

IN THE CONSTITUTIONAL COURT

CCT/1/95

In the matter between:

PEET RENS

Applicant

and

THE STATE

Respondent

DIRECTIONS GIVEN IN TERMS OF RULE 22

1. The Cape of Good Hope Provincial Division has referred the following issue to the Constitutional Court:

"Whether the provisions of Section 316 of the Criminal Procedure Act, 51 of 1977 relating to applications by an accused convicted of an offence before a superior court for leave to appeal against his conviction or sentence and providing in terms of Section 315(4) of the said Act that such appeal shall be only if such leave to appeal is granted and not as of right, are unconstitutional by reason of inconsistency with Section 25(3)(h) of the Constitution of the Republic of South Africa 1993 and of no force and effect pursuant to Section 4 of the Constitution."

2. The record in this matter shall consist solely of the judgement given by Mr. Justice Rose Innes on the 15th June 1994.
3. The Registrar is requested to cause the record to be prepared and lodged with the Registrar of the Constitutional Court by not later than 15 March 1995.
4. Subject to the provisions of these directions, the issue referred to in paragraph 1 will be disposed of in terms of Rule 22(4) of the rules of the Constitutional Court. The Applicant's argument shall be lodged with the Registrar of the Constitutional Court by not later than the 24th February 1995 and the Respondent's argument shall be lodged with the Registrar of the Constitutional Court by not later than 24th March 1995.
5. The matter has been set down for hearing before the Constitutional Court at Johannesburg at 10:00 a.m. on the 2nd May 1995.
6. The attention of the parties and the Registrar is drawn to the provisions of Rule 1(3) and Rule 32 (which incorporates Rule 62 of the Uniform Rules).

M. S. Nienaber

M.S. NIENABER
REGISTRAR