

ANNOUNCEMENT

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I wish to announce the determination of the Supreme Court on the Bill titled "**Judicature (Amendment)**" in respect of which petitions have been filed in the Supreme Court in terms of Article 121(1) of the Constitution.

The Supreme Court has determined that section 12A(1) of the Bill is inconsistent with the article 154P(3)(a) of the Constitution and an amendment is required to be made to the Constitution to give effect to the section 12A(1) of the Bill. This requires the Bill to be passed by a two-third majority. However, if the jurisdiction is conferred on the High Court of Provinces under article 154(P)(3)(C) like in Act No. 10 of 1996 and Act No. 54 of 2006 this amending section will cease to be inconsistent.

The amending section 12A(2) of the Bill requires the Judicial Service Commission to nominate judges to the Permanent High Court at Bar. This is inconsistent with the article 154(P)2 of the Constitution and an amendment is required to be made to the Constitution to give effect to the section 12A(2) of the Bill which requires a two-third majority. However, if 12A(2) of the Bill is removed and Article 154P(2) remains as it is this inconsistency will cease.

The amending section 12(A)(7) is inconsistent with Article 12(1) of the Constitution. However, if the Chief Justice is given the power to decide whether to hold a trial at Bar or not this amending section will cease to be inconsistent.

I order that the determination of the Supreme Court be printed in the Official Report of today's proceedings.