

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO
CONSTITUTIONAL COURT
COMPLEMENTARY ACT
AMENDMENT BILL**

[B 87—97]

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

[B 87A—97]

REPUBLIEK VAN SUID-AFRIKA

**PORTEFEULJEKOMITEE-AMENDEMENTE
OP
WYSIGINGSWETSONTWERP
OP DIE AANVULLENDE WET
OP DIE KONSTITUSIONELE
HOF**

[W 87—97]

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

[W 87A—97]

ISBN 0 621 27476 3

AMENDMENTS AGREED TO

CONSTITUTIONAL COURT COMPLEMENTARY ACT AMENDMENT BILL [B 87—97]

CLAUSE 2

1. On page 2, from line 12, to omit subsection (1) and to substitute:

(1) (a) Whenever the Supreme Court of Appeal, a High Court or a court of similar status declares an Act of Parliament, a provincial Act or conduct of the President invalid as contemplated in section 172(2)(a) of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), that court shall, in accordance with the rules, refer the order of constitutional invalidity to the Court for confirmation.

(b) Whenever any person or organ of state with a sufficient interest appeals or applies directly to the Court to confirm or vary an order of constitutional invalidity by a court, as contemplated in section 172(2)(d) of the Constitution, the Court shall deal with the matter in accordance with the rules.

2. On page 2, in line 20, to omit “(1)” and to substitute “(1)(a)”.

CLAUSE 3

1. On page 4, from line 5, to omit subsection (1) and to substitute:

(1) (a) The President of the Court may, in consultation with the Chief Justice, by notice in the *Gazette* make rules relating to the manner in which the Court may be engaged in any matter in respect of which it has jurisdiction, including the matters referred to in section 172 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), and all matters relating to the proceedings of and before the Court.

(b) Every rule and every amendment or repeal thereof shall be submitted to Parliament before the promulgation thereof and tabled as soon as possible.

2. On page 4, in lines 18 and 19, to omit “remain in force until repealed or amended” and to substitute:

be deemed to have been made