed by the National Assembly and assented to by the President and every bill so assented to shall be styled an Act.

(4) No court of law shall be competent to inquire into or to pronounce upon the validity of any Act.

25. (1) The National Assembly shall be constituted as follows:

(a) The chiefs appointed to the twenty five Chieftainships in Venda and any additional chief that may be appointed to any Chieftainship that may be established;

(b) two headmen of the Gwamasenga Tribal Council until such headmen are appointed chiefs;

(c) fifteen members who shall within fourteen days of the election of the members referred to in paragraph (d) be designated by the regional councils in the manner provided in subsection (2);

(d) forty-two members elected in the manner provided in subsection (3); and

(e) three members nominated by the President who shall possess special knowledge, qualifications or wide experience and who shall comply with the requirements of section 28(a) and (b).

(2) Every regional council in Venda shall meet on a date and at a place determined by the magistrate of the district concerned and shall designate from amongst the ranks of the tribal councils in its area, persons as members of the National Assembly as follows:

(a) by the Ramabulana Regional Council, three members;

(b) by the Vhembe Regional Council, five members;

(c) by the Vuwani Regional Council, five members; and

(d) by the Mutale Regional Council, two members:

Provided that not more than one member shall be so designated from amongst the ranks of any tribal council.

(3) The areas referred to in subsection (4) shall, subject to the provisions of subsection (5) be electoral divisions for the election of members of the National Assembly.

(4) The following number of members shall be elected in respect of the electoral divisions referred to in subsection (3):

(a) The area of the Tshivhase Tribal Council, five members;

(b) the area of the Mphaphuli Tribal Council, four members;

(c) the area of the Kutama Tribal Council, two members;

(d) the area of the Mphephu Tribal Council, seven members;

(e) the area of the Sinthumule Tribal Council, two members;

(f) the area of the Rambuda Tribal Council, two members;

(g) the area of the Thengwe Tribal Council, two members;

(h) the areas of the Masia and Davhana Tribal Councils jointly, one member; and

(i) one member, for the area of each of the following Tribal Councils: Mulenzhe, Makuya, Tshikonelo, Manenzhe, Khakhu, Tshikundamalema, Mutele, Nesengane, Tshimbupfe, Lomondo, Tshakhuma, Mashau, Molema, Mashamba, Masakona, Nthabalala and Gwamasenga.

(5) the President may, if he deems it expedient, and shall, when so requested by the tribal council concerned, cause a tribal council area in respect of which more than one member is to be elected in terms of subsection (4), to be delimited in order that the number of electoral divisions correspond with the number of members which are to be elected in respect of the electoral division concerned, in such a manner that there shall be more or less an even number of voters in each electoral division, by a committee of three persons appointed by him, of which the Chief Justice or a judge shall be a member and the chairman.

26. (1) Every person who —

(a) is a citizen of Venda;

Persons entitled to register as voters and to vote...

(b) is of the age of eighteen years or over; and  
(c) is not disqualified in terms of section 27,  
shall be entitled to be registered as a voter of an electoral division and, if he is registered as such, to vote at an election.

(2) Every person registered as a voter shall, at an election of members of the National Assembly have as many votes as there are members to be elected in respect of the electoral division in which he is registered, but shall not record more than one vote in favour of any one candidate.

**Disqualification of voters.**

27. (1) No person shall be entitled to be registered as a voter or to remain registered as a voter or to vote in any election —

- (a) if he has been convicted of any crime in respect of which capital punishment may be imposed;
- (b) if he has been convicted of any offence and sentenced to a period of imprisonment of not less than twelve months without the option of a fine or ordered to be detained in a rehabilitation centre under any law and such period has not yet expired or such order has not ceased to be operative at least three years before the date of completion of his application to be registered or the date upon which it is decided whether or not his name is to be removed from the voter's list as the case may be;

(c) if he has been convicted of any corrupt or illegal practice under any electoral law and has been declared incapable of being registered as a voter or of voting during any period and the said period has not yet expired; or

(d) if he is subject to an order of court declaring him to be of unsound mind or mentally disordered or defective or is lawfully detained as mentally disordered or defective.

(2) For the purposes of paragraphs (a) and (b) of subsection (1) —

(a) a person who has been granted a free pardon shall be deemed not to have been convicted of the offence in respect of which he has been pardoned; and

(b) a period of imprisonment means the full term of a sentence of imprisonment notwithstanding any suspension or remission of the whole or any portion of such sentence.

**Qualifications for election to National Assembly.**

28. No person shall be qualified to be or remain a member of the National Assembly unless he —

- (a) is over the age of twenty-five years;
- (b) is a citizen of Venda; and
- (c) is registered as a voter in any electoral division in Venda.

**Oath of members of National Assembly.**

29. Every member of the National Assembly shall, before he takes his seat, make and subscribe before the Chief Justice or a judge designated by him, or in the case of a member filling a casual vacancy, before the Speaker, the following oath:

"I, A.B., do swear to respect and uphold the Constitution and all other applicable laws and I solemnly promise to perform my duties as a member of the National Assembly with dignity and to the best of my ability.  
So help me God."

**Life of National Assembly.**

30. (1) Every National Assembly shall continue for five years with effect from the date of the first sitting of the first session of the National Assembly held after its constitution, which session shall commence within three months of such constitution: Provided that the President may by proclamation in the **Gazette** dissolve the National Assembly before the expiration of the said period of five years.

(2) (a) Any proclamation referred to in subsection (1), shall also provide for the next designation and election of members of the National Assembly in terms of section 25.

(b) The designation and election of members of the National Assembly after the expiry of its term shall take place upon such date or dates as determined by the President by proclamation in the **Gazette**.

(c) The President shall nominate the members referred to in section 25(1)(e) not later than the day immediately prior to the



first sitting of the National Assembly, or within three days after the assumption of office of the first President, as the case may be.

**Vacating of seats by members of the National Assembly.**

31. The seat of a member of the National Assembly shall become vacant —

- (a) upon his death;
- (b) upon receipt by the Secretary of the National Assembly of a notice of resignation signed by the member;
- (c) if he fails to attend any sitting of the National Assembly for a full ordinary session without its special leave, unless he has submitted to the Speaker within seven days of the commencement of the next session the reasons for his absence for consideration by the National Assembly or a committee as it may appoint for the purpose, and such absence has been condoned by the National Assembly: Provided that pending such condonation, such member shall be deemed not to have been a member during the period from the commencement of the session not attended by him to the date of such condonation;
- (d) in the event of such member ceasing to possess any of the qualifications mentioned in section 28; or
- (e) in the event of a member referred to in section 25(1)(e), on expiry of the period for which he is nominated.

**Filling of vacancies.**

32. (1) If the seat of a designated or nominated member of the National Assembly becomes vacant it shall, unless the life of the National Assembly will have expired before such vacancy can be filled, subject to the provisions of subsection (3), be filled within three months in the manner provided in section 25.

(2) If the seat of an elected member of the National Assembly becomes vacant, it shall, subject to the provisions of subsection (3), be filled for the remainder of the life of the National Assembly, within three months of it becoming vacant: Provided that if such seat becomes vacant within the last twelve months of the life of the National Assembly, it shall be so filled by the designation by the regional council in whose area such member was elected, of a person who possesses the qualifications mentioned in section 28.

(3) If the seat of any member of the National Assembly becomes vacant in terms of section 31 (c) it shall be filled in the manner provided in section 25 within three months of the commencement of the next session unless the life of the National Assembly will have expired before such next session.

**Sessions of National Assembly.**

33. (1) Sessions of the National Assembly shall be held at the seat of the Government.

(2) There shall be a session of the National Assembly at least once every year, which shall commence on a date determined by the President: Provided that the period between the last sitting of the National Assembly in one session and its first sitting in the next session shall not exceed fifteen months.

(3) The President may at any time convene a special session of the National Assembly at which only such business as the President determines, shall be considered.

(4) The Secretary of the National Assembly shall in writing, not less than twenty-one days before an ordinary and not less than seven days before a special session of the National Assembly, inform the members of the fixed date and time of, and, in the case of a special session, of the business to be considered at such session.

**Speaker and Deputy Speaker.**

34. (1) The National Assembly shall, at its first sitting and before proceeding with the dispatch of any other business, elect by ballot from amongst its members a Speaker and a Deputy Speaker.

(2) The Speaker shall preside over all sittings of the National Assembly: Provided that the Secretary of the National Assembly or, in his absence, a person designated by the President shall preside at the first sitting of the National Assembly until a speaker is elected or when the office of the Speaker and Deputy Speaker are vacant simultaneously.

(3) The Speaker shall vacate his office —

- (a) if he ceases to be a member of the National Assembly;

- (b) if he resigns from such office; or
- (c) if he is removed from office by a resolution of the National Assembly.

**Procedure of the National Assembly.**

35. (1) All questions in the National Assembly shall be determined by a majority of votes of members present, and the Speaker or, in his absence, the Deputy Speaker shall, in the case of an equality of votes, have and exercise a casting vote.

(2) The presence of at least forty-four members of the National Assembly shall be necessary to constitute a meeting of the National Assembly for the exercise of its powers.

(3) The National Assembly may from time to time adopt standing rules and orders not inconsistent with this Constitution, for the regulation and conduct of its proceedings and the dispatch of business, for the passing, entitling and numbering of laws and for the presentation of bills to the President in terms of section 39.

(4) Subject to the rules and orders referred to in subsection (3) the proceedings of the National Assembly shall be open to the public.

**Freedom of speech and debate, stay of process, privilege, rights and powers of National Assembly.**

36. (1) There shall, subject to the rules and orders referred to in section 35(3), be freedom of speech and debate or proceedings in or before the National Assembly and any committee thereof and such freedom shall not be liable to be challenged or questioned in any court or place outside the National Assembly.

(2) Anything said by any member in or before the National Assembly or any committee thereof, whether as a member or as a witness, shall be deemed to be a matter of privilege.

(3) At any stage of any civil or criminal proceedings instituted for or on account or in respect of any matter of privilege, upon production to the court or judge by the defendant or accused, of a certificate by the Speaker or, in his absence or other incapacity, by the Secretary of the National Assembly, stating that the matter in question is one which concerns the privilege of the National Assembly, that court or judge shall immediately stay such proceedings, which shall thereupon be deemed to be finally determined.

(4) Notwithstanding the provisions of this Constitution or any other law, no member shall be liable to any civil or criminal proceedings, arrest, imprisonment, or damages by reason of any matter or thing which he may have brought by petition, bill, resolution, motion or otherwise or may have said before or in the National Assembly or any committee thereof.

(5) No person shall be liable in damages or otherwise for any act done under the authority of the National Assembly and within its legal powers, or under any warrant issued by virtue of those powers.

(6) (a) No member or officer of the National Assembly shall be required, while in attendance on the National Assembly, to attend as a witness in any civil proceedings in any court, unless that court holds its sittings at the seat of the National Assembly.

(b) No civil proceedings in which a member or officer of the National Assembly is a defendant shall, while that member or officer is in attendance on the National Assembly, be brought to trial in a court that holds its sittings elsewhere than at the seat of the National Assembly.

(c) A certificate by the Speaker or the Secretary of the National Assembly, as the case may be, stating that a member or officer of the National Assembly is in attendance on the National Assembly shall be sufficient proof of such attendance.

**Penalty for sitting and voting as member of National Assembly when disqualified.**

37. Any person who is by law incapable of sitting as a member of the National Assembly and who while so incapable and knowing or having reasonable ground for knowing that he is so incapable, sits or votes as a member of the National Assembly, commits an offence and shall be liable to a penalty of twenty rand for each day on which he so sits or votes.

**Bills appropriating public funds or improving taxation.**

38. (1) Any bill which appropriates revenue or moneys for the ordinary annual services of the Government shall deal only with such appropriation and shall be known as an appropriation bill.

(2) The National Assembly shall not —

(a) consider or pass any vote, resolution, address or bill for the

appropriation of any part of the public revenue or of any tax or impose for any purpose whatsoever; or  
(b) proceed with any bill for the imposition of taxation or the alteration of taxation otherwise than by reduction, except upon the recommendation of the President conveyed by message during the session in which such vote, resolution, address or bill is proposed.

**Assent to bills.**

39. (1) When a bill is presented to the President for his assent he shall declare according to his discretion that he assents thereto or that he withholds assent.

(2) When the President withholds his assent, the bill shall be returned to the National Assembly together with any amendments which he may recommend, whereafter the National Assembly may deal with the recommendations.

(3) If the National Assembly accepts the bill in accordance with the recommendations referred to in subsection (2), it shall be submitted to the President for his approval in accordance with the provisions of subsection (1).

(4) If the National Assembly accepts the bill with a majority of two-thirds of the members present in a form which is not in accordance with the recommendations referred to in subsection (2) it becomes, notwithstanding the provisions of subsection (1), a law, in which case the signature of the Speaker replaces the approval of the President.

**Signature and enrolment of laws.**

40. (1) A bill shall, subject to the provisions of section 39, become a law, upon being assented to by the President.

(2) The Secretary of the National Assembly shall cause three fair copies of such law, one being in Luvenda, one in English and one in Afrikaans, to be enrolled on record in the office of the Registrar of the Supreme Court, and such copies shall be conclusive evidence as to the provisions of such law and in case of conflict between the three copies so enrolled, the copy signed by the President shall prevail.

**Promulgation and commencement of law.**

41. (1) The Secretary of the National Assembly shall cause every law to be published in the **Gazette** in Luvenda, English and Afrikaans.

(2) A law shall come into operation on the date of its publication in the **Gazette** unless the law itself provides that it shall come into operation on another date or on a date to be fixed thereunder by proclamation of the President.

## CHAPTER 6

### THE JUDICATURE

**Establishment and constitution of Supreme Court.**

42. (1) There is hereby established a Supreme Court of Venda in which shall be vested the judicial power of the Republic and which shall consist of the Chief Justice and such number of other judges as may be determined by the President from time to time.

(2) The Supreme Court of Venda shall be a court of record and shall have for its use a distinctive seal, with the design set out in Schedule 6 and which shall be in the custody of the Registrar of the Court.

(3) Notwithstanding the provisions of section 75(1), the High Court established under section 34 of the Black States Constitution Act, 1971 (Act 21 of 1971), shall, as constituted immediately prior to the commencement of this Constitution, be deemed to be the Supreme Court of Venda and to have been established and constituted as such by subsection (1).

**Jurisdiction of Supreme Court.**

43. Subject to the provisions of this Constitution and of any other law or the common law the Supreme Court of Venda shall —

(a) have jurisdiction over all persons residing or being in the Republic of Venda; and

(b) have power —

(i) to hear and determine all civil and criminal matters, proceedings or causes arising within the Republic of Venda;

(ii) to hear and determine appeals from all inferior courts; and

(iii) to review the proceedings of all inferior courts.

44. (1) Subject to the provisions of subsection (2) the President shall from time to time as occasion may require appoint a fit and proper person as Chief Justice or as judge of the Supreme Court.

(2) No person shall be appointed under subsection (1) —

(a) to the office of Chief Justice, unless he holds or has at any time held office as a judge of the Supreme Court or as a judge of a superior court in the Republic of South Africa or in such other country as the National Assembly may prescribe by resolution;

(b) to any office of judge, unless —

(i) he has practised as an advocate in the Supreme Court or in any superior court referred to in paragraph (a) for a period of not less than ten years;

(ii) he has previously held office as a judge in any such court; or

(c) to the office of Chief Justice or judge, if he is of or above the age of seventy years.

(3) If at any time the office of any judge of the Supreme Court is vacant or if any such judge is for any reason unable to perform his duties, the President may appoint, to act temporarily in the place of such judge, any person who qualifies for appointment under subsection (1) and (2), including any person who would so qualify but for his age: Provided that —

(a) the Minister of Justice may appoint any such person to act as a judge for a period not exceeding one month; and

(b) no person other than a person who complies with the provisions of subsection (2)(a) shall be appointed to act as Chief Justice.

(4) (a) The remuneration and other conditions of service, including retirement benefits of the Chief Justice and judges of the Supreme Court, shall be determined by an act of Parliament.

(b) the remuneration of the Chief Justice or a judge shall not at any time be reduced while he continue in office.

(5) The Chief Justice and every judge of the Supreme Court shall, before commencing to exercise the functions and duties of his office make and subscribe, before a judge of the Supreme Court or, if a judge is not available, before a person designated by the President, an oath substantially in the following form:

"I, A.B., do hereby swear that I will in the discharge of my office as judge of the Supreme Court of Venda, administer justice to all persons alike without fear, favour or prejudice in accordance with the laws of the land."

Judge may not hold other office  
without permission.

45. Unless authorised thereto by the President the Chief Justice or a judge of the Supreme Court shall not accept or hold any other office of profit or receive in respect of any service rendered by him any remuneration other than the remuneration referred to in section 44(4).

Removal of judge from office.

46. The Chief Justice or any other judge of the Supreme Court may be removed from office by the President: Provided that no judge shall be so removed except upon an address from the National Assembly praying for such removal on the grounds of misbehaviour or incapacity.

Rules of court.

47. (1) Subject to the provisions of subsection (2) the Chief Justice may make rules regulating the conduct of proceedings in the Supreme Court and prescribing any matter whatsoever which is necessary to prescribe in order to ensure the proper despatch and conduct of the business of the court, including rules prescribing court fees, the fees payable for the service or execution of process and the fees chargeable by advocates, attorneys and notaries as well as rules relating to the taxation of bills of costs and the recovery of costs.

(2) Any rules made by the Chief Justice under subsection (1) shall be subject to the approval of the President and any rules so approved shall be made known by notice in the **Gazette**.

(3) The rules which immediately prior to the commencement of this Constitution applied in respect of the High Court referred to in section 42(3) shall, notwithstanding the provisions of section 75(1), apply **mutatis mutandis** in respect of the Supreme Court of Venda and shall be deemed to have been duly made, approved and published in terms of this section.

#### Circuit Courts.

48. The Chief Justice may by notice in the **Gazette** —

- (a) divide Venda into circuit districts and from time to time in like manner alter the boundaries of any circuit district; and
- (b) determine the times when and the places where the Supreme Court shall sit in such circuit districts for the hearing of criminal cases.

#### Administration of justice.

49. (1) All administrative powers, functions and duties affecting the administration of justice shall be under the control of the Minister of Justice.

(2) Any person who immediately prior to the commencement of this Constitution holds the office of Chief Justice, judge, Attorney-General or Deputy Attorney-General in the districts comprising Venda shall be deemed to have been appointed as Chief Justice, judge, Attorney-General or Deputy Attorney-General of Venda by the competent authority in Venda.

#### Advocates and attorneys.

50. (1) The laws regulating the admission of advocates and attorneys to practise before the Supreme Court of South Africa shall **mutatis mutandis** apply to the admission of advocates and attorneys to practise in the Supreme Court of Venda.

(2) All advocates and attorneys entitled immediately prior to the commencement of this Constitution to practise in the High Court referred to in section 42(3), shall be entitled, subject to the provisions of the aforesaid laws, to practise in the Supreme Court of Venda.

#### Recognition and application of indigenous law.

51. (1) In all proceedings involving questions of tribal customs followed by persons in Venda, it shall be in the discretion of the court to decide such questions in accordance with the law applying to such customs except in so far as the court may find that such law has been repealed or modified or is contrary to public policy or opposed to the principles of natural justice: Provided that no such finding shall be made by any court in respect of the custom providing for the payment of **thakha**.

(2) The court shall not, in the absence of any agreement between the parties regarding the system of law to be applied in any such proceedings, apply any system of indigenous law other than that —

- (a) which is observed at the place in Venda where the defendant or respondent resides, carries on business or is employed; or
- (b) if more than one system of indigenous law is in operation at that place, which is observed by the tribe to which the defendant or respondent belongs.

(3) For the purposes of subsection (1) a court, including the Supreme Court, may, in applications, trials and appeals designate such assessors as the court may deem necessary to assist it and the opinions of any such assessors shall be recorded and shall form part of the record of the proceedings.

#### Provisions relating to existing courts.

52. (1) Notwithstanding anything contained in section 75(1), but subject to the provisions of this Constitution —

- (a) every court in existence in a district of Venda immediately prior to the commencement of this Constitution, other than a court constituted under section 10 of the Black Administration Act, 1927 (Act 38 of 1927), shall remain in existence and in operation in accordance with its existing constitution and jurisdiction until altered or disestablished by or under any act of Parliament; and
- (b) the powers conferred upon any Commissioner in terms of section 9 of the said Black Administration Act, 1927, shall be exercised by a magistrate's court;
- (c) the laws which immediately prior to the commencement of this Constitution applied to the High Court referred to in section 42(3) shall, subject to the provisions of this Act, apply **mutatis mutandis** to the Supreme Court of Venda: Provided that any reference in any such laws to the "Minister of Co-operation and Development" and "Secretary for Co-operation and Development" shall be construed as a reference to the Minister of Justice and the Secretary for Justice respectively;
- (d) all proceedings pending immediately prior to the commencement of this Constitution —

- (i) before a Commissioner under section 9, or in any court constituted under section 10 of the Black Administration Act, 1927, and in the aforesaid High Court, shall stand removed to the magistrate's court of the district and the Supreme Court of Venda, respectively, which shall have jurisdiction to hear and determine the same;
- (ii) in any court constituted or established under section 13 of the Black Administration Act, 1927, or section 10 of the Black Administration Act, 1927, Amendment Act, 1929 (Act 9 of 1929), shall be continued and decided as if this Constitution had not been passed: Provided that if any court established under the said section 10 of the Black Administration Act, 1927, Amendment Act, 1929, is convinced that any proceedings pending therein may be more conveniently or fitly heard or determined in the Supreme Court of Venda, may order the same to be removed to the Supreme Court and thereupon the Supreme Court may continue with such proceedings as if they had been commenced therein;
- (e) all judgements and orders of the said High Court or any other court (other than the Supreme Court) referred to in paragraph (a) or (d) shall have the same force and effect as if they had been given or made by the Supreme Court of Venda or, as the case may be, the court of corresponding jurisdiction in the Republic of Venda; and
- (f) appeals against any decision of the Supreme Court of Venda shall be made to the appellate division of the Supreme Court of South Africa in accordance with the provisions of the Supreme Court Act, 1959 (Act 59 of 1959).

(2) In the application of subsection (1)(a) any appeal to a court of a Commissioner or a Commissioner in terms of section 12 or 20 of the Black Administration Act, 1927, shall lie to the magistrate's court or the corresponding judicial officer of such court in the district concerned, as the case may be, and any reference in the said sections 12 and 20 to a "court of a Commissioner" and a "Commissioner" shall be construed as a reference to a magistrate's court and to such judicial officer as aforesaid, respectively: Provided that, until an act of parliament otherwise provides, any regulations made under sections 12 and 20 of the said Black Administration Act, 1927, shall apply *mutatis mutandis* in respect of any action taken under those sections in a magistrate's court or before a magistrate.

## CHAPTER 7

### FINANCE

#### Revenues vest in President.

53. All revenues and other moneys from any source whatever arising for the purpose of the administration of the Republic, shall vest in the President.

#### Venda Revenue Fund.

54. Notwithstanding the provisions of section 75(1), the Venda Revenue Fund established by section 6 of the Black States Constitution Act, 1971 (Act 21 of 1971), shall be continued, into which shall be paid all the revenues raised or received by the President, other than any moneys that are payable by or under any law into a fund established for a specific purpose.

#### Withdrawal of moneys.

55. (1) Subject to the provisions of section 56, no moneys shall be withdrawn from the Revenue Fund except under appropriation made by a law of Parliament.

(2) Any funds appropriated by the Venda Legislative Assembly for the administration of the self-governing territory of Venda during the financial year ending on 31st of March, 1980 shall, in respect of payments to be made on or after 13th of September, 1979, be deemed to have been appropriated by the National Assembly for the administration of the Republic.

#### President may issue special warrant.

56. (1) The President may by special warrant under his hand authorise the issue of money from the Revenue Fund —

- (a) to defray unforeseen expenditure of a special character which is not provided for in an appropriation act and which cannot, without serious injury to the public interest, be postponed until provision can be made therefor in an appropriation act;
- (b) to meet an excess of expenditure under any head of expenditure in any appropriation act:

Provided that the total amount which the President may authorise under this section, shall not at any time exceed five percent of the total amount appropriated by the then current appropriation act.

(2) Any expenditure incurred in accordance with an authority under subsection (1), shall be submitted to the National Assembly for appropriation at its next ensuing session.

Requirements for issue out of Revenue Fund.

57. No issue shall be made out of Revenue Fund except in pursuance of a requisition from an accounting officer with a warrant signed by the President.

Annual estimates.

58. The annual estimates of revenue and expenditure for Venda shall be prepared by the Executive Council, and shall thereafter be submitted by the Minister of Economic Affairs to the National Assembly for purposes of appropriation.

## CHAPTER 8

### CITIZENSHIP

Citizenship.

59. (1) Every person falling in any of the categories of persons defined in section 60, shall be a citizen of Venda.

(2) In the event of doubt as to whether or not any person falls in any of the categories of persons defined in section 60, any authority in the Republic of South Africa or in Venda may refer the matter to a board to be established as agreed upon between the Government of the Republic of South Africa and the Government of Venda, and which shall meet at such times and places and act in accordance with such procedure as so agreed upon, and whose decisions shall be final.

Categories of persons who are citizens of Venda.

60. The following categories of persons are citizens of Venda:

- (a) Every person who was a citizen of Venda in terms of any law at the commencement of this Constitution;
- (b) every person born in or outside Venda, either before or after the commencement of this Constitution, of parents one or both of whom were citizens of Venda at the time of his birth, who is not a citizen of a territory within the Republic of South Africa or a territory that previously formed part of the Republic of South Africa and is not a citizen of Venda in terms of paragraph (a);
- (c) every person who has been lawfully domiciled in Venda for a period of at least five years, irrespective of whether or not such period includes any period prior to the commencement of this Constitution and, on application in the prescribed manner, has been granted citizenship of Venda by the competent authority in Venda;
- (d) every South African citizen who is not a citizen of a territory within the Republic of South Africa, is not a citizen of Venda in terms of paragraph (a), (b) or (c) and speaks a language used by members of any tribe which forms part of the population of Venda including any dialect of any such language;
- (e) every South African citizen who is not a citizen of a territory within the Republic of South Africa and is not a citizen of Venda in terms of paragraph (a), (b), (c) or (d) and who is related to any member of the population contemplated in paragraph (d) or has identified himself with any part of such population or is culturally or otherwise associated with any member or part of such population.

## CHAPTER 9

### GENERAL

Application of laws and vesting of rights etc.

61. (1) Subject to the provisions of this Constitution, there shall continue in operation and continue to apply except in so far as such



laws are superseded by any applicable law of Venda or are amended or repealed by Parliament in terms of this Constitution —

- (a) any rule of law which immediately prior to the commencement of this Constitution was in operation in Venda; and
- (b) any rule of law which, upon the addition of any land to Venda applies on or in respect of such land:

Provided that the laws mentioned in Schedule 7, together with any amendments thereof in operation immediately prior to the commencement of this Constitution, shall apply throughout Venda or, as the case may be, to or in respect of all persons in Venda: Provided further that, until otherwise provided by the competent authority, the laws regulating the affairs of any Department of Posts and Telecommunications or any similar department established under section 21(1), shall be deemed to have been amended to provide for the administration of that department as a department of State and not in accordance with the principles prescribed in the Post Office Re-adjustment Act, 1968 (Act 67 of 1968).

(2) All rights, powers, authorities, duties, obligations and functions which were vested in or devolved upon a Minister or other authority or person in the Republic of South Africa by or under any law of the Republic of South Africa which continues to apply in Venda in terms of subsection (1), shall vest in or devolve upon the corresponding Minister, authority or person exercising similar powers or performing similar duties or functions in Venda, and any regulation, rule, order, notice, approval, registration or authority made, given or granted and any other action taken under any such law by any Minister or other authority or person in the Republic of South Africa, prior to the commencement of this Constitution, shall in relation to the administration of Venda, be deemed to have been made, given, granted or taken by such corresponding Minister, authority or person in Venda.

(3) Any reference in any law which continues to apply in Venda in terms of subsection (1) to —

- (a) the Zuid-Afrikaansche Republiek, the Transvaal, the Union of South Africa or the Republic of South Africa, shall be construed as a reference to the Republic of Venda;
- (b) the Crown, the King, the Queen, the Governor-General, Governors or Lieutenant-Governors or the State President, shall be construed as a reference to the Republic of Venda or the President as the circumstances may require;
- (c) the King-in-Council, the Queen-in-Council, the Governor-General-in-Council or State President-in-Council, shall be construed as a reference to the President;
- (d) the Cabinet or the Cabinet of Venda shall be construed as a reference to the Executive Council of the Republic of Venda;
- (e) the Administrator of the Transvaal, shall be construed as a reference to the President or to the responsible Minister, as the circumstances may require;
- (f) the Supreme Court of South Africa or any judge thereof, shall be construed as a reference to the Supreme Court of Venda or any judge thereof;
- (g) the **Official Gazette** or the **Official Gazette** of Venda or the **Gazette**, the **Government Gazette** of the Republic of South Africa or the **Provincial Gazette**, shall be construed as a reference to the Government Gazette of the Republic of Venda.

(4) If the application of the provisions of subsection (1), (2) or (3) gives rise to administrative difficulty the President may by proclamation in the **Gazette** make such provision as he may deem necessary to remove such difficulty.

#### Official appointments.

62. Any appointment made in any office by any authority under any law prior to the commencement of this Constitution, shall continue in force and deemed to have been made by the corresponding authority in Venda.

#### Vesting and use of certain land.

63. All Government land which at the commencement of this Constitution or at any time thereafter is reserved for occupation by the tribes or communities residing thereon, shall —



- (a) vest in the President subject to any existing charge or obligation on or over such land or otherwise lawfully affecting the same;
- (b) continue to be used and administered for the settlement, support, benefit and material and moral welfare of such tribes or communities; and
- (c) not be alienated or in any way withdrawn from the purpose for which such land is reserved,

except under the authority of an act of Parliament.

64. Except with the consent of a regional council affected thereby the boundaries of any regional council area shall not be altered for any purpose other than the inclusion therein of land.

65. (1) There shall be a Public Service Commission which shall consist of a chairman and two other members appointed by the President.

(2) Any person who immediately prior to the commencement of this Constitution holds the office of chairman or member of the Public Service Commission, shall be deemed to have been appointed under subsection (1) as chairman or other member of the Public Service Commission established by that subsection and shall continue in office for the period for which he would have held office if this Constitution had not been passed.

66. (1) All persons who immediately prior to the commencement of this Act are in the service of the Government of Venda shall become public servants of the Republic.

(2) Any person who becomes a public servant of the Republic under subsection (1) or who, on or after the date of commencement of this Constitution, is transferred from the service of any other government to the service of the Republic shall be entitled to retire from the service of the Republic at the time at which he would have been entitled to retire if he had not become a public servant of the Republic.

67. Notwithstanding anything in this Constitution contained all duties, powers, authorities and functions lawfully exercised by a paramount chief, chiefs and headmen immediately prior to the commencement of this Constitution shall remain in force until varied or withdrawn by the competent authority.

68. (1) The appointment or recognition of a paramount chief, chiefs and headmen shall, subject to the provisions of subsection (2), vest in the President.

(2) The creation of any new paramount chieftainship and chieftainship shall not be confirmed by the President except after consideration of a recommendation of the Executive Council.

(3) The appointment in his office of every person who at the commencement of this Constitution is a paramount chief, chief headman (whether in a permanent or in an acting capacity) shall be deemed to have been done by the President in terms of subsection (1).

69. Notwithstanding anything in this Constitution contained to the contrary, all powers, authorities and functions lawfully exercised by tribal and regional councils in Venda immediately prior to the commencement of this Constitution shall remain in force until varied or withdrawn by the competent authority.

70. (1) Subject to the provisions of subsection (2), any claim against the Government, which could if that claim had arisen against a person on the ground of an action in any competent court, shall be cognizable by such court, whether the claim arises out of any contract lawfully entered into on behalf of the Government or out of any delict committed by any servant of the Government acting in his official capacity and within the scope of his authority as such servant.

(2) No proceedings contemplated in subsection (1) shall be brought if a period of twelve months has elapsed from the date on which the cause of action arose and only after notice in writing of the

intention to bring such proceedings and of the cause thereof, has been given to every defendant at least one month before the commencement of the proceedings.

(3) In any proceedings contemplated in subsection (1), the Minister of the department concerned may be cited as nominal defendant or respondent.

(4) No warrant of execution, attachment or like process shall be issued against the nominal defendant or respondent in any proceedings under this section or against the property of the Government, but the amount required to satisfy any judgment or order against such nominal defendant or respondent, shall be paid from public funds.

(5) Nothing in this section contained shall affect any provision of any other law which —

- (a) limits the liability of the Government or any department or other institution thereof in respect of any act or omission of its servants;
- (b) prescribes a different period within which a claim shall be made in respect of any such liability; or
- (c) imposes conditions on the institution of any proceedings.

Certain agreements binding on Republic.

71. All rights and obligations under conventions, treaties or other similar agreements which were binding on the Government of Venda immediately prior to the commencement of this Constitution, shall be rights and obligations of the Republic of Venda.

Institution or continuation of legal proceedings.

72. (1) All criminal proceedings shall be instituted in the name of the Republic of Venda and any criminal proceedings which have not been concluded before the commencement of this Constitution, or which although concluded may thereafter be reopened, shall be continued in all respects as if this Constitution had not been passed, save that such proceedings shall be continued in the name of the Republic of Venda.

(2) Any civil proceedings by or against any Minister as representative of the Government of the self-governing territory of which have not been concluded before the commencement of this Constitution or which although concluded may thereafter be reopened, may be continued against that Minister, as representing the Government of the Republic of Venda.

Affirmation instead of oath.

73. Any person who is required by any provision of this Constitution to make and subscribe an oath of office or any other oath may in lieu thereof make and subscribe a corresponding solemn affirmation.

Protection of certain emblems.

74. (1) Any person who, without the written authority granted on behalf of the President, uses in connection with his industry, business, profession or occupation or in connection with any mark or description applied by him to or in relation to goods made, produced or sold by him —

- (a) the Coat of Arms of the Republic or any depiction so closely resembling the Coat of Arms as to be likely to cause confusion;
- (b) the style, title, name, portrait of effigy of the President, a Minister or the Chief Justice; or
- (c) a reproduction of the National Flag of the Republic, of any official building of the Republic or of any official residence of the President, a Minister or the Chief Justice,

shall commit an offence.

(2) Any person who is convicted of a contravention of subsection (1) shall be liable to a fine not exceeding five hundred rand and the court which convicts such person may, in addition, order the confiscation to the State of all or any part of the goods in respect of which the offence was committed.

75. (1) The laws specified in Schedule 8 are hereby repealed to the extent set out in the third column of that Schedule: Provided that if any law is repealed in its entirety, all amendments thereto shall be deemed also to have been repealed.

(2) Notwithstanding the provisions of subsection (1) and until otherwise provided in an act of Parliament —

and the conduct of the elections of the elected members of the National Assembly, shall be as prescribed in Proclamation No. R. 13 of 26 January 1973;

- (b) the powers and duties of the Public Service Commission established by section 65 and the tenure of office of its members and the conditions of service, appointment, tenure of office, discipline, retirement and discharge of public servants of the Republic, shall be as prescribed in the Venda Public Service Act, 1972 (Act 3 of 1972); and
- (c) the provisions of section 36 of the Black States Constitution Act, 1971 (Act 21 of 1971) shall, subject to the provisions of section 63 of this Constitution, continue to apply in respect of the transfer to the Government of the land or other public property referred to in the said section 36.

(3) Nothing in this Constitution contained shall be construed as affecting any assets, rights, debts or liabilities of the Government of the self-governing territory of Venda as existing immediately prior to the commencement of this Constitution, and such assets, rights, debts and liabilities shall become the assets, rights, debts and liabilities of the Republic subject to the conditions under which they were acquired or incurred and without prejudice to any claim which creditor of such territory may have had against the Government thereof.

(4) For the purposes of any law which, in terms of the first proviso to section 61(1) applies in the Republic (hereinafter in this section referred to as the applicable laws) anything done in pursuance of powers conferred on the competent authority by or under any provision of law repealed by subsection (1) shall be deemed to have been done in pursuance of powers conferred on such authority by or under the corresponding provision of the applicable laws.

(5) (a) Any person who is a member of the Venda Legislative Assembly immediately prior to the commencement of this Constitution, shall be a member of the National Assembly at the commencement of this Constitution and shall remain such member until the said Assembly is constituted in accordance with the provisions of such Constitution or until he otherwise becomes disqualified in terms of this Constitution from being such member.

(b) Subject to the provisions of section 25(1)(e), the National Assembly as constituted in terms of paragraph (a), shall be deemed to be properly constituted in accordance with the provisions of this Constitution.

**Amendment of this Constitution.**

76. ~~Parliament~~ may by law repeal or amend any provision of this Constitution.

**Short title and date of commencement.**

77. This Constitution shall be called the Republic of Venda Constitution Act, 1979, and shall, notwithstanding anything to the contrary in this Constitution contained, come into operation on the date it is adopted by the Venda Legislative Assembly.

## SCHEDULE 1

### DISTRICTS CREATED IN TERMS OF THE MAGISTRATES' COURTS ACT, 1944 (ACT 32 OF 1944), AND COMPRISING VENDA

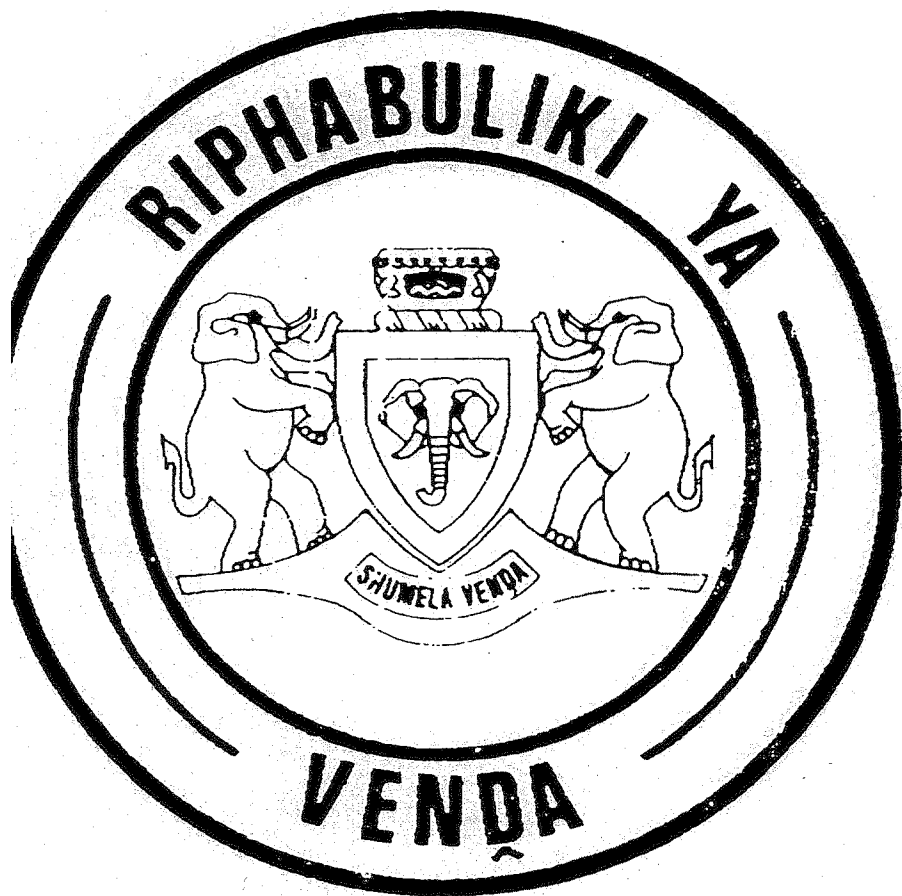
1. Sibasa
2. Vuwani
3. Dzanani
4. Mutale

SCHEDULE 2

DESIGN OF THE OFFICIAL SEAL OF THE REPUBLIC OF VENDA

The seal of the Republic of Venda shall be in the shape of a circle within which shall appear the coat of arms of the Republic of Venda surrounded by a large circle with the words

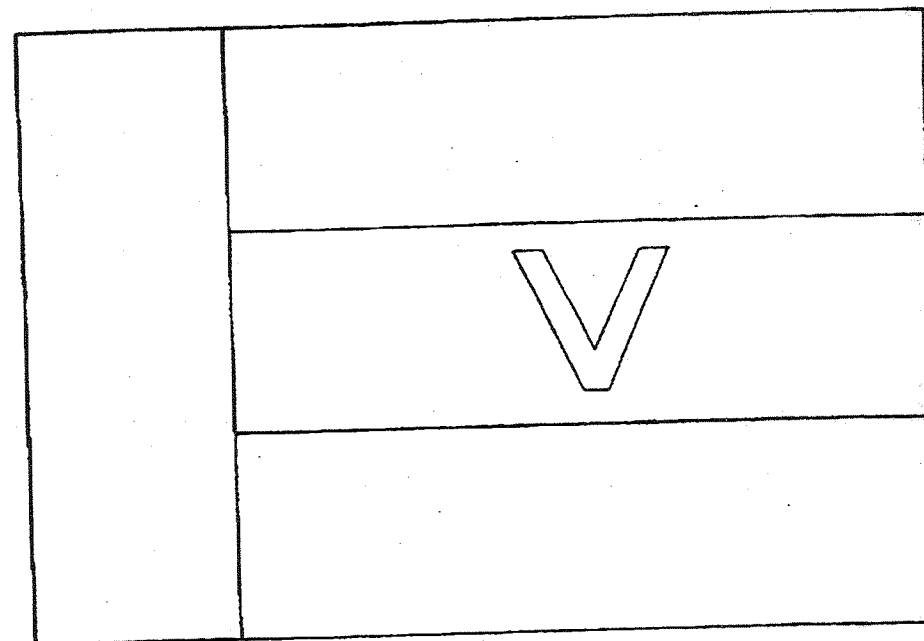
"RIPHABULIKI YA VENDA"



SCHEDULE 3

DESCRIPTION OF THE NATIONAL FLAG OF THE REPUBLIC OF VENDA

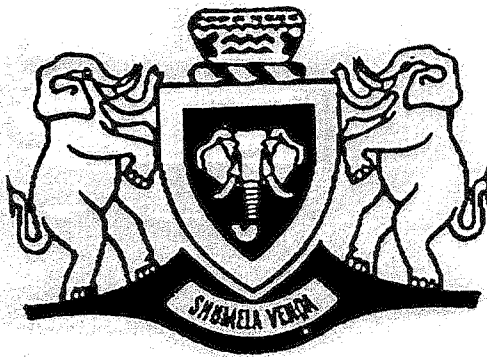
Three horizontal stripes of equal width from top to bottom green, yellow and brown and towards the pole a vertical blue stripe equal in width to a horizontal stripe on which there shall appear, in the centre of the yellow stripe the letter V in brown. The width shall be equal to two thirds of the length. The length of the letter V shall be five-sevenths of the width of a stripe and the width of the letter V shall be five-sevenths of the width of a stripe.



## SCHEDULE 4

## DESCRIPTION OF OFFICIAL COAT OF ARMS OF THE REPUBLIC OF VENDA

- Arms — Vert, an elephant's head caboshed Or, tusked Argent, the whole within a bordure Or.
- Crest — A Venda tribal drum proper.
- Wreath — Or and Vert.
- Supporters — Two elephants proper.
- Motto — SHUMELA VENDA



## SCHEDULE 5

## NATIONAL ANTHEM

Pfano na Vhuthihi

Mune wa dzitshaka  
 Shango lashu Venda  
 Li nee Mulalo  
 Vhutali na vhutali  
 Vhathu shangoni  
 Nga vha takale

Pfano na vhuthihi  
 Nga zwi vhe zwipikwa  
 U shuma hu plumbiswe  
 Zwivhuya zwi ande  
 Kha masia othe

Hu piale mudalo