



NAVIGATING THE LEGISLATIVE LANDSCAPE

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HOW IS LAW MADE IN SOUTH AFRICA?

Use this handy guide
to understand the

Legal Lingo

involved and the steps
from BILL to ACT.

Need the right answer that will stand up in court?

Don't hit 'I'm feeling lucky'. Ask your Law Librarian for free access to SA National Legislation (NetLaw) from Sabinet. Easy access to all the legislative information, when and where you need it.



Scan this code to access
the CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA

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GREEN PAPER



Originally named because it was printed on Green Paper. It is the first step towards proposed legislation and gives several alternatives to policy solutions. The public and stakeholders are invited to comment.

WHITE PAPER



More authoritative than the Green Paper. Signifies government's clear intention to make policy. Sets out changes to current laws and is more defined than the Green Paper.

Sabinet's Bill Tracker and Parliamentary Documents Service tracks Bills every step of the way from their first discussion in Parliament as they develop from Draft Bills into Bills and are signed into law by the President and are finally consolidated and updated as Acts.



DRAFT BILL



Combination of the Green and White Paper. Drafted by a government department. Private Bills are drafted by opposition parties.

BILL



First introduced in the National Assembly by either a Cabinet Minister, Deputy Minister or committee member. The process that needs to be followed depends on the tagging of the Bill.

A BILL CAN BE TAGGED IN ANY ONE OF THESE 4 CATEGORIES

SECTION 74 BILLS

Amendments to the Constitution

SECTION 75 BILLS

Ordinary Bills not affecting the provinces

SECTION 76 BILLS

Ordinary Bills affecting the provinces

SECTION 77 BILLS

Money Bills that deal with taxes, duties & levies

Refer to diagrams on pages 10-13

Did you know?

The very first Private Bill to be passed by Parliament was the Labour Relations Amendment Bill, which will give fathers 10 days parental leave.



PARLIAMENT



Laws are made by Parliament – the national legislature of South Africa. The function of passing new laws, amending existing laws and repealing or abolishing old laws is guided by the Constitution of South Africa.

NATIONAL ASSEMBLY (NA)



The National Assembly is elected to represent the people and to ensure democratic governance as required by the Constitution. The National Assembly consists of no fewer than 350 and no more than 400 members elected through a system of proportional representation.

The National Assembly, which is elected for a term of five years, is presided over by the speaker and assisted by the deputy speaker.

NATIONAL COUNCIL OF PROVINCES (NCOP)



The NCOP consists of 54 permanent members and 36 special delegates, and represents provincial interests in the national sphere of government. Delegations consist of 10 representatives from each province.

Did you know?

Both Houses of Parliament – the National Assembly and the National Council of Provinces – play a role in the process of making laws.



VARIOUS MUNICIPALITIES



Metropolitan Municipalities (Category A)

They have executive authority in the whole area – Cape Town, Johannesburg and Tshwane.

Local Municipalities (Category B)

They share municipal executive and legislative authority in an area with a category C Municipality – areas such as Midvaal and Lesedi.

District Municipality (Category C)

They have municipal, executive and legislative authority in an area that includes more than one municipality – areas such as West Rand and Sedibeng.

PROMULGATION



To put a law/piece of legislation into effect by way of publication in a Gazette.

ASSENT/ED



The act of the President agreeing to and signing the Bill.

Sabinet's Municipal By-Laws offers complete full text access to all By-Laws in force and applicable in Municipalities in all nine provinces, from 1995 to the present day.

THE EXECUTIVE



The President is the head of the state and of the national executive. He exercises executive authority together with other members of the Cabinet, namely the Deputy President and Ministers. The executive develops policy and must account for its actions and policies to Parliament.

THE JUDICIARY



Made up of the courts, such as the Constitutional Court, the Supreme Court of Appeal, High Courts, Magistrates' Courts and other courts established or recognised through an Act of Parliament.

The head of the Constitutional Court is also the Chief Justice of South Africa.

SECTION 75 & SECTION 77 BILLS

Ordinary Bills NOT AFFECTING the provinces and money Bills



A Bill is introduced in the National Assembly by a minister, portfolio committee or Assembly member

Discussed and amended by portfolio committee

Debated in the National Assembly



Rejected



Passed

Tabled in National Council of Provinces



Public participation throughout process



Discussed by select committee

Debated in National Council of Provinces



Amended or rejected

Back to National Assembly

Passed by National Assembly (with or without amendments)



Passed



Signed into law by the President

SECTION 76 BILLS

Ordinary Bills AFFECTING the provinces



A Bill is introduced first in the National Assembly or National Council of Provinces

Discussed and amended by portfolio committee

Debated in National Assembly



Rejected



Passed



Public participation throughout process

Tabled in National Council of Provinces



Discussed by select committee

Debated in National Council of Provinces



Amended or rejected



Back to the National Assembly



Passed



Accepted



Rejected



Mediation Committee



Compromise



No compromise



Lapses after 30 days



Rejected



National Assembly passes with two-thirds majority



Signed into law by the President

Did you know?

Section 74 Bills are similar to Section 76 Bills. However, for Section 76 Bills to be signed into law, at least 75% of the National Assembly and six provinces must pass the Bill. There has never been a Section 74 Bill passed in Parliament.





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