

- (2) The High Court of South Africa consists of the Divisions determined by an Act of Parliament, which Act must provide for—
  - (a) the establishing of Divisions, with one or two more seats in a Division; and
  - (b) the assigning of jurisdiction to a Division or a seat with a Division.
- (3) Each Division of the High Court of South Africa—
  - (a) has a Judge President;
  - (b) may have one or more Deputy Judges President; and
  - (c) has the number of other judges determined in terms of national legislation.

[S. 169 substituted by s. 5 of the Constitution Seventeenth Amendment Act of 2012.]

### **Other courts**

170. All courts other than those referred to in sections 167, 168 and 169 may decide any matter determined by an Act of Parliament, but a court of a status lower than the High Court of South Africa may not enquire into or rule on the constitutionality of any legislation or any conduct of the President.

[S. 170 substituted by s. 6 of the Constitution Seventeenth Amendment Act of 2012.]

### **Court procedures**

171. All courts function in terms of national legislation, and their rules and procedures must be provided for in terms of national legislation.

### **Powers of courts in constitutional matters**

172. (1) When deciding a constitutional matter within its power, a court—
  - (a) must declare that any law or conduct that is inconsistent with the Constitution is invalid to the extent of its inconsistency; and
  - (b) may make any order that is just and equitable, including—
    - (i) an order limiting the retrospective effect of the declaration of invalidity; and
    - (ii) an order suspending the declaration of invalidity for any period and on any conditions, to allow the competent authority to correct the defect.
- (2) (a) The Supreme Court of Appeal, the High Court of South Africa or a court of similar status may make an order concerning the constitutional validity of an Act of Parliament, a provincial Act or any conduct of the President, but an