

[2/1/6/11]



CONSTITUTIONAL ASSEMBLY

**MEMORANDUM**

**TO: Members of the Constitutional Committee Sub-committee**  
**FROM: Executive Director**  
**DATE: 25 April 1996**  
**RE: FURTHER SUBMISSION ON AMENDMENTS - ANC**

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Attached please find a further submission by the ANC.

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**H EBRAHIM**  
**EXECUTIVE DIRECTOR**  
**CONSTITUTIONAL ASSEMBLY**

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**You've made your mark**



**Now have your say**

**THE NEW CONSTITUTION**

**ANC AMENDMENTS CONCERNING CHAPTER 8 IN THE FIFTH EDITION**

- 163(3)(c) makes the final decision whether a matter is constitutional matter or whether an issue is **[directly]** connected with a decision on a constitutional matter.
- 163(4)(d) **certify a provincial constitution in accordance with section 140.**
- 163(5) **The Constitutional Court makes the final decision whether or not an Act of Parliament, a provincial Act, or any conduct of the President is constitutional, including when the Supreme Court of Appeal or a High Court has made a finding of unconstitutionality or provided interim relief in terms of section 168.**
- 168(2)(a) ....., but any order of constitutional invalidity has no force [unless it is confirmed by the Constitutional Court], pending a decision of the Constitutional Court on the validity of that Act or conduct.
169. .... into account the interests of justice, [and to ensure that justice prevails in a manner consistent with law].
- 172(2) Other **judicial officers** [judges] hold office until they are discharged from act of service in terms of an Act of Parliament.
- 174(2) (Amendments may be required to clarify this section.)

## ERRATA TO PROPOSED ANC AMENDMENTS ON CONSTITUTION BILL

25 April 1996

- Section 42 (a) - (c) of/in - in should be deleted
- Section 44(1) to be deleted
- Section 71 to be deleted
- Section 77(e) New clause to read: "regulate the presentation of bills in the Assembly and Council."
- Section 78(2)(d) to be deleted
- Section 83(2)(l) "to proclaim national referenda...."
- Section 142(2)(d) to be deleted