

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO
CONSTITUTION
SEVENTEENTH AMENDMENT
BILL**

[B 6—2011]

*(As agreed to by the Portfolio Committee on Justice and Constitutional
Development) (National Assembly)*

[B 6A—2011]

ISBN 978-1-4850-0047-1

No. of copies printed 800

AMENDMENTS AGREED TO

CONSTITUTION SEVENTEENTH AMENDMENT BILL

[B 6—2011]

CLAUSE 2

1. On page 2, from line 13, to omit paragraph (c) and to substitute:
 - “(c) the **[High Courts, including]** High Court of South Africa, and any high court of appeal that may be established by an Act of Parliament to hear appeals from **[High Courts]** any court of a status similar to the High Court of South Africa;”.
2. On page 2, from line 16, to omit paragraph (b).
3. On page 2, from line 21, to omit “[**Magistrates’**] Lower” and to substitute “**Magistrates’**”.

CLAUSE 3

1. On page 3, from line 5, to omit subsection (3) and to substitute:
 - “(3) The Constitutional Court—
 - (a) is the highest court **[in all constitutional matters]** of the Republic; and
 - (b) may decide **[only]**—
 - (i) constitutional matters[, and issues connected with decisions on constitutional matters]; and
 - (ii) any other matter, if the Constitutional Court grants leave to appeal on the grounds that the matter raises an arguable point of law of general public importance which ought to be considered by that Court; and
 - (c) makes the final decision whether a matter is **[a constitutional matter or whether an issue is connected with a decision on a constitutional matter]** within its jurisdiction.”; and.
2. On page 3, from line 29, to omit paragraph (c).

CLAUSE 4

1. On page 3, in line 39, to omit “where an Act of Parliament provides otherwise” and to substitute “in respect of labour or competition matters to such extent as may be determined by an Act of Parliament”.

CLAUSE 5

1. On page 3, in line 47, to omit “**Court of South Africa**” and to substitute “**Court of South Africa**”.

2. On page 3, from line 50, to omit subparagraph (i) and to substitute:
“(i) **[only]** the Constitutional Court **[may decide]** has agreed to hear directly in terms of section 167(6)(a); or”
3. On page 4, from line 1, to omit ”, on the basis of geography or subject matter, or both”.

CLAUSE 6

1. On page 4, in line 11, to omit “**Other**“ and to substitute “**Other**”.

CLAUSE 9

1. On page 4, from line 42, to omit “of the Constitutional Court” and to substitute “who had been appointed to the Constitutional Court in terms of section 174(4)”.

CLAUSE 10

1. On page 5, from line 5, to omit paragraph (a).
2. On page 5, from line 15, to omit paragraph (c).

CLAUSE 11

1. On page 5, in line 25, to omit “2011” and to substitute “2012”.

LONG TITLE

1. On page 2, in the second and third lines, to omit “**to change references to “Magistrates’ Courts” to “Lower Courts”;**”.
2. On page 2, in the seventh and eighth lines, to omit “**to further regulate the composition and functions of the Judicial Service Commission;**”.

Printed by Creda Communications

ISBN 978-1-4850-0047-1