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18 August 2026

JUDICIAL SERVICE COMMISSION MEDIA ANNOUNCEMENT

THE JUDICIAL SERVICE COMMISSION INVITES PUBLIC COMMENTS ON REVISED PROCEDURES FOR SHORTLISTING, INTERVIEWING AND RECOMMENDING CANDIDATES FOR JUDICIAL APPOINTMENT AND REGARDING BREACHES OF MEMBERS' DUTIES OF CONFIDENTIALITY, LAW AND ETHICAL STANDARDS

The Judicial Service Commission (JSC) invites members of the public, the legal profession, civil society organisations and other interested stakeholders to submit comments on its revised Procedures for Shortlisting, Interviewing and Recommending Candidates for Judicial Appointment and Regarding Breaches of Members' Duties of Confidentiality, Law and Ethical Standards ("the revised Procedures").

The revised Procedures have been developed pursuant to the JSC's constitutional mandate to determine its own procedures and follow a review of the procedures previously published by the Minister in the Government Gazette No. 41547 of 29 March 2018. The revised Procedures are intended to provide a clear and transparent framework governing the JSC's processes relating to judicial appointments, including the nomination of candidates, shortlisting, publication of shortlisted candidates, interviews, confidential deliberations, voting and recommendations to the President.

The revised Procedures further address the transfer of Judges from one High Court to another and set out the JSC's approach where there is a reasonable basis to consider that a member of the Commission may have breached his or her duties of confidentiality, legal obligations and/or applicable ethical and professional standards. Among other matters, the revised Procedures provide that:

- vacancies in the judiciary will be publicly announced and nominations invited;
- members of the JSC may make motivated submissions to the Screening Committee regarding candidates they consider should be included on the shortlist;
- shortlisted candidates will be published for public comment;
- all shortlisted candidates will ordinarily be interviewed by the JSC, unless a candidate withdraws his or her candidacy;
- interviews will be open to the public and the media;
- deliberations concerning candidates will take place in private;
- voting will be conducted by secret ballot on a “per candidate” basis;
- a candidate must obtain the prescribed majority of votes to be recommended for appointment;
- the names of candidates recommended for appointment will be publicly announced following the voting process;
- the JSC will provide the President with the names of recommended candidates together with the reasons for the recommendations, as distilled and recorded by the Chairperson; and
- breaches of confidentiality, legal obligations and applicable ethical and professional standards by members of the Commission are to be referred to the relevant designating body or appointing power, with a request that they take appropriate steps in relation to the removal, replacement or discipline of that member.

The revised Procedures were approved by the JSC on 13 April 2026, subject to the public consultation process. The JSC accordingly invites interested persons and organisations to submit written comments on the revised Procedures. Members of the public and stakeholders are encouraged, in particular, to provide comments on whether the revised Procedures adequately provide for:

1. transparency and openness in the judicial appointment process;
2. fairness and consistency in the consideration of candidates;
3. meaningful public participation in relation to shortlisted candidates;
4. accountability and integrity in the work of the Commission;

5. appropriate safeguards for confidential information and deliberations;
6. compliance with the constitutional and legislative framework governing the JSC; and
7. appropriate mechanisms for addressing breaches of confidentiality, legal obligations and applicable ethical and professional standards by members of the Commission.

Written submissions should clearly identify the provision or provisions of the revised Procedures to which the comments relate and, where appropriate, should propose alternative wording or amendments. Persons / Organisations who wish to hand-deliver their written comments may do so either at the **Office of the Chief Justice, based at 188, 14th Road, Noordwyk, Midrand** or alternatively at the **Constitutional Court**.

Written comments should be submitted to:

The Secretariat of the JSC

Office of the Chief Justice

Private Bag X10, Marshalltown

Johannesburg, 2017

Tel : (010) 493 2633 alternatively

Email : MSongca@judiciary.org.za and SMthombeni@judiciary.org.za

Cc : JSC@judiciary.org.za

OR

The Registrar's Office

Constitutional Court of South Africa

1 Hospital Street

Braamfontein

2017

Comments must be received by **17 September 2026**. The revised Procedures are available on the South African Judiciary website: <https://tinyurl.com/4cdaajhh>, alternatively on the Constitutional Court website: www.concourt.org.za.

The JSC will consider all substantive comments received within the prescribed period before determining the final form of the revised Procedures.

The JSC appreciates the participation of members of the public and stakeholders in strengthening the transparency, integrity and effectiveness of the judicial appointment process.

(Electronically transmitted)

Ms Mbali Songca

Secretariat: Judicial Service Commission

