

**Inclusion of amendment of Section 176 of the Constitution in the Constitution Amendment Bill**

**Amendment of section 176 of Constitution, as amended by section 15 of Constitution Sixth Amendment Act of 2001**

10. Section 176 of the Constitution is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

"(1) A judge of the Constitutional Court [judge], the Supreme Court of Appeal or the High Court of South Africa holds office **[for a non-renewable term of 12 years, or]** until he or she attains the age of 70, **[whichever occurs first, except where]** or until he or she is discharged from active service in terms of an Act of Parliament [extends the term of office of a Constitutional Court judge]."; and

(b) by the deletion of subsection (2).

## Revised provision of section 61(2)

### Labour Matters Special Division

61. (1) ...

(2) (a) On the date of the commencement of this section, any person who, immediately before that date, held office as a judge of the Labour Court, but not as a judge of a Superior Court, becomes a judge of the Labour Matters Special Division and his or her name must be entered on the list referred to in section 8(4)(a).

(b) In respect of each judge referred to in paragraph (a), a vacancy of the office of a judge must be deemed to have arisen in the General Division having jurisdiction where that judge is ordinarily stationed.

(c) A judge referred to in paragraph (a) must be given the first opportunity to apply for a vacancy referred to in paragraph (b) and, should he or she be found to be a fit and proper person for appointment as a judge of the General Division in question, the Judicial Service Commission must advise the President that he or she be so appointed.

(3) If a judge referred to in subsection (2) is not appointed as a judge of a General Division or chooses not to apply for such appointment in terms of subsection (2)(c), he or she continues to hold office as a judge of the Labour Matters Special Division for the remainder of the term for which he or she had been appointed as a judge of the Labour Court.