
REPUBLIC OF SOUTH AFRICA

**MAGISTRATES' COURTS
SECOND AMENDMENT ACT**

REPUBLIEK VAN SUID-AFRIKA

**TWEEDE WYSIGINGSWET OP
LANDDROSHOWE**

No , 1997

GENERAL EXPLANATORY NOTE:

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

ACT

To amend the Magistrates' Courts Act, 1944, so as to further regulate the power of a magistrates' court to pronounce on the validity of any law or conduct of the President; to amend the Magistrates' Courts Amendment Act, 1993, so as to repeal an obsolete provision; and to provide for matters connected therewith.

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

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: 5

“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.”

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Repeal of section 66 of Act 120 of 1993

2. Section 66 of the Magistrates' Courts Amendment Act, 1993, is hereby repealed.

Short title

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3. This Act shall be called the Magistrates' Courts Second Amendment Act, 1997.