



REPUBLIC VAN SUID-AFRIKA

# STAATSKOERANT

# GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

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KANTOOR VAN DIE PRESIDENT

OFFICE OF THE PRESIDENT

No. 1324.

22 Julie 1994

Hierby word bekend gemaak dat die President sy goedkeuring gegee het aan die onderstaande Wet, wat hierby ter algemene inligting gepubliseer word:

No. 13 van 1994: Derde Wysigingswet op die Grondwet van die Republiek van Suid-Afrika, 1994.

No. 1324.

22 July 1994

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:

No. 13 of 1994: Constitution of the Republic of South Africa Third Amendment Act, 1994.

## ALGEMENE VERDUIDELIKENDE NOTA:

**[ ]** Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordeninge aan.

\_\_\_\_\_ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordeninge aan.

## WET

Tot wysiging van die Grondwet van die Republiek van Suid-Afrika, 1993, ten einde die besoldiging, toelaes, pensioen en pensioenvoordele van sekere politieke ampsbekleërs verder te reël; die howe se jurisdiksie met betrekking tot grondwetlike aangeleenthede verder te reël; voorsiening te maak vir die aanstelling van waarnemende regters van die Hooggeregshof ooreenkomstig 'n Parlements wet; verdere voorsiening te maak in verband met die grondwetlike oorgang van die regsprekende gesag; en sekere tekstuele ongelykhede reg te stel; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die President geteken.)  
(Goedgekeur op 14 Julie 1994.)

**D**AAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

### Wysiging van artikel 55 van Wet 200 van 1993

1. Artikel 55 van die Grondwet word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

“(4) Daar word, behoudens artikel 207(2), uit en as 'n las teen die Nasionale Inkomstefonds aan 'n lid van die Nasionale Vergadering of die Senaat sodanige besoldiging en toelaes **[, en by sy of haar uittrede of aan sy of haar weduwee of wewenaar by sy of haar afsterwe, sodanige pensioen en pensioenvoordele,]** betaal as wat by 'n Parlements wet voorgeskryf of kragtens so 'n Wet bepaal mag word.”.

### Wysiging van artikel 88 van Wet 200 van 1993

2. Artikel 88 van die Grondwet word hierby gewysig deur subartikel (10) deur die volgende subartikel te vervang:

“(10) Daar word, behoudens artikel 207(2), uit en ten laste van die Nasionale Inkomstefonds aan 'n Uitvoerende Adjunkpresident en aan 'n Minister die besoldiging en toelaes **[, en by sy of haar uittrede, of aan sy of haar weduwee of wewenaar by sy of haar afsterwe, die pensioen en pensioenvoordele,]** betaal wat by 'n Parlements wet voorgeskryf of kragtens so 'n Wet bepaal mag word.”.

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## GENERAL EXPLANATORY NOTE:

[ ] Words in bold type in square brackets indicate omissions from existing enactments.

                     Words underlined with a solid line indicate insertions in existing enactments.

## ACT

To amend the Constitution of the Republic of South Africa, 1993, so as to further regulate the remuneration, allowances, pension and pension benefits of certain political office-bearers; to further regulate the courts' jurisdiction in relation to constitutional matters; to provide for the appointment of acting judges of the Supreme Court in accordance with an Act of Parliament; to make further provision in connection with the constitutional transition of the judiciary; and to rectify certain textual inconsistencies; and to provide for matters incidental thereto.

(English text signed by the President.)  
(Assented to 14 July 1994.)

**BE IT ENACTED** by the Parliament of the Republic of South Africa, as follows:—

**Amendment of section 55 of Act 200 of 1993**

1. Section 55 of the Constitution is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) There shall, subject to section 207(2), be paid out of and as a charge on the National Revenue Fund to a member of the National Assembly or the Senate such **[salary] remuneration** and allowances **[, and upon his or her retirement, or to his or her widow or widower upon his or her death, such pension and pension benefits]** as may be prescribed by or determined under an Act of Parliament.”.

**Amendment of section 88 of Act 200 of 1993**

2. Section 88 of the Constitution is hereby amended by the substitution for subsection (10) of the following subsection:

“(10) There shall, subject to section 207(2), be paid out of and as a charge on the National Revenue Fund to an Executive Deputy President **[or] and to a Minister** such remuneration and allowances **[, and upon his or her retirement, or to his or her widow or widower upon his or her death, such pension and pension benefits]** as may be prescribed by or determined under an Act of Parliament.”.

Wet No. 13, 1994

DERDE WYSIGINGSWET OP DIE GRONDWET VAN  
DIE REPUBLIEK VAN SUID-AFRIKA, 1994**Wysiging van artikel 98 van Wet 200 van 1993**

3. Artikel 98 van die Grondwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Die Konstitusionele Hof is die enigste hof wat jurisdiksie oor ’n aangeleentheid bedoel in subartikel (2) het, behalwe waar anders in [artikel] 5 artikels 101(3) en (6) en 103(1) en in ’n Parlements wet bepaal.”.

**Wysiging van artikel 101 van Wet 200 van 1993**

4. Artikel 101 van die Grondwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Daar is, behoudens artikels 241 en 242, ’n Hooggeregshof van 10 Suid-Afrika, wat bestaan uit ’n Appèlafdeling en die provinsiale en plaaslike afdelings, en met die regsgebiede, wat by wet voorgeskryf word.”.

**Wysiging van artikel 103 van Wet 200 van 1993**

5. Artikel 103 van die Grondwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang: 15

“(1) Die instelling, jurisdiksie, samestelling en funksionering van alle ander hofe is, behoudens artikels 241 en 242, soos by of kragtens ’n wet voorgeskryf.”; en

(b) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Indien dit by enige verrigtinge voor ’n hof bedoel in 20 subartikel (1) beweer word dat enige wet of bepaling daarvan ongeldig is op grond van die onbestaanbaarheid daarvan met ’n bepaling van hierdie Grondwet en die hof nie bevoeg is om ondersoek na die geldigheid van so ’n wet of bepaling in te stel nie, 25 beslis die hof, behoudens die ander bepalings van hierdie artikel, die aangeleentheid in die veronderstelling dat die wet of bepaling geldig is.”.

**Wysiging van artikel 104 van Wet 200 van 1993**

6. Artikel 104 van die Grondwet word hierby gewysig deur die volgende voorbehoudsbepaling by subartikel (1) te voeg: 30

“Met dien verstande dat die aanstelling van waarnemende regters geskied soos in ’n Parlements wet bepaal mag word.”.

**Wysiging van artikel 110 van Wet 200 van 1993**

7. Artikel 110 van die Grondwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang: 35

“(3) Die eerste aanstelling van ’n persoon as Openbare Beskermer na die inwerkingtreding van hierdie Grondwet, moet gedoen word binne [60] 120 dae na die eerste sitting van die Senaat kragtens hierdie Grondwet.”.

**Wysiging van artikel 115 van Wet 200 van 1993**

8. Artikel 115 van die Grondwet word hierby gewysig deur subartikel (4) deur 40 die volgende subartikel te vervang:

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**Amendment of section 98 of Act 200 of 1993**

3. Section 98 of the Constitution is hereby amended by the substitution for subsection (3) of the following subsection:

- 5 “(3) The Constitutional Court shall be the only court having jurisdiction over a matter referred to in subsection (2), save where otherwise provided in **[section]** sections 101(3) and (6) and 103(1) and in an Act of Parliament.”.

**Amendment of section 101 of Act 200 of 1993**

10 4. Section 101 of the Constitution is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) There shall, subject to sections 241 and 242, be a Supreme Court of South Africa, which shall consist of an Appellate Division and such provincial and local divisions, and with such areas of jurisdiction, as may be prescribed by law.”.

**15 Amendment of section 103 of Act 200 of 1993**

5. Section 103 of the Constitution is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

20 “(1) The establishment, jurisdiction, composition and functioning of all other courts shall, subject to sections 241 and 242, be as prescribed by or under a law.”; and

(b) by the substitution for subsection (2) of the following subsection:

25 “(2) If in any proceedings before a court referred to in subsection (1), it is alleged that any law or provision of such law is invalid on the ground of its inconsistency with a provision of this Constitution and the court does not have the competency to enquire into the validity of such a law or provision, the court shall, subject to the other provisions of this section, decide the matter on the assumption that the law or provision is valid.”.

**Amendment of section 104 of Act 200 of 1993**

30 6. Section 104 of the Constitution is hereby amended by the addition to subsection (1) of the following proviso:

“Provided that the appointment of acting judges shall be as may be provided for in an Act of Parliament.”.

**Amendment of section 110 of Act 200 of 1993**

35 7. Section 110 of the Constitution is hereby amended by the substitution for subsection (3) of the following subsection:

40 “(3) The first appointment of a person as the Public Protector after the commencement of this Constitution shall be made within **[60]** 120 days of the first sitting of the Senate under this Constitution.”.

**40 Amendment of section 115 of Act 200 of 1993**

8. Section 115 of the Constitution is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) Die eerste lede van die Kommissie na die inwerkingtreding van hierdie Grondwet, moet aangestel word binne **[60] 120** dae na die eerste sitting van die Senaat kragtens hierdie Grondwet.”.

#### Wysiging van artikel 120 van Wet 200 van 1993

9. Artikel 120 van die Grondwet word hierby gewysig deur die uitdrukking “Kommissie op Geslagsaangeleenthede” deur die uitdrukking “Kommissie op Geslagsgelykheid” te vervang. 5

#### Wysiging van artikel 135 van Wet 200 van 1993

10. Artikel 135 van die Grondwet word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang: 10

“(4) Daar word, behoudens artikel 207(2), uit en as ’n las teen die Provinsiale Inkomstefonds van ’n provinsie aan ’n lid van die wetgewer van daardie provinsie sodanige besoldiging en toelaes **[, en by sy of haar uittrede, of aan sy of haar weduwee of wewenaar by sy of haar afsterwe, sodanige pensioen en pensioenvoordele,]** betaal as wat by ’n wet van die provinsiale wetgewer voorgeskryf of kragtens so ’n wet bepaal mag word.”. 15

#### Wysiging van artikel 149 van Wet 200 van 1993

11. Artikel 149 van die Grondwet word hierby gewysig deur subartikel (10) deur die volgende subartikel te vervang:

“(10) Daar word, behoudens artikel 207(2), uit en ten laste van die Provinsiale Inkomstefonds van ’n provinsie aan die Premier en aan ’n lid van die Uitvoerende Raad van daardie provinsie die besoldiging en toelaes **[, en by sy of haar uittrede, of aan sy of haar weduwee of wewenaar by sy of haar afsterwe, die pensioen en pensioenvoordele,]** betaal wat by ’n wet van die provinsiale wetgewer voorgeskryf of kragtens so ’n wet bepaal mag word.”. 20 25

#### Wysiging van artikel 185 van Wet 200 van 1993

12. Artikel 185 van die Grondwet word hierby gewysig deur die voorbehoudsbepaling by subartikel (2) deur die volgende voorbehoudsbepaling te vervang:

“Met dien verstande dat inkomste waarop ’n provinsie ingevolge artikel 155(2)(a) **[en], (b), (c) en (d)** geregtig is ’n direkte las teen die Nasionale Inkomstefonds vorm waarmee die onderskeie Provinsiale Inkomstefondse gekrediteer moet word.”. 30

#### Invoeging van artikel 190A in Wet 200 van 1993

13. (1) Die volgende artikel word hierby in die Grondwet na artikel 190 ingevoeg: 35

##### “Pensioene van politieke ampsbekleërs

**190A.** (1) Daar word uit en as ’n las teen die pensioenfondse in subartikel (2) bedoel aan ’n politieke ampsbekleër by sy of haar uittrede as ’n politieke ampsbekleër, of aan sy of haar weduwee of wewenaar of afhanklike of enige ander kategorie persone wat in die reëls van die pensioenfondse bepaal mag word by sy of haar afsterwe, die pensioen en pensioenvoordele betaal wat ingevolge bedoelde reëls bepaal mag word. 40

(2) ’n Pensioenfondse moet vir doeleindes van hierdie artikel ingestel word na oorleg met ’n komitee deur die Parlement aangestel, en so ’n fonds moet geregistreer word ingevolge en is onderworpe aan die wette wat die registrasie van en beheer oor pensioenfondse in die Republiek beheers. 45

(3) Alle politieke ampsbekleërs is lede van bedoelde pensioenfondse. 50

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“(4) The first members of the Commission after the commencement of this Constitution, shall be appointed within **[60]** 120 days of the first sitting of the Senate under this Constitution.”.

**Amendment of section 120 of Act 200 of 1993**

- 5 **9.** Section 120 of the Constitution is hereby amended by the substitution for the expression “Commission on Gender Issues” of the expression “Commission on Gender Equality”.

**Amendment of section 135 of Act 200 of 1993**

- 10 **10.** Section 135 of the Constitution is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) There shall, subject to section 207(2), be paid out of and as a charge on the Provincial Revenue Fund of a province to a member of the legislature of that province such **[salary]** remuneration and allowances **[, and upon his or her retirement, or to his or her widow or widower upon his or her death, such pension and pension benefits,]** as may be prescribed by or determined under a law of the provincial legislature.”.

**Amendment of section 149 of Act 200 of 1993**

- 11.** Section 149 of the Constitution is hereby amended by the substitution for subsection (10) of the following subsection:

20 “(10) There shall, subject to section 207(2), be paid out of and as a charge on the Provincial Revenue Fund of a province to the Premier **[or]** and to a member of the Executive Council of such province such **[salary]** remuneration and allowances **[, and upon his or her retirement, or to his or her widow or widower upon his or her death, such pension and pension benefits,]** as may be prescribed by or determined under a law of the provincial legislature.”.

**Amendment of section 185 of Act 200 of 1993**

- 12.** Section 185 of the Constitution is hereby amended by the substitution for the proviso to subsection (2) of the following proviso:

30 “Provided that revenue to which a province is entitled in terms of section 155(2)(a) **[and]**, (b), (c) and (d) shall form a direct charge against the National Revenue Fund to be credited to the respective Provincial Revenue Funds.”.

**Insertion of section 190A in Act 200 of 1993**

- 35 **13.** (1) The following section is hereby inserted in the Constitution after section 190:

**“Pensions of political office-bearers**

40 **190A.** (1) There shall be paid out of and as a charge on the pension fund referred to in subsection (2) to a political office-bearer upon his or her retirement as a political office-bearer, or to his or her widow or widower or dependent or any other category of persons as may be determined in the rules of such pension fund upon his or her death, such pension and pension benefits as may be determined in terms of the said rules.

45 (2) A pension fund shall be established for the purposes of this section after consultation with a committee appointed by Parliament, and such a fund shall be registered in terms of and be subject to the laws governing the registration and control of pension funds in the Republic.

50 (3) All political office-bearers shall be members of the said pension fund.

- (4) Bydraes tot bedoelde fonds deur lede van die fonds word gemaak volgens 'n skaal wat in die reëls van die fonds bepaal moet word, en sodanige bydraes word maandeliks afgetrek van die besoldiging wat aan lede as politieke ampsbekleërs betaalbaar is.
- (5) Bydraes tot bedoelde fonds deur die Staat word gemaak volgens 'n skaal wat deur die President bepaal moet word, en sodanige bydraes word maandeliks uit die Nasionale Inkomstefonds en die onderskeie Provinsiale Inkomstefondse betaal na gelang 'n lid op nasionale of provinsiale regeringsvlak dien.
- (6) In hierdie artikel beteken "politieke ampsbekleër"—
- (a) 'n Uitvoerende Adjunkpresident;
  - (b) 'n Minister of Adjunkminister;
  - (c) 'n lid van die Nasionale Vergadering of die Senaat;
  - (d) die Premier of 'n lid van die Uitvoerende Raad van 'n provinsie;
  - (e) 'n lid van 'n provinsiale wetgewer;
  - (f) 'n diplomatieke verteenwoordiger van die Republiek wat nie 'n lid van die staatsdiens is nie; of
  - (g) enige ander politieke ampsbekleër wat deur 'n Parlements-wet vir doeleindes van hierdie artikel erken word."
- (2) Totdat die pensioenfonds bedoel in artikel 190A van die Grondwet, soos ingevoeg by subartikel (1) van hierdie artikel, volgens voorskrif van bedoelde artikel 190A ingestel en geregistreer is, kan die President die skaal van aftrekkings beoog in subartikels (4) en (5) van bedoelde artikel 190A bepaal, en die Minister van Finansies moet sodanige aftrekkings verhaal en dit in trust hou hangende die instelling en registrasie van bedoelde pensioenfonds.
- (3) Vanaf die datum waarop die fonds geregistreer word—
- (a) word 'n persoon wat voor die datum van registrasie van die fonds 'n politieke ampsbekleër soos omskryf in subartikel (6) van bedoelde artikel 190A geword het, geag 'n lid van die fonds te gewees het vanaf die datum waarop hy of sy so 'n politieke ampsbekleër geword het; en
  - (b) word die fonds vir die doeleindes van paragraaf (a) geag op 27 April 1994 ingestel en geregistreer te gewees het en op enige toepaslike tydstip te bestaan het ten opsigte van 'n aanspreeklikheid wat dit sou opgehoop het indien die fonds op daardie tydstip bestaan het.

#### Wysiging van artikel 200 van Wet 200 van 1993

14. Artikel 200 van die Grondwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

"(2) Die eerste aanstelling van lede van die Kommissie moet binne [60] 120 dae vanaf die datum van die inwerkingtreding van hierdie Grondwet gedoen word."

#### Wysiging van artikel 241 van Wet 200 van 1993

15. Artikel 241 van die Grondwet word hierby gewysig—

(a) deur die volgende voorbehoudsbepaling by subartikel (1) te voeg:

"Met dien verstande—

- (a) dat 'n appèlafdeling van 'n hooggeregshof wat onmiddellik voor die inwerkingtreding van hierdie Grondwet jurisdiksie uitgeoefen het ten opsigte van 'n gebied wat deel uitmaak van die nasionale grondgebied, uitgesonderd die Appèlafdeling van die Hooggeregshof van Suid-Afrika, ophou om te bestaan met ingang van die datum van inwerkingtreding van die Derde Wysigingswet op die Grondwet van die Republiek van Suid-Afrika, 1994;
- (b) dat enige saak wat onmiddellik voor bedoelde datum voor so 'n appèlafdeling hangende was, deur so 'n appèlafdeling en die appèlregters wat in sodanige appèlafdeling dien, afgehandel moet word asof daardie afdeling nie opgehou het om te bestaan nie; en
- (c) dat enige persoon wat onmiddellik voor bedoelde datum die hoofregter ten opsigte van so 'n appèlafdeling was, in sodanige

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(4) Contributions to the said fund by members of the fund shall be made at a rate to be determined in the rules of the fund, and such contributions shall be deducted monthly from the remuneration payable to members as political office-bearers.

(5) Contributions to the said fund by the State shall be made at a rate to be determined by the President, and such contributions shall be paid monthly from the National Revenue Fund and the respective Provincial Revenue Funds, according to whether a member serves at national or provincial level of government.

(6) In this section "political office-bearer" means—

- (a) an Executive Deputy President;
- (b) a Minister or Deputy Minister;
- (c) a member of the National Assembly or the Senate;
- (d) the Premier or a member of the Executive Council of a province;
- (e) a member of a provincial legislature;
- (f) a diplomatic representative of the Republic who is not a member of the public service; or
- (g) any other political office-bearer recognised for purposes of this section by an Act of Parliament."

(2) Until the pension fund referred to in section 190A of the Constitution, as inserted by subsection (1) of this section, is established and registered as required by the said section 190A, the President may determine the rate of deductions contemplated in subsections (4) and (5) of the said section 190A, and the Minister of Finance shall recover such deductions and hold them in trust pending the establishment and registration of the said pension fund.

(3) As from the date on which the fund is registered—

- (a) a person who before the date of registration of the fund became a political office-bearer as defined in subsection (6) of the said section 190A, shall be deemed to have been a member of the fund as from the date on which he or she became such a political office-bearer; and
- (b) the fund shall for the purposes of paragraph (a) be deemed to have been established and registered on 27 April 1994 and to have existed at any relevant time in respect of any liability it would have incurred had the fund been in existence at that time.

**Amendment of section 200 of Act 200 of 1993**

14. Section 200 of the Constitution is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) The first appointment of members of the Commission shall be effected within **[60]** 120 days from the date of commencement of this Constitution."

**Amendment of section 241 of Act 200 of 1993**

15. Section 241 of the Constitution is hereby amended—

(a) by the addition to subsection (1) of the following proviso:

"Provided—

(a) that an appellate division of a supreme court which immediately before the commencement of this Constitution exercised jurisdiction in respect of an area which forms part of the national territory, other than the Appellate Division of the Supreme Court of South Africa, shall cease to exist with effect from the date of commencement of the Constitution of the Republic of South Africa Third Amendment Act, 1994;

(b) that any case pending before any such appellate division immediately before the said date shall be disposed of by such appellate division and the judges of appeal serving in such appellate division as if such division had not ceased to exist; and

(c) that any person who immediately before the said date was the chief justice in respect of any such appellate division, shall

- amp aanbly sonder enige verandering van sy of haar diensvoor-  
waardes en geag word die Regter-president van die hooggeregshof waarvan daardie appèlafdeling voorheen deel uitgemaak het, te wees totdat die bestaande hofstrukture gerasionaliseer is soos in artikel 242(1) beoog.”; 5
- (b) deur na subartikel (1) die volgende subartikels in te voeg:
- “(1A) Totdat die hofstrukture beoog in Hoofstuk 7 volgens voorskrif van artikel 242(1) ingestel is, is die jurisdiksie van geregshowe wat onmiddellik voor die inwerkingtreding van hierdie Grondwet bestaan het en uit hoofde van subartikel (1) van hierdie artikel bly voortbestaan het, soos volg: 10
- (a) Die Appèlafdeling van die Hooggeregshof van Suid-Afrika het dieselfde jurisdiksie as wat ingevolge hierdie Grondwet in die Appèlafdeling beoog in artikel 101(1) gevestig is, en oefen sodanige jurisdiksie ten opsigte van die hele nasionale grondgebied uit; 15
- (b) ’n provinsiale of plaaslike afdeling van bedoelde Hooggeregshof van Suid-Afrika, en enige ander hooggeregshof of algemene afdeling daarvan, het dieselfde jurisdiksie as wat ingevolge hierdie Grondwet in ’n provinsiale of plaaslike afdeling beoog in artikel 101(1) gevestig is, en oefen sodanige jurisdiksie ten opsigte van die jurisdiksiegebied waarvoor dit ingestel is uit; en 20
- (c) enige ander hof het, benewens die jurisdiksie wat onmiddellik voor die inwerkingtreding van hierdie Grondwet in hom gevestig was, dieselfde jurisdiksie as wat ingevolge artikel 103 gevestig is in ’n hof van dergelike status daarin beoog, en oefen sodanige jurisdiksie ten opsigte van die jurisdiksiegebied waarvoor dit ingestel is uit. 25
- (1B) Vir doeleindes van die toepassing van hierdie Grondwet terwyl die bestaande hofstrukture bedoel in subartikel (1) voortbestaan, word enige verwysing in hierdie Grondwet na enige van die hofstrukture beoog in Hoofstuk 7, tensy dit onbestaanbaar met die samehang of duidelik onvanpas is, geag ’n verwysing te wees na die ooreenstemmende bestaande hofstruktuur, en by sodanige toepassing word ’n verwysing na ’n provinsiale afdeling uitgelê as synde ook te verwys na enige van die ander hooggeregshowe, of ’n algemene afdeling van so ’n hof, bedoel in subartikel (1A)(b).”;
- (c) deur na subartikel (2) die volgende subartikel in te voeg: 30
- “(2A) Die hoofregter van ’n hooggeregshof bedoel in die voorbehoudsbepaling by subartikel (1) wat ingevolge daardie voorbehoudsbepaling in sy of haar amp maar as Regter-president van so ’n hooggeregshof aanbly, en die ander regters van so ’n hooggeregshof, met inbegrip van die regters van enige ander hooggeregshof wat nie oor ’n appèlafdeling beskik het nie, wat onmiddellik voor die inwerkingtreding van hierdie Grondwet hulle ampte beklee het, word geag behoorlik in die ooreenstemmende ampte ingevolge Hoofstuk 7 aangestel te wees en gaan voort om hul ampte ooreenkomstig die toepaslike wette te beklee.”; en 35
- (d) deur subartikel (7) deur die volgende subartikel te vervang: 40
- “(7) (a) Persone bedoel in subartikels (2), 2A, (3) en (4) moet binne 30 dae na die verkiesing van die President ingevolge artikel 77(1)(a) ’n eed of plegtige verklaring met die strekking in Bylae 3 uiteengesit voor die Hoofregter, of ’n regter van die Hooggeregshof deur die Hoofregter vir dié doel aangewys, of, in die geval van ’n persoon wat aanbly in die amp van of aangestel word as die Hoofregter of die President van die Konstitusionele Hof, voor die President, aflê en onderteken. 45
- (b) By die toepassing van paragraaf (a) word ’n verwysing in die betrokke eed of plegtige verklaring in Bylae 3 uiteengesit na ’n Regter van die Hooggeregshof, in die geval van ’n regsprekende beampte in subartikel (3) bedoel, uitgelê as ’n verwysing na die amp van sodanige regsprekende beampte.”. 50
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continue in office without any change in the terms and conditions of his or her service and shall be deemed to be the Judge President of the supreme court of which that appellate division previously formed part until the existing court structures have been rationalised as contemplated in section 242(1).”;

(b) by the insertion after subsection (1) of the following subsections:

“(1A) Until the court structures contemplated in Chapter 7 have been established as required by section 242(1), the jurisdiction of courts of law which existed immediately before the commencement of this Constitution and which continued to exist by virtue of subsection (1) of this section, shall be as follows:

(a) The Appellate Division of the Supreme Court of South Africa shall have the same jurisdiction as that which is vested in terms of this Constitution in the Appellate Division contemplated in section 101(1), and shall exercise such jurisdiction in respect of the whole of the national territory;

(b) a provincial or local division of the said Supreme Court of South Africa, and any other supreme court or general division thereof, shall have the same jurisdiction as that which is vested in terms of this Constitution in a provincial or local division contemplated in section 101(1), and shall exercise such jurisdiction in respect of the area of jurisdiction for which it was established; and

(c) any other court shall, in addition to the jurisdiction vested in it immediately before the commencement of this Constitution, have the same jurisdiction as that which is vested in terms of section 103 in a court of similar status contemplated therein, and shall exercise such jurisdiction in respect of the area of jurisdiction for which it was established.

(1B) For the purposes of the application of this Constitution while the existing court structures referred to in subsection (1) continue, any reference in this Constitution to any of the court structures contemplated in Chapter 7 shall, unless inconsistent with the context or clearly inappropriate, be deemed to be a reference to the corresponding existing court structure, and in such application a reference to a provincial division shall be construed also to refer to any of the other supreme courts, or general division of any such court, referred to in subsection (1A)(b).”;

(c) by the insertion after subsection (2) of the following subsection:

“(2A) The chief justice of a supreme court referred to in the proviso to subsection (1) who in terms of that proviso continues in office as the Judge President of such supreme court, and the other judges of such supreme court, including the judges of any other supreme court which did not have an appellate division, holding office immediately before the commencement of this Constitution, shall be deemed to have been duly appointed to the corresponding positions in terms of Chapter 7 and shall continue in office in accordance with the applicable laws.”; and

(d) by the substitution for subsection (7) of the following subsection:

“(7) (a) Persons referred to in subsections (2), (2A), (3) and (4) shall within 30 days of the election of the President in terms of section 77(1)(a) make and subscribe an oath or solemn affirmation in the terms set out in Schedule 3 before the Chief Justice or a judge of the Supreme Court designated by the Chief Justice for this purpose, or, in the case of a person continuing in office or appointed as the Chief Justice or the President of the Constitutional Court, before the President.

(b) For the purposes of paragraph (a) a reference in the relevant oath of office or solemn affirmation set out in Schedule 3 to a Judge of the Supreme Court shall, in the case of a judicial officer referred to in subsection (3), be construed as a reference to the office of such judicial officer.”.

**Wysiging van artikel 242 van Wet 200 van 1993**

16. Artikel 242 van die Grondwet word hierby gewysig deur in subartikel (2) die uitdrukking "Geregtelike" deur die uitdrukking "Regterlike" te vervang.

**Kort titel en inwerkingtreding**

17. (1) Hierdie Wet heet die Derde Wysigingswet op die Grondwet van die Republiek van Suid-Afrika, 1994. 5

(2) Behalwe waar duidelik onvanpas, word artikels 101, 103 en 241 van die Grondwet te alle toepaslike tye voor die inwerkingtreding van hierdie Wet geag gewysig te gewees het soos in hierdie Wet uiteengesit.

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**Amendment of section 242 of Act 200 of 1993**

**16.** Section 242 of the Constitution is hereby amended by the substitution in the Afrikaans text of subsection (2) for the expression "Geregtelike" of the expression "Regterlike".

**5 Short title and commencement**

**17.** (1) This Act shall be called the Constitution of the Republic of South Africa Third Amendment Act, 1994.

(2) Except where clearly inappropriate sections 101, 103 and 241 of the Constitution shall be deemed at all relevant times before the commencement of  
10 this Act to have been amended as set out in this Act.

Amendment of section 142 of Act 200 of 1993

16. Section 242 of the Constitution is hereby amended by the substitution in the Afrikaans text of subsection (2) for the expression "Geregtelike" of the expression "Regstreek".

2. Short title and commencement

17. (1) This Act shall be called the Constitution of the Republic of South Africa Third Amendment Act, 1994.  
(2) Except where clearly indicated sections 101, 102 and 241 of the Constitution shall be deemed at all relevant times before the commencement of 10 this Act to have been amended as set out in this Act.



