

# 2022 Constitutional Amendment Act

No. 25 of 2022  
Adopted on 30/10/2022

# AN ACT

*Of the Parliament of the Bayer Free State*  
No. 25 of 2022

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*Be it enacted by this Parliament, That,* this legislation shall be cited as the “2022 Constitutional Amendment (Amendment the Third) Act”.

## Article 1. Reform of the Executive Role in Legislative Procedures

### Section 1

In Article 34 of the Constitution, “signed either by the Head of State or the Prime Minister” shall be replaced with “by the Head of State as prescribed by Article 50 of this Constitution”.

### Section 2

Article 50 of the Constitution shall be replaced by the following:

“Article 50. Approving and Vetoing Legislation

#### Section 1

Any legislation approved by the majority of Parliament shall take effect upon being approved by the Head of State or on a date after the approval by the Head of State provided by the legislation.

#### Section 2

The Head of State shall approve all legislation approved by the majority of Parliament unless, in their own judgment, the Head of State finds that

- (a) the legislation threatens the existence of the State;
- (b) the legislation threatens or denies any civil or political right, freedom, or protection granted by the constitution; or
- (c) the legislation delays or cancels any election mandated by this Constitution.

In this case, the Head of State shall not approve the legislation and shall refer it to the Supreme Court to decide its constitutionality. The Head of State shall either approve or veto the legislation upon and in accordance with the judgment of the Supreme Court.

### Section 3

Any legislation not approved or referred for consideration by the Supreme Court by the Head of State within seven days after being approved by Parliament shall enter into full force as if approved by the Head of State, unless, during that time, the Office of Head of State is vacant, or the Head of State is unable to serve, in which case, the legislation shall not enter force until approved by a competent holder of the Office, or referred for consideration by the Supreme Court by the same, or shall enter into full force as if approved after seven days of a competent holder taking Office without approving or referring for consideration by the Supreme Court the legislation.”

### Section 3

Section 2 of Article 37 shall be removed and Section 1 of Article 37 shall be redesignated as Article 37.

## Article 2. Removal of the Executive Order

### Section 1

In Article 47, “to issue executive orders and” shall be removed.

### Section 2

In Article 37, “an executive order being enacted or” and “an executive order by a two-thirds majority, or” shall be removed.

### Section 3

In Article 59, “, executive order,” shall be removed.

### Section 4

Article 61.E shall be redesignated as “Prohibition of Certain Legislation Enacted before Elections”, and in Article 61.E, “executive order or” shall be removed.

## Article 3. Elections without Competition

The following shall be inserted into the Constitution:

### “Article 76. Elections without Competition

In elections mandated by this Constitution, if the number of registered candidates is equal exactly to or less than the number of seats required to be filled, then an

election shall not be required to take place and the candidates may assume office as if they were elected.”

## Article 4. Rules of Construction

The following shall be inserted into the Constitution:

### “Article 77. Rules of Construction

#### Section 1

Titles and subtitles shall not be used for purposes of construing this Constitution.

#### Section 2

Unless there appears to be clear intention to the contrary, any word in this Constitution in the plural form shall be construed to include the singular form, and vice versa. Unless there appears to be clear intention to the contrary, whenever a personal pronoun appears in this Constitution, it shall be construed to mean all sex.”

## Article 5. Resignation

In Article 73, “Parliament” shall be replaced with “the Speaker of Parliament, or if Parliament is dissolved, to the Speaker of the previous Parliament, who shall inform the Speaker of the next Parliament upon its formation; however, the resignation shall take effect immediately upon the resignation letter being received”.

## Article 6. Provisions are Self-executing

The following shall be inserted into the Constitution:

### “Article 78. Provisions are Self-executing

The provisions of this Constitution shall be self-executing to the fullest extent that their respective natures permit.”

## Article 7. Powers are Exercised in Writing

The following shall be inserted into the Constitution:

### “Article 79. Powers are Exercised in Writing

Any power granted to any public office holder shall only be exercised in writing unless specified otherwise by law or under extraordinary circumstances.”

## Article 8. Continuity of Laws after Amendments

The following shall be inserted into the Constitution:

“Article 80. Continuity of Laws after Amendments

### Section 1

All laws in force at the time amendments to this constitution take effect that are not inconsistent with the Constitution as amended except for the enacting procedures shall remain in force, mutatis mutandis, until they expire by their own limitations or are amended or repealed by Parliament.

### Section 2

Except as otherwise provided by amendments to this Constitution, all existing writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles, and rights shall continue unaffected notwithstanding the taking effect of the amendments and may be maintained, enforced or prosecuted, as the case may be, before the appropriate or corresponding courts or agencies of or under the State, in all respects as fully as could have been done prior to the taking effect of the amendments.”

## Article 9. Disqualification from Holding Offices

The following shall be inserted into the Constitution:

“Article 81. Disqualification from Holding Offices

No person who has been convicted of any act to overthrow, or attempt to overthrow, or conspiracy with any person to overthrow the Government of this State by force or violence shall hold any public office or employment.”

## Article 10. Construction of Rights, Freedoms, and Protections

The following shall be inserted into the Constitution:

“Article 30.A. Construction of Rights, Freedoms, and Protections

The enumeration of rights and privileges shall not be construed to impair or deny others retained by the people.”

## Article 11. Right to Access Information

The following shall be inserted into the Constitution:

“Article 24.A. Right to Access Information

Documents, recordings, and proceedings in the possession of the Government shall be public, unless their publication has, for compelling reasons, been specifically restricted by an Act of Parliament. All persons shall have the right of access to public documents, recordings, and proceedings.”

## Article 12. Effect

This amendment to the Constitution shall go into effect upon being enacted in accordance with the Constitution.

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*I certify that, this document is a fair and authentic copy of an Act which originated from, and is approved by the required majority of Parliament.*

A stylized handwritten signature in black ink, consisting of a large 'P' followed by 'H' and 'R' with a long horizontal stroke underneath.

**Speaker of Parliament**

*In witness whereof, we have approved and set our hands on this document on this thirtieth day of the month of October, in the year two thousand and twenty-two, and in the fourth year of our State.*

A handwritten signature in black ink, featuring a large 'P' followed by 'H' and 'R', with a large 'K' and a long horizontal stroke underneath.

**Head of State and Prime Minister**