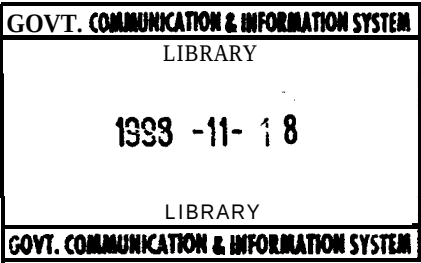


REPUBLIC OF SOUTH AFRICA

**CONSTITUTION OF THE
REPUBLIC OF SOUTH AFRICA
FIFTH AMENDMENT BILL**

(As introduced in the National Assembly)

(MINISTER FOR PROVINCIAL AFFAIRS AND CONSTITUTIONAL DEVELOPMENT)



[B142—98]

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GENERAL EXPLANATORY NOTE:

Words underlined with a solid line indicate insertions in existing enactments.

BILL

To amend the Constitution of the Republic of South Africa, 1996, so as to provide for the introduction of mixed Bills into Parliament and for the establishment of a procedure for dealing with such Bills; and to require a court declaring an Act of Parliament invalid due to a procedural defect to suspend such declaration in order to allow the defect to be rectified; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Insertion of section 76A in Act 108 of 1996

1. The following section is hereby inserted after section 76 of the Constitution of the Republic of South Africa, 1996 (hereinafter referred to as the principal Act):

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‘ “Mixed Bills

76A. (1) A Bill providing for legislation envisaged in section 76(3) or (4), and legislation to which the procedure established by section 75 would otherwise have applied, is a mixed Bill.

(2) The joint rules and orders referred to in section 45(1) may prescribe a procedure in terms of which a mixed Bill must be dealt with in parliamentary proceedings, despite sections 75 and 76.

(3) A mixed Bill must be introduced in the National Assembly.”.

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Amendment of section 172 of Act 108 of 1996

2. Section 172 of the principal Act is hereby amended by the insertion after subsection 15 (1) of the following subsection:

“(1 A) If a court declares an Act of Parliament invalid on the grounds of a procedural defect, the court must make an order envisaged in subsection (1)(b)(ii).”.

Short title

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3. This is the Constitution of the Republic of South Africa Fifth Amendment Act, 1998.