**Constitutionalism**
Certification of the Constitution, 1996
Entrenched; supreme Constitution

**Chapter 9 Institutions**
New National Party
Liberal Party v IEC
IEC v Langeberg Municipality
ACDP v IEC

**SEPARATION OF POWERS**
De Lange v Smuts case
Heath case

**Democracy**
Richter case
August case

**Rule of law**

**NATIONAL SPHERE**
Executive Council of the WCape case
Fourie case
Mazibuko v City of JHB
TAC case
National Treasury v OUTA
Pillay case

**Legislature**
Pass, amend, repeal laws
Initiate/prepare legislation
Hold executive accountable
Oriani-Ambrosini case
National Assembly (400 members, elected by voters)
Murenik “Bridge”
De Lille case

**Executive**
Formulate policy
Implementation of law
Executive Council of the Western Cape case
Masethla case
President
Deputy President
Cabinet
Appointment and removal of President, etc.
(s 86, 89, 102)

**Judiciary**
Resolves disputes concerning interpretation and application of the Constitution (for CSL purposes)
SARFU case
Makwanyane; Hugo cases
Constitutional Court
Supreme Court of Appeal

**PROVINCIAL SPHERE**

**Legislature**
9 provincial legislatures
Murray and Nijzink

**Executive**
Premier
Premier of the Western Cape
Minister of Police v Premier of the WC

**Judiciary**
High Courts

**LOCAL SPHERE**

**Executive**
FedSure Life Assurance v JHB Metro Council
Joseph v City of JHB

**Judiciary**
Magistrates’ Court
(no constitutional jurisdiction)

**CO-OPERATIVE/ MULTILEVEL GOVERNMENT**
Rules for resolving conflicts:
Sch 4 [concurrent competencies] • national and provincial sphere can pass legislation, validly
If conflict: s 146 invoked and national legislation prevails

Sch 5 [exclusive competencies] • provincial sphere passes this legislation
If conflict: s 147 invoked, which refers to s 44(2). National legislation prevails

Robertson; Merafong; City of JHB Metro v Gauteng Development Tribunal
Premier of the Western Cape v Overberg District Municipality