

**MEMORANDUM ON THE OBJECTS OF THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA  
THIRD AMENDMENT BILL, 2003**

**1. OBJECTS OF BILL**

1.1 The Bill amends the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996) in two respects:

(a) Firstly, provision is made for a single "High Court of South Africa", consisting of the Divisions, with the areas of jurisdiction, as determined in terms of an Act of Parliament.

(b) Secondly, provision is made for the appointment of a second Deputy President of the Supreme Court of Appeal.

1.2 The amendments contained in the Bill are required in order to constitutionally sanction certain corresponding provisions of the Superior Courts Bill, 2003. The Superior Courts Bill will largely be giving effect to item 16(6) of Schedule 6 to the Constitution, in terms of which all courts must be rationalised with the view to establishing a judicial system suited to the requirements of the Constitution. This Bill aims to rationalise and to consolidate the laws pertaining to the Constitutional Court, the Supreme Court of Appeal and the High Courts, referred to collectively as the "Superior Courts". It also merges the Labour Court and the Labour Appeal Court with the proposed High Court of South Africa and the Supreme Court of Appeal, respectively.

**2. DEPARTMENTS/BODIES/PERSONS CONSULTED**

The Bill will be published for public comment in the *Gazette* in accordance with section 74(5)(a) of the Constitution.

**3. IMPLICATIONS FOR PROVINCES**

None.

**4. FINANCIAL IMPLICATIONS FOR STATE**

None.

**5. PARLIAMENTARY PROCEDURE**

The State Law Advisers and the Department of Justice and Constitutional Development are of the opinion that the Bill must be dealt with in accordance with the procedure established by section 74 (3) of the Constitution, since it amends provisions of the Constitution other than section 1, section 74 (1) or Chapter 2.