



Wes-Kaapse Provinsiale Parlement
Western Cape Provincial Parliament
IPalamente yePhondo leNtshona Koloni

**LEGISLATIVE PROCESS:
NATIONAL AND PROVINCIAL**

FACT SHEET 15

REVISION 1, 20 JULY 2016

In terms of the national Constitution the legislative authority of the national sphere of government is vested in the national Parliament while the legislative authority of the provincial sphere of government is vested in the provincial legislatures.

The Western Cape Provincial Parliament is bound only by the national and provincial constitutions.

The national Constitution distinguishes between types of bills:

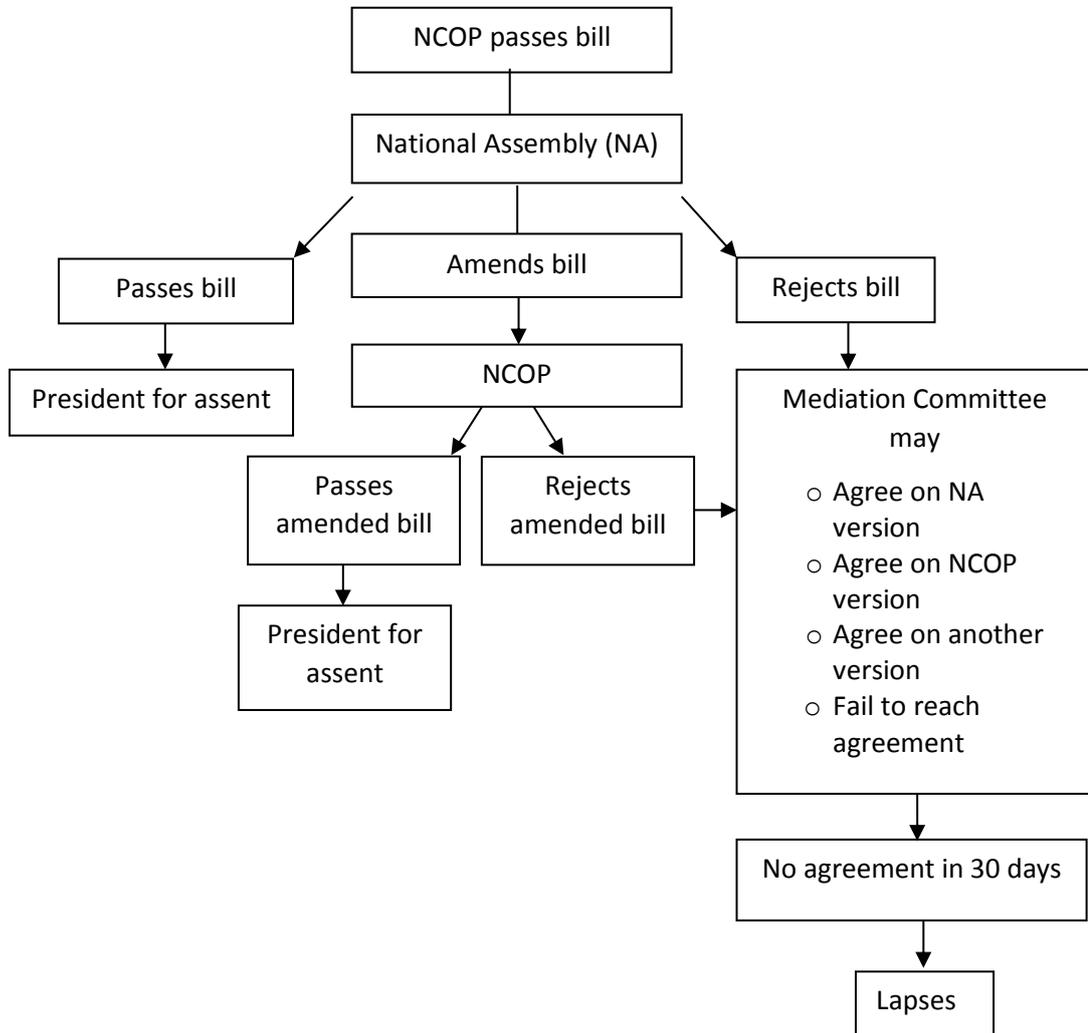
1. Section 75 - Ordinary bills not affecting provinces
2. Section 76 - Ordinary bills affecting provinces
 - Section 76(1) - Bills initiated by National Assembly (NA)
 - Section 76(2) - Bills initiated by National Council of Provinces (NCOP)
3. Section 77 - Money bills
4. Section 74 - Bills amending the Constitution
 - Constitutional amendments affecting the provinces
 - Constitutional amendments not affecting the provinces

For the purposes of this fact sheet only the section 76 procedure will be illustrated. A comprehensive illustration of all the categories of national legislation is available on request.

As far as the flow of legislation in the provinces is concerned, illustrations of ordinary bills and money bills are provided.

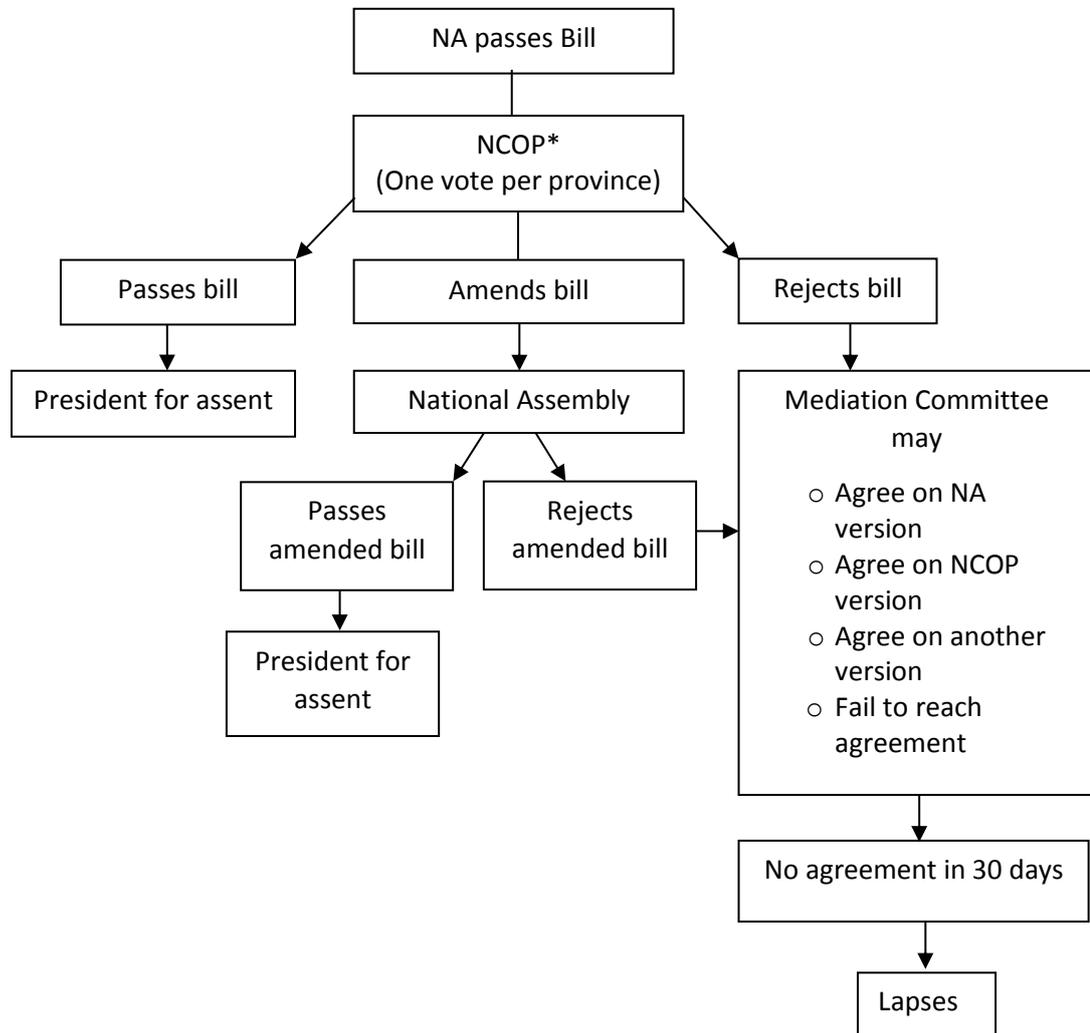
ORDINARY BILLS AFFECTING PROVINCES

INITIATED BY NATIONAL COUNCIL OF PROVINCES (NCOP), SECTION 76(2)



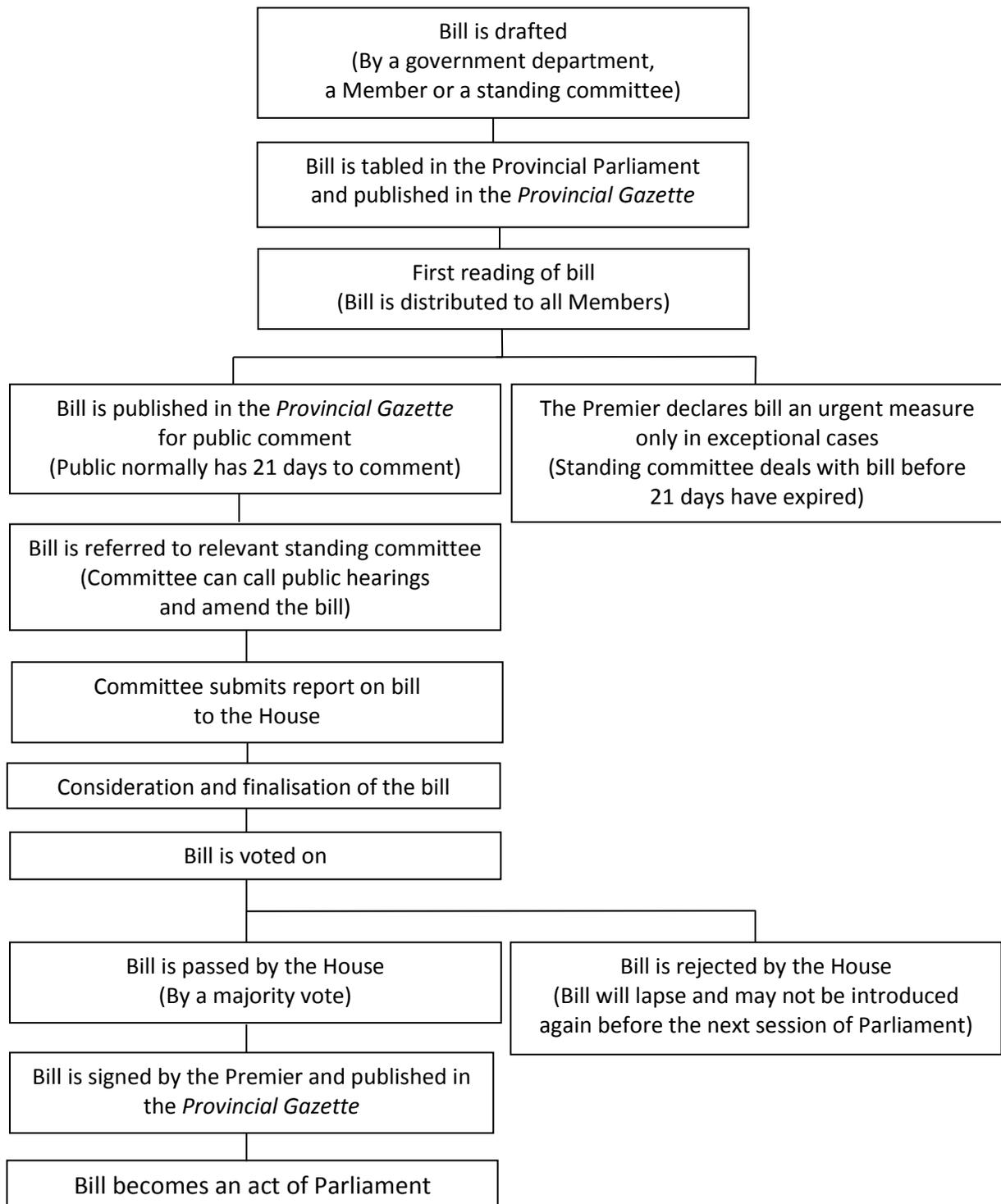
ORDINARY BILLS AFFECTING PROVINCES

INITIATED BY NATIONAL ASSEMBLY (NA), SECTION 76(1)



* Provinces give mandates to their delegates to support or not to support the bill.

ORDINARY PROVINCIAL BILLS



PROVINCIAL MONEY BILLS

Introduction

Bill is introduced and related papers tabled by the Minister of Finance.

First reading

Bill is read a first time without the question being put and copies of the bill and related papers are supplied to all Members.

Referral to committee after first reading

The introductory speech and any papers laid upon the Table are referred to the appropriate committee (usually the Standing Committee on Finance) for deliberations and report.

Consideration of schedule to appropriation bill

When the principle of an appropriation bill which has a schedule has been approved, the votes in the schedule must be debated.

Discussion of votes in schedule

If a money bill has a schedule, all the votes contained in the schedule are discussed and voted on.

Finalisation of money bill

When the schedule to an appropriation bill – or the principle of a money bill which has no schedule – has been approved, the bill is placed on the Order Paper for finalisation.

Assent by the Premier

Bill is signed by Premier and published in the *Provincial Gazette*.