

Amendments will curtail President's powers

President Cyril Ramaphosa will soon be unable to suspend the National Director of Public Prosecutions (NDPP) and the four deputy NDPPs indefinitely and without pay. The [Saturday Star](#) reports proposed amendments to the National Prosecuting Authority Act will clip Ramaphosa's powers as the new law states that the length of suspension may not exceed 12 months. As reported in [Legalbrief Today](#), the Judicial Matters Amendment Bill 2018 follows the Constitutional Court's confirmation in August of the decision of the Gauteng High Court (Pretoria) that parts of Section 12 of the NPA Act were constitutionally invalid to the extent that the section permits the suspension by the President of an NDPP and deputy NDPP for an indefinite period and without pay. **The new proposal states that when the NDPP and the deputies are provisionally suspended from office they shall receive their full salary for the duration of their suspension.** In December 2017, Gauteng Judge President Dunstan Mlambo, and Judges Natvarlal Ranchod and Willem van der Linde found the section of the Act allowing the President to extend the term of office of an NDPP who reaches the retirement age of 65 unconstitutional and invalid. The section empowers the President to extend the term of office by up to two years as long as it does not exceed 10 years. In the amendment Bill, the section giving the President powers to extend the NDPP'S term by up to two years upon reaching 65 has been completely deleted. If promulgated, the proposed amendments would mean newly-appointed NDPP Shamila Batohi, who turned 58 last month, will serve only seven years of her decade-long term of office.