faxed & posted 20/10/95.

DEPARTMENT OF JUSTICE
REPUBLIC OF SOUTH AFRICA

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BRAAMFONTEIN
2017

Reference CCT 8/95

20 October 1995

To: Webber, Wentzel Bowens
Att: Mr P Reynolds/Mr M Fried
P.O. Box 61771
Marshalltown
2107

Van Der Walt & Hugo
c/oEdward Nathan & Friedland Inc.
Att: Mr E Van Wyk
P.O. Box 3370
Johannesburg
2000

DU PLESSIS AND OTHERS v DE KLERK AND ANOTHER CCT 8/95

I have been asked by the President of the Constitutional Court to communicate the following supplementary directions to you:

The appellants place relevance in their written argument on the provisions of section 35(3) of the Constitution. The parties are asked to consider and to address argument to the Court at the hearing, on the following matters:

i. In view of the finding by the judge in the court *a quo* that the proposed amendment does not raise the issue whether the common law of defamation should be developed to make it consistent with the Constitution, is it competent to raise this as an issue in the appeal; and if so

ii. Is the development of the common law within the jurisdiction of the Appellate Division or the Constitutional Court ~~of~~ or both courts?; and if the latter

iii. Should the appeal on this issue have been noted to the Appellate Division and dealt with by it in terms of section 102 (4) , (5) and (6) of the Constitution.

The parties are requested to lodge their written argument on these issues with me by not later than 15:00 on Friday 3 November 1995.

M.S. NIENABER
REGISTRAR