

REPUBLIC OF SOUTH AFRICA

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# CONSTITUTION EIGHTEENTH AMENDMENT BILL

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*(As introduced in the National Assembly (proposed section 74); explanatory summary of  
Bill and prior notice of its introduction published in Government Gazette No. 47665  
of 9 December 2022)  
(The English text is the official text of the Bill)*

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(MINISTER OF JUSTICE AND CORRECTIONAL SERVICES)

[B 1—2023]

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**GENERAL EXPLANATORY NOTE:**

[                    ]    Words in bold type in square brackets indicate omissions from existing enactments.

\_\_\_\_\_            Words underlined with a solid line indicate insertions in existing enactments.

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## **BILL**

**To amend the Constitution of the Republic of South Africa, 1996, so as to recognise South African Sign Language as one of the official languages of the Republic; and to provide for matters incidental thereto.**

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

### **Amendment of section 6 of Constitution**

1. Section 6 of the Constitution is hereby amended—
- (a) by the substitution for subsection (1) of the following subsection: 5  
    “(1) The official languages of the Republic are Sepedi, Sesotho, Setswana, siSwati, Tshivenda, Xitsonga, Afrikaans, South African Sign Language, English, isiNdebele, isiXhosa and isiZulu.”; and
  - (b) by the substitution for paragraph (a) of subsection (5) of the following paragraph: 10  
    “(a) promote, and create conditions for, the development and use of—
    - (i) all official languages; and
    - (ii) the Khoi, Nama and San languages; and
    - [(iii) sign language; and]**”.

### **Short title and commencement** 15

2. This Act is called the Constitution Eighteenth Amendment Act, 2023, and comes into operation on a date fixed by the President by proclamation in the *Gazette*.

## **MEMORANDUM ON THE OBJECTS OF THE CONSTITUTION EIGHTEENTH AMENDMENT BILL**

### **1. BACKGROUND AND OBJECTS OF BILL**

- 1.1 The purpose of the Bill is to amend section 6 of the Constitution of the Republic of South Africa, 1996 (“the Constitution”), in order to provide for the recognition of South African Sign Language as an official language of the Republic of South Africa.
- 1.2 The Bill seeks to advance the cultural acceptance of South African Sign Language and the Deaf culture.
- 1.3 The Bill also seeks to ensure the realisation of the rights of persons who are Deaf or Hard of Hearing to equal protection and benefit of the law and human dignity.
- 1.4 The Bill further seeks to promote inclusive and substantive equality and prevent or eliminate unfair discrimination on the ground of disability, as guaranteed in section 9 of the Constitution.

### **2. SUMMARY OF BILL**

- 2.1 The provisions of the Bill can be summarised as follows:

#### **2.1.1 Clause 1:**

Clause 1 of the Bill seeks to amend section 6 of Constitution by the substitution for subsection (1) to provide for South African Sign Language to be included as an official language of the Republic. Clause 1 also substitutes paragraph (a) of subsection (5) in order to delete sign language from this subsection, as its recognition as an official language caters for its promotion and conditions for its development and use.

#### **2.1.2 Clause 2:**

Clause 2 of the Bill contains the short title and provides that the Act comes into operation on a date fixed by the President by proclamation in the *Gazette*.

### **3. DEPARTMENTS/BODIES/PERSONS CONSULTED**

- 3.1 The Bill was developed in conjunction with the participation of the various Departments, namely Sport, Arts and Culture, Tourism, Cooperative Governance and Traditional Affairs and The Presidency.
- 3.2 Members of the Pan South African Language Board, FOSAD, Development Committee and the Justice, Crime Prevention and Security and Social Directors-General clusters were also consulted.

### **4. IMPLICATIONS FOR PROVINCES**

There are financial implications for provinces for the implementation of the Amendment Act, which must be determined and approved by each implementing Department, Municipality or entity once their implementation plans are prepared.

### **5. FINANCIAL IMPLICATIONS FOR STATE**

There are financial implications for the implementation of the Amendment Act, which must be determined and approved by each implementing Department or entity once their implementation plans are prepared.

**6. PARLIAMENTARY PROCEDURE**

- 6.1 The State Law Advisers and the Department of Justice and Constitutional Development are of the opinion that the Bill must be dealt with in accordance with the procedure established by section 74 of the Constitution as the Bill deals primarily with the amendment of the Constitution.
- 6.2 The State Law Advisers are of the opinion that it is not necessary to refer the Bill to the National House of Traditional and Khoi-San Leaders in terms of section 39(1)(a) of the Traditional and Khoi-San Leadership Act, 2019 (Act No. 3 of 2019), since the Bill does not contain any provision which directly affects customary law or the customs of traditional or Khoi-San communities.