

AFRICAN NATIONAL CONGRESS (ANC)

2 APRIL 1996

Limitation of rights

35. (1) The rights in the Bill of Rights may be limited in terms of law of general application only to the extent that the limitation is justifiable in an open and democratic society based on human dignity, equality and freedom which must be determined taking into account -
- (i) the nature of the right;
 - (ii) the importance of the purpose of the limitation;
 - (iii) the nature and extent of the limitation
 - (iv) whether the limitation is related to the purpose;
 - (v) whether the purpose of the limitation can reasonably be achieved through less restrictive means.
- (2) Except as provided in subsection (1) and (2) or in any other provision of the Constitution, no law may limit any right entrenched in the Bill of Rights.