



JUDICIAL CONDUCT COMMITTEE

Summary of the Ruling delivered by the Judicial Conduct Committee

The following summary is for the benefit of the public in the reporting of this matter.

Citation : Ncongwane v Judge van Zyl (Ref No.: JSC/1157/23)

Date issued : 26 July 2024

[1] This complaint was referred to the Judicial Conduct Committee (Committee) by the Deputy Chief Justice in her capacity as the Acting Chairperson of the Committee (Acting Chairperson) in terms of section 16(1) of the Judicial Service Commission Act¹ (the Act). In terms of section 16(4)² of the Act, the Committee must consider whether the complaint, if established, will *prima facie*, indicate incapacity, gross incompetence or gross misconduct by the respondent.

[2] The complainant was the applicant in a civil matter which he instituted against his wife for damages, when he discovered after their divorce, that he was not the biological father of the youngest of their three children, who was born during the subsistence of their marriage. Judge Van Zyl granted an order in December 2018 dismissing the complainant's case with costs and indicated that a written judgment would follow.

[3] Judge Van Zyl delivered her judgment almost five years from the date of hearing. In the result, the Committee recommended that this matter be referred to the Chairperson for an inquiry to be held in terms of section 17(2) of the Act will determine the merits of the complaint. The Committee pointed out that it cannot itself conduct such an inquiry.

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¹ Act 9 of 1994.