



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA



**5th DEMOCRATIC
PARLIAMENT**

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Committee Bill process

Date: 2016.09.02

First House (1)

NA Rule	Activity	Estimated time
238(1)	<ul style="list-style-type: none"> - Committee adopts a memorandum setting out the particulars and objects of the proposed Bill; whether it has financial implications; and the views of the Executive on the proposed Bill. - Committee tables the memorandum in the Assembly in order to obtain permission. 	2 weeks
238(2) and (3)	The Speaker tables the memorandum and the Assembly may give permission (with or without conditions), refuse the request or refer it back to the Committee.	4 days
239(1)(a)	The Committee prepares a draft Bill (capacity has been created in the Parliamentary Service to assist the Committee. (a minor amendment Bill could be drafted in 3 weeks)	On average 7 to 15 weeks (draft 1)
239(1)(b)	The Committee consults the JTM for advice on classification of the Bill.	1 week
241(1)(b)	Notice of the intention to introduce is given in the <i>Government Gazette</i> , together with a copy of the Bill or an explanatory summary of the Bill	1 week

First House (2)

NA Rule	Activity	Estimated time
241(2)	- If a copy of the Bill is published in the <i>Government Gazette</i> , an invitation must be made for interested persons and institutions to submit written representations on the Bill.	3 weeks
240(a)	- Interested persons must be given at least three weeks after publication to comment. - Relevant Department / Organ of State must be given sufficient opportunity to make submissions to the Committee	
239(3)	The Committee must report to the House when it publishes the draft Bill.	
240(a) (s59(1)(a) Constitution)	Any written comments received must be considered. It is required that Parliament provides “ meaningful opportunities for public participation in the law-making process.” The level of further engagement with the public (e.g. public hearings) depends on various factors e.g. Parliament’s rules (NA Rule 240(1) above); the nature & importance of the legislation, the impact of the legislation on the public, any time constraints and efficiency in the law making process. (<i>Doctors for Life International v The Speaker ao [2006] CCT12/05, Par 128, 146; Land Access Movement of South Africa v Chairperson of the NCOP [2016] ZACC 22 Par 60-61</i>)	2 – 3 weeks

First House (3)

NA Rule	Activity	Estimated time
239(2), 240(d)	The Committee may make amendments to the draft Bill (deliberations).	On average 2 – 7 weeks
240(c)	The Committee consults the JTM for advice on classification of the Bill in the form that it will be introduced (final Bill).	2 weeks
243(1C)	The Bill must be certified by the Chief Parliamentary Legal Adviser or a Parliamentary Legal Adviser designated by him or her as being consistent with the Constitution and existing legislation; and properly drafted in the form and style.	If drafted by CLSO – 1 day. If not, on average 2 weeks
243(1)	The Committee introduces the Bill by submitting a copy thereof to the Speaker.	1 week
244(1A)	The findings of the JTM as per NA Rule 240(c) is tabled with the Bill when it is introduced.	1 day

First House (4)

NA Rule	Activity	Estimated time
247(7) 253(1A) (b)	The Bill does not have a first reading – in stead it is placed on the order paper for Second Reading . At least three Assembly working days must elapse since the Bill was introduced before the Second Reading.	1 week
	Estimated time in total - On average 19-40 weeks (4 to 8 months) in the first House. <ul style="list-style-type: none">- Committee reports / consulting JTM / deliberations: 8 - 13 weeks- Legislative drafting: 3-15 weeks- Facilitation of public involvement: 5 - 6 weeks- House procedure: 3 weeks	

Second House

Activity	Estimated time
The Bill is transmitted and referred to a Committee	1 day
Committee deliberations (including facilitation of public involvement +- 6 weeks)	7-9 weeks
Report to the second House	1 week
Consideration by Second House	1 week