

REPUBLIC OF SOUTH AFRICA

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# SUPREME COURT DECREE, 1990 (CISKEI) AMENDMENT BILL

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*(As introduced in the National Assembly as a section 75 Bill; explanatory summary of Bill published in Government Gazette No 22156 of 19 March 2001) (The English text is the official text of the Bill)*

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(MINISTER FOR JUSTICE AND CONSTITUTIONAL DEVELOPMENT)

[B 15—2001]

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REPUBLIEK VAN SUID-AFRIKA

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# WYSIGINGSWETSONTWERP OP DIE “SUPREME COURT DECREE, 1990” (CISKEI)

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*(Soos ingedien in die Nasionale Vergadering as 'n artikel 75-wetsontwerp; verduidelikende opsomming van Wetsontwerp in Staatskoerant No 22156 van 19 Maart 2001 gepubliseer) (Die Afrikaanse teks is die amptelike vertaling van die Wetsontwerp)*

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(MINISTER VIR JUSTISIE EN STAATKUNDIGE ONTWIKKELING)

[W 15—2001]

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**GENERAL EXPLANATORY NOTE:**

[                    ]     Words in bold type in square brackets indicate omissions from existing enactments.

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

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## **BILL**

**To amend the Supreme Court Decree, 1990 (Ciskei), so as to enable the High Court seated at Bisho to sit at any place in the province of the Eastern Cape; and to make certain textual alterations; and to provide for matters connected therewith.**

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

**Amendment of section 4 of Decree 43 of 1990 (Ciskei)**

**1.** Section 4 of the Supreme Court Decree, 1990 (Ciskei), is hereby amended by the substitution for subsection (2) of the following subsection: 5

“(2) Notwithstanding the provision of subsection [1] (1), the Chief Justice may, if he or she deems it expedient, direct that the Supreme Court must sit at any other place in the [Republic] province of the Eastern Cape, referred to in section 103 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996).”.

**Short title** 10

**2.** This Act is called the Supreme Court Decree, 1990 (Ciskei) Amendment Act, 2001.

## **MEMORANDUM ON THE OBJECTS OF THE SUPREME COURT DECREE, 1990 (CISKEI) AMENDMENT BILL, 2001**

### **BACKGROUND**

1. The Bill aims to amend the Supreme Court Decree, 1990 (Decree No. 43 of 1990), of the former Ciskei, in order to enable the Bisho High Court to hold sittings in East London and any other place in the Eastern Cape. The Bisho High Court functions under that Decree. This measure is proposed as an interim arrangement, pending the rationalisation of the Republic's superior courts system, in order to address a practical problem of accommodation without incurring any additional expenditure.

### **CONTENTS OF BILL**

2.1 The Bill purports to amend section 4(2) by the substitution for the word "Republic" of the words "province of the Eastern Cape, referred to in section 103 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996)". (The word "Republic" refers to the former Ciskei.) This amendment will not alter the area of jurisdiction of the Bisho High Court.

2.2 Certain minor textual alterations to section 4(2) are also proposed in the Bill.

### **OTHER DEPARTMENTS/BODIES CONSULTED**

3. The Judges President of the Bisho High Court and the Grahamstown High Court were consulted in the matter.

### **FINANCIAL IMPLICATIONS FOR STATE**

4. None.

### **IMPLICATIONS FOR PROVINCES**

5. None.

### **PARLIAMENTARY PROCEDURE**

6. The State Law Advisers and the Department of Justice and Constitutional Development are of the opinion that this Bill must be dealt with in accordance with the procedure established by section 75 of the Constitution since it contains no provision to which the procedure set out in section 74 or 76 of the Constitution applies.

