

REPUBLIC OF SOUTH AFRICA

**CONSTITUTION
TWENTY-FOURTH
AMENDMENT BILL**

*(As introduced in the National Assembly (proposed section 74(3)(b)); (Draft Bill and prior notice of its introduction published in Government Gazette No. 53099 of 1 August 2025)
(The English text is the official text of the Bill)*

(ADV G BREYTENBACH, MP)

Amendment of section 158 of Constitution of the Republic of South Africa, 1996, as amended by section 4 of the Constitution Fifteenth Amendment Act, 2008

3. Section 158 of the Constitution is hereby amended by the substitution in subsection (1) for paragraph (c) of the following paragraph:

“(c) anyone who is disqualified from voting for the National Assembly or is 5
disqualified in terms of section 47(1)(c), (d), **[or]** (e) or (f) from being a
member of the Assembly.”.

Short title and commencement

4. This Act is called the Constitution Twenty-Fourth Amendment Act, 2026, and comes into operation on a date determined by the President by proclamation in the 10
Gazette.

MEMORANDUM ON THE OBJECTS OF THE CONSTITUTION TWENTY-FOURTH AMENDMENT BILL, 2026

1. INTRODUCTION

The Constitution Twenty-Fourth Amendment Bill, 2026 (“the Bill”) seeks to amend the Constitution of the Republic of South Africa, 1996 (“the Constitution”), by providing that a former judge or person appointed in terms of Chapter 9 who was previously removed from office by the President in terms of the Constitution on the ground of either gross misconduct or misconduct, as the case may be, is not eligible to become a member of Parliament, a provincial legislature, or a Municipal Council.

2. OBJECTS OF BILL

The purpose of the Bill is to amend sections 47, 106 and 158 of the Constitution to provide that a former judge or person appointed in terms of Chapter 9 who was previously removed from office by the President in terms of the Constitution on the ground of either gross misconduct or misconduct, as the case may be, is not eligible to become a member of Parliament, a provincial legislature, or a Municipal Council.

3. CONTENTS OF BILL

- 3.1. Clause 1 proposes an amendment to section 47 of the Constitution to provide that a former judge or person appointed in terms of Chapter 9 who was previously removed from office by the President in terms of the Constitution on the ground of either gross misconduct or misconduct, as the case may be, is not eligible to become a member of Parliament.
- 3.2. Clause 2 proposes an amendment to section 106 of the Constitution to provide that a former judge or person appointed in terms of Chapter 9 who was previously removed from office by the President in terms of the Constitution on the ground of either gross misconduct or misconduct, as the case may be, is not eligible to become a member of a provincial legislature.
- 3.3. Clause 3 proposes an amendment to section 158(1) of the Constitution to provide that a former judge or person appointed in terms of Chapter 9 who was previously removed from office by the President in terms of the Constitution on the ground of either gross misconduct or misconduct, as the case may be, is not eligible to become a member of a Municipal Council.
- 3.4. Clause 4 provides for the short title and date of commencement.

4. FINANCIAL IMPLICATIONS FOR THE STATE

None.

5. CONSULTATIONS

None.

6. PARLIAMENTARY PROCEDURE

- 6.1. The Member proposes that the Bill must be dealt with in accordance with the procedure established by section 74(3)(b) of the Constitution since its object is to amend a section within Chapter 4 and Chapter 6 of the Constitution of the Republic of South Africa, 1996.
- 6.2. The Member is of the opinion that the Bill may be referred to the National House of Traditional and Khoi-San Leaders in terms of 39(1)(a) of the Traditional and Khoi-San Leadership Act, 2019 (Act No. 3 of 2019), as it contains provisions pertaining to a matter referred to in section 154(2) of the Constitution.