

No. R. 405

28 March 2003

THE CONSTITUTIONAL COURT

NOTICE IN TERMS OF RULE 4(8) OF THE RULES OF THE CONSTITUTIONAL COURT MADE BY THE CHIEF JUSTICE UNDER SECTION 171 OF THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996 (ACT NO.108 OF 1996), AND SECTION 16 OF THE CONSTITUTIONAL COURT COMPLEMENTARY ACT, 1995 (ACT NO.13 OF 1995) AS AMENDED:

Case CCT 48/02

IN THE MATTER OF -

KATHLEEN MARGARET SATCHWELL

Applicant

versus

THE PRESIDENT OF THE REPUBLIC
OF SOUTH AFRICA

First Respondent

THE MINISTER OF JUSTICE AND
CONSTITUTIONAL DEVELOPMENT

Second Respondent

ORDER OF COURT

On 17 March 2003 the Constitutional Court made the following order in the above-mentioned case:

1. the omission from sections 9 and 10 of the Judges' Remuneration and Conditions of Employment Act, 47 of 2001, after the word "spouse" of the words " or partner, in a permanent same-sex life partnership in which

- the partners have undertaken reciprocal duties of support” is inconsistent with the Constitution;
2. sections 9 and 10 of the Judges’ Remuneration and Conditions of Employment Act, 47 of 2001, are to be read as though the following words appear therein after the word “spouse” – “or partner, in a permanent same-sex life partnership in which the partners have undertaken reciprocal duties of support”;
 3. the omission from regulations 12(2) and 13(2) of the regulations promulgated under the Judges’ Remuneration and Conditions of Employment Act, 47 of 2001, and published in GN R894 dated 5 July 2002 after the word “spouse” of the words “ or partner, in a permanent same-sex life partnership in which the partners have undertaken reciprocal duties of support” is inconsistent with the Constitution; and
 4. regulations 12(2) and 13(2) of the regulations promulgated under the Judges’ Remuneration and Conditions of Employment Act, 47 of 2001, and published in GN R894 dated 5 July 2002 are to be read as though the following words appear therein after the word “spouse”- “or partner, in a permanent same-sex life partnership in which the partners have undertaken reciprocal duties of support.”

Thus done at JOHANNESBURG on 17 March 2003.


SB MADONSELA

REGISTRAR: CONSTITUTIONAL COURT