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PRESIDENT'S OFFICE

No. 883.

14 June 1995

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

No. 13 of 1995: Constitutional Court Complementary Act, 1995.

KANTOOR VAN DIE PRESIDENT

No. 883.

14 Junie 1995

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

No. 13 van 1995: Aanvullende Wet op die Konstitusionele Hof, 1995.

ACT

To regulate matters incidental to the establishment of the Constitutional Court by the Constitution of the Republic of South Africa, 1993; and to provide for matters connected therewith.

PREAMBLE

WHEREAS sections 97 up to and including 100 of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), provide for the establishment of a Constitutional Court; the appointment of a President of the Court; the jurisdiction of the Court; and the composition of, and appointment of judges of, the Court and the engagement thereof;

AND WHEREAS the Constitution provides that the Constitutional Court shall have jurisdiction in the Republic as court of final instance over all matters relating to the interpretation, protection and enforcement of the provisions of the Constitution;

AND WHEREAS the establishment of the Constitutional Court necessitates certain ancillary provisions pertaining to the nature, powers and administrative functioning of that Court;

(Afrikaans text signed by the President.)
(Assented to 8 June 1995.)

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

Definitions

1. In this Act, unless the context otherwise indicates—
 - (i) “Chief Justice” means the Chief Justice of South Africa; (iii) 5
 - (ii) “Court” means the Constitutional Court established in terms of section 98(1) of the Constitution; (ii)
 - (iii) “member of the Court” means the President or any other judge of the Court; (iv)
 - (iv) “Minister” means the Minister of Justice; (v) 10
 - (v) “Registrar” means the registrar or an assistant registrar of the Court appointed in terms of section 14; (i)
 - (vi) “rules” means the rules of the Court promulgated under section 100(1) of the Constitution. (vi)

Nature of Court and seal 15

2. (1) The Court shall be a court of record.
- (2) The Court shall have for use as occasion may require, a seal of such design as may be prescribed by the President of the Republic by proclamation in the *Gazette*.
- (3) The seal of the Court shall be kept in the custody of the Registrar. 20

Scope and execution of process

3. The process of the Court shall run throughout the Republic, and its judgments and orders shall, subject to the rules, be executed in any area in like manner as if they were judgments or orders of the division of the Supreme Court or the magistrates' court having jurisdiction in such area. 25

WET

Tot reëling van aangeleenthede bykomstig tot die instelling van die Konstitusionele Hof deur die Grondwet van die Republiek van Suid-Afrika, 1993; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

AANHEF

AANGESIEN artikels 97 tot en met 100 van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993), voorsiening maak vir die instelling van 'n Konstitusionele Hof; die aanstelling van 'n President van die Hof; die jurisdiksie van die Hof; en die samestelling van, en aanstelling van regters van, die Hof en die benutting daarvan;

EN AANGESIEN die Grondwet voorsiening maak dat die Konstitusionele Hof in die Republiek jurisdiksie het as hof van finale instansie oor alle aangeleenthede met betrekking tot die uitleg, beskerming en afdwinging van die bepalings van die Grondwet;

EN AANGESIEN die instelling van die Konstitusionele Hof sekere bykomstige bepalings met betrekking tot die aard, bevoegdhede en administratiewe funksionering van daardie Hof noodsaak;

*(Afrikaanse teks deur die President geteken.)
(Goedgekeur op 8 Junie 1995.)*

WORD DAAR DERHALWE BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

Woordomskrywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
- 5 (i) “Griffier” die griffier of ’n assistent-griffier van die Hof ingevolge artikel 14 aangestel; (v)
 - (ii) “Hof” die Konstitusionele Hof ingestel ingevolge artikel 98(1) van die Grondwet; (ii)
 - (iii) “Hoofregter” die Hoofregter van Suid-Afrika; (i)
 - 10 (iv) “lid van die Hof” die President of ’n ander regter van die Hof; (iii)
 - (v) “Minister” die Minister van Justisie; (iv)
 - (vi) “reëls” die reëls van die Hof kragtens artikel 100(1) van die Grondwet uitgevaardig. (vi)

Aard van Hof en seël

- 15 2. (1) Die Hof is ’n notulerende hof.
(2) Die Hof het vir gebruik na vereiste van omstandighede ’n seël waarvan die ontwerp deur die President van die Republiek by proklamasie in die *Staatskoerant* voorgeskryf word.
(3) Die seël van die Hof word in die bewaring van die Griffier gehou.

20 Strekking en tenuitvoerlegging van proses

3. Die proses van die Hof geld dwarsdeur die Republiek, en sy vonnisse en bevele word, behoudens die reëls, in enige gebied ten uitvoer gelê op dieselfde wyse asof dit vonnisse of bevele is van die afdeling van die Hooggeregshof of die landdroshof wat in so ’n gebied jurisdiksie het.

Certified copies of court records admissible as evidence

4. Whenever a judgment, decree, order or other record of the Court is required to be proved or inspected or referred to in any manner, a copy of such judgment, decree, order or other record duly certified as such by the Registrar under the seal of the Court shall be *prima facie* evidence thereof without proof of the authenticity of the signature of the Registrar concerned. 5

Issue of process against member of Court

5. (1) Notwithstanding anything to the contrary in any law contained, no civil proceedings by way of summons or notice of motion shall be instituted against any member of the Court, and no subpoena in respect of civil proceedings shall be served on any member of the Court, except with the consent of the— 10

(a) Chief Justice, in the case of the President of the Court; or

(b) President of the Court, in the case of any other judge of the Court.

(2) Where consent has been granted as contemplated in subsection (1), the date upon which the member of the Court concerned must attend court shall be determined in consultation with the Chief Justice or the President of the Court, as the case may be. 15

Sitting at places elsewhere than seat

6. Whenever it appears to the Court that by reason of the existence of exceptional circumstances it is expedient to hold its sitting for the hearing of any matter at a place elsewhere than in Johannesburg, it may hold such sitting at that place accordingly. 20

Appointment of commissions

7. (1) The Court may, either at the request of any party to proceedings before it or on its own initiative, appoint commissions for the purpose of obtaining and hearing evidence which in the opinion of the Court is necessary for the determination of any issue in such proceedings. 25

(2) The provisions of sections 11, 12 and 13 shall *mutatis mutandis* apply to a commission appointed in terms of subsection (1).

Quorum

8. (1) Subject to the provisions of this Act and the rules, matters before the Court shall be heard and determined by all the members of the Court. 30

(2) Whenever a member of the Court is absent or unable to perform his or her functions, or if a vacancy among the members of the Court arises, any matter before the Court may be heard and determined by the remaining members of the Court: Provided that no matter shall be heard and determined by less than eight members of the Court. 35

(3) (a) If, at any stage of a hearing, a member of the Court is absent or unable to perform his or her functions, or if a vacancy among the members of the Court arises, and the remaining members of the Court are not less than eight in number— 40

(i) such hearing shall continue before the remaining members of the Court; and

(ii) the decision of the majority of the remaining members of the Court shall, if that majority is also a majority of the members of the Court before whom the hearing commenced, be the decision of the Court. 45

(b) If the remaining members of the Court are less than eight, or if the majority of the remaining members of the Court is not also a majority of the members of the Court before whom the hearing commenced, the proceedings shall be stopped and commenced *de novo*. 50

Gesertifiseerde afskrifte van hofstukke as getuienis toelaatbaar

4. Wanneer 'n uitspraak, bevel, order of ander stuk van die Hof bewys of geïnspekteer moet word of daar op enige wyse daarna verwys moet word, is 'n afskrif van so 'n uitspraak, bevel, order of ander stuk wat behoorlik deur die Griffier onder die seël van die Hof as sodanig gesertifiseer is, *prima facie*-bewys daarvan sonder bewys van die egtheid van die handtekening van die betrokke Griffier.

Uitreik van prosesstukke teen lid van Hof

5. (1) Ondanks andersluidende wetsbepalings word geen siviele verrigtinge by wyse van dagvaarding of kennisgewing van mosie teen 'n lid van die Hof ingestel nie, en word geen getuiedagvaarding ten opsigte van siviele verrigtinge aan 'n lid van die Hof beteken nie, behalwe met die toestemming van die—
- (a) Hoofregter, in die geval van die President van die Hof; of
- (b) President van die Hof, in die geval van enige ander regter van die Hof.
- 15 (2) Waar toestemming soos beoog in subartikel (1) verleen is, word die datum waarop die betrokke lid van die Hof die hof moet bywoon, bepaal in oorleg met die Hoofregter of die President van die Hof, na gelang van die geval.

Hou van sittings op plekke anders as setel

6. Wanneer dit vir die Hof blyk dat dit weens die aanwesigheid van buitengewone omstandighede raadsaam is om sy sitting vir die verhoor van 'n aangeleentheid op 'n plek elders as in Johannesburg te hou, kan die Hof sodanige sitting dienooreenkomstig op daardie plek hou.

Aanstelling van kommissies

7. (1) Die Hof kan, hetsy op die versoek van 'n party tot verrigtinge voor die Hof of uit eie beweging, kommissies aanstel vir die doel van verkryging en aanhoor van getuienis wat na die mening van die Hof nodig is vir die beslissing van enige geskilpunt in sodanige verrigtinge.
- (2) Die bepalinge van artikels 11, 12 en 13 is *mutatis mutandis* van toepassing op 'n kommissie ingevolge subartikel (1) aangestel.

30 Korum

8. (1) Behoudens die bepalinge van hierdie Wet en die reëls word aangeleenthede voor die Hof verhoor en beslis deur al die lede van die Hof.
- (2) Wanneer 'n lid van die Hof afwesig is of nie sy of haar werksaamhede kan verrig nie, of indien 'n vakature in die geledere van die lede van die Hof ontstaan, kan 'n aangeleentheid voor die Hof deur die oorblywende lede van die Hof verhoor en beslis word: Met dien verstande dat geen aangeleentheid deur minder as agt lede van die Hof verhoor en beslis word nie.
- (3) (a) Indien, in enige stadium van 'n verhoor, 'n lid van die Hof afwesig is of nie sy of haar werksaamhede kan verrig nie, of indien 'n vakature in die geledere van die lede van die Hof ontstaan, en die getal oorblywende lede van die Hof nie minder as agt is nie—
- (i) word die verhoor voor die oorblywende lede van die Hof voortgesit; en
- (ii) is die beslissing van die meerderheid van die oorblywende lede van die Hof, indien daardie meerderheid ook 'n meerderheid is van die lede van die Hof voor wie die verhoor begin het, die beslissing van die Hof.
- 45 (b) Indien die oorblywende lede van die Hof minder is as agt, of indien die meerderheid van die oorblywende lede van die Hof nie ook 'n meerderheid is nie van die lede van die Hof voor wie die verhoor begin het, word die verrigtinge gestaak en *de novo* begin.

Contempt of Court**9. (1) Any person who—**

- (a) during the sitting of the Court, wilfully insults any member of the Court or any officer of the Court present at the sitting, or who wilfully hinders or obstructs any member of the Court or any officer thereof in the exercise of his or her powers or the performance of his or her duties; 5
- (b) wilfully interrupts the proceedings of the Court or otherwise misbehaves himself or herself in the place where the sitting of the Court is held; or
- (c) does anything calculated improperly to influence the Court in respect of any matter being or to be considered by the Court, 10

may, by order of the Court, be removed and detained in custody until the rising of the Court.

(2) Removal and detention in terms of subsection (1) shall not preclude the prosecution in a court of law of the person concerned on a charge of contempt of court. 15

Manner of securing attendance of witnesses or production of any document or thing in proceedings and penalties for failure

10. (1) A party to proceedings before the Court in which the attendance of witnesses or the production of any document or thing is required, may procure the attendance of any witness or the production of any document or thing in the manner provided for in the rules. 20

(2) Whenever any person subpoenaed to attend any proceedings as a witness or to produce any document or thing, fails without reasonable excuse to obey the subpoena and it appears from the return of the person who served such subpoena, or from evidence given under oath, that— 25

- (a) the subpoena was served upon the person to whom it is directed and that his or her reasonable expenses calculated in accordance with the tariff framed under section 42(1) of the Supreme Court Act, 1959 (Act No. 59 of 1959), have been paid or offered to him or her; or
- (b) he or she is evading service, 30

or if any person who has attended in obedience to a subpoena fails to remain in attendance, the Court may issue a warrant directing that he or she be arrested and brought before the Court at a time and place stated in the warrant or as soon thereafter as possible.

(3) A person arrested under any such warrant may be detained thereunder in any prison or lock-up or other place of detention or in the custody of the person who is in charge of him or her, with a view to securing his or her presence as a witness or to produce any document or thing at the proceedings concerned: Provided that any member of the Court may release him or her on a recognisance with or without sureties for his or her appearance to give evidence or to produce any document or thing as required. 35 40

(4) Any person subpoenaed in terms of subsection (1) to attend any proceedings as a witness or to produce any document or thing, who fails without reasonable excuse to obey such subpoena, shall be guilty of an offence and liable upon conviction to a fine or to imprisonment for a period not exceeding three months. 45

(5) If a person who has entered into any recognisance in terms of subsection (3) for his or her appearance to give evidence at such proceedings or to produce any document or thing, fails without reasonable excuse so to appear or to produce such document or thing, he or she shall, apart from the forfeiture of his or her recognisance, be guilty of an offence and liable upon conviction to a fine or to imprisonment for a period not exceeding three months. 50

Minagting van Hof

9. (1) Iemand wat—
- (a) gedurende die sitting van die Hof 'n lid van die Hof, of 'n beampte van die Hof wat by die sitting aanwesig is, opsetlike beledig, of wat 'n lid van die Hof of 'n beampte daarvan by die uitoefening van sy of haar bevoegdhede of die verrigting van sy of haar pligte opsetlik hinder of belemmer;
 - (b) die verrigtinge van die Hof opsetlik onderbreek of hom of haar op 'n ander wyse misdra in die plek waar die sitting van die Hof gehou word; of
 - (c) enigiets doen wat daarop bereken is om die Hof onbehoorlik te beïnvloed ten opsigte van enige aangeleentheid wat die Hof oorweeg of gaan oorweeg,
- kan, in opdrag van die Hof, verwyder en in aanhouding gehou word totdat die Hof verdaag.
- (2) Verwydering en aanhouding ingevolge subartikel (1) belet nie die vervolging van die betrokke persoon in 'n geregshof op 'n aanklag van minagting van die hof nie.

Manier om verskyning van getuies of oorlegging van stuk of saak in verrigtinge te verseker en strawwe vir versuim

10. (1) 'n Party by verrigtinge voor die Hof in verband waarmee die aanwesigheid van getuies of die oorlegging van 'n stuk of saak vereis word, kan die aanwesigheid van 'n getuie of die oorlegging van 'n stuk of saak verkry op die wyse in die reëls bepaal.
- (2) Wanneer iemand wat gedagvaar is om as 'n getuie by verrigtinge aanwesig te wees of om 'n stuk of saak oor te lê, sonder redelike verskoning versuim om die dagvaarding te gehoorsaam en dit uit die relaas van die persoon wat die dagvaarding beteken het, of uit getuienis onder eed afgelê, blyk dat—
- (a) die dagvaarding beteken is aan die persoon aan wie dit gerig is en dat sy of haar redelike uitgawes, bereken ooreenkomstig die tarief kragtens artikel 42(1) van die Wet op die Hooggeregshof, 1959 (Wet No. 59 van 1959), aan hom of haar betaal of aangebied is; of
 - (b) hy of sy betekening ontwyk,
- of indien iemand wat ter voldoening aan 'n dagvaarding opgedaag het, versuim om aanwesig te bly, kan die Hof 'n lasbrief uitreik waarby gelas word dat hy of sy in hegtenis geneem en op 'n tyd en 'n plek in die lasbrief vermeld of so spoedig moontlik daarna voor die Hof gebring word.
- (3) Iemand wat kragtens so 'n lasbrief in hegtenis geneem word, kan daaronder aangehou word in 'n gevangenis of opsluitplek of ander aanhoudingsplek of in die bewaring van die persoon wat hom of haar in bewaring het, ten einde sy of haar aanwesigheid as 'n getuie te verseker of om 'n stuk of saak by die betrokke verrigtinge oor te lê: Met dien verstande dat 'n lid van die Hof hom of haar onder borgakte met of sonder borge vir sy of haar verskyning om getuienis af te lê of om 'n stuk of saak oor te lê soos vereis, kan vrylaat.
- (4) 'n Persoon wat kragtens subartikel (1) gedagvaar is om verrigtinge as 'n getuie by te woon of om 'n stuk of saak oor te lê, en wat sonder redelike verskoning versuim om aan so 'n dagvaarding gehoor te gee, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens drie maande.
- (5) Indien iemand wat ingevolge subartikel (3) 'n borgakte aangegaan het om te verskyn ten einde by sodanige verrigtinge getuienis af te lê of om 'n saak of stuk oor te lê, sonder redelike verskoning versuim om aldus te verskyn of om sodanige saak of stuk oor te lê, is so 'n persoon, afgesien van die verbeurdverklaring van sy of haar borggeld, skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

Manner in which witness may be dealt with on refusal to give evidence or produce documents

11. (1) Whenever any person who appears either in obedience to a subpoena or by virtue of a warrant issued under section 11 or who is present and is verbally required by the Court to give evidence in any proceedings—

- (a) refuses to take an oath or to make an affirmation;
- (b) having taken an oath or having made an affirmation, refuses to answer such questions as are put to him or her; or
- (c) refuses or fails to produce any document or thing which he or she is required to produce,

without any just excuse for such refusal or failure, the Court may adjourn the proceedings for any period not exceeding eight days and may, in the meantime, by warrant commit the person so refusing or failing to prison unless he or she sooner consents to do what is required of him or her.

(2) If any person referred to in subsection (1) again refuses at the resumed hearing of the proceedings to do what is so required of him or her, the Court may again adjourn the proceedings and commit him or her for a like period and so again from time to time until such person consents to do what is required of him or her.

(3) Nothing in this section contained shall prevent the Court from giving judgment in any matter or otherwise disposing of the proceedings according to any other sufficient evidence taken.

(4) No person shall be bound to produce any document or thing not specified or otherwise sufficiently described in the subpoena unless he or she actually has it in Court.

(5) When a subpoena is issued to procure the attendance of any person to give evidence or to produce any book, paper or document in any proceedings, and it appears—

- (a) that he or she is unable to give any evidence or to produce any book, paper or document which would be relevant to any issue in such proceedings; or
- (b) that such book, paper or document could properly be produced by some other person; or
- (c) that the compelling of his or her attendance would be an abuse of the process of the Court,

any member of the Court may, notwithstanding anything in this section contained, after reasonable notice by the Registrar to the party who sued out of the subpoena and after hearing that party in chambers if he or she appears, make an order cancelling such subpoena.

Witness fees

12. A witness in any matter before the Court shall be paid the allowance payable to a witness appearing in civil proceedings in the Supreme Court.

Appointment of Deputy President of Court

13. (1) The President of the Republic shall, at the request of the President of the Court, appoint a Deputy President of the Court from among the members of the Court.

(2) A Deputy President of the Court may be appointed as a member of the Court for the duration of his or her term of office or for such lesser period as the President of the Republic may determine.

(3) A Deputy President of the Court shall—

- (a) in the absence of the President of the Court, and if an Acting President of the Court has not been appointed in terms of section 99(8) of the Constitution, perform the functions of the President of the Court during the latter's absence; and
- (b) perform such other functions of the President of the Court as the latter may assign to him or her.

Wyse waarop met getuie gehandel kan word by weiering om getuienis af te lê of stukke oor te lê

11. (1) Wanneer iemand wat óf ter voldoening aan 'n dagvaarding óf uit hoofde van 'n lasbrief kragtens artikel 11 uitgereik, verskyn of aanwesig is en 5 mondeling deur die Hof versoek word om by verrigtinge getuienis af te lê—

(a) weier om 'n eed of plegtige verklaring af te lê;

(b) nadat hy of sy 'n eed of plegtige verklaring afgelê het, weier om die vrae te beantwoord wat aan hom of haar gestel word; of

(c) weier of versuim om 'n stuk of saak oor te lê waarvan die oorlegging 10 van hom of haar vereis word,

sonder dat daar grondige rede vir die weiering of versuim bestaan, kan die Hof die verrigtinge vir 'n tydperk van hoogstens agt dae verdaag en die persoon wat aldus weier of versuim intussen by lasbrief gevange sit tensy die persoon eerder instem om te doen wat van hom of haar verlang word.

15 (2) Indien 'n in subartikel (1) bedoelde persoon by die hervatting van die verhoor van die geding weer weier om te doen wat aldus van hom of haar verlang word, kan die Hof weer eens die verrigtinge verdaag en hom of haar vir 'n dergelike tydperk gevange sit en dit van tyd tot tyd herhaal totdat bedoelde persoon instem om te doen wat van hom of haar verlang word.

20 (3) Die bepalinge van hierdie artikel belet nie die Hof om in enige saak uitspraak te gee of die verrigtinge andersins af te handel op grond van ander voldoende getuienis wat afgeneem is nie.

(4) Niemand is verplig om 'n stuk of saak oor te lê wat nie in die dagvaarding vermeld of andersins genoegsaam beskryf is nie, tensy hy of sy dit werklik in die 25 Hof het.

(5) Wanneer 'n dagvaarding uitgereik word om die aanwesigheid van 'n persoon te verkry om by verrigtinge getuienis af te lê of 'n boek, stuk of dokument oor te lê, en dit blyk—

(a) dat hy of sy nie in staat is om getuienis te lewer of 'n boek, stuk of 30 dokument oor te lê wat by 'n geskilpunt in die geding ter sake sou wees nie; of

(b) dat so 'n boek, stuk of dokument behoorlik deur iemand anders oorgelê sou kon word; of

(c) dat om hom of haar te verplig om aanwesig te wees op misbruik van 35 geregtelike proses sou neerkom,

kan 'n lid van die Hof, ondanks enigiets in hierdie artikel vervat, na redelike kennisgewing deur die Griffier aan die party wat die dagvaarding uitgeneem het en nadat daardie party in kamers aangehoor is indien hy of sy verskyn, 'n bevel uitvaardig waarby die dagvaarding gekanselleer word.

40 Getuiegelde

12. 'n Getuie in 'n saak voor die Hof word die toelae betaal wat aan 'n getuie wat in siviele verrigtinge in die Hooggeregshof verskyn, betaalbaar is.

Aanstelling van Adjunkpresident van Hof

13. (1) Die President van die Republiek stel, op versoek van die President van 45 die Hof, 'n Adjunkpresident van die Hof aan vanuit die geledere van die Hof.

(2) 'n Adjunkpresident kan vir die duur van sy of haar ampstermyn as 'n lid van die Hof of vir sodanige korter tydperk as wat die President van die Republiek bepaal, aangestel word.

(3) 'n Adjunkpresident van die Hof—

50 (i) verrig in die afwesigheid van die President van die Hof, en indien 'n Waarnemende President van die Hof nie ingevolge artikel 99(8) van die Grondwet aangestel is nie, die werksaamhede van die President van die Hof gedurende laasgenoemde se afwesigheid; en

55 (ii) verrig sodanige ander werksaamhede van die President van die Hof as wat laasgenoemde aan hom of haar toewys.

Appointment of officers and staff of Court

14. (1) The Minister shall, subject to the laws governing the public service, on the request of and in consultation with the President of the Court, appoint for the Court a registrar, assistant registrars and other officers and staff whenever they may be required for the administration of justice or the execution of the powers and authorities of the Court. 5

(2) (a) The President of the Court may, in consultation with the Minister, from time to time appoint for the Court one or more persons to undertake such research or perform such other duties as the President of the Court may determine.

(b) The remuneration and other terms and conditions of service of a person appointed in terms of paragraph (a) shall be as determined, either generally or in any specific case, by the President of the Court in consultation with the accounting officer referred to in section 15(3). 10

(3) Whenever by reason of absence or incapacity the registrar or an assistant registrar is unable to carry out the functions of his or her office, or his or her office becomes vacant, the Minister may after consultation with the President of the Court, authorise any other competent officer of the public service to act in the place of the absent or incapacitated officer during such absence or incapacity or to act in the vacant office until the vacancy is filled: Provided that when any such vacancy has remained unfilled for a continuous period exceeding six months the matter shall be reported to the Public Service Commission. 15 20

(4) Any officer in the public service appointed under subsection (1) may simultaneously hold more than one of the offices mentioned in that subsection.

(5) The Minister may delegate to an officer in the Department of Justice any of the powers vested in him or her by this section. 25

Finances and accountability

15. (1) Expenditure in connection with the administration and functioning of the Court shall be defrayed from moneys appropriated by Parliament.

(2) Requests for the funds needed for the administration and functioning of the Court, as determined by the President of the Court after consultation with the Minister, shall be addressed to Parliament by the Minister in the manner prescribed for the budgetary processes of departments of state. 30

(3) The Director-General: Justice or an officer of the Department of Justice designated by him or her for such purpose shall, subject to the Exchequer Act, 1975 (Act No. 66 of 1975)— 35

(a) be charged with the responsibility of accounting for money received or paid out for or on account of the administration and functioning of the Court; and

(b) cause the necessary accounting and other related records to be kept, which records shall be audited by the Auditor-General. 40

Supreme Court may grant interim relief pending decision of Court

16. Any division of the Supreme Court shall have jurisdiction to grant an interim interdict or similar relief, pending the determination by the Court of any matter referred to in section 98(2) of the Constitution, notwithstanding the fact that such interdict or relief might have the effect of suspending or otherwise interfering with the application of the provisions of an Act of Parliament. 45

Short title

17. This Act shall be called the Constitutional Court Complementary Act, 1995.

Aanstelling van beamptes en personeel van Hof

14. (1) Die Minister stel, behoudens die wetsbepalings op die staatsdiens, op die versoek van en in oorleg met die President van die Hof, vir die Hof 'n griffier, assistent-griffiers en ander beamptes en personeel aan wanneer hulle vir 5 die regspleging of die uitoefening van die bevoegdheid en gesag van die Hof nodig is.

(2) (a) Die President van die Hof kan, in oorleg met die Minister, van tyd tot tyd vir die Hof een of meer persone aanstel ten einde sodanige navorsing te doen of sodanige ander pligte te verrig wat die President van die Hof bepaal.

10 (b) Die besoldiging en ander voorwaardes van diens van 'n persoon wat ingevolge paragraaf (a) aangestel is, word hetsy in die algemeen of in 'n bepaalde geval, deur die President van die Hof in oorleg met die rekenpligtige beampte bedoel in artikel 15(3) bepaal.

(3) Wanneer die griffier of 'n assistent-griffier weens afwesigheid of onbekwaamheid nie sy of haar ampspligte kan uitvoer nie of sy of haar amp vakant word, kan die Minister na oorleg met die President van die Hof, 'n ander bevoegde beampte in die staatsdiens magtig om in die plek van die afwesige of onbekwame beampte op te tree solank hy of sy aldus afwesig of onbekwaam is, of om in die vakante pos waar te neem totdat die vakature gevul word: Met dien 20 verstande dat wanneer so 'n vakature vir 'n ononderbroke tydperk van meer as ses maande nie gevul is nie, die aangeleentheid aan die Staatsdienskommissie gerapporteer moet word.

(4) 'n Kragtens subartikel (1) aangestelde beampte in die staatsdiens kan gelyktydig meer as een van die in daardie subartikel bedoelde ampte beklee.

25 (5) Die Minister kan aan 'n beampte in die Departement van Justisie enige bevoegdheid deleger wat by hierdie artikel aan hom of haar verleen word.

Finansies en rekenpligtigheid

15. (1) Uitgawes in verband met die administrasie en werksaamhede van die Hof word bestry uit fondse wat deur die Parlement bewillig word.

30 (2) Versoeke om die fondse wat vir die administrasie en werksaamhede van die Hof benodig word, soos deur die President van die Hof na oorleg met die Minister bepaal, word deur die Minister aan die Parlement gerig op die wyse wat vir begrotingsprosedures van staatsdepartemente voorgeskryf word.

(3) Die Direkteur-generaal: Justisie of 'n beampte van die Departement van 35 Justisie wat vir dié doel deur hom of haar aangewys word—

(a) is, behoudens die Skatkiswet, 1975 (Wet No. 66 van 1975), belas met die verantwoording van geld ontvang of uitbetaal vir die administrasie en werksaamhede van die Hof; en

40 (b) laat, behoudens die Skatkiswet, 1975, die nodige rekeningkundige en ander verwante aantekeninge hou, welke aantekeninge deur die Ouditeur-generaal geouditeer moet word.

Hooggeregshof kan tussentydse verligting verleen hangende beslissing van Hof

16. 'n Afdeling van die Hooggeregshof het regsbevoegdheid om 'n tussentydse interdik of soortgelyke verligting te verleen, hangende die beslissing van die Hof 45 oor enige aangeleentheid bedoel in artikel 98(2) van die Grondwet, niesteaande die feit dat sodanige interdik of verligting die opskorting van, of andersins inmenging met, die toepassing van die bepalings van 'n Parlements wet sou kan meebring.

Kort titel

50 17. Hierdie Wet heet die Aanvullende Wet op die Konstitusionele Hof, 1995.

