

- (4) The legislature, with the concurrence of the Premier and the leaders of the parties entitled to special delegates in the province's delegation, must designate special delegates, as required from time to time, from among the members of the legislature.

Permanent delegates

- 62. (1) A person nominated as a permanent delegate must be eligible to be a member of the provincial legislature.
- (2) If a person who is a member of a provincial legislature is appointed as a permanent delegate, that person ceases to be a member of the legislature.
- (3) Permanent delegates are appointed for a term that expires—
 - (a) immediately before the first sitting of the provincial legislature after its next election..
 - (b)

[Para. (b) omitted by s. 2 of the Constitution Fourteenth Amendment Act of 2008.]

[Sub-s. (3) substituted by s. 2 of the Constitution Ninth Amendment Act of 2002 and substituted by s. 2 of the Constitution Fourteenth Amendment Act of 2008.]

- (4) A person ceases to be a permanent delegate if that person—
 - (a) ceases to be eligible to be a member of the provincial legislature for any reason other than being appointed as a permanent delegate;
 - (b) becomes a member of the Cabinet;
 - (c) has lost the confidence of the provincial legislature and is recalled by the party that nominated that person;
 - (d) ceases to be a member of the party that nominated that person and is recalled by that party; or
 - (e) is absent from the National Council of Provinces without permission in circumstances for which the rules and orders of the Council prescribe loss of office as a permanent delegate.
- (5) Vacancies among the permanent delegates must be filled in terms of national legislation.
- (6) Before permanent delegates begin to perform their functions in the National Council of Provinces, they must swear or affirm faithfulness to the Republic and obedience to the Constitution, in accordance with Schedule 2.