



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

Presentation to NAPC on Constitutional Court judgments that require an action

Date: 2021.09.02



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Progress report:

Electoral Act, 1998 (Act No. 73 of 1998)

Regarding: *New Nation Movement NPC and Others v President of the Republic of South Africa and Others [2020] ZACC 11 (11 June 2020)*

Suspension of the order lapses 10 June 2022. No read-in provision was provided.

- The Department of Home Affairs was scheduled to brief the Portfolio Committee on the report it received from the advisory panel and the progress made in order to introduce the legislation. The meeting was however postponed. CLSO is currently preparing a letter to the Department to enquire as to the progress on this Bill.

Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000

Regarding: *Qwelane v South African Human Rights Commission and Another [2021] ZACC 22 (30 July 2021)*

A read in provision was provided, and will apply during the suspension period as well as after the suspension had lapsed. No gap in the law.

- The Department referred to this judgment during a briefing made on 18 August 2021 to the Portfolio Committee. The Department distinguished this judgment from the Prevention & Combating of Hate Crimes & Hate Speech Bill and confirmed that an amendment to address this order will be drafted. CLSO is currently preparing a letter to the Department to enquire as to the progress on this Bill.



THE END