

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO
MAGISTRATES' COURTS
SECOND AMENDMENT BILL**

[B 77—97]

(As agreed to by the Portfolio Committee on Justice (National Assembly))

[B 77A—97]

REPUBLIEK VAN SUID-AFRIKA

**PORTEFEULJEKOMITEE-AMENDEMENTE
OP
TWEEDE
WYSIGINGSWETSONTWERP
OP LANDDROSHOWE**

[W 77—97]

(Soos goedgekeur deur die Portefeuljekomitee oor Justisie (Nasionale Vergadering))

[W 77A—97]

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AMENDMENTS AGREED TO

MAGISTRATES' COURTS SECOND AMENDMENT BILL
[B 77—97]

CLAUSE 1

Clause rejected.

NEW CLAUSE

1. That the following be a new Clause 1:

Substitution of section 110 of Act 32 of 1944, as substituted by section 20 of Act 53 of 1970

1. The following section is hereby substituted for section 110 of the Magistrates' Courts Act, 1944:

“Pronouncements on validity of law or conduct of President

110. (1) A court shall not be competent to pronounce on the validity of any law or conduct of the President.

(2) If in any proceedings before a court it is alleged that—

- (a) any law or any conduct of the President is invalid on the grounds of its inconsistency with a provision of the Constitution; or
- (b) any law is invalid on any ground other than its constitutionality,

the court shall decide the matter on the assumption that such law or conduct is valid: Provided that the party which alleges that a law or conduct of the President is invalid, may adduce evidence regarding the invalidity of the law or conduct in question.”.

LONG TITLE

1. On page 2, in the second line, to omit all the words after “of” up to and including “Court” in the fourth line and to substitute “any law or conduct of the President”.