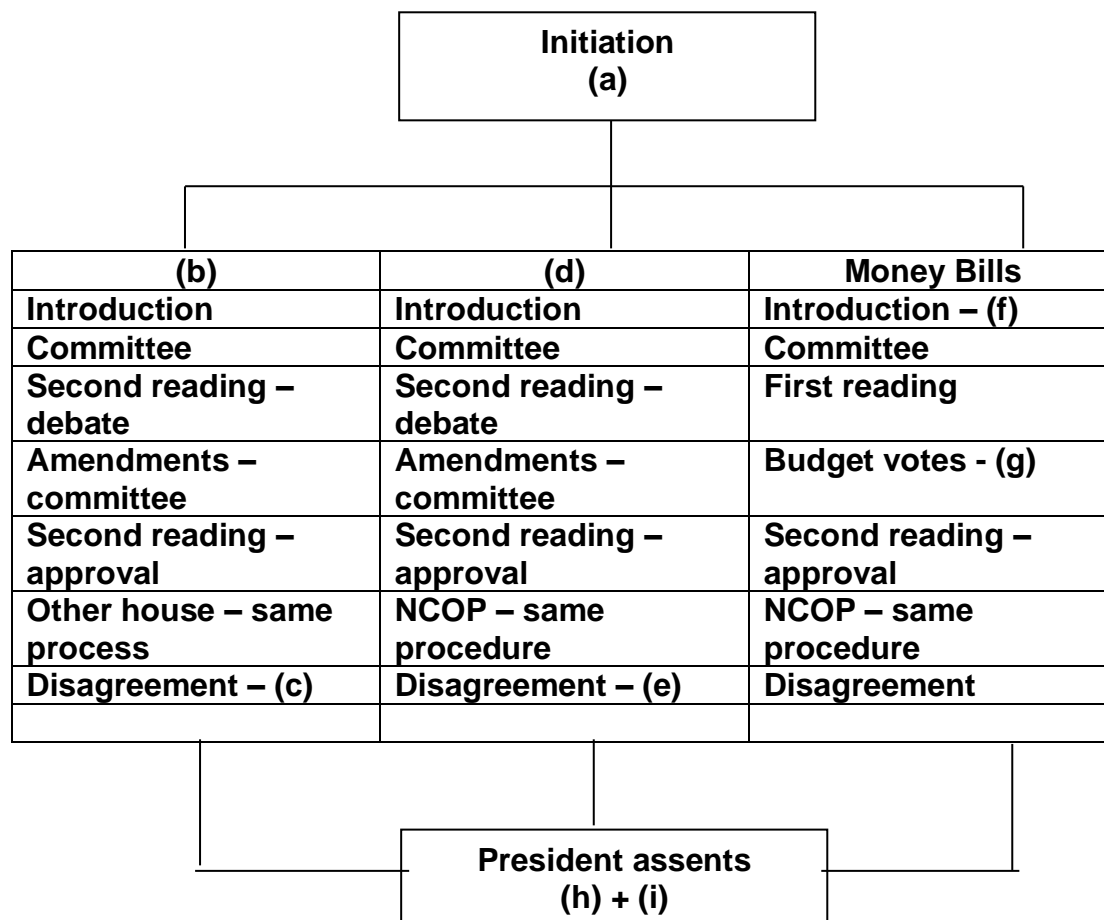


## QUESTION 1

Use the diagram about the legislative process to answer the questions below:



- a) Who initiates legislation? (2)
- b) What is the name of this type of bill that may be considered by parliament? (1)
- c) What happens when there is a disagreement between the houses of parliament about the type of bill you referred to in (b)? (2)
- d) What is the name of this type of bill that may be considered by parliament? (1)
- e) What happens when there is a disagreement between the houses of parliament about the type of bill you referred to in (d)? (1)
- f) Who must introduce money bills? (1)
- g) What are budget votes? (1)
- h) May the president veto a bill that he disagrees with? Motivate your answer. (2)

.../2

- i) If the president has a reservation about a bill which has been passed by parliament, what remedies are available to the president and what type of reservations would suffice? (5)

[16]

## QUESTION 2

You are approached by a member of an opposition party in Parliament who is aggrieved by President Ramaphosa's failure to take a decisive stand on Russia's forceful attack and invasion of the Ukraine. Your client requests your advice on whether there is any way to remove President Ramaphosa before his term ends. Advise your client in detail, **with reference to relevant constitutional provisions and case law**, on the routes available to remove a sitting president, the grounds and procedures for removal in terms of those routes and the consequences of each route. Also advise the client on the best approach in terms of this set of facts and the client's prospects of success.

[18]

## QUESTION 3

3.1) Read the following extract and answer the question that follows:

*"Section 165(2) provides that*

*'[t]he courts are independent and subject only to the Constitution and the law, which they must apply impartially and without fear, favour or prejudice.'*

*Judicial independence and impartiality are also implicit in the rule of law which is foundational to the Constitution, and in the separation of powers demanded by the Constitution."* - *S v Van Rooyen* [2002] ZACC 8; 2002 (5) SA 246 (CC) par 17

Critically discuss the mechanisms for ensuring the independence and impartiality of the judiciary in South African law. (6)

3.2) While the Constitutional Court *must* declare any law or conduct that is inconsistent with the Constitution invalid, it *may* make any order that is just and equitable. Explain how the Constitutional Court could exercise its discretion to limit the effect of a declaration of invalidity, and why it would do so. (4)

[10]

## QUESTION 4

4.1) Briefly explain why it would be beneficial for the South African provinces to adopt a provincial constitution. (4)

4.2) Explain what would happen in the following circumstances:

a) The parliament has adopted legislation on a matter within the exclusive legislative powers of a province. (2)

.../3

b) The parliament has adopted legislation on a concurrent legislative matter. The national law and provincial law of the Gauteng province contains conflicting provisions. (4)

c) The North West province has refused to adopt legislation on a matter that is within its exclusive legislative powers. (2)

**[12]**

### **QUESTION 5**

*“Despite these [constitutional] changes, local government remains subject to the other spheres of government and under their control.” - Rautenbach and Venter Rautenbach-Malherbe Constitutional Law (2019) 237*

Briefly explain this statement by referring to examples of instances of control that show that other spheres of government still exercise wide powers over local government and local government matters. [4]

**TOTAL: 60**