

PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

NO. 3405

1 August 2025

ADV. GLYNNIS BREYTENBACH, MP

**NOTICE OF INTENTION TO INTRODUCE A PRIVATE MEMBER'S
BILL AND INVITATION FOR COMMENT ON THE DRAFT,
NAMELY THE CONSTITUTION TWENTY-SECOND¹ AMENDMENT
BILL, 2025**

Adv. Glynnis Breytenbach, MP, acting in accordance with section 73(2) of the Constitution of the Republic of South Africa, 1996, intends to introduce the Constitution Twenty-Second Amendment Bill, 2025, ("the draft Bill") in Parliament, and hereby publishes the attached Bill for public comment in accordance with section 74(5) of the Constitution, read with Rule 295(1) and (2) of the Rules of the National Assembly (9th Edition) and section 154(2) of the Constitution.

Organised local government, municipalities, interested parties and institutions are invited to submit written representations on the proposed content of the draft Bill to the Speaker of the National Assembly within 30 days of the publication of this notice. Representations can be delivered to the Speaker, New Assembly Building, Parliament Street, Cape Town; mailed to the Speaker, PO Box 15, Cape Town, 8000; or emailed to speaker@parliament.gov.za and copied to legislation@da.org.za.

¹ This is a temporary number. The number of the Constitutional Amendment Bill will be confirmed upon introduction of the Bill.

REPUBLIC OF SOUTH AFRICA

CONSTITUTION TWENTY-SECOND AMENDMENT BILL

*(As introduced in the National Assembly (proposed section 74(3);
Draft Bill and prior notice of its introduction published in Government Gazette No. XXX of XXX)
(The English text is the official text of the Bill)*

(ADV G BREYTENBACH, MP)

[B#—2025]

ISBN [NUMBER]

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.

BILL

To amend the Constitution of the Republic of South Africa, 1996, so as to add to the list of citizens who are ineligible to become members of the National Assembly, a provincial legislature, and a Municipal Council, respectively; and to provide for matters connected therewith.

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

**Amendment of section 47 of the Constitution of the Republic of South Africa, 1996
as substituted by section 2 of the Constitution Fifteenth Amendment Act, 2008**

1. Section 47 of the Constitution of the Republic of South Africa, 1996, (hereinafter referred to as the “Constitution”) is hereby amended—

- (a) by the deletion in subsection (1) of “or” at the end of paragraph (d);
- (b) by the substitution in subsection (1) for the full stop at the end of paragraph (e) of the expression “; or”; and
- (c) by the addition in subsection (1) after paragraph (e) of the following paragraph:
 “(f) any former judge who, on the ground of gross misconduct or any person appointed in terms of Chapter 9, who on the ground of misconduct was removed from office by the President in terms of the Constitution.”.

Amendment of section 106 of the Constitution, as substituted by section 4 of the Constitution Fourteenth Amendment Act, 2008

2. Section 106 of the Constitution is hereby amended—
- (a) by the deletion in subsection (1) of “or” at the end of paragraph (d);
 - (b) by the substitution in subsection (1) for the full stop at the end of paragraph (e) of the expression “; or”; and
 - (c) by the addition in subsection (1) after paragraph (e) of the following paragraph:
“(f) any former judge who, on the ground of gross misconduct or any person appointed in terms of Chapter 9, who on the ground of misconduct was removed from office by the President in terms of the Constitution.”.

Amendment of section 158 of the Constitution, as amended by section 4 of the Constitution Fifteenth Amendment Act, 2008

3. Section 158 of the Constitution is hereby amended by the substitution in subsection (1) for paragraph (c) of the following paragraph:
- “(c) anyone who is disqualified from voting for the National Assembly or is disqualified in terms of section 47(1)(c), (d), **[or]** (e) or (f) from being a member of the Assembly.”.

Short title and commencement

4. This Act is called the Constitution Twenty-Second Amendment Act, 2025, and comes into operation on a date determined by the President by proclamation in the *Gazette*.

**MEMORANDUM ON THE OBJECTS OF THE CONSTITUTION
TWENTY-SECOND AMENDMENT BILL, 2025**

1. INTRODUCTION

This Bill seeks to amend the Constitution of the Republic of South Africa, 1996 (“the Constitution”), by providing that a former judge or person appointed in terms of Chapter 9 who was previously removed from office by the President in terms of the Constitution on the ground of either gross misconduct or misconduct, as the case may be, is not eligible to become a member of Parliament, a provincial legislature, or a Municipal Council.

2. OBJECTS OF THE BILL

The purpose of the Constitution Twenty-Second Amendment Bill, 2025 (“the Bill”), is to amend sections 47, 106 and 158 of the Constitution to provide that a former judge or person appointed in terms of Chapter 9 who was previously removed from office by the President in terms of the Constitution on the ground of either gross misconduct or misconduct, as the case may be, is not eligible to become a member of Parliament, a provincial legislature, or a Municipal Council.

3. CONTENTS OF THE BILL

- 3.1. Clause 1 proposes an amendment to section 47 of the Constitution to provide that a former judge or person appointed in terms of Chapter 9 who was previously removed from office by the President in terms of the Constitution on the ground of either gross misconduct or misconduct, respectively, is not eligible to become a member of Parliament.

- 3.2. Clause 2 proposes an amendment to section 106 of the Constitution to provide that a former judge or person appointed in terms of Chapter 9 who was previously removed from office by the President in terms of the Constitution on the ground of either gross misconduct or misconduct, respectively, is not eligible to become a member of a provincial legislature.
- 3.3. Clause 3 proposes an amendment to section 158(1) of the Constitution to provide that a former judge or person appointed in terms of Chapter 9 who was previously removed from office by the President in terms of the Constitution on the ground of either gross misconduct or misconduct, respectively, is not eligible to become a member of a Municipal Council.
- 3.4. Clause 4 provides for the short title and date of commencement.

4. FINANCIAL IMPLICATIONS FOR THE STATE

None

5. CONSULTATIONS

None

6. PARLIAMENTARY PROCEDURE

- 6.1. The Member proposes that the Bill must be dealt with in accordance with the procedure established by section 74(3) of the Constitution since its object is to amend a section within Chapter 4 and Chapter 6 of the Constitution of the Republic of South Africa, 1996.
- 6.2. The Member is of the opinion that the Bill may be referred to the National House of Traditional and Khoi-San Leaders in terms of 39(1)(a) of the Traditional and Khoi-San Leadership Act, 2019 (Act No. 3 of 2019), as it contains provisions pertaining to a matter referred to in section 154(2) of the Constitution.