



**PARLIAMENT**  
OF THE REPUBLIC OF SOUTH AFRICA

**“Constitutional Review”  
Legal Analysis  
Progress Report**

**Constitutional  
Review  
Committee  
Presentation**

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# Meaning of “Constitutional Review”

- **Judiciary**
  - test legislation or action against the Constitution
- **Legislature**
  - take into consideration Constitution’s “living document” status
  - test the provisions of the Constitution against the needs of the people; public interest
- **Also distinguish between**
  - Traditional - “constitutional review”
  - Contemporary - “constitutional reform”



## **Constitutional Framework vs Rules**

### ➤ **Section 45(1)(b):**

**“to establish joint committees** composed of representatives from both the Assembly and the Council to consider and report on Bills envisaged in sections 74 & 75 that are referred to such a committee”

- **Joint Rule 112:**  
portfolio committee & select committee
- **Joint Rules 111 & 114:**  
resolution in both Houses / a joint committee / a Bill

### ➤ **Section 45(1)(c):**

**“to establish a joint committee** to review the Constitution at least annually”

- **Joint Rule 98(2):**  
Speaker (NA) & Chairperson (NCOP) appoint members
- **Joint Rule 102: Joint Rule 112:**  
review and report