

JUDICIARY ANNUAL REPORT

2020/21







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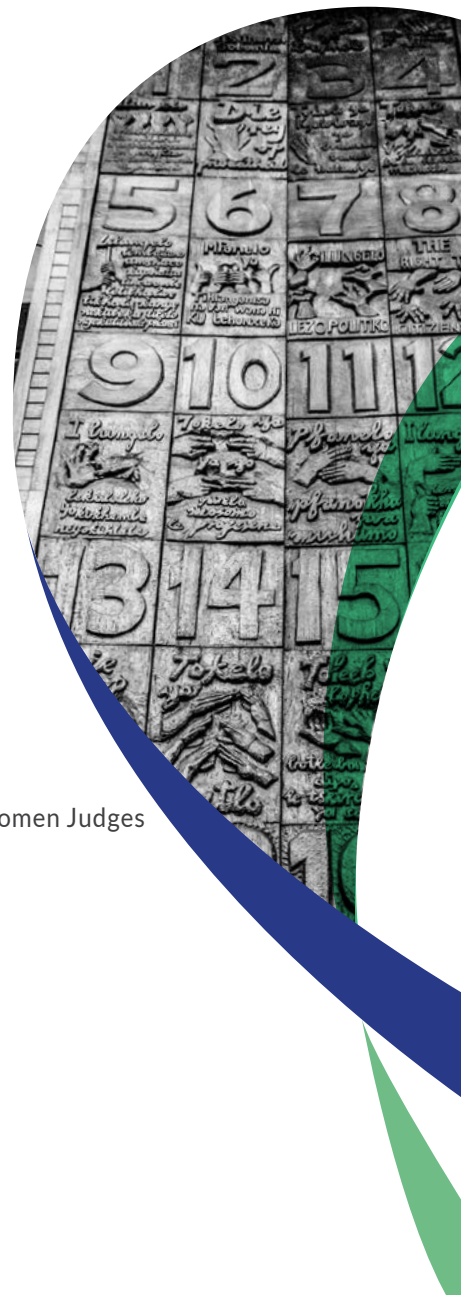
2020/21

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LIST OF ABBREVIATIONS

ARMSA	Association of Regional Magistrates of Southern Africa
CAOSA	Community Advice Offices of South Africa
CCJA	Conference of Constitutional Jurisdictions of Africa
CMF	Chief Magistrates' Forum
CPA	Criminal Procedure Act 51 of 1977
DoJ&CD	Department of Justice and Constitutional Development
IARMJ	International Association of Refugee and Migration Judges
ICT	Information and Communication Technology
ILF	International Legal Foundation
JAC	Judicial Accountability Committee
JCC	Judicial Conduct Committee
JP	Judge President
JSC	Judicial Service Commission
KPI	Key Performance Indicator
NADEL	National Association of Democratic Lawyers
NBEB	National Bar Examination Board
NCCS	National Council for Correctional Services
NDP	National Development Plan
NEC	National Executive Committee
NEEC	National Efficiency Enhancement Committee
OCJ	Office of the Chief Justice
PEEC	Provincial Efficiency Enhancement Committee
PIC	Public Investment Corporation
SAC- IAWJ	South African Chapter of the International Association of Women Judges
SAJEI	South African Judicial Education Institute
SAPS	South African Police Service
SCA	Supreme Court of Appeal
SuCA	Superior Courts Act, 2013
TDI	Technical Description of Indicators





PART A

FOREWORD BY THE
ACTING CHIEF JUSTICE

FOREWORD BY THE ACTING CHIEF JUSTICE



In 2018 the Judiciary of South Africa held its first ever Judiciary Day and presented to the public the first ever Judiciary Annual Report through which the Judiciary accounts to the public for its performance of judicial functions. That was for the period from 1 April 2017 to 31 March 2018. Since then, the presentation of the Judiciary Annual Report to the public by the leadership of the Judiciary on Judiciary Day has been an annual event. This year is no exception.

These historic developments happened under the leadership of Chief Justice Mogoeng Mogoeng, ably assisted by the collective leadership of the Judiciary of this country. Each one of the Judiciary Annual Reports that have been presented to the public since 2018, had a foreword written by Chief Justice Mogoeng Mogoeng and bearing his signature. This is the first Judiciary Annual Report that will not bear his signature. Reflecting on the period prior to 2018 Chief Justice Mogoeng Mogoeng explained in the inaugural edition of the Judiciary Annual Report:

“The leadership of the higher courts analysed the situation from a constitutional perspective, identified the inappropriateness of accounting the traditional way and resolved to delink the accounting responsibilities of the administrative

office – the Office of the Chief Justice (OCJ) – from those relating to court performance, which is a shared section 165(6) responsibility of the Judiciary...while we acknowledge that judicial independence is inextricably linked to judicial accountability, we are satisfied that we bear a direct responsibility to account to the nation ourselves...”

The Chief Justice retired from active service on 11 October 2021 after a long and illustrious career of dedicated service to the country. This Report and the attendant culture of direct accountability is one of his many legacies. I take this opportunity to thank Chief Justice Mogoeng Mogoeng on behalf of the Judiciary of this country for his great leadership of the Judiciary over a period of ten years. I thank him, too, for the enormous contribution he made during his term of office as Chief Justice to the building of a strong, independent, effective and efficient Judiciary. We recall his commitment to the protection of the Constitution, the Rule of Law, the independence of the Judiciary and the promotion of the values of our Constitution.

During the period to which this Report relates, South Africa and the world have been living and operating under the COVID-19 pandemic which

also seriously affected the operations and services of the Courts. In the 2019/2020 Judiciary Annual Report, the Chief Justice dealt with the measures taken by the Judiciary to deal with the COVID-19 pandemic. It is not necessary to deal with these measures in this Report.

Judicial Service Commission Interviews

As a result of the COVID-19 pandemic, the Judicial Service Commission (JSC) could not conduct interviews to fill judicial vacancies last year. This meant that the Heads of Court had to temporarily fill the vacancies in their Courts with Acting Judges in order to ensure that court services continued as effectively as possible. Two of the vacancies that should have been filled in 2020 were vacancies in the Constitutional Court.

The JSC was only able to sit for interviews in April 2021 when it filled vacancies in the various Courts. It also sent five names to the President from which he could appoint two candidates who would fill the two vacancies in the Constitutional Court. Unfortunately, there was a legal challenge to the manner in which the JSC had conducted the interviews or the manner in which it had reached its decision to choose the five names it sent to the President. That legal challenge was settled between the parties concerned and by agreement the Court ordered that interviews in respect of the two vacancies in the Constitutional Court be done afresh. This was done in October this year and five names have been sent to the President from which it is hoped he will choose two candidates to fill the two vacancies.

In the October 2021 session of the JSC interviews, the JSC also interviewed many candidates to fill judicial posts in the various Courts. Interviews in respect of two further vacancies that arose recently in the Constitutional Court were postponed as it appeared that doing interviews in respect of those two vacancies while also doing interviews for the two earlier vacancies in the Constitutional Court could create problems.

Exclusion of information on the performance of lower courts

The Judiciary Annual Report was intended to include information concerning the performance of the lower courts but, ultimately, this has not happened. A systems crash at the Department

of Justice and Constitutional Development has resulted in the information on the Integrated Case Management System, which stores the performance statistics relating to Magistrates' Courts, being inaccessible. It has not been possible to extract or verify the information or such information as could be obtained could not be verified. As a result of this the Leadership of the Magistracy advised that such information not be included in the Report. That the circumstances have led to a situation where such information cannot be included is regrettable, because the Judiciary Annual Report should reflect the information concerning the performance of both the Higher Courts and the Lower Courts.

Meeting between the Heads of Court and the Portfolio Committee on Justice and Correctional Services

The Heads of Court had a productive meeting with the Portfolio Committee on Justice and Correctional Services in February 2021, in which various matters relating to courts and the Judiciary were discussed. The matters included the challenges that the courts had to deal with during lock down, the terms of office of the Justices of the Constitutional Court, the independence of the Judiciary, a single Judiciary, accountability by the Judiciary and others. With regard to the independence of the Judiciary, the Heads of Court told the Portfolio Committee that they had informed the Executive that the Judiciary's proposed model of institutional independence was similar to the Kenyan model. The Judiciary also pointed out that, although initially there had been encouraging engagements with the leadership of the Executive, there had been no movement on the part of the Executive since the Judiciary submitted its proposed model of institutional independence.

Court Modernisation

The Judiciary, supported by the OCJ, continued to prioritise ICT as a strategic enabler. Technology plays an important role in ensuring an efficient court system. As such, advantage was taken of the Fourth Industrial Revolution (4IR) with initiatives such as the Court Online system, which aims to provide a platform for filing documents in the courts electronically and helps to minimise the physical movement of people and paper-based court documents within the court environment.

The Court Online system consists of two separate yet interlinked components:

- case management solution (CRM Dynamics) and
- evidence management solution (CaseLines).

This is beneficial for storage, retrieval and management of electronic documents on the filing system.

Modernisation of the courts and digital transformation initiatives remain crucial for improving service delivery.

During the period under review, the OCJ had planned to roll out the Court Online system in two service centres. However, due to challenges brought on by the COVID-19 pandemic, as well as system failure caused by an ICT security breach, the full implementation of this project could not be achieved. The Court Online system was, however, partially implemented in the Gauteng Division of the High Court. CaseLines referred to above, as a stand-alone solution for evidence management, was successfully piloted and implemented in the Gauteng Division of the High Court.

The aim is to roll-out the full Court Online electronic platform to other service centres during the Medium Term Strategic Framework (MTSF) period.

Finalisation of complaints against Judges

One of the issues dealt with in the Chief Justice's foreword last year was the criticism that is sometimes directed at the Judiciary concerning delays that were experienced in the processing and finalisation of complaints of alleged misconduct against certain Judges. The complaint against Judge President Hlophe was ultimately heard by a Tribunal which handed down its decision. Subsequently, the Judicial Service Commission also made its decision and accepted the recommendation of the Tribunal. Judge President Hlophe has since lodged a review application to challenge those decisions.

Whereas there was some backlog in the resolution of complaints of alleged misconduct against Judges a few years ago, no backlog exists now. That the JSC does not have any backlog now is due to, among other things, a new system that was introduced about a year or two ago which saw the Heads of Court, particularly the Judges-President of the various Divisions of the High Court and specialist Courts getting very involved in the adjudication

of complaints against Judges who serve in their respective Courts. The Judicial Service Commission Act makes provision for such active participation by the Heads of the various courts. I take this opportunity to thank the Heads of Court for their contribution in this regard. I also thank Judges – both those in active service and those who are retired – who have served on the Judicial Conduct Committee (JCC) in the past and those who currently serve on that Committee for all their contributions in achieving this. Both complaints and appeals are disposed of reasonably quickly now.

I also take this opportunity to thank the collective leadership of the Judiciary for its contribution which has made it possible for this Report to be released. The Secretary General of the OCJ and her team also deserve a word of thanks and appreciation for their hard work which ensured that the Judiciary got all the administrative support they needed to have this Report prepared and released. My thanks also go to all the Heads of Court for the co-operation and support they have given me since the 1st July 2021 when I began to perform the functions of the Chief Justice as Acting Chief Justice.

It is my honour and privilege to present to the public the Judiciary Annual Report for 2020/2021.



Justice RMM Zondo

Acting Chief Justice of the Republic of South Africa

SOUTH AFRICAN JUDICIARY

Section 165 of the Constitution provides that the judicial authority of the Republic is vested in the courts, which are independent and subject only to the Constitution and the law, which they must apply impartially and without fear, favour or prejudice.

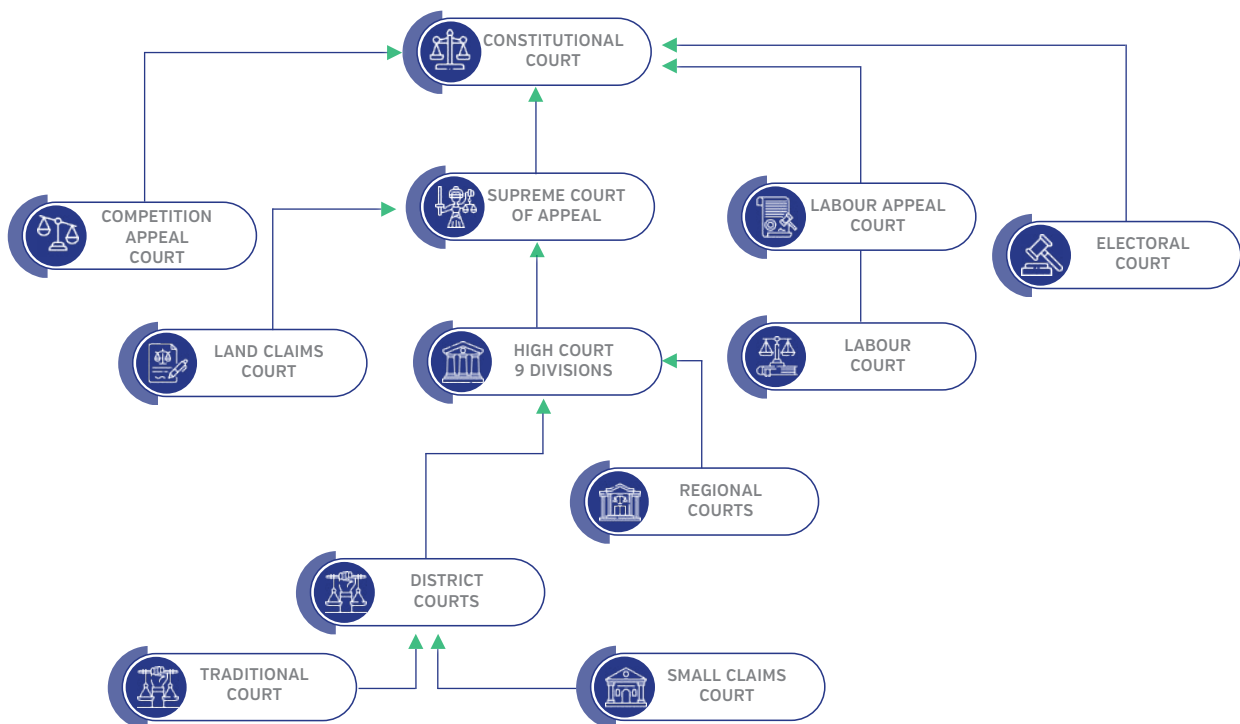
All persons and organs of State are barred from interfering with the functioning of the Courts and organs of State, through legislative and other measures, are instructed to assist and protect the courts to ensure the independence, impartiality, dignity, accessibility and effectiveness of the courts. An order or decision issued by a court binds all persons to whom and organs of State to which it applies.

The Chief Justice is the Head of the Judiciary and exercises responsibility over the establishment and monitoring of Norms and Standards for the exercise of the judicial functions of all courts.

Section 166 of the Constitution provides that the courts are:

- the Constitutional Court;
- the Supreme Court of Appeal;
- the High Court of South Africa;
- the Magistrates' Courts; and
- any other court established or recognised in terms of an Act of Parliament, including any court of a status similar to either the High Courts or the Magistrates' Courts.

The hierarchical Court Structure for the South African Courts can be graphically depicted as follows:



SOUTH AFRICAN JUDICIARY

The Chief Justice is the Head of the Judiciary as well as the Head of the Constitutional Court. The Superior Courts Act, 2013 (Act 10 of 2013) defines “Head of Court” as follows:

- i. For the Constitutional Court, means the Chief Justice;
- ii. For the Supreme Court of Appeal, means the President of that Court;
- iii. For any Division of the High Court, means the Judge President of that Division; and
- iv. For any court of a status similar to the High Court, the most senior Judge of such court

Each Head of Court is further supported by a Deputy with the exception of the Electoral Court, Competition Appeal Court and Land Claims Court.

The overall responsibility of managing judicial functions and overseeing the implementation of the Norms and Standards for the exercise of the judicial functions of all courts, vests in the Chief Justice as Head of the Judiciary in terms of section 165(6) of the Constitution and section 8(2) of the Superior Courts Act.

The Superior Courts Act stipulates that the management of the judicial functions of each court is the responsibility of the Head of that Court. The Judge President of a Division is also responsible for the co-ordination of the judicial functions of all

Magistrates’ Courts falling within the jurisdiction of that Division. The Heads of the various Courts will manage the judicial functions and ensure that all Judicial Officers perform their judicial functions efficiently.

The Office of the Chief Justice (OCJ) as a national government department was established to ensure that the Chief Justice can execute his mandate as both the Head of the Constitutional Court and the Head of the Judiciary; to enhance the institutional, administrative and financial independence of the Judiciary; to improve organisational governance and accountability, and the effective and efficient use of resources. The mission of the OCJ is to provide support to the judicial system to ensure effective and efficient court administration services.

The OCJ, led by the Secretary General, provides court administration and support services to the Superior Courts to ensure the effective and efficient administration of the Superior Courts.

The function of the administration is to provide administrative and technical support to the Superior Courts and assisting the Chief Justice in monitoring the overall performance of these Courts and enhancing judicial stakeholder relations. This is done through the administration of Superior Courts by providing management and funding of the activities of these Courts.





PART B

REGULATORY FRAMEWORK IN THE JUDICIAL ENVIRONMENT

REGULATORY FRAMEWORK IN THE JUDICIAL ENVIRONMENT

The Judiciary owes its relevance, significance and support not just to the Constitution of the country, its laws and institutions but it also owes its credibility to the strategic priorities it is able to set for itself; the development of a plan to realise its deliverable objectives with firm time frames, where practicable; and to ensure that South Africa has the fundamentals necessary for the realisation of the right to have access to courts.

The following legislative framework was used to develop a reporting mechanism for the South African Judiciary.

The Constitution

The Constitution implicitly makes provision for the doctrine of separation of powers by vesting the legislative authority in the legislature, the executive authority in the Executive, and the judicial authority in the Courts. An essential part of the separation of powers is, therefore, an independent Judiciary that functions independently of the Legislature and the Executive. Section 165 (2) of the Constitution provides that the courts are independent and subject only to the Constitution and the law, which they must apply impartially and without fear, favour or prejudice. Section 165(6) of the Constitution of the Republic of South Africa, 1996 read with Section 8(2) of the Superior Courts Act, 2013, provides that the Chief Justice is the Head of the Judiciary and exercises responsibility over the establishment and monitoring of the Norms and Standards for the exercise of judicial functions of all Courts.

Item 16(6) of Schedule 6 to the Constitution provides that as soon as is practical after the new Constitution took effect all courts, including their structure, composition, functioning and jurisdiction, and all relevant legislation, must be rationalised with a view to establishing a judicial system suited to the requirements of the new Constitution.

In terms of section 55 of the Constitution, the National Assembly must provide for mechanisms to maintain oversight of the exercise of national

executive authority, including the implementation of legislation, and any organ of the State. Organ of State as contemplated in section 239 means-

- a) any department of state or administration in the national, provincial or local sphere of government; or
- b) any other functionary or institution-
 - i) exercising a power or performing a function in terms of the Constitution or a provincial constitution; or
 - ii) exercising a public power or performing a public function in terms of any legislation, but does not include a court or a judicial officer.

In terms of this section the definition of an organ of state expressly excludes a court or a Judicial Officer.

Superior Courts Act, 2013

Section 8(3) stipulates that the Chief Justice may issue written protocols or directives, or give guidance or advice to Judicial Officers in respect of Norms and Standards for the performance of judicial functions and regarding any matter affecting the dignity, accessibility, effectiveness, efficiency or functioning of the courts.

Section 8(4) provides that any function or power in terms of section 8 vesting in the Chief Justice or any other Head of Court, may be delegated to any other Judicial Officer of the Court in question.

Section 9 provides that Superior Courts may have recess periods as may be determined by the Chief Justice in consultation with the Heads of Court and the Minister in order to enable Judges to do research and to attend to outstanding or prospective judicial functions that may be assigned to them. During each recess period, the Head of each Court must ensure that an adequate number of Judges is available in that Court to deal with any judicial functions that may be required, in the interests of justice, to be dealt with during that recess period.

In terms of the Regulations on the Criteria for the Determination of the Judicial Establishment of the Supreme Court of Appeal and Divisions of the High Court of South Africa, 2015, made in terms of Section 49(1)(b) of the Superior Courts Act, 2013, any determination of the number of Judges at such Courts, must be considered with due regard to court performance statistics and information relating to the performance of judicial functions.

Norms and Standards for the Performance of Judicial Functions

In February 2014, the Chief Justice, pursuant to the constitutional imperative contained in section 165 of the Constitution read with section 8 of the Superior Courts Act, established Norms and Standards for the performance of judicial functions of all courts with the unanimous support of the Heads of Court.

These Norms and Standards seek to achieve the enhancement of access to quality justice for all, to affirm the dignity of all users of the court system and to ensure the effective, efficient and expeditious adjudication and resolution of all disputes through the Courts, where applicable.

Paragraph 6 (i – iii) of the Norms and Standards provides that:

- i. The Chief Justice as the Head of the Judiciary shall exercise responsibility over the monitoring and evaluation of the performance of each Judicial Officer as well as the monitoring and implementation of norms and standards for the exercise of leadership and judicial functions of all courts.
- ii. Everything reasonably possible should be done to ensure that Judicial Officers have all the resources and tools of trade availed to them to enable them to perform their judicial functions efficiently and effectively. Reporting is an essential and integral part of ensuring effective monitoring and implementation of the norms and standards. All Judicial Officers shall submit data on their performance and the workflow of cases for collating and analysis following upon which a comprehensive report by the Head of Court will be compiled.
- iii. The Report must be submitted to the Head of a Court who will, in the case of Regional and District Courts, first submit to the Regional Court President and the Head of the Administrative Region, who in turn will submit to the Judge President concerned for further

submission to the Chief Justice to assess the functioning and the efficiency of the courts. Each Head of Court shall monitor and evaluate performance of the Judicial Officers serving in his or her Court on a daily basis to ensure optimal utilisation and productivity.

Judicial Service Commission Act, 1994 and Regulations

The Judicial Service Commission (JSC) was established in terms of section 178 of the Constitution and consists of 23 members. In terms of section 178 (5) of the Constitution, the JSC is entitled to advise the national government on any matter relating to the Judiciary or administration of justice.

Additionally, it performs the following functions:

- interviewing candidates for judicial posts and making recommendations for appointment to the bench; and
- dealing with complaints brought against Judges

Section 8 of the Judicial Service Commission Act, 1994, provides for the establishment and composition of the Judicial Conduct Committee (JCC) to receive, consider and deal with complaints against Judges. A Code of Judicial Conduct was adopted in terms of Section 12 of the Judicial Service Commission Act, 1994. The purpose of the Code is to serve as the prevailing standard of judicial conduct, which Judges must adhere to. Disclosure of processes relating to complaints against Judges, are an example of the balance between judicial independence and dignity, and the overriding principles of transparency and accountability as required by the Judicial Service Commission Act, 1994.

In terms of the Act, complaints against members of the Judiciary must be based on, inter alia, incapacity giving rise to the Judge's inability to perform the functions of judicial office in accordance with prevailing standards. Performance of functions in accordance with prevailing standards can only be determined through performance statistics reporting and accountability.

In terms of Article 10(2) of the Code of Judicial Conduct, a Judge must deliver all reserved judgments before the end of the term in which the hearing of the matter was completed, but may, in respect of a matter that was heard in two weeks of

the end of that term; or where a reserved judgment is of a complex nature or for any other cogent and sound reason and with the consent of the Head of the Court, deliver that reserved judgment during the course of the next term.

Disclosure of Judges' registrable interests

In terms of regulation 3 (1) of the Regulations on Judges Registrable Interest (Made in terms of section 13(8) of the Judicial Service Act, 1994), Judges are required to disclose particulars of all their registrable interests and those of their immediate family members to the Registrar of Judges' Registrable Interests to enhance transparency, accountability and public confidence in the Judiciary. The Registrar is the custodian of the Register of Judges' Registrable Interests.

Section 6(1) of the Judicial Service Commission Act, 1994, requires the JSC annually to submit a written report to Parliament for tabling. The Report must include amongst others, all matters relating to, including the degree of compliance with, the Register of Judges' registrable interests as reported by the Registrar.

Regulation 5(5) of the Regulations on Judges' Registrable Interest (made in terms of Section 13(8) of the Judicial Service Commission Act, 1994, (the Regulations), stipulates that the Registrar must, for the purpose of indicating the degree of compliance with the Register in the Annual Report of the JSC, also furnish the JSC with the names of those Judges in active service who have disclosed interests of their family members.

Regulation 3(2) requires that a Judge must lodge the first disclosure with the Registrar within 30 days of his or her appointment as a Judge.

In the 2020/2021 financial year, a total of 12 Judges were appointed and they all disclosed their registrable interests within the time prescribed by the Regulations. Regulation 3(3) requires that the Registrar must enter the particulars of a disclosure by a Judge in the Register and further cause a copy of all entries relating to that Judge, to be delivered to the Judge.

After making the first disclosure, a Judge may at any time disclose to the Registrar or inform the Registrar of such amendments as may be required (Regulation 3(4)). However, in March of every year, Judges in

active service must inform the Registrar in writing whether the entries in the Register are an accurate reflection of that Judges' registrable interests and, if applicable, make such further disclosures or amendments, as may be required.

Judges' Remuneration and Conditions of Employment Act, 2001, and Regulations

The Judges' Remuneration and Conditions of Employment Act, 2001 (Act 47 of 2001), with related regulations, provides for the remuneration and conditions of employment of Judges and for matters connected therewith. The Independent Commission for the Remuneration of Public Office Bearers makes recommendations for consideration by the President of the Republic concerning the salaries, allowances and benefits of Judicial Officers.

The South African Judicial Education Institute Act, 2008

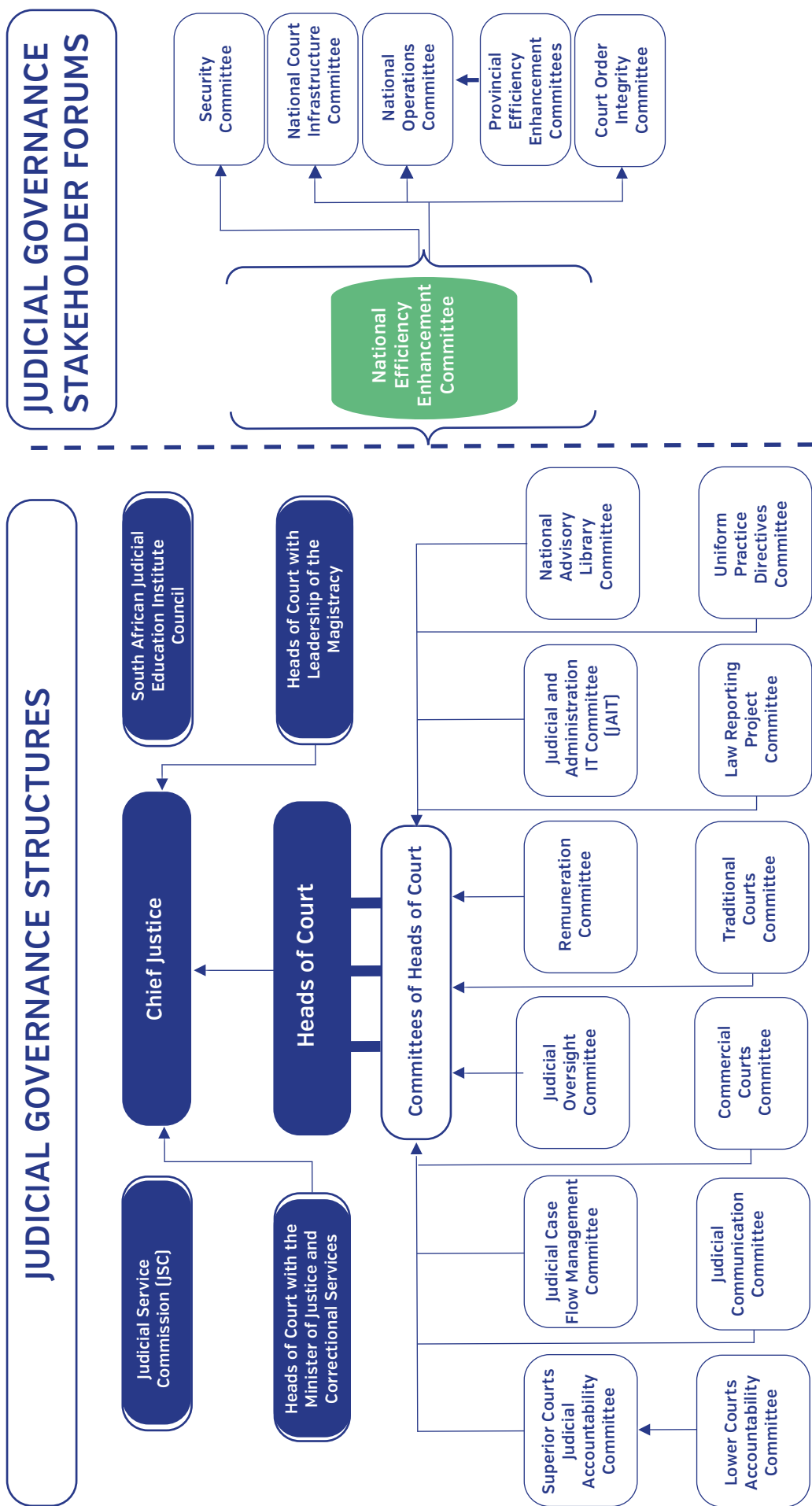
The South African Judicial Education Institute (SAJEI) was established in order to promote the independence, impartiality, dignity, accessibility and effectiveness of the Courts through continuing judicial education for Judicial Officers as provided for in the South African Judicial Education Institute Act, 2008 (Act 14 of 2008). The Institute commenced with training in January 2012.



PART C

GOVERNANCE FRAMEWORK OF THE JUDICIARY

GOVERNANCE FRAMEWORK OF THE JUDICIARY





DISCLOSURE OF JUDGES' REGISTRABLE INTERESTS

For the current reporting period, there were **234** Judges in active service and **231** of these disclosed their registrable interest on or before the 31 March 2021 closing date as determined by the Regulations.

A total of three (3) Judges did not disclose their registrable interests during March 2021. The total number of Judges per affected Divisions were Gauteng two (2), and Eastern Cape one (1). The three (3) outstanding disclosures were submitted on 1 April 2021 within the grace period provided in regulation 3(7).

DISCLOSURE OF JUDGES' REGISTRABLE INTERESTS		
PERFORMANCE INDICATORS	PERFORMANCE TARGET 2020/2021	ACTUAL PERFORMANCE 2020/2021
Percentage of Disclosures for Serving Judges' Registrable Interests Submitted by 31 March	100%	99%
Percentage of Disclosures for Newly Appointed Judges' Registrable Interests Submitted within 30 days of Appointment (if any)	100%	No New Appointments





PART D

COURT PERFORMANCE

COURT PERFORMANCE

Throughout the world the Judiciary remains accountable to the people for the power and authority bestowed upon it. Historically there were no accounting mechanisms which allowed the Judiciary to report on court performance and other matters related to the exercise of its constitutional mandate. Traditionally, Judges accounted through their judgments with the Executive reporting on court performance and related budget matters.

As our democracy matures and develops and the principle of judicial independence becomes more crystallized, it becomes necessary for the Judiciary to develop its own system of accounting as one Arm of the State.

The performance of the Judiciary should not be assessed through “executive tools of planning and evaluation” which Parliament as an Arm of State is also not subjected to.

As a result, ‘Performance indicators and targets’ relating to Judicial functions were delineated from the OCJ Planning documents from 2017/2018 going forward.

The reporting mechanism developed by the Judiciary will allow the Judiciary to account to the public and give the public and other Arms of State and interested stakeholders, access to information from such reports when required.

The Heads of Court resolved to set up a sub-committee on Judicial Planning; Reporting and Accountability to address the following issues, inter alia (a) what should Judges do to improve court performance; (b) what is the most effective way of gathering statistics; (c) how should the Judiciary communicate effectively its work to the public (progress made; the challenges and the required resources); and (d) how best the Judiciary can ensure that they review their targets on an on-going basis.

The 2020/2021 Annual Performance Plan (APP) for the Judiciary has been developed and it defines and identifies performance indicators and targets for the various courts. The Performance Indicators and targets are measures that allow for monitoring of performance on one or more aspect of the overall functions and mandates of the Judiciary. The performance indicators for the Judiciary are informed by:

- Constitutional provisions, Superior Courts Act, 2013, and legislative mandates and functions;
- Judicial Norms and Standards; and
- Strategic and operational priorities.

The performance targets express a specific level of performance that the Courts should aspire to achieve within a given time period.

The performance targets are informed by:

- The baseline figures based on previous reports/ current performance;
- The available resources (budget, human resources, etc); and
- The Norms and Standards.

The 2020/2021 APP for the Judiciary sees the introduction of new indicators and targets, as determined by the Judiciary itself. These include the additional indicators on the finalisation rate of applications and petitions at the Supreme Court of Appeal, finalisation rate of appeals at the Labour Appeal Court and the introduction of new measures on the number of criminal cases on the High Court roll for more than 12 months.

The purpose of the court performance monitoring report is to provide progressive updates on the implementation of the Judiciary APP with specific reference to monitoring delivery against set quarterly performance targets. The report below provides an overall picture on how the Superior Courts performed for the period 01 April 2020 to 31 March 2021.

KEY PERFORMANCE INDICATORS

Measuring Performance through Technical Descriptions Indicators

The Judiciary defined the Key Performance Indicators (KPI) for each court and performance area. These Technical Description of Indicators (TDI) are contained in the Annexure. The performance per indicator must be read with the relevant TDI.

1. CONSTITUTIONAL COURT	
PERFORMANCE INDICATORS	PERFORMANCE TARGET 2020/2021
Percentage of Matters Finalised	70%

2. SUPREME COURT OF APPEAL	
PERFORMANCE INDICATORS	PERFORMANCE TARGET 2020/2021
Percentage of Matters Finalised	80%
Percentage of Applications/Petitions Finalised	80%

3. HIGH COURT	
PERFORMANCE INDICATORS	PERFORMANCE TARGET 2020/2021
Percentage of Criminal Matters Finalised	75%
Percentage of Civil matters Finalised	64%
Reduce the Percentage of Criminal Trial Backlogs	30%

4. LABOUR COURT AND LABOUR APPEAL COURT	
PERFORMANCE INDICATORS	PERFORMANCE TARGET 2020/2021
Percentage of Labour Matters Finalised	58%

KEY PERFORMANCE INDICATORS

5. LAND CLAIMS COURT	
PERFORMANCE INDICATORS	PERFORMANCE TARGET 2020/2021
Percentage of Land Claims Matters Finalised	60%

6. COMPETITION APPEAL COURT	
PERFORMANCE INDICATORS	PERFORMANCE TARGET 2020/2021
Percentage of Matters Finalised	85%

7. ELECTORAL COURT	
PERFORMANCE INDICATORS	PERFORMANCE TARGET 2020/2021
Percentage of Matters Finalised	90%

8. RESERVED JUDGMENTS	
PERFORMANCE INDICATORS	PERFORMANCE TARGET 2020/2021
Percentage of Reserved Judgments Finalised in all Superior Courts	70%

PERFORMANCE OF THE SUPERIOR COURTS FOR THE PERIOD 01 APRIL 2020 – 31 MARCH 2021

For the period 01 April 2020 to 31 March 2021, 8 of the 11 performance targets were achieved, this represents a 73% achievement. Only three performance targets were not achieved: Percentage of Constitutional Court Matters Finalised (61%); Percentage of Labour Court Matters Finalised (52%) and reduce the percentage of cases in the High Court, which are on the roll for more than 12 months (Criminal Case Backlog) (41%).

The performance is depicted in the table below:

	INDICATOR	ACTUAL PERFORMANCE
1.	Percentage of Matters Finalised: Constitutional Court	61%
2.	Percentage of Matters Finalised: Supreme Court of Appeal	81%
3.	Percentage of Applications/Petitions Finalised: Supreme Court of Appeal	99%
4.	Percentage of Matters Finalised: Labour & Labour Appeal Court	52%
5.	Percentage of Matters Finalised: Electoral Court	100%
6.	Percentage of Matters Finalised: Competition Appeal Court	100%
7.	Percentage of Matters Finalised: Land Claims Court	72%
8.	Percentage of Criminal Matters Finalised: High Court	85%
9.	Percentage of Civil Matters Finalised: High Court	84%
10.	Percentage of Reserved Judgments Finalised by all Superior Courts	78%
11.	Reduce the Percentage of Criminal Trial Backlogs	41%



KONSTITUSIONELE HOFGERECHTSHOF VAN SUID-AFRIKA
KONSTITUTIONAL COURT OF SOUTH AFRICA
KONSTITUTIONELLE VERBODINGSRECHTER VAN SUID-AFRIKA
KONSTITUTIONELLE VERBODINGSRECHTER VAN SUID-AFRIKA

Handwritten text on the upper right side of the building facade, possibly a mural or graffiti, including the words "KONSTITUSIONELE HOFGERECHTSHOF VAN SUID-AFRIKA".

CONSTITUTIONAL COURT OVERVIEW

ANNUAL PERFORMANCE			
CONSTITUTIONAL COURT	TOTAL MATTERS	FINALISED	% FINALISED
Percentage of Matters Finalised	445	273	61%

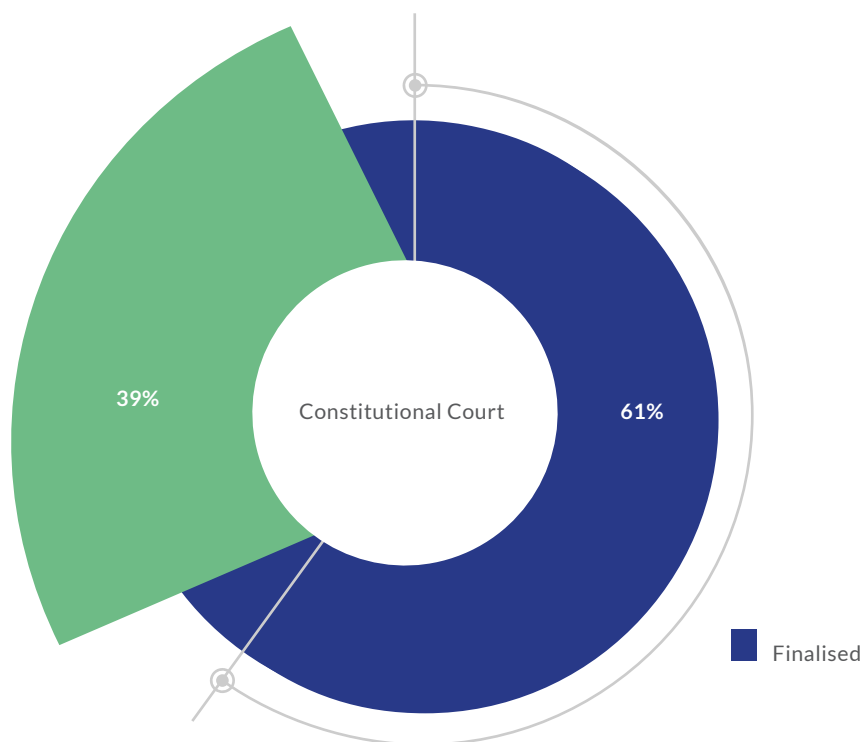


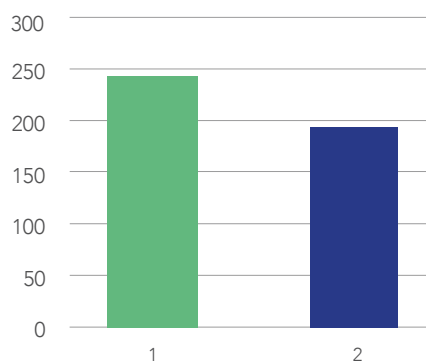
Figure 1: Percentage of Matters Finalised by the Constitutional Court

A total of 273 matters of 445 were finalised by the Constitutional Court. The performance for the reporting period is 9% below the set target of 70%. Compared to the previous reporting period, the case load increased by 10%.

SUPREME COURT OF APPEAL OVERVIEW

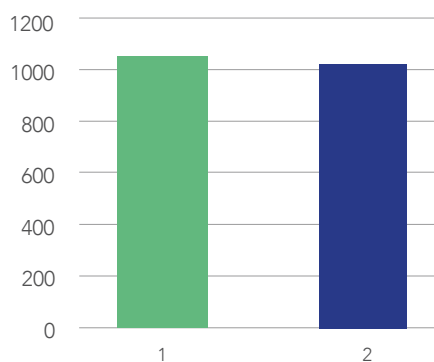
ANNUAL PERFORMANCE			
SUPREME COURT OF APPEAL	TOTAL MATTERS	FINALISED	% FINALISED
Percentage of Matters Finalised	241	196	81%
Percentage of Applications/Petitions Finalised	1092	1082	99%

During the period under review the Supreme Court of Appeal achieved 81% by finalising 196 of the 241 matters before the Court. This amounts to a 1% over-achievement against the set target of 80%



■ Total Matters ■ Finalised

Figure 2: Percentage of Matters Finalised



■ Total Matters ■ Finalised

Figure 3: Percentage of Matters Finalised

SPECIALISED COURTS

OVERVIEW

ANNUAL PERFORMANCE			
COURT NAME	TOTAL MATTERS	FINALISED	% FINALISED
Labour Court Durban	589	454	77%
Labour Court Johannesburg	2869	1301	45%
Labour Court Cape Town	403	212	53%
Labour Court Port Elizabeth	307	221	72%
Labour Court Total	4168	2188	52%
Land Claims Court	149	108	72%
Electoral Court	9	9	100%
Competition Appeal Court	10	10	100%

For the period under review :

- The Labour Courts attained 52% against the set target of 58%.
- The Land Claims Court finalised 108 of a total caseload of 149. This represents an over-achievement of 12% against the set target of 60%.
- The Electoral Court finalised all 9 cases resulting in a 100% achievement.
- The Competition Appeal Court finalised all 10 cases resulting in a 100% achievement.

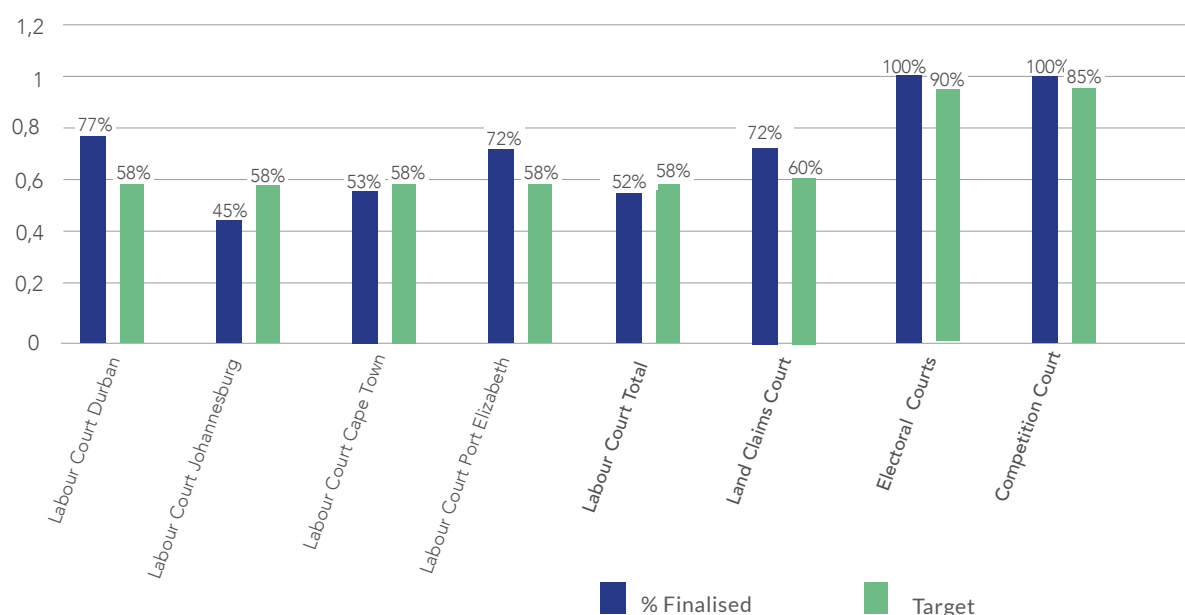


Figure 4: Percentage of Matters Finalised: Specialised Court



REDUCE THE PERCENTAGE OF CRIMINAL TRIAL BACKLOGS

ANNUAL PERFORMANCE			
COURT	OUTSTANDING CASES	BACKLOG CASES	PERCENTAGE
Eastern Cape Division, Grahamstown	29	12	41%
Eastern Cape Local Division, Bhisho	11	4	36%
Eastern Cape Local Division, Mthatha	27	13	48%
Eastern Cape Local Division, Port Elizabeth	45	23	51%
Eastern Cape Division Total	112	52	46%
Free State Division, Bloemfontein	16	10	63%
Gauteng Division, Pretoria	79	18	23%
Gauteng Local Division, Johannesburg	182	26	14%
Gauteng Division Total	261	44	17%
KwaZulu-Natal Division, Pietermaritzburg	72	38	53%
KwaZulu-Natal Local Division, Durban	86	50	58%
Kwazulu-Natal Division Total	158	88	56%
Limpopo Division, Polokwane	63	28	44%
Limpopo Local Division, Thohoyandou	70	46	66%
Limpopo Division Total	133	74	56%
Mpumalanga Division, Mbombela	38	24	63%
Mpumalanga Local Division, Middelburg	44	29	66%
Mpumalanga Division Total	82	53	65%
North West Division, Mafikeng	33	11	33%
Northern Cape Division, Kimberley	30	8	27%
Western Cape Division, Cape Town	45	13	29%
Total	870	353	41%

The table above shows that at the end of 31 March 2021, the total number of outstanding criminal trials were 870. During the same period, the total number of backlog cases were 353 (41%), which is 11% against the set target of 30%.

REDUCE THE PERCENTAGE OF CRIMINAL TRIAL BACKLOGS

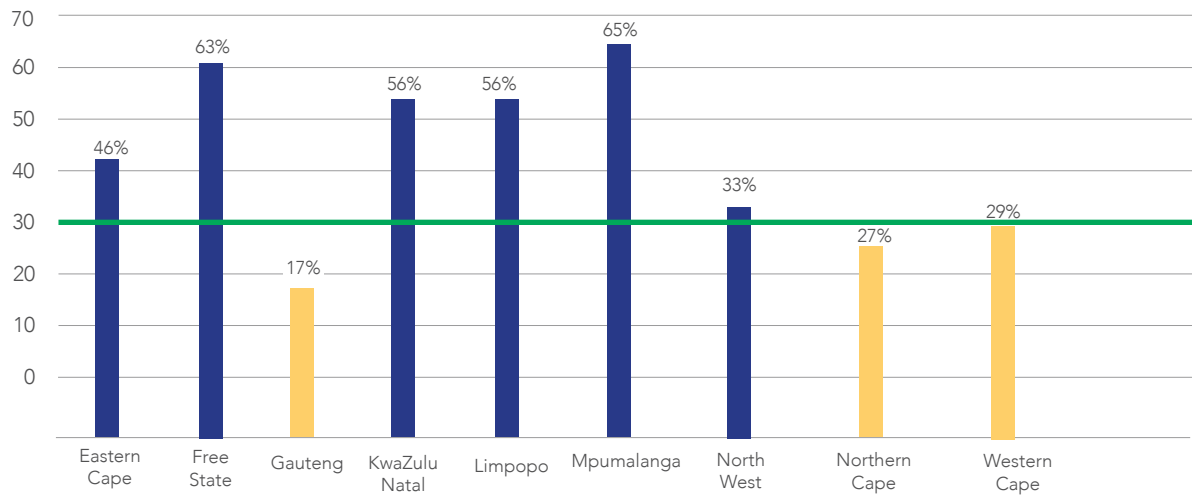


Figure 5: Reduce the Percentage of Criminal Trial Backlogs

Achieved Not Achieved Target

PERCENTAGE OF CRIMINAL MATTERS FINALISED

ANNUAL PERFORMANCE			
COURT	TOTAL MATTERS	FINALISED	% FINALISED
Eastern Cape Division, Grahamstown	513	467	91%
Eastern Cape Local Division, Bhisho	89	75	84%
Eastern Cape Local Division, Mthatha	136	50	37%
Eastern Cape Local Division, Port Elizabeth	100	62	62%
Eastern Cape Division Total	838	654	78%
Free State Division, Bloemfontein	406	378	93%
Gauteng Division, Pretoria	614	405	66%
Gauteng Local Division, Johannesburg	449	195	43%
Gauteng Division Total	1063	600	56%
KwaZulu-Natal Division, Pietermaritzburg	1133	944	83%
KwaZulu-Natal Local Division, Durban	173	94	54%
Kwazulu-Natal Division Total	1306	1038	79%
Limpopo Division, Polokwane	967	889	92%
Limpopo Local Division, Thohoyandou	138	65	47%
Limpopo Division Total	1105	954	86%
Mpumalanga Division, Mbombela	125	87	70%
Mpumalanga Local Division, Middelburg	213	169	79%
Mpumalanga Division Total	338	256	76%
North West Division, Mafikeng	131	85	65%
Northern Cape Division, Kimberley	241	154	64%
Western Cape Division, Cape Town	5985	5630	94%
Grand Total	11413	9749	85%

During the period under review the Divisions of the High Court finalised 9749 matters out of a total of 11413 matters representing 85%. This is an over-achievement of 10% against the set target of 75%.

PERCENTAGE OF CRIMINAL MATTERS FINALISED

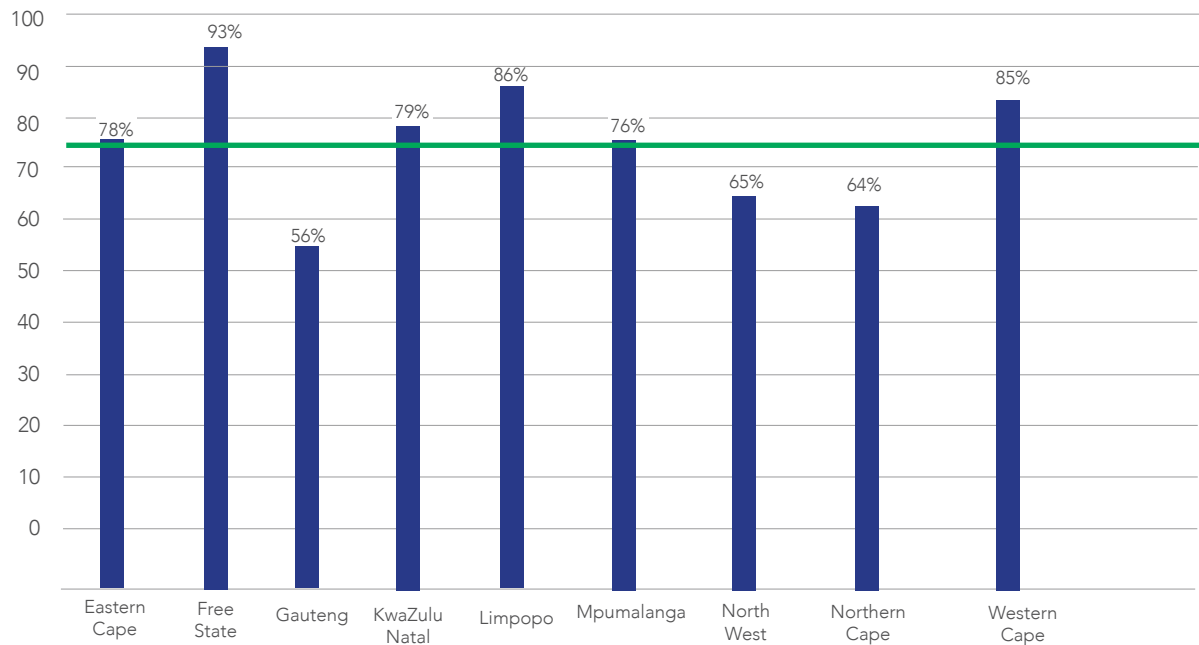


Figure 6: Percentage of Criminal Matters Finalised

■ % Finalised ■ Target

The figure above shows that six (6) Divisions of the High Court achieved the set target of 75%. Three (3) Divisions of the High Court reported performance below the set target.

PERCENTAGE OF CIVIL MATTERS FINALISED

ANNUAL PERFORMANCE			
DIVISION OF THE HIGH COURT	TOTAL MATTERS	FINALISED	% FINALISED
Eastern Cape Division, Grahamstown	1706	1431	84%
Eastern Cape Local Division, Bhisho	787	685	87%
Eastern Cape Local Division, Mthatha	4024	3461	86%
Eastern Cape Local Division, Port Elizabeth	1876	1616	86%
Eastern Cape Division Total	8393	7193	86%
Free State Division, Bloemfontein	3493	3129	90%
Gauteng Division, Pretoria	21188	18856	89%
Gauteng Local Division, Johannesburg	14869	12842	86%
Gauteng Division Total	36057	31698	88%
KwaZulu-Natal Division, Pietermaritzburg	3890	3072	79%
KwaZulu-Natal Local Division, Durban	6799	4975	73%
Kwazulu-Natal Division Total	10689	8047	75%
Limpopo Division, Polokwane	6228	5567	89%
Limpopo Local Division, Thohoyandou	1367	1273	93%
Limpopo Division Total	7595	6840	90%
Mpumalanga Division, Mbombela	1019	916	90%
Mpumalanga Local Division, Middleburg	1549	1417	91%
Mpumalanga Division Total	2568	2333	91%
North West Division, Mafikeng	2474	1973	80%
Northern Cape Division, Kimberley	1624	1194	74%
Western Cape Division, Cape Town	10187	7501	74%
Grand Total	83080	69908	84%

The table above depicts that the Divisions of the High Court finalised a total of 69908 out of 83080 Civil matters during the period under review. It reflects 84% achievement which is an over-achievement of 20% against the set target of 60%.

PERCENTAGE OF CIVIL MATTERS FINALISED

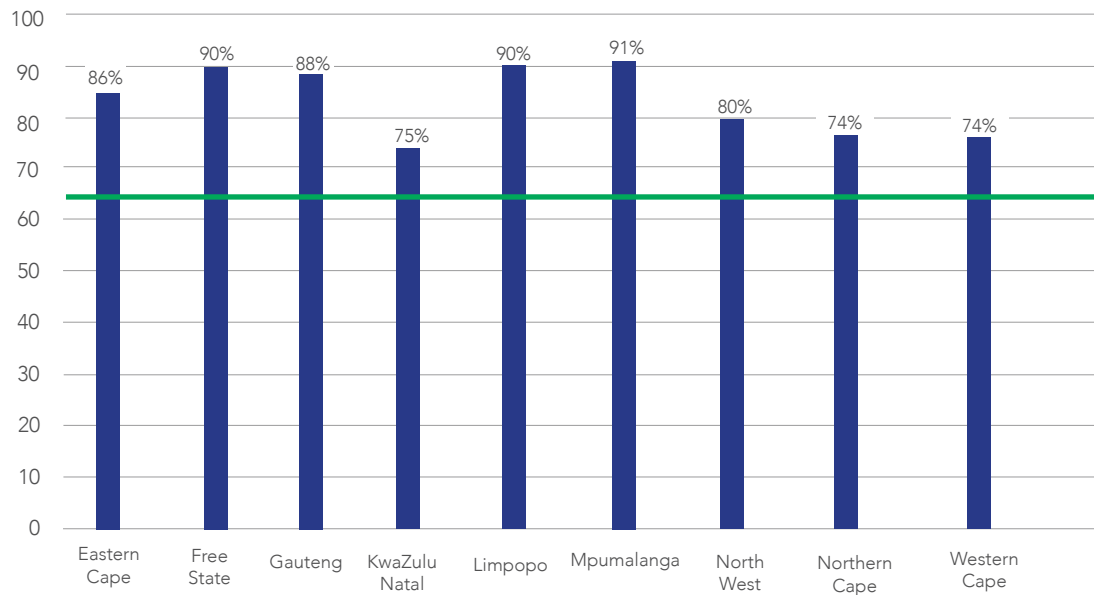


Figure 7: Percentage of Civil Matters Finalised

■ % Finalised ■ Target

The over-achievement of all Divisions of the High Court is clearly depicted in the figure above.

PERCENTAGE OF RESERVED JUDGMENTS FINALISED IN ALL SUPERIOR COURTS

ANNUAL PERFORMANCE			
COURT	TOTAL RESERVED JUDGMENTS DELIVERED	TOTAL RESERVED JUDGMENTS DELIVERED WITHIN 3 MONTHS	PERCENTAGES
Constitutional Court	22	2	9%
Supreme Court of Appeal	178	158	89%
Electoral Court	0	0	0
Labour Court Cape Town	136	98	72%
Labour Court Durban	101	81	80%
Labour Court Johannesburg	692	550	79%
Labour Court Port Elizabeth	52	35	67%
Labour Courts Total	981	764	78%
Land Claims Court	24	13	54%
Eastern Cape Division, Grahamstown	281	230	82%
Eastern Cape Local Division, Bhisho	70	55	79%
Eastern Cape Local Division, Mthatha	125	106	85%
Eastern Cape Local Division, Port Elizabeth	102	84	82%
Eastern Cape Division Total	578	475	82%
Free State Division, Bloemfontein	311	272	87%
Gauteng Division, Pretoria	447	300	67%
Gauteng Local Division, Johannesburg	732	574	78%
Gauteng Division Total	1179	874	74%
KwaZulu-Natal Division, Pietermaritzburg	309	243	79%
KwaZulu-Natal Local Division, Durban	140	102	73%
Kwazulu-Natal Division	449	345	77%
Limpopo Division, Polokwane	171	136	80%
Limpopo Local Division, Thohoyandou	29	25	86%
Limpopo Division Total	200	161	81%

PERCENTAGE OF RESERVED JUDGMENTS FINALISED IN ALL SUPERIOR COURTS CONTINUED

ANNUAL PERFORMANCE			
COURT NAME	TOTAL RESERVED JUDGMENTS DELIVERED	TOTAL RESERVED JUDGMENTS DELIVERED WITHIN 3 MONTHS	% FINALISED
Mpumalanga Division, Mbombela	120	91	76%
Mpumalanga Local Division, Middelburg	87	82	94%
Mpumalanga Division Total	207	173	84%
North West Division, Mafikeng	168	128	76%
Northern Cape Division, Kimberley	114	86	75%
Western Cape Division, Cape Town	426	332	78%
Grand Total	4526	3511	78%

The table above shows that there was a consistent improvement in delivery of judgments with more than two-thirds being delivered nationally within three months from the date they were reserved. The performance shows that from 2019/20, 76% of Reserved Judgments were delivered within 3 months and it improved to 78% in the 2020/21 financial year.

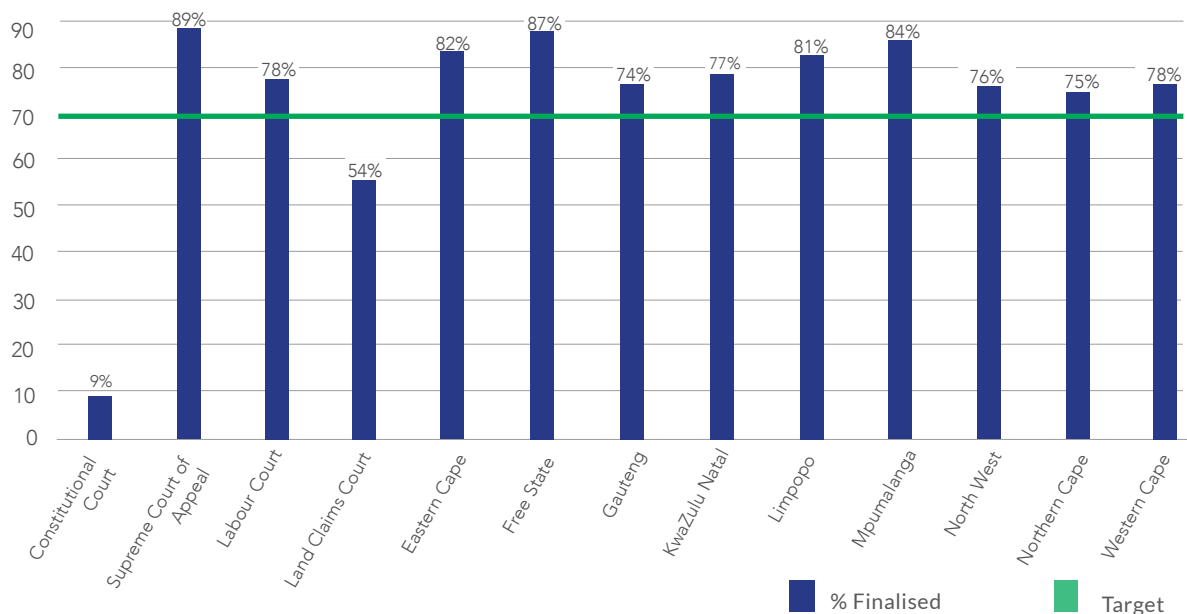


Figure 8: Percentage of Matters Finalised

The figure above depicts the achievement by 11 of the Superior Courts against the target. Only 2 Courts reported performance below the set target.

KEY PERFORMANCE INDICATORS OF THE MAGISTRATES' COURTS

At a Workshop held in November 2018, facilitated by the Judicial Accountability Committee (JAC) for the Magistrates' Courts, the Leadership of the Magistracy for both the Regional Courts and District Courts identified and adopted indicators which will allow reporting on the Court Performance at the Magistrates' Courts. This was a significant step in ensuring that the Judiciary accounts to the public for its performance and also allows the Head of each Court to manage court and judicial performance to ensure the efficient and effective running of the courts.

Each of the set time periods contained in the indicators for the Regional and Districts Court are based on the Norms and Standards set by the Judiciary. As this is the first time that court performance information for the Magistrates' Courts will be reported in the Judiciary Annual

Report, the Report below will not include performance indicators for all targets. The reporting tools are still being refined. Further and more comprehensive reporting will take place in the next reporting periods. These future reports will include clearly defined targets based on the analysis of baseline information obtained from this report.

The tables below depict the KPIs as adopted by the Magistrates for the Regional and District Courts respectively. Magistrates Courts are divided into Regional Courts and District Courts. The Magistrates' Courts also have differing jurisdictions, with the Regional Court hearing more serious criminal and civil matters.

KEY PERFORMANCE INDICATORS FOR THE REGIONAL COURTS	
PERFORMANCE INDICATORS	
Percentage of criminal judgments reserved in all Regional Courts for a period longer than 3 months	
Percentage of civil judgments reserved in all Regional Courts for a period longer than 3 months	
Percentage of criminal matters disposed of within 6 months from date of plea	
Percentage of criminal case backlogs not yet disposed of within a period of 9 months after date matter first appeared on Regional court roll	
Percentage of civil cases disposed within a period of 9 months of date of set-down	
Combined Average Court recording hours per day	
	Average Criminal Court recording hours per day
	Average Civil Court sitting recording per day



HIGH COURT OF SOUTH AFRICA
LIMPOPO DIVISION

HIGH COURT OF SOUTH AFRICA
LIMPOPO DIVISION

KEY PERFORMANCE INDICATORS OF THE MAGISTRATES' COURTS

KEY PERFORMANCE INDICATORS FOR THE DISTRICT COURTS	
PERFORMANCE INDICATORS	
Percentage of criminal judgments reserved in all District Courts for longer than 3 months	
Percentage of civil judgments reserved in all District Courts for longer than 3 months	
Percentage of criminal cases disposed of within 6 months from date of plea	
Percentage of criminal case backlogs not yet disposed of 9 months after first appearance date	
Percentage of criminal cases pleaded within 3 months from first appearance date	
Percentage of child justice preliminary inquiries disposed of within 90 days after date of first appearance	
Percentage of civil cases disposed of within a period of 9 months	
Percentage of family cases disposed of within a period of 9 months	
Combined Average Court recording hours	
	Average Criminal Court recording hours per day
	Average Traffic Court recording hours per day
	Average Civil Court recording hours per day
	Average Civil Court motions recording hours per day
	Average Maintenance Court recording hours per day
	Average Domestic Violence Court recording hours per day
	Average Protection Orders recording hours per day
	Average Judicial inquest Court recording hours per day
	Average Children's Court recording hours per day
	Average Equality Court recording hours per day

PERFORMANCE OF THE MAGISTRATES' COURTS 01 APRIL 2020 – 31 MARCH 2021

1. Regional Courts

The Head of a Regional Court, whose area of jurisdiction is based on the provincial borders, is the Regional Court President. The Regional Courts have jurisdiction over a more serious category of criminal matters and can hear cases relating to alleged murder, rape, armed robbery and serious assault. In terms of the Criminal Law (Sentencing) Amendment Act, 2007 (Act 38 of 2007) a Regional Court can sentence a person who has been found guilty of offences that include murder or rape to imprisonment for life. The Court can also sentence people who have been found guilty of certain offences such as armed robbery or stealing a motor vehicle to imprisonment for a period up to 20 years. A Regional Court can impose a maximum fine of R 300 000.

Regional Courts now have civil jurisdiction to the extent that divorce matters can now be heard there. The Regional Courts have jurisdiction over family matters like divorces, maintenance, custody matters and civil matters with a monetary value from R 200 000 - R 400 000.

2. District Courts

Chief Magistrates are the Heads of the District Courts. The District Courts are divided into clusters called Administrative Regions, also based on the provincial borders and each Region has a Chief Magistrate as its Administrative Head. The District Courts have jurisdiction over minor criminal matters and cannot try cases of alleged murder, treason, rape and terrorism. District Courts have jurisdiction on civil matters with a monetary value up to R 200 000.

The collection and collation of the performance information of the Magistrates' Courts relies on the Integrated Case Management System for the Department of Justice and Constitutional Development.

At a meeting held in October 2021 the Regional Court Presidents and the Heads of the Administrative Regions of the District Courts resolved that as a result of the system failure caused by an ICT security breach in the Department of Justice and Constitutional Development, the performance information for the reporting period would not be published. The Heads of the Superior Courts supported this decision as the veracity of the performance information could not be tested.



PART E

JUDICIAL EDUCATION AND TRAINING

SOUTH AFRICAN JUDICIAL EDUCATION INSTITUTE

The constitutional mandate of the South African Judicial Education Institute (SAJEI) emanates from section 180(a) of the Constitution, which makes provision for national legislation dealing with the training of Judicial Officers.

- The Chief Justice as Chairperson, the Deputy Chief Justice as Deputy Chairperson;
- the Minister or his nominee;
- a Judge of the Constitutional Court designated by the Chief Justice after consultation with the Judges of the Constitutional Court;
- a Judge or any other person designated by the Judicial Service Commission from amongst its ranks;
- the President of the Supreme Court of Appeal; two Judges President and two other Judges, at least one of whom must be a woman, designated by the Chief Justice after consultation with the Judges President;
- five Magistrates designated by the Magistrates' Commission, and of whom at least two must be women and two must be Regional Court Magistrates;
- a Judge who has been discharged from active service;
- the CEO of SAJEI;
- one advocate designated by the General Council of the Bar of South Africa; one attorney designated by the Law Society of South Africa;
- two university teachers of law designated by the South African Law Deans Association;
- two other members who are not involved in the administration of justice, designated by the Minister after consultation with the Chief Justice; and
- one traditional leader designated by the National House of Traditional Leaders.

In terms of section 5 of the SAJEI Act the functions of the Institute are:

- a. *to establish, develop, maintain and provide judicial education and professional training for judicial officers;*
- b. *to provide entry level education and training for aspiring judicial officers to enhance their*

- suitability for appointment to judicial office;*
- c. *to conduct research into judicial education and professional training and to liaise with other judicial education and professional training institutions, persons and organisations in connection with the performance of its functions;*
- d. *to promote, through education and training, the quality and efficiency of services provided in the administration of justice in the Republic;*
- e. *to promote the independence, impartiality, dignity, accessibility and effectiveness of the courts; and*
- f. *to render such assistance to foreign judicial institutions and courts as may be agreed upon by the Council.*

Despite the effects of the COVID-19 pandemic on its operations and budget allocation, the OCJ continued to contribute to pursue the objectives of Chapter 14 of the National Development Plan (NDP) priority of strengthening judicial governance and the rule of law by providing training to the Judges and aspirant Judges through the South African Judicial Education Institute (SAJEI). Although some of the training courses programmes had to be postponed in order to comply with the Regulations issued in terms of section 27(2) of the Disaster Management Act, 2002, measures have been put in place to mitigate the impact of the COVID-19 pandemic on the operations of SAJEI to ensure continued training of Judicial Officers. Primary among these was the deployment of an online platform, SAJEI-Online, for access to training material by trainees as well as online training.

SAJEI used ad hoc training programmes and as a result, **123** judicial education courses for Judicial Officers were conducted during the period under review, and the courses were attended by **3297** delegates.

Due to the country's lockdown and related regulations, the OCJ had to leverage new technologies by conducting some of these educational courses virtually as a measure to ensure continued Judicial education.



PART F

JUDICIAL APPOINTMENTS, RETIREMENTS AND VACANCIES

JUDICIAL APPOINTMENTS, RETIREMENTS AND VACANCIES

Sections 174 of the Constitution deals with the appointment of Judicial Officers.

The President as head of the national executive, after consulting the Judicial Service Commission and the leaders of parties represented in the National Assembly, appoints the Chief Justice and the Deputy Chief Justice and, after consulting the Judicial Service Commission, appoints the President and Deputy President of the Supreme Court of Appeal.

The other Judges of the Constitutional Court are appointed by the President, as head of the national executive, after consulting the Chief Justice and the leaders of parties represented in the National Assembly, in accordance with the following procedure:

- a. The Judicial Service Commission must prepare a list of nominees with three names more than the number of appointments to be made, and submit the list to the President.
- b. The President may make appointments from the list, and must advise the Judicial Service Commission, with reasons, if any of the nominees are unacceptable and any appointment remains to be made.
- c. The Judicial Service Commission must supplement the list with further nominees and the President must make the remaining appointments from the supplemented list.

The President must appoint the judges of all other courts on the advice of the Judicial Service Commission.

Due to the global pandemic caused by the outbreak of the COVID-19 and the measures introduced by the President of South Africa in the declaration of a national state of disaster in terms of the Disaster Management Act, 2002 (Act No. 57 of 2002), no JSC interview took place during the reporting period. As a result no new Judicial appointments were made during the period.

Judges discharged from active service between 01 April 2020 to 31 March 2021

In terms of section 176(1) of the Constitution, a Constitutional Court Judge holds office for a non-renewable term of 12 years, or until he or she attains the age of 70, whichever occurs first, except where an Act of Parliament extends the term of office.

Section 3(2) of the Judges Remuneration and Conditions of Employment Act, 2001, provides that a Judge who holds office in a permanent capacity, shall be discharged from active service on the date on which they attain the age of 70 years, if they have on that date completed a period of active service of not less than 10 years, or who has already attained the age of 65 years and has performed active service for a period of 15 years; or may at any time be discharged by the President if they become afflicted with a permanent infirmity of mind or body which renders them incapable of performing their official duties; or may at any time on his or her request and with the approval of the President be discharged from active service as a Constitutional Court judge if there is any reason which the President deems sufficient.

Section 4 provides that:

“(1) A Constitutional Court judge whose 12-year term of office as a Constitutional Court judge expires before he or she has completed 15 years’ active service must, subject to subsection (2), continue to perform active service as a Constitutional Court judge to the date on which he or she completes a period of 15 years’ active service, whereupon he or she must be discharged from active service as a Constitutional Court judge. (2) A Constitutional Court judge who, on attaining the age of 70 years, has not yet completed 15 years’ active service, must continue to perform active service as a Constitutional Court judge to the date on which he or she completes a period of 15 years’ active service or attains the age of 75 years, whichever occurs first, whereupon he or she must be discharged from active service as a Constitutional Court judge.”

JUDICIAL APPOINTMENTS, RETIREMENTS AND VACANCIES

For the current reporting period, the following Judges were discharged from active service:

JUDGES DISCHARGED FROM ACTIVE SERVICE		
SURNAME & INITIALS	RETIREMENT DATES FOR 2020/2021	COURT
Mokgoathleng R D	20-07-2020	Gauteng Division
Froneman J C	31-05-2020	Constitutional Court
Leach L E	01-06-2020	Supreme Court of Appeal
Mojapelo M P	14-06-2020	Gauteng Division
Olivier C J	12-12-2020	Northern Cape Division
Louw J W	14-12-2020	Gauteng Division
Desai S	15-12-2020	Western Cape Division
Swain K G B	21-12-2020	Supreme Court of Appeal
Davis D M	01-01-2021	Western Cape Division and Judge President of the Competition Appeal Court
Gush D H	01-03-2021	Labour Court
Jordaan A F	15-03-2021	Gauteng Division

JUDGES WHO RESIGNED 01 APRIL 2020 - 31 MARCH 2021			
FULL NAMES	CAPACITY	DIVISION OF THE HIGH COURT	DATE OF EFFECT
None			

RACE AND GENDER COMPOSITION SUPERIOR COURTS

COURTS	AFRICAN		COLOURED		INDIAN		WHITE		TOTAL
	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	
Constitutional Court	4	3	1	1	0	0	1	0	9
Supreme Court of Appeal	6	6	1	0	3	1	3	1	21
Northern Cape Division (Kimberley)	1	2	0	1	0	0	0	0	4
Eastern Cape Division (Grahamstown)	1	1	1	0	1	0	3	1	8
Eastern Cape Local Division (Port Elizabeth)	2	1	0	0	0	0	3	2	8
Eastern Cape Local Division (Bhisho)	2	0	0	0	0	0	0	2	4
Eastern Cape Local Division (Mthatha)	2	2	0	0	0	1	2	0	7
Western Cape Division (Cape Town)	4	3	6	6	1	1	6	4	31
North West Division (Mahikeng)	1	2	1	0	0	0	0	0	4
Free State Division (Bloemfontein)	4	3	1	0	0	1	2	3	14
Gauteng Division (Pretoria)	13	9	0	2	3	0	7	7	41
Gauteng Local Division (Johannesburg)	5	5	3	1	2	2	7	7	32
Limpopo Local Division, Thohoyandou	3	0	0	0	0	0	0	0	3
Limpopo Division, Polokwane	3	1	0	0	0	0	1	0	5
Mpumalanga Division, Nelspruit	2	2	0	0	0	0	0	0	4
Mpumalanga Local Division, Middelburg	0	1	0	0	0	0	0	0	1
KwaZulu-Natal Division (Pietermaritzburg)	3	2	1	0	2	1	5	0	15
KwaZulu-Natal Local Division (Durban)	2	2	1	1	1	3	1	1	12
Labour Court	3	3	0	1	0	0	2	2	11
Labour Appeal Court ¹									
Competition Appeal Court ²									
Land Claims Court ³									
Electoral Court ⁴									
TOTAL	61	48	16	13	10	43	30	234	
PERCENTAGES	26%	21%	7%	6%	4%	18%	13%	100%	

1-4 : Judges of the above-mentioned courts are seconded from the High Court and therefore their statistics are already included in above table.

RACE AND GENDER COMPOSITION

MAGISTRATES' COURTS

MAGISTRATES									
POSITION	AFRICAN		COLOURED		INDIAN		WHITE		TOTAL
	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	
Regional Court President	5	2	0	1	0	0	0	1	9
Regional Court Magistrate	86	80	21	12	13	27	59	41	339
Chief Magistrate	3	6	1	1	1	1	2	1	16
Senior Magistrate	31	27	5	5	8	10	14	18	118
Magistrate	291	300	82	71	57	78	205	160	1244
TOTAL	416	415	109	90	79	116	280	221	1726
PERCENTAGE	24%	24%	6%	5%	5%	7%	16%	13%	100%





PART G

EXTRA-JUDICIAL POSITIONS HELD BY MEMBERS OF JUDICIARY

SUPERIOR COURT JUDICIARY

EX OFFICIO, INTERNATIONAL AND OTHER EXTRA-JUDICIAL POSITIONS			
INITIALS AND SURNAME	RANK	COURT	POSITION
M T R Mogoeng	Chief Justice	Constitutional Court	<ul style="list-style-type: none"> Chairperson of the Judicial Service Commission Chairperson of the Council of the South African Judicial Education Institute Member of the Executive Bureau of the Conference of Constitutional Jurisdictions of Africa (CCJA) Chancellor of the University of KwaZulu-Natal (UKZN)
R M M Zondo	Deputy Chief Justice	Constitutional Court	<ul style="list-style-type: none"> Deputy Chairperson of the Council of the South African Judicial Education Institute Chancellor of the University of Zululand Chairperson of the Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State Acting Chairperson of the Judicial Conduct Committee of the Judicial Services Committee
M Maya	President	Supreme Court of Appeal	<ul style="list-style-type: none"> Board membership in the National Bar Examination Board Board member of the Free State University Law Faculty Board Judge Moderator for the Advocates' Examinations President of the South African Chapter of the International Association of Women Judges Member of the Judicial Service Commission Council Member: South African Judicial Education Institute Board Member: South African Law Journal Member: Commonwealth Association of Law Reform Commissions Patron: Lawyers Against Violence Council member: Duke Law/ Bolch Judicial Institute Leadership Advisory Board Member: Yearbook of South African Law

SUPERIOR COURT JUDICIARY CONTINUED

EX OFFICIO, INTERNATIONAL AND OTHER EXTRA-JUDICIAL POSITIONS			
INITIALS AND SURNAME	RANK	COURT	POSITION
S Majiedt	Justice	Constitutional Court	<ul style="list-style-type: none"> Chancellor of the Sol Plaatje University
H Saldulker	Justice	Supreme Court of Appeal	<ul style="list-style-type: none"> Member of the National Bar Examination Board (NBEB) Judge Moderator for the Advocates Examination
N Dambuza	Justice	Supreme Court of Appeal	<ul style="list-style-type: none"> Chairperson of the Rules Board for Courts of Law Chairperson of the Rules Board Chairperson of African Judicial Network in Environmental Education Member of the Council of the South African Judicial Education Institute
B C Mocomie	Justice	Supreme Court of Appeal	<ul style="list-style-type: none"> Representative of the Judiciary of the Republic of South Africa (RSA) on the International Hague Network of Judges Member of the Court of Military Appeals
B Mbha	Justice	<ul style="list-style-type: none"> Supreme Court of Appeal; Electoral Court 	<ul style="list-style-type: none"> Deputy President of the Global Network for Electoral Justice
D Mlambo	Judge President	Gauteng Division of the High Court	<ul style="list-style-type: none"> Chairperson of the Board of Directors of the Community Advice Offices of SA (CAOSA) Board Member of the International Legal Foundation (ILF) Member of the Executive Council of the International Association of Refugee and Migration Judges (IARMJ) President of the Africa Chapter of the International Association of Refugee and Migration Judges (IARMJ) Chairperson of the Court of Military Appeals Chairperson of the Mediation Sub-Committee of the South African Law Reform Commission

SUPERIOR COURT JUDICIARY CONTINUED

EX OFFICIO, INTERNATIONAL AND OTHER EXTRA-JUDICIAL POSITIONS			
INITIALS AND SURNAME	RANK	COURT	POSITION
M Leeuw	Judge President	North West Division of the High Court	<ul style="list-style-type: none"> Chairperson of the Independent Commission for the Remuneration of Public Office Bearers Member of the Judicial Service Commission Member of the Council of the South African Judicial Education Institute
F Legodi	Judge President	Mpumalanga Division of the High Court	<ul style="list-style-type: none"> Member of the Court of Military Appeals
S M Mbenenge	Judge President	Eastern Cape Division of the High Court	<ul style="list-style-type: none"> Member of the Council of Walter Sisulu University.
Y S Meer	Acting Judge President	Land Claims Court	<ul style="list-style-type: none"> Extraordinary Professor at the University of Stellenbosch.
A P Ledwaba	Deputy Judge President	Gauteng Division of the High Court	<ul style="list-style-type: none"> Chairperson of the Magistrates' Commission
D Pillay	Judge	KwaZulu-Natal Division of the High Court	<ul style="list-style-type: none"> Commissioner at the Independent Electoral Commission of South Africa (IEC) Extraordinary Professor at the University of Pretoria and Free State
L T Modiba	Judge	Gauteng Division of the High Court	<ul style="list-style-type: none"> Member of the Special Investigations Unit Tribunal established in terms of Section (2)(1) of the Special Investigating Units and Special Tribunals Act 74 of 1996
J Kollapen	Judge	Gauteng Division of the High Court	<ul style="list-style-type: none"> Chairperson of the South African Law Reform Commission.
Zondi J	Judge	Eastern Cape Division	<ul style="list-style-type: none"> Member of the Judicial Conduct Committee of the Judicial Services Committee
T A N Makhubele	Judge	Gauteng Division of the High Court	<ul style="list-style-type: none"> Deputy Chairperson of the Council of University of Limpopo

SUPERIOR COURT

JUDICIARY CONTINUED

EX OFFICIO, INTERNATIONAL AND OTHER EXTRA-JUDICIAL POSITIONS			
INITIALS AND SURNAME	RANK	COURT	POSITION
G M Makhanya	Judge	Gauteng Division of the High Court	<ul style="list-style-type: none"> President of Special Investigations Unit Tribunal established in terms of Section (2)(1) of the Special Investigating Units and Special Tribunals Act 74 of 1996
B A Mashile	Judge	Mpumalanga Division of the High Court	<ul style="list-style-type: none"> Chairperson of the National Council for Correctional Services (NCCS)
V Phatshoane	Judge	Northern Cape Division of the High Court	<ul style="list-style-type: none"> Member of the Sol Plaatje University Council
L Mpati	Retired President	Supreme Court of Appeal	<ul style="list-style-type: none"> Commissioner of the Commission of Inquiry into allegations of impropriety regarding the Public Investment Corporation (PIC)
B E Nkabinde	Retired Justice	Constitutional Court	<ul style="list-style-type: none"> Designated Judge for the Purpose of the Regulation of Interception of Communications and Provision of Communication-Related Information Act, 2000.
E Cameron	Retired Justice	Constitutional Court	<ul style="list-style-type: none"> Chancellor of the University of Stellenbosch Inspecting Judge for Correctional Services
J B Z Shongwe	Retired Justice	Supreme Court of Appeal	<ul style="list-style-type: none"> Chairperson of the Commission of Inquiry into the Minibus Taxi-Type Service Violence Fatalities and Instability in the Gauteng Province
B Ngoepe	Retired Judge President	Gauteng Division of the High Court	<ul style="list-style-type: none"> Tax Ombudsman
F D Kgomo	Retired Judge President	Northern Cape Division of the High Court	<ul style="list-style-type: none"> The Judge appointed in terms of the South African Police Service Act, 1995, to investigate complaints against members of the Directorate for Priority Crime Investigation.
S Desai	Retired Judge	Western Cape Division of the High Court	<ul style="list-style-type: none"> Legal Services Ombudman in terms of Legal Practice Act, 2014

SUPERIOR COURT JUDICIARY CONTINUED

EX OFFICIO, INTERNATIONAL AND OTHER EXTRA-JUDICIAL POSITIONS			
INITIALS AND SURNAME	RANK	COURT	POSITION
G Bloem	Judge	Eastern Cape Division of the High Court	<ul style="list-style-type: none"> Chairperson of Council of the Rhodes University
K Pillay	Judge	KwaZulu Natal Division of the High Court	<ul style="list-style-type: none"> Member of the Special Investigations Unit Tribunal
J Eksteen	Judge	Eastern Cape Division of the High Court	<ul style="list-style-type: none"> Member of the Special Investigations Unit Tribunal
G Goosen	Judge	Eastern Cape Division of the High Court	<ul style="list-style-type: none"> Adjunct Professor of Law Nelson Mandela University
L Nuku	Judge	Western Cape Division of the High Court	<ul style="list-style-type: none"> Director Black Conveyancers Association
FE Mokgohloa	Deputy Judge President	Limpopo Division of the High Court	<ul style="list-style-type: none"> Deputy Chairperson of the Rules Board.

REGIONAL COURT JUDICIARY

EX OFFICIO, INTERNATIONAL AND OTHER EXTRA-JUDICIAL POSITIONS

INITIALS AND SURNAME	RANK	COURT	POSITION
C Oosthuizen-Senekal	Regional Magistrate	Stillfontein, North West Province	<ul style="list-style-type: none"> Secretary, South African Chapter of the International Association of Women Judges (SAC-IAWJ)
J H Wessels	Regional Court President	Limpopo Province	<ul style="list-style-type: none"> Member of the Rules Board and Chairperson of the ADR (Alternative Dispute Resolutions) and Small Claims Court Committees. Deputy Chairperson of the Magistrates Court Committee of the Rules Board.
J Ratshibvumo	Regional Magistrate	Giyani, Limpopo Province	<ul style="list-style-type: none"> President of ARMSA
C Honwana	Regional Magistrate	Lenyenye, Limpopo Province	<ul style="list-style-type: none"> Member of ARMSA National Executive Committee (NEC), National Treasurer of ARMSA.
K Pillay	Regional Magistrate	Mankweng, Limpopo Province	<ul style="list-style-type: none"> Member of ARMSA NEC: Chairperson-Projects (National)
J Ngobeni	Regional Magistrate	Polokwane, Limpopo Province	<ul style="list-style-type: none"> Member of ARMSA NEC-Wellness (National)
P D Nkuna	Regional Magistrate	Phalaborwa, Limpopo Province	<ul style="list-style-type: none"> Provincial Chairperson-ARMSA Limpopo
K M Nqadala	Regional Magistrate	Northern Cape Regional Division (Kimberley)	<ul style="list-style-type: none"> Member of the National Council for Correctional Services
B Langa	Regional Magistrate	Western Cape Regional Division (Cape Town)	<ul style="list-style-type: none"> Member of the Curriculum Committee of the South African Judicial Education Institute Council

REGIONAL COURT JUDICIARY CONTINUED

EX OFFICIO, INTERNATIONAL AND OTHER EXTRA-JUDICIAL POSITIONS			
INITIALS AND SURNAME	RANK	COURT	POSITION
Dr J Lekhuleni	Regional Magistrate	Cape Town, Western Cape Province	<ul style="list-style-type: none"> Peer Reviewer for SAC-IAWJ JUTA Journal Board
G Duthie	Regional Magistrate	Khayelitsha, Western Cape Province	<ul style="list-style-type: none"> Member of ARMSA NEC (Additional Member)
F Tonisi	Regional Magistrate	Paarl, Western Cape Province	<ul style="list-style-type: none"> Chairperson of ARMSA, Western Cape
S Mandla	Regional Magistrate	Oudtshoorn, Western Cape Province	<ul style="list-style-type: none"> Provincial Coordinator for Western Cape, SAC-IAWJ
C Nziweni	Regional Magistrate	Goodwood, Western Cape Province	<ul style="list-style-type: none"> Provincial Secretary- ARMSA, Western Cape
K Meyer	Regional Magistrate	Wynberg, Western Cape Province	<ul style="list-style-type: none"> Provincial Treasurer-ARMSA, Western Cape
N Moni	Regional Magistrate	Oudtshoorn, Western Cape Province	<ul style="list-style-type: none"> Additional Member-ARMSA, Western Cape
A Ramos	Acting Regional Magistrate	Khayelitsha, Western Cape Province	<ul style="list-style-type: none"> Assistant Vice President Programmes, SAC-IAWJ
V Noncembu	Regional Court President	Mmabatho, North West Province	<ul style="list-style-type: none"> Deputy President, SAC-IAWJ Member of the Child Justice Committee Member of the Editorial Team of the SAC-IAWJ and Juta Writing for Publications Programme
S Maboho	Regional Magistrate	Rustenburg, North West Province	<ul style="list-style-type: none"> Member of the Provincial Executive of ARMSA (North West Province)

REGIONAL COURT JUDICIARY CONTINUED

EX OFFICIO, INTERNATIONAL AND OTHER EXTRA-JUDICIAL POSITIONS

INITIALS AND SURNAME	RANK	COURT	POSITION
S Du Toit	Regional Magistrate	Mmabatho, North West Province	<ul style="list-style-type: none"> ARMSA Provincial Chairperson (North West Province); Member of ARMSA NEC
K Sephoti	Regional Magistrate	Ga-Rankuwa North West Province	<ul style="list-style-type: none"> Provincial Executive Member of ARMSA (North West Province)
CC La Marque	Regional Magistrate	Secunda, Mpumalanga Province	<ul style="list-style-type: none"> Provincial Coordinator of SAC-IAWJ, Mpumalanga Province
N Engelbrecht	Regional Magistrate	Mpumalanga Province	<ul style="list-style-type: none"> Member of the Lower Courts Remunerations Committee
D Mogotsi	Regional Magistrate	Garankuwa, North West Province	<ul style="list-style-type: none"> Member of the Curriculum Committee of the South African Judicial Education Institute Council



DISTRICT COURT JUDICIARY

EX OFFICIO, INTERNATIONAL AND OTHER EXTRA-JUDICIAL POSITIONS

SURNAME AND INITIALS	RANK	COURT	FUNCTION
Mr. C Goosen	Additional Magistrate	Eastern Cape, Nerina One Stop Child Justice Centre	<ul style="list-style-type: none"> Deputy Chairperson, Eastern Cape Provincial Child Justice Forum Deputy Chairperson, Eastern Cape Accreditation Committee
Ms. A Larsen	Additional Magistrate	Eastern Cape, Port Elizabeth	<ul style="list-style-type: none"> Branch Secretary, NADEL Port Elizabeth and District
Ms. X Ngwendu	Additional Magistrate	Eastern Cape, Queenstown	<ul style="list-style-type: none"> Ex Officio Executive Member of SAWLA
Ms. S Raphahlelo	Chief Magistrate	Eastern Cape, Port Elizabeth	<ul style="list-style-type: none"> Deputy Chairperson: Chief Magistrates Forum Chairperson: Provincial Advisory Committee for the Appointment of Sheriffs
Ms. A Motlekar	Chief Magistrate	Free State, Welkom	<ul style="list-style-type: none"> Member: Executive Committee: Chief Magistrates Forum Chairperson: Provincial Advisory Committee for the Appointment of Sheriffs
Mr. EA Makda	Senior Magistrate	Gauteng, Vereeniging	<ul style="list-style-type: none"> Member: Council for Debt Collectors
Ms. YP Sidlova	Chief Magistrate	Gauteng, Johannesburg	<ul style="list-style-type: none"> Member: Magistrates Commission
Mr. TT Thupaatlase	Acting Chief Magistrate	Gauteng, Randburg	<ul style="list-style-type: none"> Member: Rules Board for Courts of Law
Mrs. E de Klerk	Chief Magistrate	Gauteng, Palm Ridge	<ul style="list-style-type: none"> Member: Executive Committee: Chief Magistrates Forum
Mr. IP du Preez	Acting Chief Magistrate	Gauteng, Pretoria	<ul style="list-style-type: none"> Member of Editorial Committee: The South African Judicial Education Institute Newsletter

DISTRICT COURT

JUDICIARY CONTINUED

EX OFFICIO, INTERNATIONAL AND OTHER EXTRA-JUDICIAL POSITIONS			
SURNAME AND INITIALS	RANK	COURT	FUNCTION
Mr. EB Ngubane	Chief Magistrate	KwaZulu-Natal, Durban	<ul style="list-style-type: none"> Chairperson: Provincial Advisory Committee for the Appointment of Sheriffs Coordinator / Chairperson of the Overcrowding Sub-Committee of the Provincial Efficiency Enhancement Committee (PEEC) in KwaZulu-Natal
Mr. G van Rooyen	Senior Magistrate	KwaZulu-Natal, Emlazi	<ul style="list-style-type: none"> Member of Editorial Board of the South African Judicial Education Institute Journal
Mr. ZAS Dlamini	Additional Magistrate	KwaZulu-Natal, Pietermaritzburg	<ul style="list-style-type: none"> Provincial Secretary: Judicial Officers Association of South Africa
Ms. TS Tonjeni	Chief Magistrate	Mpumalanga, Mbombela	<ul style="list-style-type: none"> Council Member: South African Judicial Education Institute Chairperson: Provincial Advisory Committee for the Appointment of Sheriffs Member: Executive Committee: Chief Magistrates Forum
Mrs. JJ Ikaneng	Chief Magistrate	North West, Mmabatho	<ul style="list-style-type: none"> Chairperson: Provincial Advisory Committee for the Appointment of Sheriffs Member: Executive Committee, Chief Magistrates Forum
Mr. OS Mazwi	Magistrate	Northern Cape, Groblershoop	<ul style="list-style-type: none"> Provincial Chairperson: Judicial Officers Association of South Africa Member: National Executive Committee of the Judicial Officers Association of South Africa
Mr. OM Krieling	Chief Magistrate	Northern Cape, Kimberley	<ul style="list-style-type: none"> Council Member: South African Judicial Education Institute Secretary: Chief Magistrates Forum Chairperson: Provincial Advisory Committee for the Appointment of Sheriffs

DISTRICT COURT

JUDICIARY CONTINUED

EX OFFICIO, INTERNATIONAL AND OTHER EXTRA-JUDICIAL POSITIONS			
SURNAME AND INITIALS	RANK	COURT	FUNCTION
Ms. PK Magidela	Magistrate	Northern Cape, Springbok	<ul style="list-style-type: none"> Provincial Secretary: Judicial Officers Association of South Africa
Mr. J Brits	Magistrate	Northern Cape, Pampierstad	<ul style="list-style-type: none"> Provincial Coordinator: SAC of International Association of Women Judges
Mrs. CD Ringane	Chief Magistrate	Limpopo, Polokwane	<ul style="list-style-type: none"> Chairperson: Provincial Advisory Committee for the Appointment of Sheriffs
Mrs. L Raborife - Nchabeleng	Additional Magistrate	Limpopo Morebeng	<ul style="list-style-type: none"> Member: Magistrates Commission
Mr. DM Thulare	Chief Magistrate	Western Cape, Cape Town	<ul style="list-style-type: none"> Chairperson: Chief Magistrates Forum Member: Magistrates Commission Chairperson: Provincial Advisory Committee for the Appointment of Sheriffs





IN MEMORIAM

A Dedication to the Memory of our Honourable Departed Colleagues

We remember our departed colleagues and we thank them and their families for their service to the nation.

SURNAME	INITIALS	DATE OF DEATH	RETIRED / IN ACTIVE SERVICE
Jaji	N P	12-07-2020	In active service
Swart	J D M	05-05-2020	Retired
Moleko	A M	05-07-2020	Retired
Zulman	R H	08-08-2020	Retired
Marais	D	16-08-2020	Retired
Hetisani	G N K	27-09-2020	Retired
Thirion	P W	29-09-2020	Retired
Sishi	T A	13-01-2021	Retired
Mthiyane	K K	28-01-2021	Retired
De Klerk	M C	03-03-2021	Retired



ANNEXURE

TECHNICAL DESCRIPTIONS OF INDICATORS

TECHNICAL DESCRIPTION OF INDICATORS

1. INDICATOR TITLE	PERCENTAGE OF MATTERS FINALISED (CONSTITUTIONAL COURT)
Short Definition	The indicator measures the percentage of matters finalised (i.e. judgment granted or dismissed) by the Constitutional Court.
Purpose/ Importance	To measure of the performance of the Constitutional Court in relation to the finalisation of cases enrolled at the Court
Source/Collection of Data	Court rolls, Manual Registers, Court Judgments and Court Orders
Method of Calculation	$(\text{Number of matters finalised} / \text{total case load}) \times 100$ Case load = Cases brought forward + New matters
Data Limitations	None
Type of Indicator	Output
Calculation Type	Non- cumulative
Reporting Cycle	Quarterly and Annually
New Indicator	No
Desired Performance	An increase in the finalisation of court matters at the Constitutional Court. For the period under review the target is set at 70% .
Indicator Responsibilities	Court Administration Unit

2. INDICATOR TITLE	PERCENTAGE OF MATTERS FINALISED (SUPREME COURT OF APPEAL)
Short Definition	The indicator measures the percentage of criminal and civil appeal matters finalised (i.e. upheld or dismissed) by the Supreme Court of Appeal
Purpose/ Importance	To measure of the performance of the Supreme Court of Appeal in relation to the finalisation of criminal and civil appeal matters enrolled at the SCA
Source/Collection of Data	Court rolls, Manual Registers, Court Judgments and Court Orders
Method of Calculation	$\text{No of matters finalised} / \text{Total number of matters enrolled} \times 100$
Data Limitations	None
Type of Indicator	Output
Calculation Type	Non- cumulative
Reporting Cycle	Quarterly and Annually
New Indicator	No
Desired Performance	An increase in the percentage of SCA Appeal Matters finalised. For the period under review the target is set at 80% .
Indicator Responsibilities	Court Administration Unit

3. INDICATOR TITLE	PERCENTAGE OF APPLICATIONS/ PETITIONS FINALISED (SUPREME COURT OF APPEAL)
Short Definition	The indicator measures the percentage of applications/ petitions finalised by the Supreme Court of Appeal
Purpose/ Importance	To measure of the performance of the Supreme Court of Appeal in relation to the finalisation of applications/ petitions enrolled at the SCA
Source/Collection of Data	Court rolls, Manual Registers, Court Judgments and Court Orders
Method of Calculation	$(\text{No of applications/petitions finalised}) / (\text{Total number of applications/ petitions enrolled}) \times 100$
Data Limitations	None
Type of Indicator	Output
Calculation Type	Non- cumulative
Reporting Cycle	Quarterly and Annually
New Indicator	Yes
Desired Performance	An increase in the percentage of SCA applications/ petitions finalised For period under review the target is 80%
Indicator Responsibilities	Court Administration Unit

4. INDICATOR TITLE	PERCENTAGE OF CRIMINAL MATTERS FINALISED (HIGH COURT)
Short Definition	The indicator measures the percentage of criminal matters finalised by the High Court. These include but not limited to: Automatic Reviews, Section 309C of the CPA, 1977, Petitions, Appeals including Full Bench Appeals, Section 105A of the CPA (plea and sentence agreements), mental health reviews, bail appeals. * NB! The following outcomes will not be regarded as finalised: Postponed; remanded in custody, reserved judgment; stood down, part heard; adjourned and blank (no outcome) entries
Purpose/ Importance	To measure the performance in relation to the finalisation of criminal matters
Source/Collection of Data	Manual registers and court judgments
Method of Calculation	$(\text{Number of criminal matters finalised} / \text{total case load}) \times 100$ Total case load = The actual number of matters enrolled during the reporting period plus the matters brought forward from the previous cycle.
Data Limitations	None
Type of Indicator	Output
Calculation Type	Cumulative
Reporting Cycle	Quarterly and Annually
New Indicator	Yes
Desired Performance	An increase in the percentage of criminal matters finalised. § For period under review the target is 75%
Indicator Responsibilities	Court Administration Unit

5. INDICATOR TITLE	PERCENTAGE OF CIVIL MATTERS FINALISED (HIGH COURT)
Short Definition	<p>The indicator measures the percentage of civil (i.e. trials, opposed/unopposed motions, urgent applications, reviews, appeals including Full Bench appeals, pre-trial, admissions, Chamber book applications, Admiralty court, tax Court, Equality Court) matters finalised (i.e. admitted, granted, dismissed, refused, settled and withdrawn) by the High Court.</p> <p>* NB! The following outcomes will not be regarded as finalised: Postponed; reserved judgment; stood down, part heard; adjourned and blank (no outcome) entries</p> <p>** For Pre-Trial Proceedings only the finalised (granted and settlements) will be considered and form part of the total data population</p>
Purpose/ Importance	To measure the performance of the civil courts
Source/Collection of Data	Manual registers and court judgments
Method of Calculation	<p>(Number of civil matters finalised/ total case load) x100</p> <p>Total case load = The actual number of civil matters enrolled during the reporting period</p>
Data Limitations	None
Type of Indicator	Output
Calculation Type	Cumulative
Reporting Cycle	Quarterly and Annually
New Indicator	No
Desired Performance	<p>An increase in the percentage of civil matters finalised</p> <p>For the period under review the target is set at 64%</p>
Indicator Responsibilities	Court Administration Unit

6. INDICATOR TITLE	REDUCE THE PERCENTAGE OF CRIMINAL TRIAL BACKLOGS* (HIGH COURT)
Short Definition	Reduce the percentage of cases in the High Courts which are on the roll for more than 12 months (Criminal Case backlog)*
Purpose/ Importance	To measure the speedy finalisation of criminal backlog cases at the High Courts
Source/Collection of Data	List of outstanding cases, court judgments and court orders
Method of Calculation	Total Criminal Trials Outstanding for more than 12 Months as at the 31st March 2021 / All Criminal Trials Outstanding as at the 31st March 2021
Data Limitations	Delays due to Joint trials, outstanding warrants of arrest, lengthy trials (multiple charges and multiple accused), postponement of sentencing (postpone sentence section CPA), change of legal representation by accused, "double booking" by legal representatives.
Type of Indicator	Output
Calculation Type	Cumulative
Reporting Cycle	Annually
New Indicator	Yes
Desired Performance	A reduction in the Percentage of backlog cases. For period under review the target is 30%
Indicator Responsibilities	Court Administration Unit

7. INDICATOR TITLE	PERCENTAGE OF LABOUR MATTERS FINALISED
Short Definition	<p>The indicator measures the percentage of matters, (i.e. trials, opposed/ unopposed motions, urgent applications, reviews, pre-trial, admissions, appeals) matters finalised (i.e. admitted, granted, dismissed, refused, settled rule nisi discharged, rule nisi confirmed, withdrawn, matters remitted to CCMA/Bargaining Council, draft order) by the Labour Courts and Labour Appeal Court.</p> <p>* NB! The following outcomes will not be regarded as finalised: Postponed; reserved judgment; stood down, part heard; adjourned and blank (no outcome) entries</p> <p>** For Pre-Trial Proceedings only the finalised (granted and settlements) will be considered and form part of the total data population</p>
Purpose/ Importance	To measure of the performance of the Labour Court and Labour Appeal Court in relation to the finalisation of labour matters
Source/Collection of Data	Court judgments, court orders, court rolls and manual registers
Method of Calculation	<p>$(\text{Number of matters finalised} / \text{total case load}) \times 100$</p> <p>Total case load = The actual number of matters enrolled during the reporting period</p>
Data Limitations	None
Type of Indicator	Output
Calculation Type	Cumulative
Reporting Cycle	Quarterly and Annually
New Indicator	No
Desired Performance	<p>An increase in the percentage of labour matters finalised</p> <p>For period under review the target is 58%</p>
Indicator Responsibilities	Court Administration Unit

8. INDICATOR TITLE	PERCENTAGE OF MATTERS FINALISED (LAND CLAIMS COURT)
Short Definition	The indicator measures the percentage of cases (i.e. Automatic Reviews, Restitution, Extension of Security of Tenure and Land Reform [Labour Tenant]) finalised (i.e. Orders Of Magistrate Court Set Aside, Eviction Orders Confirmed, Cases That Should Never Have Been Referred, Settled, Judgments Orders, Withdrawn For Settlement) by the Land Claims Court.
Purpose/ Importance	To measure of the performance of the Land Claims Court in relation to the finalisation of matters
Source/Collection of Data	Court rolls, manual registers, court judgments and court orders
Method of Calculation	(Number of matters finalised/total case load) x100 Total case load = The actual number of matters enrolled during the reporting period
Data Limitations	None
Type of Indicator	Output
Calculation Type	Non-cumulative
Reporting Cycle	Quarterly and Annually
New Indicator	No
Desired Performance	An increase in the % of matters finalised For period under review the target is 60%
Indicator Responsibilities	Court Administration Unit

9. INDICATOR TITLE	PERCENTAGE OF COMPETITION APPEAL MATTERS FINALISED
Short Definition	The indicator measures the percentage of competition appeal matters finalised (i.e. upheld or dismissed) by the Competition Appeal Court.
Purpose/ Importance	To measure of the performance of the Competition Appeal Court in relation to the finalisation of competition appeal matters finalised
Source/Collection of Data	Court rolls, manual registers, Court Judgments and Court Orders
Method of Calculation	Number of cases finalised/total case load) x100 Total case load = The actual number of cases enrolled during the reporting period
Data Limitations	None
Type of Indicator	Output
Calculation Type	Non-cumulative
Reporting Cycle	Biannually and annually
New Indicator	No
Desired Performance	An increase in the percentage of competition appeal cases finalised For period under review the target is 85%
Indicator Responsibilities	Court Administration Unit

10. INDICATOR TITLE	PERCENTAGE OF ELECTORAL MATTERS FINALISED
Short Definition	The indicator measures the percentage of matters finalised (i.e. strike offs, withdrawn, granted or dismissed) by the Electoral Court.
Purpose/ Importance	To measure of the performance of the Electoral Court in relation to finalisation of electoral matters
Source/Collection of Data	Court rolls, manual registers, Court Judgments and Court Orders
Method of Calculation	(Number of matters finalised/total case load) x100 Total case load = The actual number of matters enrolled during the reporting period
Data Limitations	None
Type of Indicator	Output
Calculation Type	Non-cumulative
Reporting Cycle	Bi-annually and annually
New Indicator	No
Desired Performance	An increase in the percentage of Electoral cases finalised For period under review the target is 90%
Indicator Responsibilities	Court Administration Unit

11. INDICATOR TITLE	PERCENTAGE OF RESERVED JUDGMENTS FINALISED (SUPERIOR COURTS)
Short Definition	Percentage of reserved judgments finalised in all Superior Courts
Purpose/ Importance	The indicator measures the percentage of reserved judgments delivered by the Superior Courts within three months after the last hearing.
Source/Collection of Data	To reduce the number of reserved judgments and ensuring timely delivery of reserved judgments
Method of Calculation	(Number of reserved judgments delivered within three months/total number of reserved judgments delivered) x100
Data Limitations	None
Type of Indicator	Output
Calculation Type	Non-cumulative
Reporting Cycle	Quarterly and Annually
New Indicator	No
Desired Performance	Speedy delivery of reserved judgments by all Superior Courts (reserved judgments delivered within three months of last hearing). For period under review the target is 70%
Indicator Responsibilities	Court Administration Unit

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