

**Statement by the President of the Constitutional Court, A Chaskalson,  
on the procedure for objections to the New Constitution.**

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**Certification of the New Constitution by the Constitutional Court**

1. The interim Constitution of 1993 requires the Constitutional Assembly to draft and adopt a new Constitution which must comply with the 34 Constitutional Principles set out in schedule 4 to the interim Constitution.
2. For the new Constitution to be valid and come into effect the Constitutional Court must certify that all its provisions comply with these 34 principles.
3. The Constitutional Assembly adopted a new Constitution on the 8th May 1996. The Constitutional Court has now received a request from the Constitutional Assembly to certify that this Constitution complies with the Constitutional Principles.
4. In terms of the rules of the Constitutional Court political parties represented in the Constitutional Assembly are entitled to present argument to the Court as to whether or not the Constitution should be certified.
5. The Constitutional Court has decided that anyone else wishing to object to the certification of the new Constitution on the grounds that it does not comply with the Constitutional Principles, may do so subject to the following conditions:
  1. A written objection must be lodged with the Registrar of the Constitutional Court, Forum II, Braampark, 33 Hoofd Street, Braamfontein, 2017, by not later than 3pm on the 31st May 1996.
  2. The written objection must not be more than 1000 words. It must identify:
    1. The particular provision of or omission from the Constitution to which the objection is taken.
    2. The grounds for the objection.
    3. The relevant Constitutional Principles contained in schedule 4 with which the provision or omission does not comply.
6. The written objection may be in any of the official languages and must provide the name of the objector and an address to which communications to the objector can be directed. Objectors are required to lodge 25 copies of their objection with the Registrar of the Constitutional Court and to deliver a copy of the objection to the Executive director of the Constitutional Assembly at 9th Floor, Regis House, cnr Adderley and Church Streets, Cape Town or dispatch a copy by prepaid registered post to him at P O Box 15, Cape Town 8000, Fax (021) 24-1160.
7. The written objection must deal only with the objector's contention that the new Constitution does not comply with the Constitutional Principles. The Constitutional Court has no jurisdiction to consider the wisdom or merit of the terms of the new Constitution and any representations made regarding such matters would be irrelevant.

8. The Constitutional Court will consider all written objections lodged with the Registrar in accordance with the provisions set out above. Should it require an objection to be amplified, or written argument to be submitted to it in support of such objection, it will give further directions to the objector concerned.
9. A special session of the Constitutional Court will be convened to hear argument in public or whether the Constitution complies with the Constitutional Principles.
10. Oral argument will be heard on behalf of the following bodies or persons provided that they comply with directions given in terms of the rules of the Constitutional Court:
  1. The Constitutional Assembly.
  2. Any political party represented in the Constitutional Assembly.
  3. Any objector authorised by the Court to present oral argument to it, in terms of written directions given by it after consideration of the written objections lodged in terms of paragraph 5 hereof.
11. The public hearing will take place at the Constitutional Court, Forum II, Braampark, 33 Hoofd Street, Braamfontein, 2017. The date provisionally set for the commencement of the public hearing is the first July 1996.

A CHASKALSON  
PRESIDENT CONSTITUTIONAL COURT  
20 May 1996