

FURTHER OPTION RE CLAUSE 3 OF CAB 17TH A/BILL

3. Section 167 of the Constitution is hereby amended—
- (a) by the substitution for subsection (3) of the following subsection:
- "(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;**]—
- ~~(aa) — on appeal;~~
- ~~(bb) — directly, in accordance with subsection (6); or~~
- ~~(cc) — referred to it in terms of legislation contemplated in section 172(2)(c) or in terms of any other Act of Parliament; and~~
- (ii) an appeal on any matter that may not be decided by the Supreme Court of Appeal, as contemplated in section 168(3)(a), if the Constitutional Court grants leave to appeal on the grounds that it is compelling, for the development and application of the labour or the competition law, that the matter be decided by the Constitutional Court; and
- (iii) 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.";