CONSTITUTIONAL RIGHTS TO ADMINISTRATIVE JUSTICE

INTERIM CONSTITUTION\(^1\)

24 Administrative justice

Every person shall have the right to—

- (a) lawful administrative action where any of his or her rights or interests is affected or threatened;
- (b) procedurally fair administrative action where any of his or her rights or legitimate expectations is affected or threatened;
- (c) be furnished with reasons in writing for administrative action which affects any of his or her rights or interests unless the reasons for such action have been made public; and
- (d) administrative action which is justifiable in relation to the reasons given for it where any of his or her rights is affected or threatened.

1996 CONSTITUTION\(^2\)

33 Just administrative action

(1) Everyone has the right to administrative action that is lawful, reasonable and procedurally fair.

(2) Everyone whose rights have been adversely affected by administrative action has the right to be given written reasons.

(3) National legislation must be enacted to give effect to these rights, and must—

- (a) provide for the review of administrative action by a court or, where appropriate, an independent and impartial tribunal;
- (b) impose a duty on the state to give effect to the rights in subsections (1) and (2); and
- (c) promote an efficient administration.


SCHEDULE 6 TO THE 1996 CONSTITUTION

23 Bill of rights

(1) National legislation envisaged in sections 9(4), 32(2) and 33(3) of the new Constitution must be enacted within three years of the date on which the new Constitution took effect.

(2) Until the legislation envisaged in sections 32(2) and 33(3) of the new Constitution is enacted—
   
   (a) section 32(1) must be regarded to read as follows:
   
   ‘(1) Every person has the right of access to all information held by the state or any of its organs in any sphere of government in so far as that information is required for the exercise or protection of any of their rights.’; and
   
   (b) section 33(1) and (2) must be regarded to read as follows:
   
   ‘Every person has the right to—
   
   (a) lawful administrative action where any of their rights or interests is affected or threatened;
   
   (b) procedurally fair administrative action where any of their rights or legitimate expectations is affected or threatened;
   
   (c) be furnished with reasons in writing for administrative action which affects any of their rights or interests unless the reasons for such action have been made public; and
   
   (d) administrative action which is justifiable in relation to the reasons given for it where any of their rights is affected or threatened.’

(3) Sections 32(2) and 33(3) of the new Constitution lapse if the legislation envisaged in those sections, respectively, is not enacted within three years of the date the new Constitution took effect.

3 Schedule 6 deals with transitional arrangements.