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ANNUAL JUDICIARY REPORT

2021/22

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The Annual Judiciary Report is an instrument through which the Judiciary accounts to the public for its performance of judicial functions.



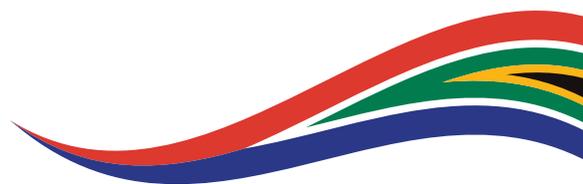




TABLE OF CONTENTS

8	PART A
9	Foreword by the Chief Justice
12	The South African Judiciary
18	PART B
19	Judiciary Regulatory Framework
21	PART C
22	Judicial Governance Structures
23	Disclosure of Judges' Registrable Interests
25	PART D
26	Court Performance
26	Key Performance Indicators: Superior Courts
28	Performance of the Superior Courts
42	Key Performance Indicators: Magistrates' Courts
43	Performance of the Magistrates' Courts
47	PART E
48	Judicial Education and Training
51	PART F
52	Judicial Appointments
55	Race and Gender of the South African Judiciary
58	Retirements
59	PART G
60	Extra-Judicial Positions held by Members of the Judiciary
64	PART H
65	In Memoriam
66	ANNEXURES
67	Annexure A: Technical Indicator Description: Superior Courts
74	Annexure B: Technical Indicator Description: Regional Courts

LIST OF TABLES

Table 1:	The Courts of South Africa	13
Table 2:	Disclosure of Judges' Registrable Interests	23
Table 3:	Performance on Key Performance Indicators	28
Table 4:	Finalised Constitutional Court Matters	28
Table 5:	Finalised Supreme Court of Appeal Matters	29
Table 6:	Specialised Courts: Finalised Labour Appeal Court Matters	30
Table 7:	Specialised Courts: Finalised Matters in Labour, Land Claims, Electoral and Competition Appeal Courts	31
Table 8:	Reduction percentage of Criminal case backlog	35
Table 9:	Percentage of Finalised Criminal Matters in each Division	36
Table 10:	Percentage of Finalised Civil Matters in each Division	37
Table 11:	Percentage of Reserved Judgments Finalised in all Superior Courts	39
Table 12:	Criminal Court Performance Statistics	43
Table 13:	Two Year Criminal Court Performance Statistics Comparison	44
Table 14:	Civil Court Performance Statistics	44
Table 15:	Two Year Civil Court Performance Statistics Comparison	45
Table 16:	Case Flow Blockages / Challenges	45
Table 17:	Summarised Training Data	49
Table 18:	Judges appointed during the period under review	52
Table 19:	Race and Gender Composition of Judges appointed	55
Table 20:	Race and Gender Composition of Magistrates appointed	56
Table 21:	Race and Gender Composition of all Judges	56
Table 22:	Race and Gender Composition of all Magistrates	57
Table 23:	Judges discharged from active service	58
Table 24:	Extra-Judicial Positions held by Members of the Judiciary	60

LIST OF FIGURES

Figure 1:	Hierarchical Court Structure	17
Figure 2:	Percentage of Constitutional Court Matters Finalised	29
Figure 3:	Percentage of Supreme Court of Appeal Matters Finalised	30
Figure 4:	Percentage of Supreme Court of Appeal Applications / Petitions Finalised	30
Figure 5:	Labour Court Matters Finalised	31
Figure 6:	Labour Court Centres - Total cases recorded	32
Figure 7:	Land Claims Court Matters Finalised	33
Figure 8:	Electoral Court Matters Finalised	33
Figure 9:	Competition Appeal Court Matters Finalised	34
Figure 10:	Reduction percentage of Criminal case backlog in each Division	36
Figure 11:	Percentage of Finalised Criminal Matters in each Division	37
Figure 12:	Percentage of Finalised Civil Matters in each Division	38
Figure 13:	Percentage of Reserved Judgments finalised in all Superior Courts	40
Figure 14:	Judges appointed during the period under review	52



LIST OF ABBREVIATIONS

AJPP	Annual Judiciary Performance Plan
CAC	Competition Appeal Court
CC	Constitutional Court
CCMA	Commission for Conciliation, Mediation and Arbitration
CFM	Case Flow Management
Covid-19	Coronavirus Disease 2019
CPA	Criminal Procedure Act, 1977
CRM	Customer Relation Management
DoJ&CD	Department of Justice and Constitutional Development
EC	Electoral Court
HC	High Court
ICT	Information and Communication Technology
JAC	Judicial Accountability Committee
JAIT	Judicial and Administrative Information Technology Steering Committee
JCC	Judicial Conduct Committee
JSC	Judicial Service Commission
KPI	Key Performance Indicator
LAC	Labour Appeal Court
LC	Labour Court
LCC	Land Claims Court
NEEC	National Efficiency Enhancement Committee
O CJ	Office of the Chief Justice
PEEC	Provincial Efficiency Enhancement Committee
SAJEI	South African Judicial Education Institute
SCA	Supreme Court of Appeal
TID	Technical Indicator Description







A

PART A

FOREWORD BY THE
CHIEF JUSTICE



FOREWORD BY THE CHIEF JUSTICE

Chief Justice R M M Zondo

Chief Justice of the Republic of South Africa

It is my pleasure to present the fifth Annual Judiciary Report to the people of South Africa on the Judiciary's performance of judicial functions. As I do so, I welcome our newly appointed Deputy Chief Justice, Justice Mandisa Maya, who attends this year's Judiciary Day in her new role as Deputy Chief Justice of the Republic.

Section 165(1) of the Constitution provides that the judicial authority of the Republic of South Africa is vested in the courts. Section 165(2) provides:

"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(3) provides that no person or organ of state may interfere with the functioning of the courts. Section 165(4) reads:

"Organs of state, through legislative and other measures, must assist and protect the courts to ensure the independence, impartiality, dignity, accessibility and effectiveness of the courts."

Section 165(6) provides that 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.

In terms of section 85 of the Constitution, the executive authority of the Republic is vested in the President. In terms of section 92(2) members of the Cabinet are accountable collectively and individually to Parliament for the exercise of their powers and the performance of their functions.

As indicated above, in terms of section 165(2) the courts are subject only to the Constitution and the law. The Judiciary regards section 165(2) as the constitutional basis for its obligation to account to the people of South Africa for its performance of its judicial functions. The Annual Judiciary Reports that we present to the public every year on Judiciary Day is our way of accounting to the people. The Annual Judiciary Report for 2021/2022 is presented in order for the Judiciary to fulfil its obligation to account to the public. During the first ever Judicial Accountability Session in 2018 the former Chief Justice, Justice Mogoeng Mogoeng, said that, like functionaries in the other arms of the State, Judicial Officers are accountable to the public in the execution of their functions. This report will, therefore, contribute to enhancing transparency, accountability and public confidence in the Judiciary of South Africa.

In February 2014, former Chief Justice Mogoeng Mogoeng issued the Norms and Standards contemplated in section 165(6) of the Constitution and section 8 of the Superior Courts Act, 2013. The objectives of these Norms and Standards are to:

- enhance access to quality justice for all;
- affirm the dignity of all users of the court system; and
- ensure the effective, efficient, and expeditious adjudication and resolution of all disputes through the courts, where applicable.

The commitment and co-operation of Judicial Officers have ensured that we continue to improve the Judiciary's performance of its judicial functions in many respects as is illustrated by the Annual Judiciary Report for 2021/2022.

In terms of Regulation 3(2) of the Regulations relating to the disclosure of Judge's registrable interests, newly appointed Judges are required to disclose their registrable interests to the Registrar within thirty (30) days of their appointment. In 2021/2022, thirty-seven (37) Judges commenced active service in the Judiciary of South Africa. The newly appointed Judges disclosed their registrable interests within thirty (30) days of appointment as prescribed by the Regulations. The disclosed information has been recorded in the Register. Copies of entries made in the Register were provided to the Judges in accordance with Regulation 3(3).

In the financial year 2021/2022, there were two hundred and fifty-three (253) Judges in active service and all the Judges disclosed their registrable interests in March 2022 as prescribed by the Regulations.

The efficient and effective performance of the Courts is critical for a vibrant democracy. During the period under review, ten (10) of thirteen (13) performance targets were achieved. This represents a 77% achievement. Only three (3) performance targets were not achieved: Percentage of Competition Appeal Court Cases Finalised (50%), Percentage of Land Claims Court Cases Finalised (49%) and the reduction percentage of criminal case backlogs (49%).

The Judicial Service Commission (JSC) is consulted by the President in terms of section 174(3) of the Constitution on the appointment of the Chief Justice, Deputy Chief Justice, Justices of the Constitutional Court, President of the Supreme Court of Appeal and the Deputy President of the Supreme Court of Appeal.

It is also responsible for advising the President of the Republic of South Africa on the appointment of all other Judges. During the period under review, the JSC conducted interviews in the months of April 2021 and October 2021 in order to fill judicial vacancies in various Courts. It also interviewed candidates for appointment to the Water Tribunal. The JSC further convened a special sitting from 01 to 05 February 2022 to interview four candidates who had been nominated by the President for appointment to the position of Chief Justice of the Republic of South Africa.

The JSC also deals with complaints lodged against Judges. The Judicial Service Commission Act, 1994 confers powers on the Judicial Service Commission to request the Chief

Justice to appoint a Judicial Conduct Tribunal whenever it appears that there are reasonable grounds to suspect that a Judge is suffering from incapacity, is grossly incompetent or is guilty of gross misconduct. A Tribunal was appointed by the Chief Justice to conduct an inquiry into certain allegations of misconduct.

The continued education and training of the Judiciary is critical in order to enhance judicial accountability and transformation of the Judiciary. During the period under review the South African Judicial Education Institute (SAJEI) conducted one hundred and sixty-eight (168) courses, exceeding the planned target of one hundred and five (105) courses.

On 24 March 2022, in celebrating its 10th anniversary, SAJEI held an international webinar on judicial training, which was attended by one hundred and twenty-five (125) participants from several African and European countries. This highlighted the importance of cooperation and collaboration of Regional and International Judicial Education Institutions.

The Covid-19 pandemic has accelerated the use of virtual platforms to the extent that one hundred and forty-eight (148) newly appointed District Magistrates attended virtual training sessions during the period under review. The course content included, Judicial Wellness, Virtual Presentation Skills, Gender Based Violence and Femicide, Equality Court skills and Illegal Wildlife Trade.

The Judiciary, supported by the Office of the Chief Justice (OCJ), continued to prioritise Information and Communication Technology (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 to the courts electronically and helps to minimise the physical movement of people and paper-based court processes in regard to litigation.

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

- A case management solution (Customer Relations Management CRM-Dynamics); and
- An 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. The Court Online system was, however, partially implemented in the Gauteng Division of the High Court. The pilot phase will proceed until all defects have been dealt with to ensure a fully effective and operational system when it is rolled out to all other Superior Courts.

The Annual Judiciary Report provides an overview of the performance of all courts. Unfortunately, the information concerning the performance of the District courts will again be excluded as the systems crash at the Department of Justice and Constitutional Development affected the integrity of the data on the Integrated Case Management System. As a result of this, it is not possible to have proper and accurate information. The Leadership of the Magistracy advised that such information should not be included in the Report. It is regrettable that, once again, the performance of the District courts has to be excluded for a second year as the majority of members from the public are served by these Courts. The Judiciary depends on the Department of Justice and Constitutional Development to get this problem solved as soon as possible.

It is an honour and privilege for me, as Head of the Judiciary of South Africa, to present this Annual Judiciary Report to the public.

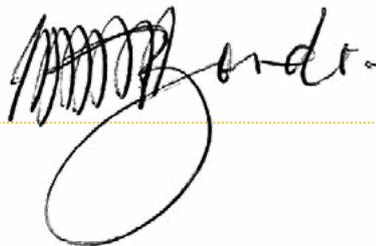
In keeping with the constitutional principles of accountability and transparency, this Annual Judiciary Report provides the public with information on the performance of judicial functions by the Judiciary in order to ensure transparency and the Judiciary's commitment to account to the public.

I would like to convey my gratitude to the leadership of the Judiciary for their unwavering support and co-operation throughout the 2021/2022 financial year. I thank the Deputy Chief Justice, the Acting President of the SCA, the Judges-

President, all the Regional Court Presidents, the Chief Magistrates and all other leaders within the Magistracy for their support, their ideas and suggestions from time to time and their commitment and dedication to the achievement of a justice system that is fair, accessible, efficient, effective and always upholds our Constitution and the rule of law. I take this opportunity to thank the Judicial Accountability Committee (JAC) for the good work it has done in ensuring that we have this Report and in ensuring that this year's Judiciary Day happens. For a long time this Committee was led by Judge President Monica Leeuw, who was the Judge President of the North West Division of the High Court, until her retirement in July last year. I thank her for her diligence and dedication all these years and wish her a peaceful retirement. The Deputy Chief Justice took over the leadership of this Committee after the retirement of Judge President Leeuw.

I also wish to thank the leadership of the OCJ and all officials of the OCJ who made a contribution to the preparation of this Report and for their hard work to ensure that we have a successful Judiciary Day. I would also like to convey my appreciation to the Portfolio Committee on Justice and Correctional Services and all other stakeholders for their support to, and co-operation with, the Judiciary. I also thank the Minister of Justice and Correctional Services for the support he continues to give to the Judiciary.

Lastly, I convey my sincere gratitude to the leadership and all officials of the OCJ for their administrative support to the Judiciary, their hard work and dedication.



Chief Justice R M M Zondo

Chief Justice of the Republic of South Africa





THE SOUTH AFRICAN JUDICIARY

THE SOUTH AFRICAN JUDICIARY

Section 165(1) of the Constitution provides that the judicial authority of the Republic is vested in the Courts.

Section 165(2) 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.

In terms of Section 165(3) no person or organ of state may interfere with the functioning of the courts. Section 165(4) provides that organs of state, through legislative and other measures, must assist and protect the courts to ensure the independence, impartiality, dignity, accessibility and effectiveness of the courts.

Section 165(5) provides that an order or decision issued by a court binds all persons to whom and organs of state to which it applies.

Section 165(6) proclaims that 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 lists the courts as follows:

- (a) The Constitutional Court;
- (b) The Supreme Court of Appeal;
- (c) The High Court of South Africa and any high court of appeal that may be established by an Act of Parliament to hear appeals from any court of a status similar to the High Court of South Africa; and
- (d) The Magistrates' Courts, and,
- (e) any other court established or recognised in terms of an Act of Parliament, including any court of a status similar to either the High Court or the Magistrates' Courts.

Table 1: The Courts of South Africa

COURT	JURISDICTION
CONSTITUTIONAL COURT	<p>This Court is the highest court in South Africa. It was established by the interim Constitution of 1993 and continues to exist under the final Constitution.</p> <p>In terms of section 167(4) of the Constitution only the Constitutional Court may:</p> <ol style="list-style-type: none"> (a) decide disputes between organs of state in the national or provincial sphere concerning the constitutional status, powers or functions of any of those organs of state; (b) decide on the constitutionality of any parliamentary or provincial Bill, but may do so only in the circumstances anticipated in section 79 or 121; (c) decide applications envisaged in section 80 or 122; (d) decide on the constitutionality of any amendment to the Constitution; (e) decide that Parliament or the President has failed to fulfil a constitutional obligation; or (f) certify a provincial constitution in terms of section 144. <p>The Constitution requires that a matter in the Constitutional Court be heard by at least eight Judges. In practice all 11 Justices sit in every case set down unless there is a good reason for one or more of the Justices not to be part of the panel hearing a particular case.</p>

COURT**JURISDICTION****SUPREME COURT OF APPEAL (SCA)**

The court that is now known as the Supreme Court of Appeal used to be known as the Appellate Division of the Supreme Court, a court that was established in 1910 as the highest court in the land at the time. Its name changed to the Supreme Court of Appeal when the final Constitution was passed.

The Supreme Court of Appeal is based in Bloemfontein in the Free State province. The Supreme Court of Appeal comes immediately below the Constitutional Court in the hierarchy of courts in South Africa.

In terms of the Constitution, the Supreme Court of Appeal may decide any matter, except certain labour and competition matters. It may decide only appeals and issues connected with appeals.

The Supreme Court of Appeal may make any order concerning the constitutional validity of an Act of Parliament, a provincial Act or any conduct of the President, but an order of constitutional invalidity it makes has no force unless it is confirmed by the Constitutional Court.

Generally, the Supreme Court of Appeal sits in panels of three or five but two Judges deal with applications for leave to appeal.

HIGH COURT OF SOUTH AFRICA

In terms of section 166(c) of the Constitution there is one High Court of South Africa. In terms of the Superior Courts Act, 2013 there are nine provincial Divisions of the High Court of South Africa. They are:

- (a) The Eastern Cape Division, with its main seat in Makhanda and three Local Divisions located in Gqeberha, Mthatha and Bhisho;
- (b) The Free State Division with its main seat in Bloemfontein;
- (c) The Gauteng Division with its main seat in Pretoria and the Local Division in Johannesburg.
- (d) The KwaZulu-Natal Division with its main seat in Pietermaritzburg and its Local Division in Durban;
- (e) The Limpopo Division with its main seat in Polokwane with its local Division in Thohoyandou.
- (f) The Mpumalanga Division with its main seat in Mbombela, with its local Division in Middelburg;
- (g) The Northern Cape Division with its main seat in Kimberley;
- (h) The North West Division with its main seat in Mahikeng; and
- (i) The Western Cape Division with its main seat in Cape Town.

The High Court has jurisdiction to adjudicate any matter that has not been assigned to another court either by the Constitution or an Act of Parliament.

COURTS OF A STATUS SIMILAR TO THAT OF THE HIGH COURT ARE THE FOLLOWING SPECIALISED COURTS:

ELECTORAL COURT

The Electoral Court is a specialist Court established in terms of section 18 of the Electoral Commission Act, No.51 of 1996 to adjudicate matters relating to electoral law. It has the same status as the High Court. The Electoral Court is headed by a Chairperson who is required to be a Judge of the Supreme Court of Appeal. Its members includes Judges and non-Judges.

The Electoral Court may review any decisions of the Independent Electoral Commission (IEC) relating to an electoral matter and such a review must be administered and disposed of as quickly as possible. Additionally, the Court hears and rules on appeals against decisions of the IEC, as determined by the Chairperson. The Court makes rules, with regards to electoral disputes, complaints and breaches arising from the Electoral Code of Conduct.

LABOUR COURT

The Labour Court is a court of the same status as the High Court. It is established by the Labour Relations Act and operates from Johannesburg, Durban, Gqeberha and Cape Town. Its jurisdiction is set out in the Labour Relations Act, 1995. Basically, it is a specialist court that deals with labour and employment matters. Appeals from its decision go to the Labour Appeal Court. The Labour Court and Labour Appeal Court share the same Judge President and Deputy Judge President.

LABOUR APPEAL COURT

The Labour Appeal Court is a specialist court of appeal which hears all appeals from judgments of the Labour Court. The Labour Appeal Court and the Labour Court share the same Judge President and Deputy Judge President. Other than for the fact that the two courts share the same Judge President and Deputy Judge President, they have separate Judges. In terms of section 167 of the Labour Relations Act, 1995 the Labour Appeal Court has the same status as the Supreme Court of Appeal. Appeals from the Labour Appeal Court go to the Constitutional Court if that court grants leave.

COMPETITION APPEAL COURT

The Competition Appeal Court is an appeal court established by the Competition Act, 1998. It enjoys the same status as a Division of the High Court. It is led by a Judge President. Its judges are drawn from the High Court. It hears appeals from judgments of the Competition Tribunal. Originally, appeals from the Competition Appeal Court lay to the Supreme Court of Appeal but this was changed. They now lie to the Constitutional Court.

LAND CLAIMS COURT

The Land Claims Court is a specialised Court established in terms of the Restitution of Land Rights Act No 22 of 1994. It has jurisdiction throughout the country to adjudicate matters pertaining to land restitution, and land tenure reform as embodied in Sections 25(7) and 25(6) of the Constitution respectively. In terms of the Restitution of Land Rights Act No 22 of 1994, the Court adjudicates claims for restitution of rights in land by persons who were dispossessed of rights in land by a racial law or practice. In terms of the Land Reform Labour Tenants Act No 2 of 1996 and the Extension of Security of Tenure Act No 62 of 1997 the Court adjudicates disputes between landowners and farmworkers / occupiers on land and labour tenants respectively. The Court is a permanent Circuit Court which travels throughout the country to enable restorative justice to be easily accessed by many poor and vulnerable South Africans.

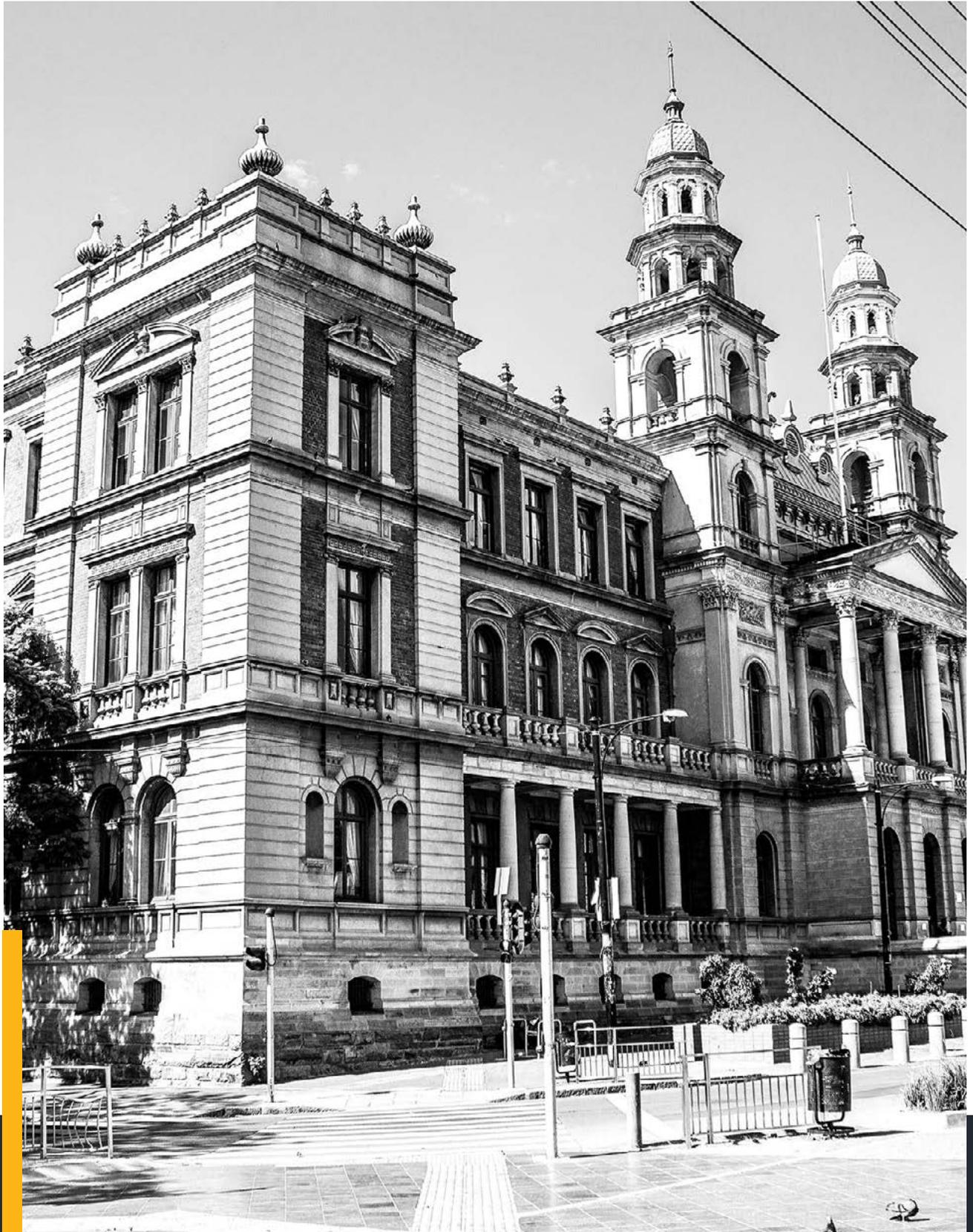
LOWER COURTS

REGIONAL MAGISTRATES' COURTS (CRIMINAL AND CIVIL COURT)

Regional Magistrates' Courts deal with all offences except treason. These courts also deal with some civil and family matters.

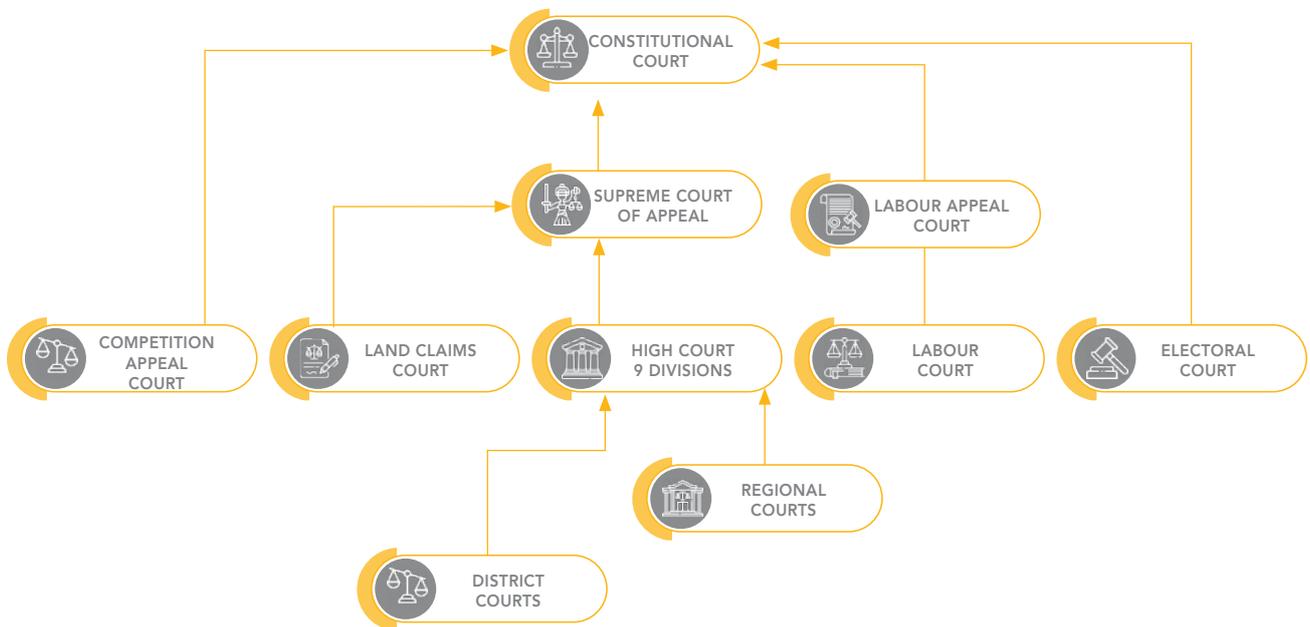
DISTRICT COURTS (CRIMINAL AND CIVIL / FAMILY COURTS / CHILDREN'S COURTS)

Magistrates' Courts deal with matters falling within their jurisdiction as provided for in the Magistrates' Courts Act. Appeals against judgments of the Magistrates' Courts lie to the High Court.



The hierarchy of the courts in South Africa can be graphically depicted as follows:

Figure 1: Hierarchical Court Structure



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:

- in respect of the Constitutional Court, it means the Chief Justice;
- in respect of the Supreme Court of Appeal, it means the President of that Court;
- in respect of any Division of the High Court, it means the Judge President of that Division; and
- in respect of any court of a status similar to the High Court, it means 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.

Judicial Accountability

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, 2013.

The Superior Courts Act, 2013 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 Provincial Division of the High Court is also responsible for the co-

ordination of the judicial functions of all Magistrates’ Courts falling within the jurisdiction of that Division.

Administrative Support for the Judiciary

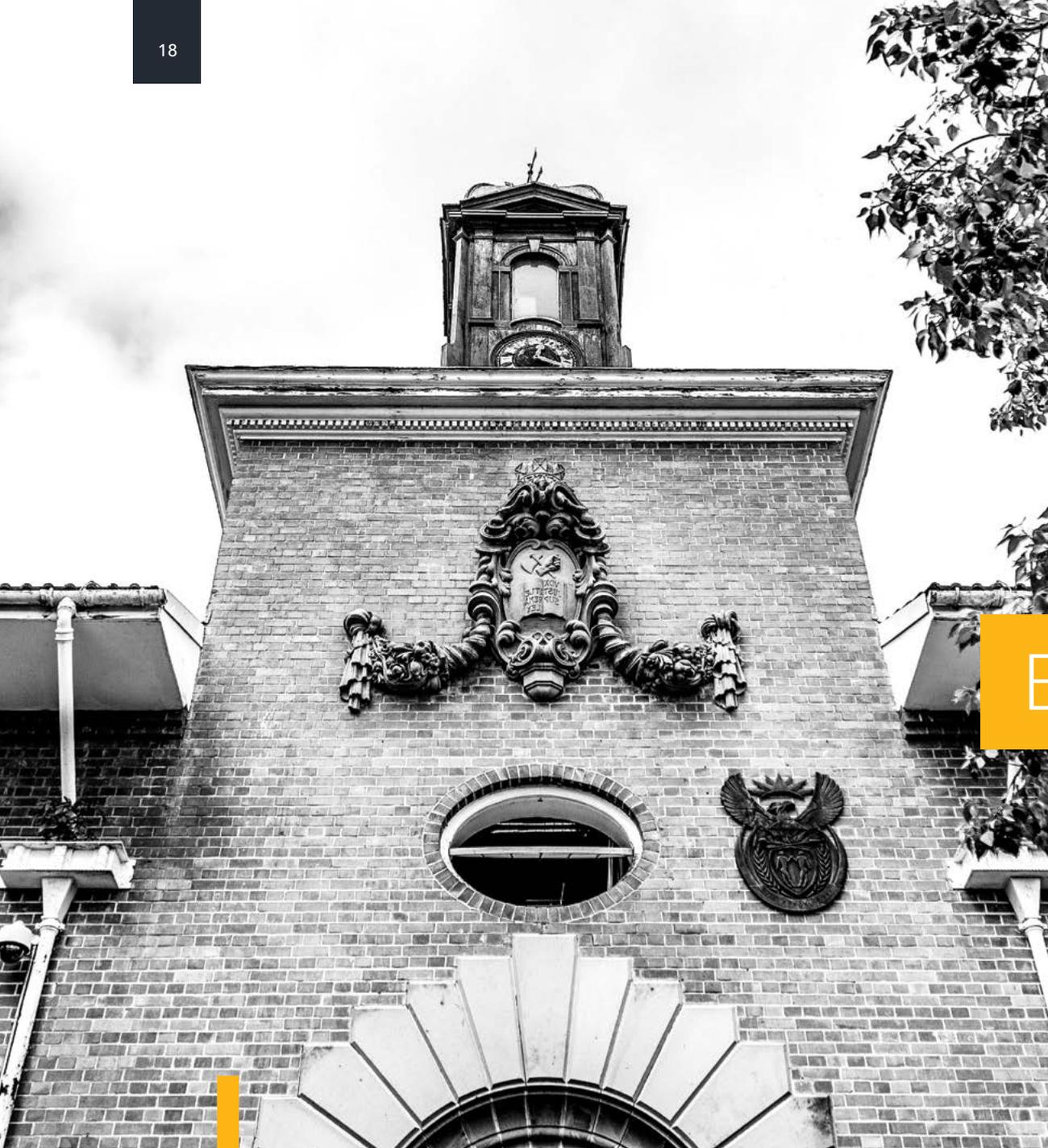
The Office of the Chief Justice (OCJ) was established as a national department:

- to ensure that the Chief Justice can execute his / her 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 judiciary to ensure effective and efficient court administration.

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.

This is done by managing the administration of Superior Courts through the management and funding of the activities and operations of the Superior Courts as well as the provision of administrative and technical support to the Superior Courts, assisting the Chief Justice in monitoring the overall performance of the Courts and enhancing judicial stakeholder relations.



B

PART B

JUDICIARY REGULATORY
FRAMEWORK

JUDICIARY REGULATORY FRAMEWORK

Chapter 8 of the Constitution deals with the Judiciary, the courts and the administration of justice. As indicated in the foreword, section 165(2) of the Constitution provides that the courts are subject only to the Constitution and the law. The Judges' Remuneration and Conditions of Employment Act, 2001, together with regulations promulgated under it govern the terms and conditions of service of Judges.

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

THE CONSTITUTION

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 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. Section 8(2) of the Superior Courts Act, 2013 reaffirms the same point.

Item 16(6)(a) 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.

Section 92(2) of the Constitution provides that members of the Cabinet are accountable collectively and individually to Parliament for the exercise of their powers and the performance of their functions.

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. According to section 239, the meaning of "organ of state" expressly excludes a court or a Judicial Officer.

THE SUPERIOR COURTS ACT, 2013

Section 8(3) of the Superior Courts Act 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 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

Pursuant to the constitutional imperative contained in section 165(6) of the Constitution and in section 8 of the Superior Courts Act, in February 2014 the Chief Justice established Norms and Standards for the performance of judicial functions with the unanimous support of the Heads of Court. These Norms and Standards seek to enhance 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 of disputes brought before the Courts.

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 it to the Regional Court President and the Head of the Administrative Region, who in turn will submit it 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 the performance of the Judicial Officers serving in their 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 may advise the national government on any matter relating to the Judiciary or the administration of justice.

Additionally, it performs the following functions:

- it interviews candidates for judicial posts in the Superior Courts and advises the President on the appointment of Judges and is consulted by the President on the appointment of Judges of the Constitutional Court, the Chief Justice, the Deputy Chief Justice as well as the President and Deputy President of the Supreme Court of Appeal.
- it deals with complaints brought against Judges through the Judicial Conduct Committee and Tribunals; and
- it recommends to the National Assembly the removal from office of a Judge who has been found to be grossly

incompetent or who has been found guilty of gross misconduct or who suffers from incapacity.

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 any 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 to which Judges must adhere to.

Disclosure of processes relating to complaints against Judges requires striking a balance between judicial independence and dignity, and the overriding principles of transparency and accountability as required by the Judicial Service Commission Act, 1994.

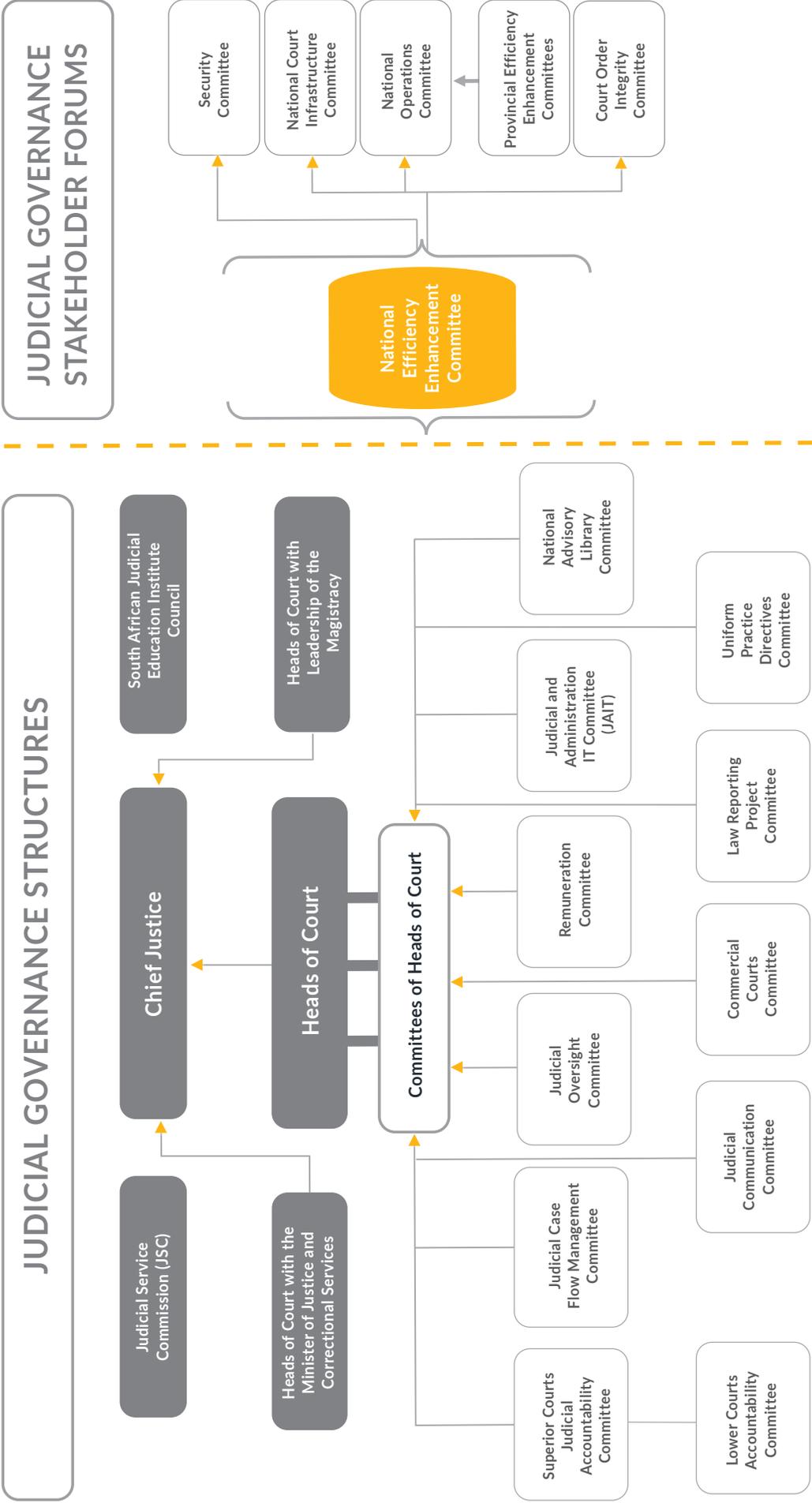
In terms of the Act, complaints against Judges must be based on, inter alia, incapacity giving rise to a Judge's inability to perform the functions of judicial office in accordance with prevailing standards. Performance of functions in accordance with prevailing standards can only be determined through 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 within 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.



PART C

GOVERNANCE
FRAMEWORK OF THE
JUDICIARY



DISCLOSURE OF JUDGES' REGISTRABLE INTERESTS

Judges are legislatively required to disclose particulars of all their registrable interests and those of his or her 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(2)(c) of the Judicial Service Commission Act, 1994, requires the JSC annually to submit a written report to Parliament for tabling. The report must include a section dealing with compliance with the requirements of the registration of Judges' Registrable interests.

Regulation 5(5) of the Regulations on Judges' Registrable Interests, made in terms of Section 13(8) of the Judicial Service Commission Act, 1994, stipulates that the Registrar of Judges' Registrable Interests 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.

The disclosed interests have since been entered in the Register of Judges' Registrable Interests in accordance with section 3(3) of the Regulations and Judges have been provided with copies of individual entries to the Register relating to them.

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.

Regulation 3(2) of the Regulations relating to the Disclosure of Judge's Registrable Interests requires that newly appointed Judges disclose their registrable interests to the Registrar of Judges' Registrable Interests within 30 days of their appointment. The Registrar is required to enter the particulars of a disclosure by a Judge in the Register of Judge's Registrable Interests and thereafter cause a copy of all entries relating to that Judge to be communicated to the Judge (Regulation 3(3)).

DISCLOSURE BY JUDGES' APPOINTED IN 2021/2022

In 2021/2022 thirty-seven (37) Judges commenced active service in the Judiciary of South Africa. The Judges disclosed their registrable interests within 30 days of appointment as prescribed by the regulations. The disclosed information is contained in the Register which is available to the public on request.

STATUS OF DISCLOSURES FOR ALL JUDGES AS AT 31 MARCH 2022

Table 2: Disclosure of Judges' Registrable Interests

PERFORMANCE INDICATORS	PERFORMANCE TARGET	ACTUAL PERFORMANCE
Percentage of disclosures of Judges' Registrable Interests submitted by 31 March 2022	100%	100%
Percentage of disclosures of newly appointed Judges' Registrable Interests submitted within 30 days of appointment	100%	100%

In the year under review there were two hundred and fifty-three (253) Judges in active service and all two hundred and fifty-three (253) Judges disclosed their registrable interests by 31 March 2022 as prescribed by the Regulations.

JUDGES' DISCLOSURES FOR FAMILY MEMBERS

Regulation 5 of the Regulations Relating to the Judicial Service Commission Act, 1994: Disclosure of Registrable Interests; requires the Registrar to include in his or her annual report to the JSC the names of those Judges in active service who have disclosed interests of their family members.

The interests of a Judge's immediate family members are registrable if the Judge wishes to disclose those interests and the immediate family member in question consents to such disclosure. In the period under review eleven (11) Judges disclosed registrable interests of their immediate family members. The interests disclosed with respect to family members are recorded in the confidential section of the Register in accordance with the Regulations.

JUDGES' REMUNERATION AND CONDITIONS OF EMPLOYMENT ACT, 2001, AND REGULATIONS

The Judges' Remuneration and Conditions of Employment Act, 2001 (Act 47 of 2001), together with regulations promulgated under it governs the employment benefits of Judges. The Independent Commission for the Remuneration of Public Office Bearers makes recommendations to the President of the Republic on 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 as provided for in the South African Judicial Education Institute Act, 2008 (Act 14 of 2008). The Institute commenced with training in January 2012.





D

PART D

COURT PERFORMANCE

COURT PERFORMANCE

In a constitutional democracy, the Judiciary remains accountable to the people for the power and authority bestowed upon it. This holds true in the case of the Judiciary of South Africa as well. Section 165(6) of the Constitution places upon the Chief Justice as the Head of the Judiciary, the responsibility over the establishment and monitoring of norms and standards for the exercise of the judicial functions of all courts.

Reporting is an essential and integral part of ensuring effective monitoring and implementation of the Norms and Standards. Judicial Officers are required to report on their performance, which includes, amongst others, Judicial Case Flow Management.

The Judicial Accountability Committee (JAC), a committee of the Heads of Court, continues to contribute to the enhancement of Judicial performance.

The purpose of the court performance monitoring report is to provide progressive updates on the implementation of the Annual Judiciary Performance Plan (AJPP) with specific

reference to monitoring delivery against set quarterly performance targets. The report below provides an overall picture on how the Superior Courts performed during the period under review.

The AJPP indicators for the Judiciary as reflected in the Annual Judiciary Report 2020/2021 remain relevant for this reporting period. The AJPP 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 aspects of the overall functions and mandate of the Judiciary.

KEY PERFORMANCE INDICATORS: SUPERIOR COURTS

Measuring performance through Technical Description Indicators:

The Judiciary defined the Key Performance Indicators (KPI) for each court and performance area. The Technical Indicator Description (TID) are contained in the Annexure. The Annexure is Part of this Report. The performance per indicator must be read with the relevant TID.

CONSTITUTIONAL COURT	
PERFORMANCE INDICATOR	PERFORMANCE TARGET 2021 /2022

- | | |
|-----------------------------------|-----|
| • Percentage of matters finalised | 70% |
|-----------------------------------|-----|

SUPREME COURT OF APPEAL	
PERFORMANCE INDICATOR	PERFORMANCE TARGET 2021 /2022

- | | |
|--|-----|
| • Percentage of matters finalised | 80% |
| • Percentage of Applications / Petitions finalised | 80% |

LABOUR APPEAL COURT	
PERFORMANCE INDICATOR	PERFORMANCE TARGET 2021 /2022

- | | |
|-------------------------------------|-----|
| • Percentage of matters finalised | 80% |
| • Percentage of Petitions finalised | 90% |

HIGH COURT

PERFORMANCE INDICATOR	PERFORMANCE TARGET 2021 /2022
• Percentage of criminal matters finalised	75%
• Percentage of civil matters finalised	64%
• Reduction percentage of criminal case backlog	30%

LABOUR COURT

PERFORMANCE INDICATOR	PERFORMANCE TARGET 2021 /2022
• Percentage of labour matters finalised	58%

LAND CLAIMS COURT

PERFORMANCE INDICATOR	PERFORMANCE TARGET 2021 /2022
• Percentage of land claims matters finalised	60%

COMPETITION APPEAL COURT

PERFORMANCE INDICATOR	PERFORMANCE TARGET 2021 /2022
• Percentage of Competition Appeal cases finalised	85%

ELECTORAL COURT

PERFORMANCE INDICATOR	PERFORMANCE TARGET 2021 /2022
• Percentage of Electoral Court cases finalised	90%

RESERVED JUDGMENTS

PERFORMANCE INDICATOR	PERFORMANCE TARGET 2021 /2022
• Percentage of Reserved Judgments finalised in all Superior Courts	70%

PERFORMANCE OF THE SUPERIOR COURTS

For the period under review, ten (10) of thirteen (13) performance targets were achieved. This represents a 77% achievement. Only three (3) performance targets were not achieved: Percentage of Competition Appeal Court Cases Finalised (50%), Percentage of Land Claims Court Cases Finalised (49%) and the reduction percentage of criminal case backlogs (49%). The performance of the Superior Courts is depicted in the table below:

Table 3: Performance on Key Performance Indicators

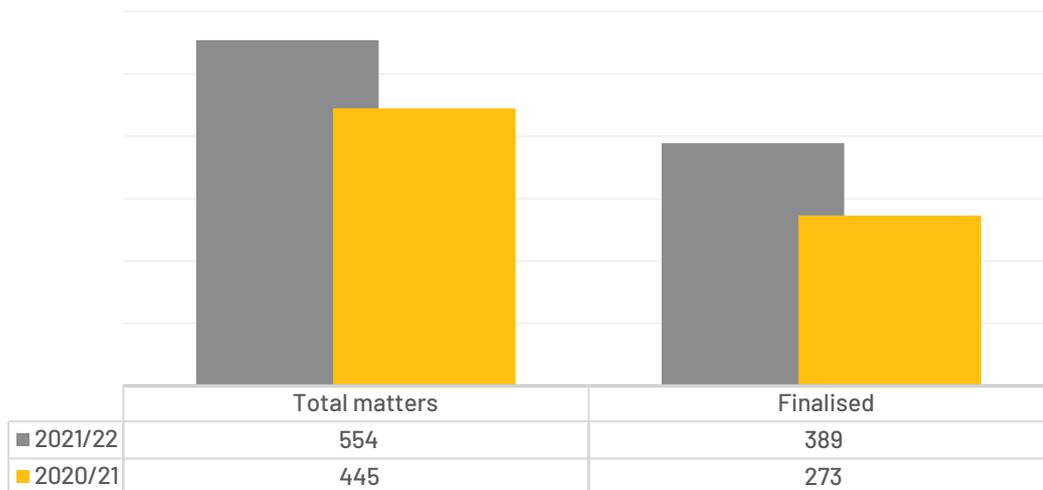
KEY PERFORMANCE INDICATORS	TARGET	ACTUAL
1. Percentage of Constitutional Court matters finalised	70%	70%
2. Percentage of Supreme Court of Appeal matters finalised	80%	80%
3. Percentage of Supreme Court of Appeal Application / Petitions finalised	80%	97%
4. Percentage of Labour Appeal Court matters finalised	80%	85%
5. Percentage of Labour Appeal Court Petitions finalised	90%	100%
6. Reduction percentage of criminal case backlogs (all High Court Divisions)	30%	49%
7. Percentage of all Criminal matters finalised (all High Court Divisions)	75%	89%
8. Percentage of all Civil matters finalised (all High Court Divisions)	64%	88%
9. Percentage of Labour Court matters finalised	58%	60%
10. Percentage of Electoral Court cases finalised	90%	100%
11. Percentage of Competition Appeal Court cases finalised	85%	50%
12. Percentage of Land Claims Court matters finalised	60%	49%
13. Percentage of Reserved Judgment finalised in all Superior Courts	70%	75%

CONSTITUTIONAL COURT OVERVIEW

Table 4: Finalised Constitutional Court Matters

INDICATOR	2021/2022 ANNUAL		
	TOTAL MATTERS	FINALISED MATTERS	% FINALISED
Percentage of Constitutional Court matters finalised	554	389	70%

A total of 389 matters of a total of 554 were finalised by the Constitutional Court. The performance for the reporting period is on par with the set annual target of 70%. This is an improvement of 9% compared to the percentage achievement (61%) recorded during the previous reporting period. The total number of matters dealt with by the Constitutional Court increased by 24% from 445 matters during 2020/2021 to 554 matters during 2021/2022.

Figure 2: Percentage of Constitutional Court Matters Finalised

SUPREME COURT OF APPEAL OVERVIEW

Table 5: Finalised Supreme Court of Appeal Matters

INDICATOR	2021/2022 ANNUAL		
	TOTAL APPEAL MATTERS	FINALISED MATTERS	% FINALISED
Percentage of Appeals finalised	242	194	80%
Percentage of Applications / Petitions finalised	1 113	1 075	97%

During the period under review, the Supreme Court of Appeal (SCA) achieved 80% by finalising one hundred and ninety-four (194) appeals out of a total caseload of two hundred and forty-two (242) appeals, which is on par with the annual set target of 80%. Compared to the previous financial year, the SCA managed to maintain an 80% and above achievement.

The Supreme Court of Appeal achieved 97% performance by finalising 1 075 applications / petitions. This was 1 075 applications / petitions out of a total caseload of 1 113 applications / petitions. This represents an over achievement of 17% performance measured against the annual set target of 80%. Compared to the previous year, the SCA managed to exceed the set target of 80% during both reporting periods by finalising 1 082 and 1 075 applications and petitions, respectively.

Figure 3: Percentage of Supreme Court of Appeal Matters Finalised

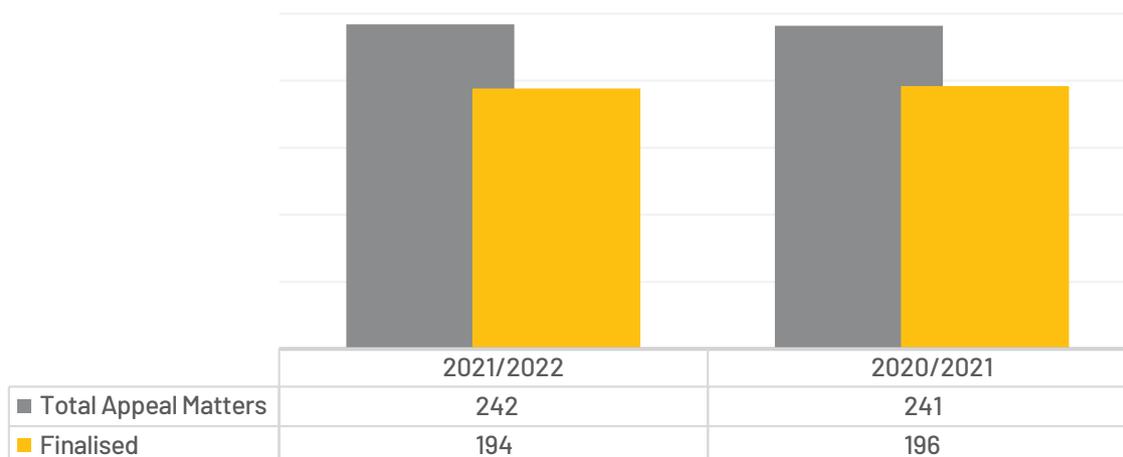
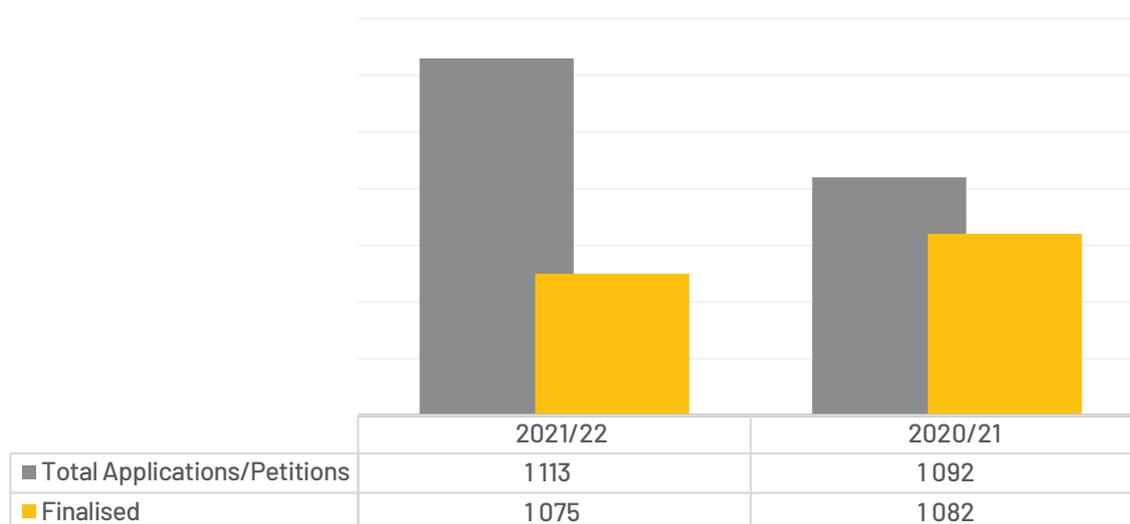


Figure 4: Percentage of Supreme Court of Appeal Applications / Petitions Finalised



SPECIALISED COURTS OVERVIEW

Table 6: Specialised Courts: Finalised Labour Appeal Court Matters

Indicator	2021/2022 ANNUAL		
	TOTAL APPEAL MATTERS	FINALISED MATTERS	% FINALISED
Percentage of Appeals finalised	92	78	85%
Percentage of Petitions finalised	152	152	100%

During the period under review, the Labour Appeal Court achieved 85% by finalising 78 appeals out of a total caseload of 92 appeals, which exceeds the annual set target of 80% by a total of 5%.

The Labour Appeal Court achieved 100% performance by finalising 152 petitions out of a total caseload of 152 petitions. This represents an over achievement of 10% performance measured against the annual set target of 90%.

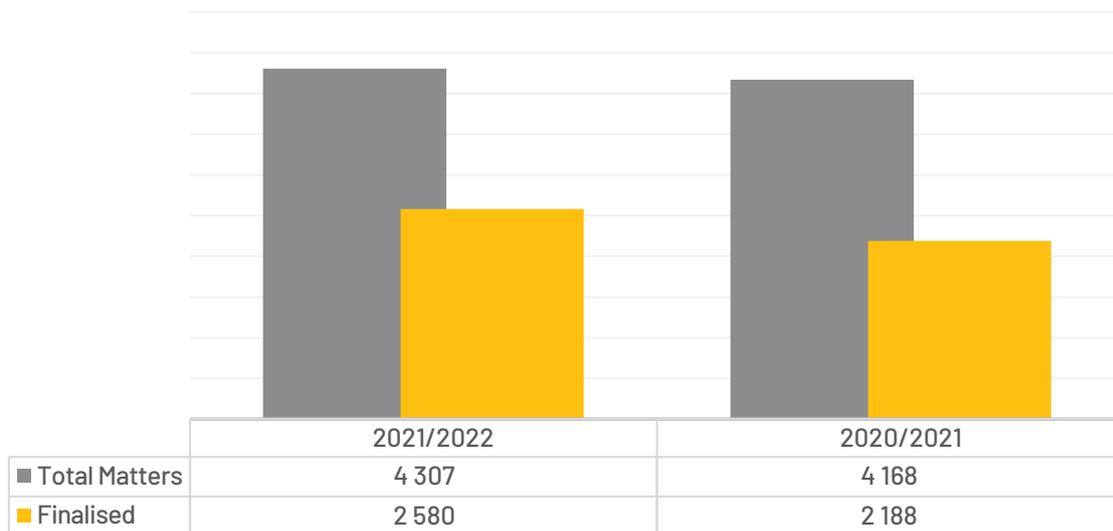
Table 7: Specialised Courts: Finalised Matters in Labour, Land Claims, Electoral and Competition Appeal Courts

COURT NAME	2021 /2022 ANNUAL		
	TOTAL MATTERS	FINALISED	% FINALISED
Labour Court Total	4 307	2 580	60%
Durban	439	350	80%
Johannesburg	2 968	1 635	55%
Cape Town	452	290	64%
Gqeberha	448	305	68%
Land Claims Court	201	98	49%
Electoral Court	13	13	100%
Competition Appeal Court	6	3	50%

For the period under review:

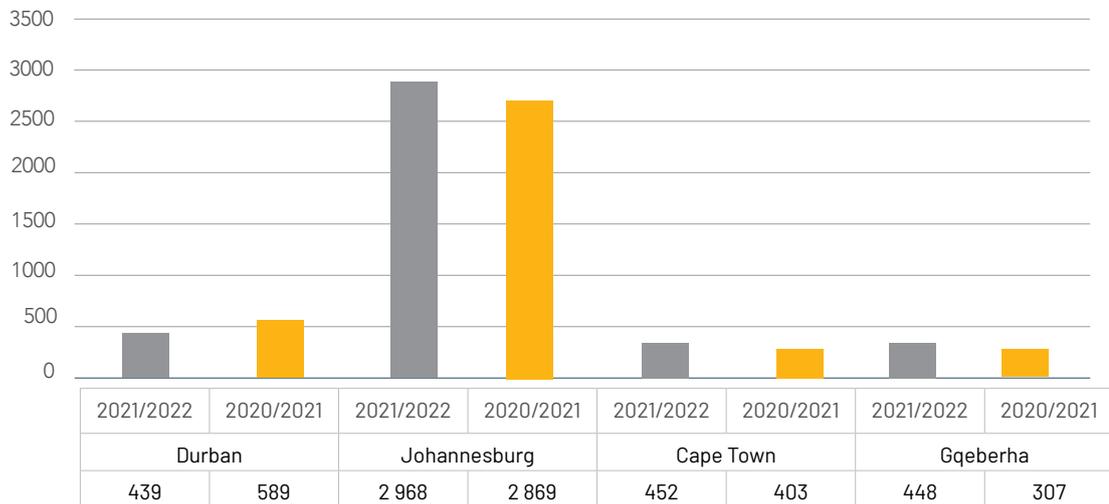
Labour Court

- The **Labour Court** achieved 60% performance by finalising 2 580 Labour Court matters out of a total of 4 307 matters. This is not only an over achievement of 2% against the set annual target of 58%, but also an improvement of 8% compared to the achievement recorded during the previous reporting period. During the period under review, 3% more Labour Court matters were received, whilst 18% more matters were finalised .

Figure 5: Labour Court Matters Finalised

The Labour Court sits mainly in four (4) locations, namely Durban, Gqeberha, Cape Town and Johannesburg. The case load increased in the three centres save for Durban, with the highest increase of 46% in Gqeberha. Matters finalised in the various Labour Court centres have increased by 38% (Gqeberha), 37% (Cape Town) and 26% (Johannesburg). A decline of 23% is noted in the number of matters finalised by the centre in Durban, which can mainly be ascribed to resource constraints.

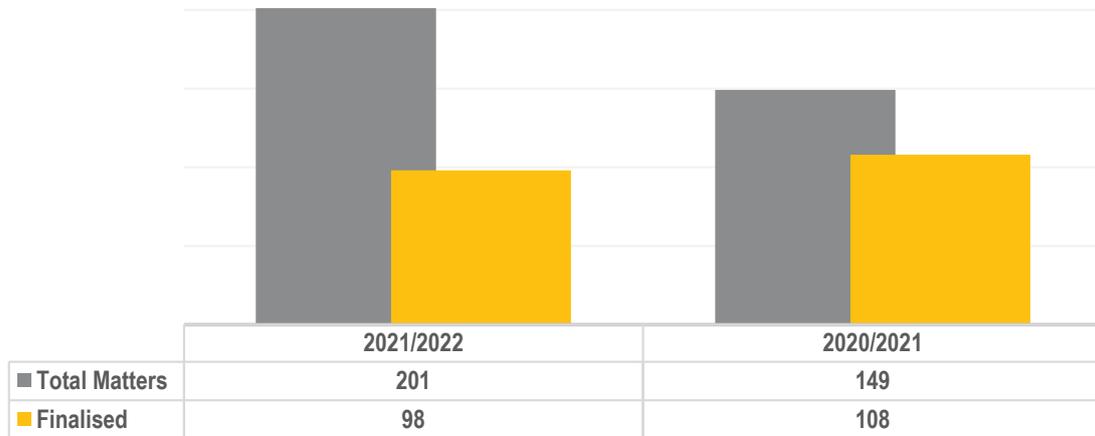
Figure 6: Labour Court Sitings - Total cases recorded



Land Claims Court

- The **Land Claims Court** achieved 49% performance, by finalising 98 matters out of a total of 201 matters. This is an under achievement of 11% against the set annual target of 60%. This is due to the fact that the work of the Court was severely hampered by the combined impacts of the Covid-19 pandemic and load shedding during the period under review. Covid-19 negatively affected the Court's ability to physically travel to adjudicate land claims trials, which could not be heard virtually. The absence of a generator until November 2022 meant that often cases could not be heard during the frequent bouts of load shedding during the period under review. These challenges and a 35% increase in the caseload, account for the number of cases that were able to be finalised over the period.

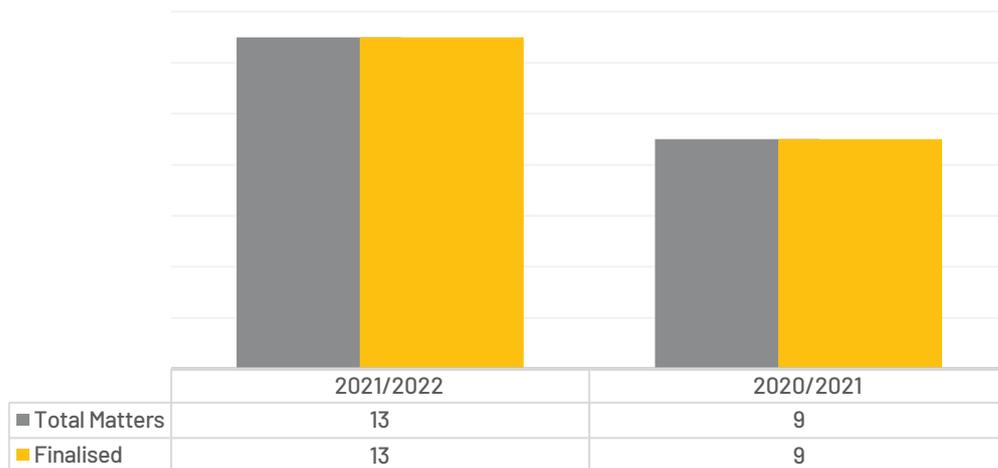
Figure 7: Land Claims Court Matters Finalised



Electoral Court

- The **Electoral Court** achieved a 100% performance by finalising all 13 matters (13 out of a total of 13 matters), which represents over achievement of 10% against the set annual target of 90%.

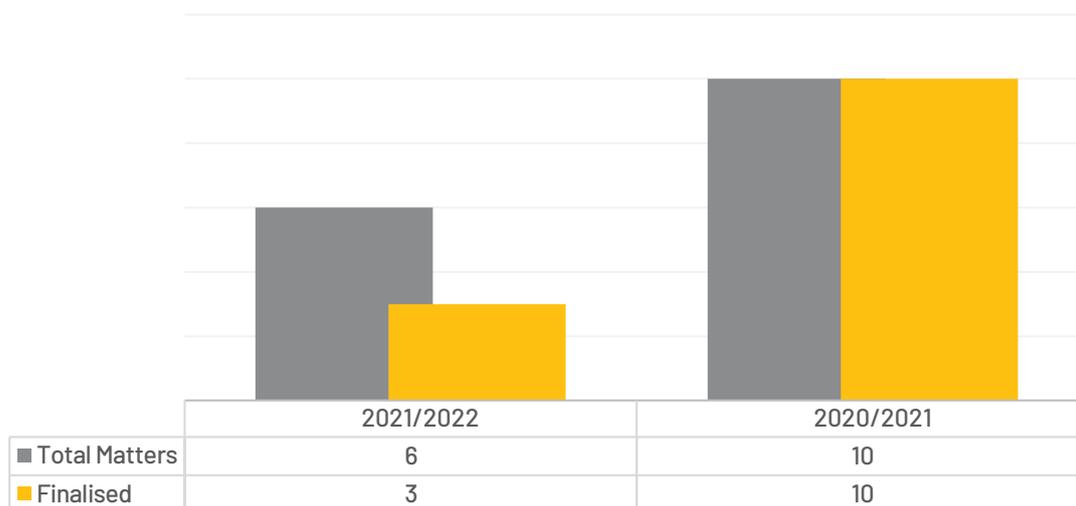
Figure 8: Electoral Court Matters Finalised



Competition Appeal Court

- The **Competition Appeal Court** achieved 50% performance by finalising 3 matters out of a total of 6 matters, which represents an under achievement of 35% against the set annual target of 85%. This under-achievement is mainly due to the lack of permanent appointed Judges, as Judges assigned to the Court, are not readily available.

Figure 9: Competition Appeal Court Matters Finalised



REDUCTION PERCENTAGE OF CRIMINAL CASE BACKLOG (ALL HIGH COURT DIVISIONS)

The Judiciary is committed to the reduction and, ultimately, the elimination of backlogs in the various courts. The reduction percentage of criminal case backlog refers to the percentage by which it was intended to reduce the case backlog during the period under review and the percentage by which the case backlog was actually reduced.

This indicator aims mainly to improve the timely disposition of criminal cases, which is essential for the enhancement of public confidence in the justice system. The annual target for all Superior courts is set on 30% and mainly aims to ensure the finalisation of criminal matters within 12 months from the date of the accused's first appearance in the High Court.

At the end of the period under review, the total number of outstanding criminal cases in the various Divisions of the High Court was 917, whereas the total number of backlog cases was 453, representing a backlog percentage of 49%. The performance during the reporting period is, therefore, an under achievement of 19% against the set target of 30%.

Compared to the previous reporting period, the number of outstanding criminal trials increased by 5% compared to the 870 outstanding trials and 28% in the number of criminal case backlog compared to the 353 reported criminal case backlog. The reason for this increase is ascribed to logistical challenges mainly due to the continuous load shedding, which had an adverse impact on the operations of the courts.

Compared to the previous reporting period, the number of outstanding criminal cases increased by 5% compared to the eight hundred and seventy (870) outstanding case and 28% in the number of criminal case backlog compared to the three hundred and fifty-three (353) reported criminal case backlog. This increase is ascribed to logistical challenges mainly due to the continuous load shedding, which had an adverse impact on the operations of the courts.

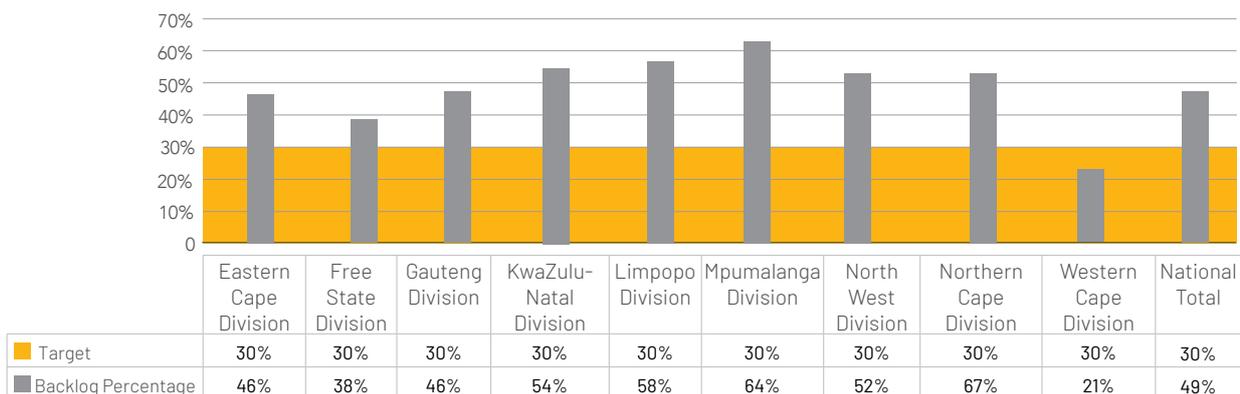
The table below depicts the achievement of the High Court.

Table 8: Reduction percentage of Criminal Case Backlog

SUPERIOR COURT	2021 /2022 ANNUAL		
	TOTAL OUTSTANDING CRIMINAL CASES	TOTAL CRIMINAL CASE BACKLOG	PERCENTAGE
Eastern Cape Division, Makhanda	45	22	49%
Eastern Cape Local Division, Bhisho	6	1	17%
Eastern Cape Local Division, Mthatha	63	26	41%
Eastern Cape Local Division, Gqeberha	71	37	52%
Eastern Cape Division	185	86	46%
Free State Division, Bloemfontein	24	9	38%
Gauteng Division, Pretoria	81	43	53%
Gauteng Local Division, Johannesburg	139	59	42%
Gauteng Division	220	102	46%
KwaZulu-Natal Division, Pietermaritzburg	73	45	62%
KwaZulu-Natal Local Division, Durban	113	55	49%
Kwazulu-Natal Division	186	100	54%
Limpopo Division, Polokwane	36	18	50%
Limpopo Local Division, Thohoyandou	66	41	62%
Limpopo Division	102	59	58%
Mpumalanga Division, Mbombela	39	24	62%
Mpumalanga Local Division, Middelburg	35	23	66%
Mpumalanga Division	74	47	64%
North West Division, Mahikeng	33	17	52%
Northern Cape Division, Kimberley	30	20	67%
Western Cape Division, Cape Town	63	13	21%
NATIONAL TOTAL	917	453	49%

It should be noted that in order to successfully attain the indicator on backlogs, the percentage of backlogs should be less than the annual target of 30%.

The target was achieved in the Eastern Cape Local Division, Bhisho and the Western Cape Division of the High Court as depicted in the graph.

Figure 10: Reduction percentage of criminal case backlog in each Division

PERCENTAGE OF CRIMINAL MATTERS FINALISED (ALL HIGH COURT DIVISIONS)

During the period under review, the various Divisions of the High Court managed to finalise 9 853 criminal matters out of a total 11 098 criminal matters which represents 89%. The annual target of 75% was exceeded by 14%.

Compared to the previous reporting period, a marginal reduction of 3% is noted in the total number of criminal matters (11098 compared to the 11 413 reported during previous year), whilst an increase of 1% is noted in the total number criminal matters finalised (9 853 criminal matters were finalised compared to 9 749 reported during the previous year).

The respective achievements of the Divisions of the High Court are illustrated in the table below.

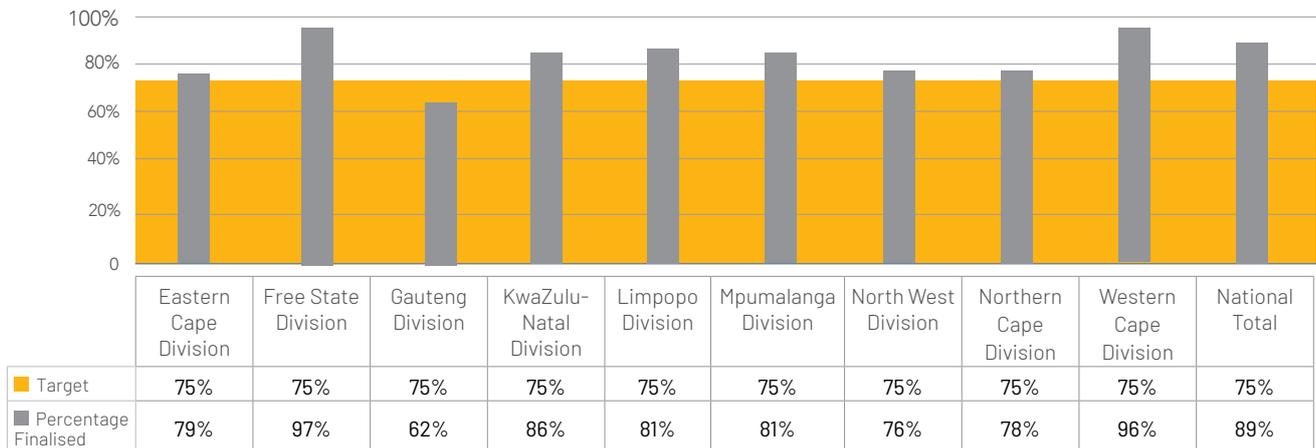
Table 9: Percentage of Finalised Criminal Matters in each Division

SUPERIOR COURT	TOTAL MATTERS	MATTERS FINALISED	PERCENTAGE
Eastern Cape Division, Makhanda	556	522	94%
Eastern Cape Local Division, Bhisho	81	70	86%
Eastern Cape Local Division, Mthatha	177	80	45%
Eastern Cape Local Division, Gqeberha	110	61	55%
Eastern Cape Division	924	733	79%
Free State Division, Bloemfontein	1 000	966	97%
Gauteng Division, Pretoria	481	319	66%
Gauteng Local Division, Johannesburg	550	316	57%
Gauteng Division	1031	635	62%
KwaZulu-Natal Division, Pietermaritzburg	958	886	92%
KwaZulu-Natal Local Division, Durban	220	127	58%
Kwazulu-Natal Division	1 178	1 013	86%
Limpopo Division, Polokwane	814	771	95%
Limpopo Local Division, Thohoyandou	170	103	61%
Limpopo Division	984	874	89%
Mpumalanga Division, Mbombela	160	125	78%
Mpumalanga Local Division, Middleburg	175	146	83%
Mpumalanga Division	335	271	81%
North West Division, Mahikeng	152	116	76%
Northern Cape Division, Kimberley	228	178	78%
Western Cape Division, Cape Town	5 266	5 067	96%
NATIONAL TOTAL	11 098	9 853	89%

From the above national overview, it is evident that the majority of the Divisions of the High Court have managed to achieve the set annual target of 75% with the exception of: Eastern Cape Division, Mthatha (45%); Eastern Cape Local Division, Gqeberha (55%), Gauteng Division, Pretoria (66%), Gauteng Local Division, Johannesburg (57%), Kwazulu-Natal Division, Durban (58%) and Limpopo Division, Thohoyandou (61%).

The reason for this under performance is also ascribed to logistical challenges due to the continuous load shedding.

Figure 11: Percentage of Finalised Criminal Matters in each Division



The highest percentage was achieved by the Free State Division, Bloemfontein (97%), followed by the Western Cape Division (96%) and Limpopo Division, Polokwane (89%).

The Gauteng Division achieved 62% performance which represents 13% below the target of 75% and can mainly be ascribed to the complex nature of the cases that the Courts have to deal with coupled with the multiple accused persons per case.

PERCENTAGE OF CIVIL MATTERS FINALISED (ALL HIGH COURT DIVISIONS)

During the period under review, a total of 104 231 civil cases were finalised out of a total of 118 575 cases. This represents an 88% performance against the set annual target of 64%. This reflects an over achievement of 24%. During the period under review, all the Divisions of the High Court achieved or exceeded the set annual target of 64%.

Compared to the previous reporting period, an increase of 43% (35 495) performance is noted in the total civil matters finalised. The total number of civil matters finalised increased with 49% (34 323).

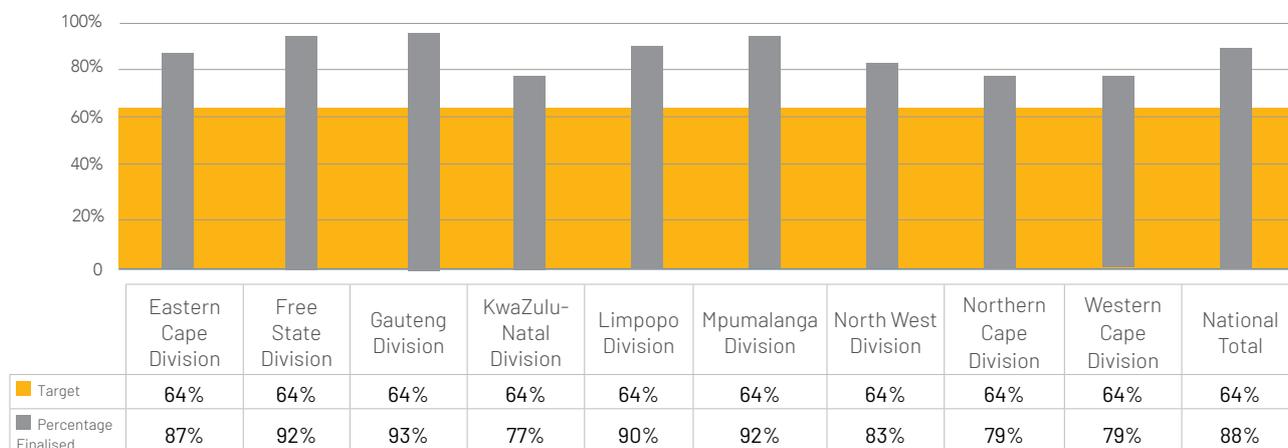
Table 10: Percentage of Finalised Civil Matters in each Division

COURT NAME	TOTAL MATTERS	CASES MATTERS	PERCENTAGE
Eastern Cape Division, Makhanda	2 786	2 471	89%
Eastern Cape Local Division, Bhisho	1 110	968	87%
Eastern Cape Local Division, Mthatha	4 464	3 737	84%
Eastern Cape Local Division, Gqeberha	2 117	1 934	91%
Eastern Cape Division	10 477	9 110	87%
Free State Division, Bloemfontein	4 980	4 557	92%
Gauteng Division, Pretoria	36 321	33 670	93%
Gauteng Local Division, Johannesburg	19 257	17 808	92%

COURT NAME	TOTAL MATTERS	CASES MATTERS	PERCENTAGE
Gauteng Division	55 578	51 478	93%
KwaZulu-Natal Division, Pietermaritzburg	4 777	3 477	73%
KwaZulu-Natal Local Division, Durban	7 438	5 896	79%
Kwazulu-Natal Division	12 215	9 373	77%
Limpopo Division, Polokwane	7 110	6 390	90%
Limpopo Local Division, Thohoyandou	2 140	1 965	92%
Limpopo Division	9 250	8 355	90%
Mpumalanga Division, Mbombela	1 609	1 444	90%
Mpumalanga Local Division, Middelburg	3 384	3 154	93%
Mpumalanga Division	4 993	4 598	92%
North West Division, Mahikeng	4 223	3 492	83%
Northern Cape Division, Kimberley	2 043	1 610	79%
Western Cape Division, Cape Town	14 816	11 658	79%
NATIONAL TOTAL	118 575	104 231	88%

High percentages were maintained by all High Court Divisions, with the Gauteng Division of the High Court, achieving the highest percentage of 93% as depicted in the graph below. In particular the Mpumalanga Division and the Gauteng Division both achieved very good results.

Figure 12: Percentage of Finalised Civil Matters in each Division



PERCENTAGE OF RESERVED JUDGMENTS FINALISED IN ALL SUPERIOR COURTS

During the period under review, a total of 4 070 reserved judgments was delivered within three (3) months from the date on which they were reserved. This was out of a total of 5 463 judgments delivered which represents an achievement of 75% performance. The target of 70% was therefore exceeded by 5%.

Table 11: Percentage of Reserved Judgments Finalised in all Superior Courts

COURT NAME	TOTAL NUMBER OF RESERVED JUDGMENTS	RESERVED JUDGMENTS DELIVERED WITHIN 3 MONTHS	RESERVED JUDGMENTS DELIVERED OVER 3 MONTHS	TOTAL NUMBER OF RESERVED JUDGMENTS DELIVERED
Constitutional Court	69	8% (4 of 49)	92% (45 of 49)	71% (49 of 69)
Supreme Court of Appeal	234	83% (155 of 186)	17% (31 of 186)	79% (186 of 234)
Labour Appeal Court	78	96% (75 of 78)	4% (3 of 78)	100% (78 of 78)
Competition Appeal Court	6	50% (3 of 6)	50% (3 of 6)	100% (6 of 6)
Labour Court Cape Town	195	61% (91 of 149)	39% (58 of 149)	76% (149 of 195)
Labour Court Durban	166	64% (86 of 134)	36% (48 of 134)	81% (134 of 166)
Labour Court Johannesburg	779	71% (490 of 695)	29% (205 of 695)	89% (695 of 779)
Labour Court Gqeberha	154	57% (82 of 144)	43% (62 of 144)	94% (144 of 154)
Labour Courts	1 294	67% (749 of 1122)	33% (373 of 1122)	87% (1122 of 1294)
Land Claims Court	36	59% (19 of 32)	41% (13 of 32)	89% (32 of 36)
Eastern Cape Division, Makhanda	270	80% (211 of 263)	20% (52 of 263)	97% (263 of 270)
Eastern Cape Local Division, Bhisho	89	80% (71 of 89)	20% (18 of 89)	100% (89 of 89)
Eastern Cape Local Division, Mthatha	151	85% (129 of 151)	15% (22 of 151)	100% (151 of 151)
Eastern Cape Local Division, Gqeberha	134	80% (104 of 130)	20% (26 of 130)	97% (130 of 134)
Eastern Cape Division	644	81% (515 of 633)	19% (118 of 633)	98% (633 of 644)
Free State Division, Bloemfontein	426	79% (296 of 373)	21% (77 of 373)	88% (373 of 426)
Gauteng Division, Pretoria	353	64% (209 of 329)	36% (120 of 329)	93% (329 of 353)
Gauteng Local Division, Johannesburg	1013	78% (712 of 914)	22% (202 of 914)	90% (914 of 1013)
Gauteng Division	1 366	74% (921 of 1243)	26% (322 of 1243)	91% (1243 of 1366)
KwaZulu-Natal Division, Pietermaritzburg	313	72% (185 of 256)	28% (71 of 256)	82% (256 of 313)
KwaZulu-Natal Local Division, Durban	163	69% (86 of 125)	31% (39 of 125)	77% (125 of 163)
Kwazulu-Natal Division	476	71% (271 of 381)	29% (110 of 381)	80% (381 of 476)
Limpopo Division, Polokwane	253	93% (199 of 214)	7% (15 of 214)	85% (214 of 253)
Limpopo Local Division, Thohoyandou	73	68% (36 of 53)	32% (17 of 53)	73% (53 of 73)
Limpopo Division	326	88% (235 of 267)	12% (32 of 267)	82% (267 of 326)
Mpumalanga Division, Mbombela	166	82% (99 of 121)	18% (22 of 121)	73% (121 of 166)
Mpumalanga Local Division, Middelburg	103	80% (75 of 94)	20% (19 of 94)	91% (94 of 103)
Mpumalanga Division	296	81% (174 of 215)	19% (41 of 215)	80% (215 of 296)
North West Division, Mahikeng	347	72% (216 of 301)	28% (85 of 301)	87% (301 of 347)
Northern Cape Division, Kimberley	166	78% (100 of 128)	22% (28 of 128)	77% (128 of 166)
Western Cape Division, Cape Town	545	75% (337 of 449)	25% (112 of 449)	82% (449 of 545)
NATIONAL TOTAL	6 282	75% (4 070 of 5 463)	25% (1 393 of 5 463)	87% (5 463 of 6 282)

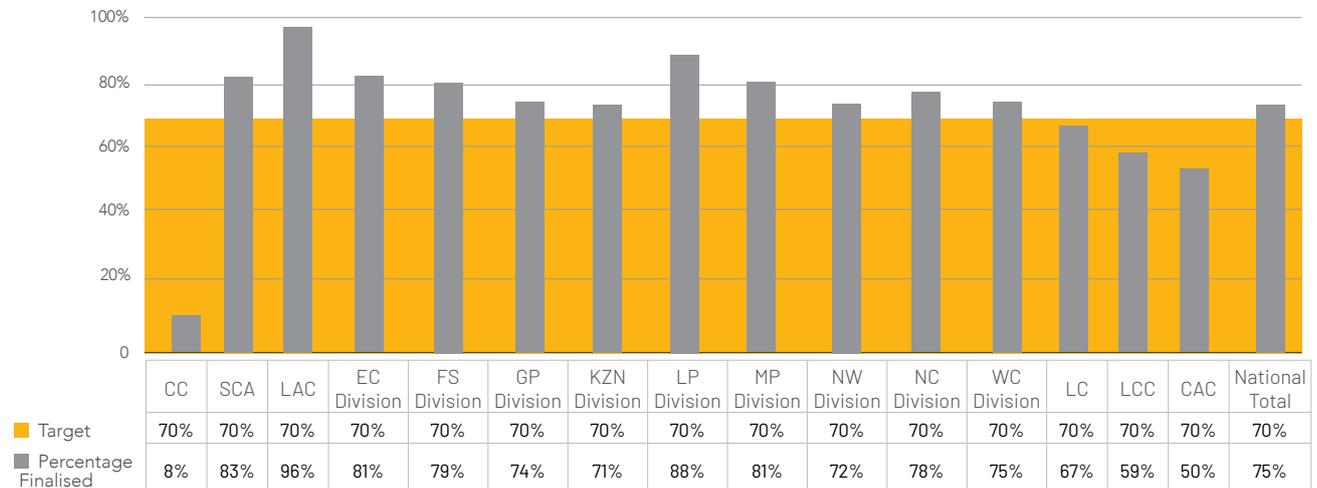
Compared to the previous year, the total number of reserved judgments delivered increased by 19% (853 more judgments), whilst the number of reserved judgments delivered within three (3) months increased by 14% (481 more judgments delivered within 3 months). The respective achievements of the Superior Courts are depicted in the graph below. The highest percentage in delivery of reserved judgments within 3 months is recorded in the Labour Appeal Court (96%) whilst the Constitutional Court achieved only 8% in the delivery of reserved judgments. In considering the performance of the various Superior Courts in the handing down of reserved judgments within three months of the last date of hearing, it is important to bear in mind that it is easier for a Judge who sat alone in a matter to hand down their judgment within three months than it is for a Judge who sat with other Judges in a matter. When a Judge writes a judgment in a matter in which he or she sat with two or four other Judges, it may take longer to hand down the judgment because he or she must discuss and debate their judgment with the other Judges to persuade them to agree with their judgment.

In the High Court a Judge normally sits alone but will sometimes sit with one or two others. In the Supreme Court of Appeal, a Judge will sit with either two or four other Judges. In the Constitutional Court a Justice sits with 10 other Justices with whom he or she must discuss and debate their judgment. Those discussions and debates are important in order to try and achieve a unanimous judgment rather than a multiplicity of judgments in one matter which may happen when there is no proper opportunity to discuss and debate issues. Furthermore, the Justices of the Constitutional Court are always aware that, since the Constitutional Court is the highest court in the land and there is no further appeal to another court if they give a wrong judgment, in each matter they should seek to do all they can to ensure that each judgment they hand down is correct.

Therefore, it is not surprising that there is a low percentage of reserved judgments that the Constitutional Court handed down within three months of the date of hearing.

The Constitutional Court's performance concerning delivery of reserved judgements within three months must also be seen against the increased jurisdiction of the Court. The Court is the Apex Court and the Court of final appeal on all matters. This amendment resulted in a significant increase in the workload of the Court. Despite these increases in the jurisdiction of the Court, the Judicial establishment remained unchanged, thereby placing increased pressure on the Justices to ensure that access to justice is upheld.

Figure 13: Percentage of Reserved Judgments finalised in all Superior Courts



EXPLANATIONS FOR CERTAIN UNACHIEVED TARGETS

Eastern Cape Division:

Mthatha:

It is a known fact that the rate of crime in the Mthatha jurisdictional area has soared to alarming proportions. That aside, the workload of judges at that center is high. I have been requesting the Minister to create at least two (2) more posts. In sum, the under performance is explained as follows:

1. Shortage of Judges to run circuits whilst at the same time managing the run of the mill trials in Mthatha.
2. Unavailability of witnesses and legal representatives due to reasons relating to Covid-19. Furthermore, the two courts deal with cases involving organised crime with multiple accused, which by their nature are long. That crowds out other cases that were originally on the roll. To curb this, case flow management system has been introduced to manage criminal matters as well.

Gauteng Division:

The Gauteng Division has failed to achieve the required percentage reduction of its backlog matters. The reasons for this failure whilst multifaceted are that Judges have not contributed to this failure. All the Criminal matters falling within the backlog segment are very old. The biggest contributor to the failure to finalise these trials is that defense legal teams engage in tactics that slow the trials and in certain instances force them to be held in abeyance whilst some application alleged to involve Constitutional issues is pursued through the SCA and thereafter to the Constitutional Court. Another major contributor to the inability of the Judges to finalise these matters is that almost invariably accused persons change their legal teams at any given opportunity. This results in the matter not proceeding until replacement legal representatives are sourced. When new legal representatives are appointed, they always request an opportunity to source the transcript of the proceedings to enable them to come up to speed with the matters. These are the reasons why the Division did not meet its targets regarding backlog cases in the Criminal trial space. The Division has also failed to achieve its set targets regarding the finalisation of Criminal trials in the year under review. The reasons are the same as those mentioned above.

KwaZulu-Natal Division:

The challenge in KZN started when the austerity measures were put in place. Some circuit courts were alternating in order to cut down on costs. The problem was exacerbated by the Covid-19 pandemic. Lately the KZN Division has a problem with recording machines which break more often and days go by without these being repaired. In many instances, the circuit courts have to wait for the lower courts to finish their roll and only then can they commence with matters. The load shedding is a further challenge as it reduces court hours drastically. There is also a dire shortage of Judges. We made a request of at least one Judge for the time being as one colleague is continuously engaged in one long trial. This number will increase from the next term as there are more long criminal matters being enrolled. This division would benefit from an appointment of three acting / permanent Judges.

In Durban, the criminal courts are situated on the 12th floor and the lifts keep breaking. Once the lifts are not operational, the courts cannot sit as it is dangerous to walk the prisoners up 12 stair cases. As of January 2023, all circuit courts have been opened and this will contribute to the reduction of the backlog.

Free State Division:

These are all, bar one, matters that have multiple accused facing multiple charges.

1. In those involving commercial crimes, there were multiple interlocutory applications, delaying the commencement or finalisation of their trials.
2. In the others, involving gangs and commercial crimes, some of the accused changed their legal representatives during the course of the trial, which necessitated postponements.
3. At circuit courts, load shedding had an impact on court hours.

CONCLUSION

For the period under review, ten (10) of the thirteen (13) Superior Courts Performance indicator targets were achieved in accordance with the confirmed Annual Judiciary Performance Plan.

It should be noted that the high dependency on other stakeholders have shown to have an adverse impact on efficient case flow management. Case Flow Management (CFM) structures at National Efficiency Enhancement Committee (NEEC) and Provincial Efficiency Enhancement Committee (PEEC) levels strive continuously to enhance stakeholder relations in order to unblock the inefficiencies in the system.

The commitment from the Judiciary to ensure that all efforts are made to achieve these set annual case flow management targets is evident from the progress made against set annual targets. In addition, judgments are being delivered during recess periods, with priority given to those reserved the longest, in an attempt to address long outstanding reserved judgments and ensure access to justice for all.

KEY PERFORMANCE INDICATORS: MAGISTRATES' COURTS

At a Workshop held in November 2018, facilitated by the Judicial Accountability Committee 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 Heads of 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 District Courts 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 Annual Judiciary 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 jurisdiction, with the Regional Courts hearing more serious criminal and civil matters.

KEY PERFORMANCE INDICATORS: 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 of within a period of 9 months of date of set-down

Combined Average Court recording hours per day

Number of Criminal trials enrolled per day

Finalised Criminal cases clearance rate

Average trial court hours of finalising a single court case (Throughput)

Finalised civil applications / trials per day

KEY PERFORMANCE INDICATORS: 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 (Maintenance, Children's court and Domestic Violence separate indicators due to separate systems) 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 Harassment Court 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

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, robbery with aggravating circumstances, trafficking in persons, serious commercial crimes and corruption. 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 not falling

under minimum sentences such as housebreaking with the intent to commit a crime to a period up to 15 years. A Regional Court can impose a maximum fine of R600 000.

Regional Courts have civil jurisdiction, which includes divorce matters. The Regional Courts have jurisdiction over limited family matters only namely divorces, interim maintenance and interim custody matters pending the finalisation of divorce cases and civil matters with a monetary value from R200 000 - R400 000.

Regional Courts Criminal Court Performance Overview

The table below shows that for the period under review the Regional Courts utilised a combined total of 63, 913 court days, a combined total of 171349:10 court hours. A total of 40, 771 New Cases were registered. A total of 41, 927 cases were disposed of by the Regional Courts.

Table 12: Criminal Court Performance Statistics

Region	Court Days	New Cases	Number Trials En-rolled	Number of Trials Finalised	Sect 77s & 78s Finalised	With-drawals	Struck Off Roll	Warrant of Arrest	Actual Court Hours	AVG Court Hours	Clea-rance Rate	Fin-a-lised Per Day	Trials En-rolled Per Day	Through-put Per Hrs / Per Case
EC	9 672	5 735	25 045	3278	98	1 329	964	876	27 641:13	02:51	114%	0.34	2.59	08:25
FS	4 452	2 507	10 714	1211	40	905	333	393	12 349:02	02:46	115%	0.27	2.41	10:11
GP	14 595	13 255	34 202	4353	295	3 842	1381	1518	41 943:45	02:52	86%	0.30	2.34	09:38
KZN	13 591	6 050	23 486	3074	77	1 915	636	538	27 553:02	02:01	103%	0.23	1.73	08:57
LP	4 715	3 303	13 792	935	45	869	137	289	13 592:08	02:52	69%	0.20	2.93	14:32
MP	2 726	1 931	12 683	1031	15	441	399	432	84 79:29	03:06	120%	0.38	4.65	08:13
NC	2 571	1 104	6 188	778	38	447	349	228	7 829:31	03:02	167%	0.30	2.41	10:03
NW	3 899	1 697	8 094	898	36	785	282	377	9 405:46	02:24	140%	0.23	2.08	10:28
WC	7 692	5 189	18 119	2615	28	1 932	591	894	22 555:14	02:55	117%	0.34	2.36	08:37
TOTAL	63 913	40 771	152 323	18 173	672	12 465	5 072	5 545	17 1349:10	02:40	103%	0.28	2.38	09:25

* Performance data unaudited

As per the above table the performance of the Regional Courts divisions can be summarised as follows:

- Average Court Hours: 02h40
This is below the set norm and standard of 04h30, but the combined hours for both criminal and civil adds up to 04h42.
- Average Clearance rate: 103%
Though most courts are able to keep up with the incoming of new cases, this is not the position in all Regional Courts, which indicates that additional courts are needed to deal with the increasing workload.
- Finalised cases per day: 0.28
- Cases disposed of per day: 0.67
- Cases enrolled per day: 2.38
- Throughput : 09h25

Noteworthy is that it takes much longer to finalise a case which is indicative of the increasing complexity of cases in the Regional Courts.

Table 13: Two Year Criminal Court Performance Statistics Comparison

Division	APR 2021 TO MAR 2022				APR 2020 TO MAR 2021				% Change			
	Days	New Cases	Disposed Case	Court Hours	Days	New Cases	Disposed Case	Court Hours	Days	New Cases	Disposed Cases	Court Hours
EC	9 672	5 735	6 545	27 641:13	8 776	4 417	5 006	20 746:09	10%	30%	31%	33%
FS	4 452	2 507	2 882	12 349:02	3 935	2 245	2 473	9 691:46	13%	12%	17%	27%
GP	14 595	13 255	11 389	41 943:45	13 370	13 508	9 301	32 857:09	9%	-2%	22%	28%
KZN	13 591	6 050	6 240	27 553:02	11 927	4 705	4 420	25 575:03	14%	29%	41%	8%
LP	4 715	3 303	2 275	13 592:08	4 454	3 521	2 090	12 302:44	6%	-6%	9%	10%
MP	2 726	1 931	2 318	8 479:29	3 131	1 778	2 461	8 873:11	-13%	9%	-6%	-4%
NC	2 571	1 104	1 840	7 829:31	2 421	1 320	1 535	6 555:41	6%	-16%	20%	19%
NW	3 899	1 697	2 378	9 405:46	3 500	1 286	2 125	7 599:15	11%	32%	12%	24%
WC	7 692	5 189	6 060	22 555:14	7 498	4 583	5 454	20 498:00	3%	13%	11%	10%
All	63 913	40 771	41 927	171 349:10	59 012	37 363	34 866	144 698:59	8%	9%	20%	18%

*Performance data unaudited

A comparison between the current financial year and the previous financial year indicates that the court days increased by 8%, new cases increased by 9%, disposed cases increased by 20% and the court hours increased by 18%.

It should be noted that the 2020/21 period include the hard lock down that impacted severely on the ability of courts to function.

Regional Courts Civil Performance Overview

The table below indicates that for the period under review that the Regional Courts utilised a combined total of 11, 827 court days and a combined total of 24 069:13 court hours.

Table 14: Civil Court Performance Statistics

Region	Court Days	Applications Enrolled	Applications Finalised	Trials Enrolled	Trials Finalised	Actual court Hours	Average Court Hours	% Applications Finalised	% Trials Finalised	Applications Finalised Per Day	Trials Finalised Per Day
EC	1 119	2 959	1 882	4 189	2 551	2 480:48	02:13	63.60%	60.90%	1.68	2.28
FS	543	777	502	2 814	1 878	771:24	01:25	64.61%	66.74%	0.92	3.46
GP	3 432	6 390	3 755	9 581	6 485	7 116:37	02:04	58.76%	67.69%	1.09	1.89
KZN	2 321	6 298	3 483	7 922	4 929	5 023:14	02:09	55.30%	62.22%	1.50	2.12
LP	1 333	1 609	895	3 728	1 969	2 748:49	02:03	55.62%	52.82%	0.67	1.48
MP	952	1 741	895	4 504	2 029	1 998:28	02:05	51.41%	45.05%	0.94	2.13
NC	216	158	111	708	529	226:30	01:02	70.25%	74.72%	0.51	2.45
NW	927	1 741	945	3 022	1 750	1 523:35	01:38	54.28%	57.91%	1.02	1.89
WC	984	1 868	1 117	5 357	3 778	2 179:48	02:12	59.80%	70.52%	1.14	3.84
Total	11 827	23 541	13 585	41 825	25 898	24 069:13	02:02	57.71%	61.92%	1.15	2.19

*Performance data unaudited

As per the above table the performance of the regional court divisions can be summarised as follows:

- Average Court Hours = 02h02

This is below the set norm and standard of 04h30, but the combined hours for both criminal and civil sittings adds up to 04h42. It should be noted that many Regional Courts are

doing both criminal and civil cases on a daily or weekly basis, with only a few Regional Courts doing civil cases only.

- Finalised civil applications per day = 1.15
- Finalised civil trials per day = 2.19

Table 15: Two Years Civil Court Performance Statistics Comparison

Division	APR 2021 TO FEB 2022				APR 2020 TO JAN 2021				% Change			
	Court Days	Enrolled	Finalised	Court Hours	Court Days	Enrolled	Finalised	Court Hours	Court Days	Enrolled	Finalised	Court Hours
EC	1 119	7 148	4 433	2 480:48	787	6 240	4 085	1 880:12	42%	15%	9%	32%
FS	543	3 591	2 380	771:24	341	3 730	2 193	492:50	59%	-4%	9%	57%
GP	3 432	15 971	10 240	7 116:37	2 629	13 098	8 787	5 150:24	31%	22%	17%	38%
KZN	2 321	14 220	8 412	5 023:14	1 345	12 515	6 243	3 042:30	73%	14%	35%	65%
LP	1 333	5 337	2 864	2 748:49	903	4 353	2 174	2 017:36	48%	23%	32%	36%
MP	952	6 245	2 924	1 998:28	748	6 469	2 958	1 611:50	27%	-3%	-1%	24%
NC	216	866	640	226:30	126	645	474	149:40	71%	34%	35%	51%
NW	927	4 763	2 695	1 523:35	626	3 950	2 080	1 120:20	48%	21%	30%	36%
WC	984	7 225	4 895	2 179:48	838	6 744	4 405	1 852:18	17%	7%	11%	18%
All	11 827	65 366	39 483	24 069:13	8 343	57 744	33 399	17 317:40	42%	13%	18%	39%

* Performance data unaudited

A comparison of the current financial year with the previous financial year indicates that the court days increased by 42%, enrolled cases increased by 13%, finalised cases increased by 18% and the court hours increased by 39%.

Case Flow Blockages / Challenges

A number of factors contribute towards case flow blockages, which entails the unavailability of stakeholders, the unavailability of court rooms, defective court recording equipment and intermediary systems, load shedding, natural disasters, and bad / adverse weather conditions, among others. Below is an indication of the blockages / challenges experienced per key stakeholder.

Table 16: Case Flow Blockages / Challenges

Stakeholders	EC	FS	GP	KZN	LP	MP	NW	NC	WC	Total	%
DoJ&CD	1 055	431	997	980	507	606	496	175	737	5 984	14.8%
DoJ&CD (Infrastructure)	723	243	518	641	362	422	347	100	528	3 884	9.6%
DoJ&CD (Personnel) and Other	332	188	479	339	145	184	149	75	209	2 100	5.2%
Prosecution	832	349	1 177	904	694	319	452	366	601	5 694	14.1%
Accused Person	1 065	270	815	842	683	364	381	234	526	5 180	12.9%
Private Practitioner	961	279	1 044	582	588	343	394	209	479	4 879	12.1%
Legal Aid SA	804	287	952	711	538	387	508	273	413	4 873	12.1%

Stakeholders	EC	FS	GP	KZN	LP	MP	NW	NC	WC	Total	%
Witness	778	260	830	874	380	236	272	236	595	4 461	11.1%
Other	578	167	521	843	216	304	409	133	447	3 618	9.0%
SAPS	498	144	642	344	198	138	338	94	110	2 506	6.2%
Judiciary	136	56	81	189	121	50	166	39	99	937	2.3%
Multiple Parties	145	19	140	84	293	17	44	23	56	821	2.0%
Correctional Services	84	25	84	118	16	32	28	8	35	430	1.1%
Covid-19	14	12	49	14	22	28	34	1	166	340	0.8%
Social Development	51	6	116	37	30	15	38	6	19	318	0.8%
Department of Health	20	2	16	16	21	4	26	10	14	129	0.3%
Parties	22		25	3	11	2	2		17	82	0.2%
Grand Total	7 043	2 307	7 489	6 541	4 318	2 845	3 588	1 807	4 314	40 252	
%	17.5%	5.7%	18.6%	16.3%	10.7%	7.1%	8.9%	4.5%	10.7%		

* Performance data unaudited

For the period under review the Regional Courts blockages / challenges experienced can be summarised as follows: DOJ & CD (14.8%), Prosecution (14.1%), Accused person (12.9%), Private Practitioner and Legal Aid SA (12.1%).

Reserved Judgments

The Norms and Standards state that Judgments, in both civil and criminal matters, should generally not be reserved without a fixed date of handing down. Every effort shall be made to hand down judgments no later than 3 months after the last hearing. Generally, no judgments are reserved for longer than three months from the date of last hearing by the Regional Courts.

Conclusion

The Judicial Officers of the Regional Courts (Heads of the Regional Courts) remains committed to account through their work and judgments as the courts are open to the public. Strides has been made to produce an annual report for the Regional Courts. The Judiciary continues to put measures in place to continuously monitor the performance of the court and ensure that any case flow blockages are resolved as soon as possible. All Judicial Officers are enjoined to take a pro-active stance to invoke all relevant legislation to avoid lengthy periods of incarceration of accused persons whilst awaiting trial.

District Courts

Chief Magistrates are the Heads of the District Courts, formerly referred to as Magistrates' 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 up to R200 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 September 2022, 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 DoJ&CD, 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. It was further highlighted that the performance information of the Magistrates' Court is not a proper reflection of the judicial performance.



PART E

JUDICIAL EDUCATION AND TRAINING

JUDICIAL EDUCATION AND TRAINING

The South African Judicial Institute (SAJEI) was established in terms of the South African Judicial Education Institute Act, 2008 (Act 14 of 2008). The Institute is led by a Council consisting of the following members:

- The Chief Justice as Chairperson, the Deputy Chief Justice as Deputy Chairperson;
- the Minister's 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 Chief Executive Officer 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 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.

In the period under review, SAJEI conducted one hundred and sixty-eight (168) courses, exceeding the planned target of one hundred and five (105). This success is attributed mainly to the technological innovation in virtual platforms. However, ad-hoc requests from the Leadership of the Judiciary for additional training sessions increased during the reporting period. In an effort to ensure that there are no disruptions to court proceedings, some of the webinars were conducted after working hours to allow Judicial Officers to focus on court work.

In celebration of the South African Judicial Education Institute's (SAJEI) 10th anniversary, an international webinar on judicial training was arranged and attended by one hundred and twenty-five (125) participants from African and International countries. The overall objective was to discuss the link between judicial training and judicial performance through the lens of the International Organisation for Judicial Training principles. This highlights the importance of judicial training using participatory training methods as well as cooperation and collaboration of Regional and International judicial education institutions. To commemorate the 10th year anniversary, SAJEI is publishing a book on Judicial Education in Africa.

The report covers the period from 01 April 2021 to 31 March 2022. The summarised breakdown of workshops and number of delegates is indicated in the table:



Table 17: Summarised Training Data

NUMBER OF WEBINARS	DELEGATES	NUMBER OF DELEGATES
12	Judges	310
1	Aspirant Judges	30
15	Regional Court Magistrates	577
1	Aspirant Regional Court Magistrates	54
135	District Court Magistrates	3 016
1	Aspirant District Court Magistrates	115
3	Support to Foreign Judicial Institutions	281
168	TOTAL	4 383

Noteworthy is a 33% increase in the total number of participants compared to the three thousand two hundred and ninety-seven (3 297) participants in the previous year.

Furthermore, during this reporting period, a total of one hundred and forty-eight (148) newly appointed District Magistrates attended virtual training sessions. It should also be noted that the course content was expanded to include Judicial wellness, Gender Based Violence and Femicide, Equality Court skills and Illegal Wildlife Trade. To enhance contributions towards SAJEI journal, Newsletter and book on Judicial Training in Africa, Judges and Magistrates attended virtual writing skills training conducted by JUTA.



“

The South African Judicial Institute (SAJEI) was established in terms of the South African Judicial Education Institute Act, 2008 (Act 14 of 2008).



PART F

JUDICIAL APPOINTMENTS AND
RETIREMENTS

JUDICIAL APPOINTMENTS

In terms of section 174(6) of the Constitution, the President appoints Judges of all Superior Courts, on the advice of the Judicial Service Commission (JSC). In the case of Justices of the Constitutional Court, the JSC is required to submit to the President a list of candidates with three names more than the number of appointments to be made, where after the President appoints the Justices from the list as Head of the National Executive, after consulting the Chief Justice and the leaders of parties represented in the National Assembly. During the period to which this report relates, the JSC advised the President with respect to vacancies that occurred during the year under review as follows:

Figure 14: Judges appointed during the period under review

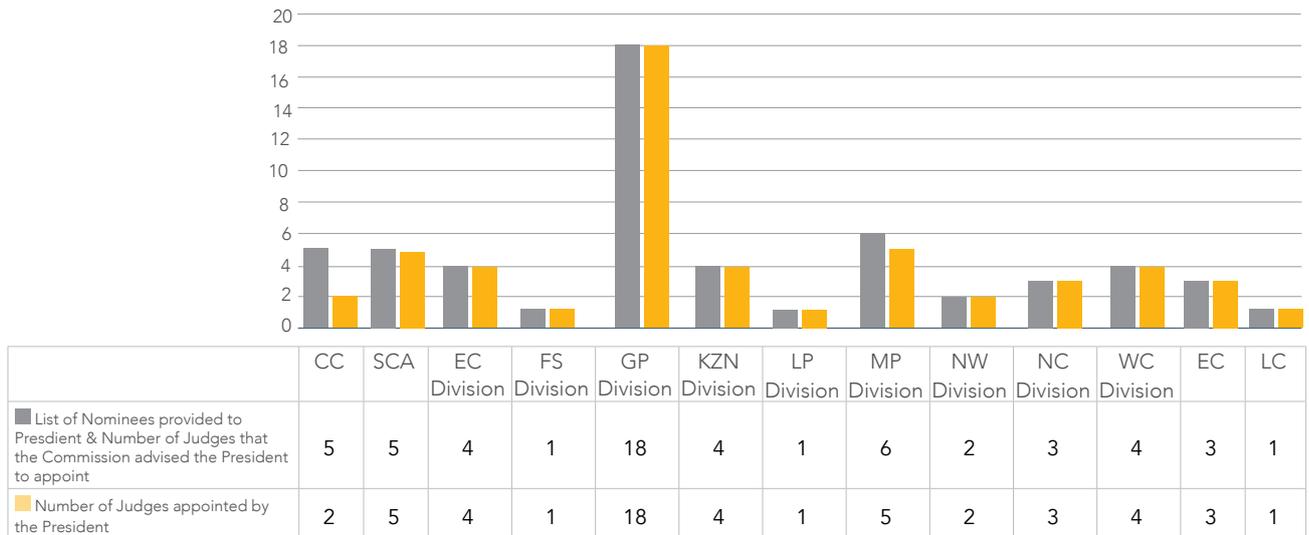


Table 18: Judges appointed during the period under review

COURT	CANDIDATES INCLUDED IN THE LIST PROVIDED TO THE PRESIDENT	JUDGES APPOINTED BY THE PRESIDENT
Constitutional Court	Judge R S Mathopo Judge M B Molemela Judge F Kathree-Setiloane Judge N Kollapen Judge B Vally	Judge R S Mathopo Judge N Kollapen
Supreme Court of Appeal (Five Vacancies)	Judge Z Carelse Judge T R Gorven Judge W Hughes Judge N P Mabindla-Boqwana Judge S P Mothle	Judge Z Carelse Judge T R Gorven Judge W Hughes Judge N P Mabindla-Boqwana Judge S P Mothle
Electoral Court (Two Vacancies)	Judge L T Modiba The Commission advised that no appointment be made with regard to the second vacancy at this stage.	Judge L T Modiba The Commission advised that no appointment be made with regard to the second vacancy at this stage.
Electoral Court – (Two Vacancies Non-Judge Member)	Prof N P Ntlama-Makhanya Prof M R Phooko	Prof N P Ntlama-Makhanya Prof M R Phooko
Free State Division of the High Court (Deputy Judge President)	Judge N M Mbhele	Judge N M Mbhele

COURT	CANDIDATES INCLUDED IN THE LIST PROVIDED TO THE PRESIDENT	JUDGES APPOINTED BY THE PRESIDENT
Limpopo Division of the High Court (Deputy Judge President)	Judge M V Semanya	Judge M V Semanya
Limpopo Division of the High Court (One Vacancy)	The Commission advised that no appointment be made to fill the one vacancy at this stage.	The Commission advised that no appointment be made to fill the one vacancy at this stage.
Eastern Cape Division of the High Court (One Vacancy: Mthatha)	Due to the withdrawal of the only candidate during the April 2021 interviews the Commission could not advise the President to fill the vacancy.	Due to the withdrawal of the only candidate during the April 2021 interviews the Commission could not advise the President to fill the vacancy.
Eastern Cape Division of the High Court (One Vacancy: Mthatha)	Ms Lindiwe Rusi	Ms Lindiwe Rusi
Eastern Cape Division of the High Court (Three Vacancies: Makhanda)	Prof A Govindjee Mr J G A Laing Adv T V Norman SC	Prof A Govindjee Mr J G A Laing Adv T V Norman SC
Northern Cape Division of the High Court (Deputy Judge President)	Judge M V Phatshoane	Judge M V Phatshoane
Northern Cape Division of the High Court (Two Vacancies)	Adv L G Lever SC Adv A P S Nxumalo	Adv L G Lever SC Adv A P S Nxumalo
Gauteng Division of the High Court for secondment to the Land Claims Court (Two Vacancies)	Adv S J Cowen SC As only one candidate was shortlisted and interviewed, the Commission could not advise the President to fill the second vacancy.	Adv S J Cowen SC As only one candidate was shortlisted and interviewed, the Commission could not advise the President to fill the second vacancy.
Gauteng Division of the High Court (Deputy Judge President)	Judge R T Sutherland	Judge R T Sutherland
Gauteng Division of the High Court (Six Vacancies)	Judge N P Mali Adv P G Malindi SC Mr N M Manoim Mr M P N Mbongwe Ms M M Munzhelele Adv P D Phahlane	Judge N P Mali Adv P G Malindi SC Mr N M Manoim Mr M P N Mbongwe Ms M M Munzhelele Adv P D Phahlane
Gauteng Division of the High Court (Ten Vacancies)	Ms N N Bam Adv A A Crutchfield SC Mr J E Dlamini Mr D Dosio Adv H K Kooverjie SC Adv S Kuny SC Mr M P Khumalo Mr A P Millar Adv C I Moosa Adv J Sy Nyathi	Ms N N Bam Adv A A Crutchfield SC Mr J E Dlamini Mr D Dosio Adv H K Kooverjie SC Adv S Kuny SC Mr M P Khumalo Mr A P Millar Adv C I Moosa Adv J Sy Nyathi

COURT	CANDIDATES INCLUDED IN THE LIST PROVIDED TO THE PRESIDENT	JUDGES APPOINTED BY THE PRESIDENT
North West Division of the High Court (Two Vacancies)	Mr A H Petersen Adv F M M Snyman SC	Mr A H Petersen Adv F M M Snyman SC
Mpumalanga Division of the High Court (Deputy Judge President)	Judge S S Mphahlele	Judge S S Mphahlele
Mpumalanga Division of the High Court (Three Vacancies)	Adv T M Mankge Mr T V Ratshibvumo Ms L D Vukeya	Adv T M Mankge Mr T V Ratshibvumo Ms L D Vukeya
Mpumalanga Division of the High Court (Two Vacancies)	Mr M B G Langa (Middelburg and Mbombela) Adv J H Roelofse (Mbombela)	Mr M B G Langa (Middelburg and Mbombela) Adv J H Roelofse (Mbombela) The President has not appointed Adv Johannes Hendrickus Roelofse pending the outcome of a review application that has been instituted to challenge the Commission's decision.
KwaZulu-Natal Division of the High Court for secondment to the Land Claims Court (One Vacancy)	Mr M T Ncube	Mr M T Ncube
KwaZulu-Natal Division of the High Court (Three Vacancies: Durban and Pietermaritzburg)	Mr B S M Bedderson Mr M E Nkosi Adv C Sibiyi	Mr B S M Bedderson Mr M E Nkosi Adv C Sibiyi
Western Cape Division of the High Court (Two Vacancies)	Mr M Francis Adv N Mangcu-Lockwood	Mr M Francis Adv N Mangcu-Lockwood
Western Cape Division of the High Court (Two Vacancies)	Dr J D Lekhuleni Mr D M Thulare	Dr J D Lekhuleni Mr D M Thulare
Labour Court (One Vacancy)	Adv M T Phehane	Adv M T Phehane

During the period under review, there were fifty-nine (59) vacancies in the Superior Courts in respect of which the JSC had to interview candidates and advise the President on candidates to be appointed as Judges. Of these fifty-nine (59) vacancies, the JSC was only able to advise the President to appoint fifty-seven (57) candidates out of which the President appointed fifty-three (53) as Judges.

During the period under review, the JSC convened a special sitting from 01 until 05 February 2022 at the Capital on the Park Hotel in Sandton, Johannesburg, to interview the following four candidates (in alphabetical order) who were shortlisted for the position of Chief Justice of the Republic of South Africa:

- Justice M R Madlanga;
- President M M L Maya;
- Judge President D Mlambo; and
- Acting Chief Justice R M M Zondo.

Following the interviews of the candidates, the JSC, concluded that all four candidates were suitable for appointment but that it was recommending that Justice Maya, President of the Supreme Court of Appeal be appointed as Chief Justice of the Republic. The President, acting in terms of section 174(6), appointed then Acting Chief Justice R M M Zondo as the Chief Justice of the Republic of South Africa with effect from 01 April 2022.

RACE AND GENDER OF THE SOUTH AFRICAN JUDICIARY

SUPERIOR COURTS

During the period under review a total of 52 Judges were appointed, of which 40% (21 of 52) were black females, 37% (19 of 52) were black males, 17% (9 of 52) were white males and 6% (3 of 52) were white females.

Table 19: Race and Gender Composition of Judges appointed

SUPERIOR COURT	African Male	African Female	Indian Male	Indian Female	Coloured Male	Coloured Female	White Male	White Female	Total
Constitutional Court	1	0	0	0	1	0	0	0	2
Supreme Court of Appeal	1	0	0	1	0	2	1	0	5
Eastern Cape Division of the High Court	0	2	1	0	0	0	1	0	4
Free State Division of the High Court	0	1	0	0	0	0	0	0	1
Gauteng Division of the High Court	5	4	1	1	0	0	5	2	18
KwaZulu-Natal Division of the High Court	2	1	0	0	1	0	0	0	4
Limpopo Division of the High Court	0	1	0	0	0	0	0	0	1
Mpumalanga Division of the High Court	2	3	0	0	0	0	0	0	5
North West Division of the High Court	0	0	0	0	0	0	1	1	2
Northern Cape Division of the High Court	1	1	0	0	0	0	1	0	3
Western Cape Division of the High Court	1	1	0	0	1	0	0	0	3
Electoral Court	1	2	0	0	0	0	0	0	3
Labour Court	0	1	0	0	0	0	0	0	1
NATIONAL TOTAL	14	17	2	2	3	2	9	3	52
PERCENTAGES	27%	33%	4%	4%	6%	4%	17%	6%	100%

MAGISTRATES' COURTS

During the period under review a total of 158 Magistrates were appointed, of which 46% (73 of 158) were black females, 39% (62 of 158) were black males, 9% (15 of 158) were white females and 5% (8 of 158) were white males.

Table 20: Race and Gender Composition of Magistrates appointed

POST CLASS	African Male	African Female	Indian Male	Indian Female	Coloured Male	Coloured Female	White Male	White Female	Total
Regional Court President	0	0	0	0	0	0	0	0	0
Regional Magistrate	0	0	0	0	0	0	0	0	0
Chief Magistrate	0	0	0	0	0	0	0	0	0
Senior Magistrate	0	0	0	0	0	0	0	0	0
Magistrate	51	53	2	6	9	14	8	15	158
NATIONAL TOTAL	51	53	2	6	9	14	8	15	158
PERCENTAGES	32%	34%	1%	4%	6%	9%	5%	9%	100%

SUPERIOR COURTS

The race and gender composition of the Judges is made up of 39% black males (98 of 253), 32% black females (81 of 253), 17% (42 of 253) white males and 13% white females (33 of 253).

Table 21: Race and Gender Composition of all Judges

	African Male	African Female	Indian Male	Indian Female	Coloured Male	Coloured Female	White Male	White Female	Total
Constitutional Court	3	2	1	1	1	0	0	0	8
Supreme Court of Appeal	6	7	1	2	2	1	3	1	23
Eastern Cape Division (Makhanda)	2	2	1	0	2	0	3	0	10
Eastern Cape Local Division (Bhisho)	2	0	0	0	0	0	0	2	4
Eastern Cape Local Division (Mthatha)	2	3	0	0	0	1	2	0	8
Eastern Cape Local Division (Gqeberha)	2	1	0	0	0	0	3	2	8
Free State Division (Bloemfontein)	4	3	1	0	0	1	2	3	14
Gauteng Division (Pretoria)	13	13	0	0	1	1	7	7	42
Gauteng Local Division (Johannesburg)	7	5	3	1	4	2	7	9	38
KwaZulu-Natal Division (Pietermaritzburg)	3	3	0	0	2	1	4	0	13
KwaZulu-Natal Local Division (Durban)	3	2	2	1	1	3	1	1	14

	African Male	African Female	Indian Male	Indian Female	Coloured Male	Coloured Female	White Male	White Female	Total
Limpopo Division, Polokwane	3	1	0	0	0	0	1	0	5
Limpopo Local Division, Thohoyandou	2	0	0	0	0	0	0	0	2
Mpumalanga Division, Mbombela	4	2	0	0	0	0	0	0	6
Mpumalanga Local Division, Middelburg	0	2	0	0	0	0	0	0	2
North West Division (Mahikeng)	1	2	1	0	0	0	1	1	6
Northern Cape Division (Kimberley)	2	2	0	1	0	0	1	0	6
Western Cape Division (Cape Town)	6	3	7	6	1	1	5	4	33
**Competition Appeal Court									0
*Labour Appeal Court									0
Labour Court	2	4	0	1	0	0	2	2	11
TOTAL	67	57	17	13	14	11	42	32	253

MAGISTRATES' COURTS

The race and gender composition of the Magistrates' Courts establishment is made up of 39% black females (783 of 2022), 36% black males (733 of 2022), 13% white females (256 of 2022) and 12% white males (250 of 2022).

Table 22: Race and Gender Composition of all Magistrates

POST CLASS	African Male	African Female	Indian Male	Indian Female	Coloured Male	Coloured Female	White Male	White Female	Total
Regional Court President	4	2	0	0	0	1	0	1	8
Regional Magistrate	96	86	15	23	20	14	50	43	347
Chief Magistrate	2	7	1	1	1	1	2	1	16
Senior Magistrate	36	27	6	10	7	4	15	20	125
Magistrate	388	410	63	90	94	107	183	191	1526
GRAND TOTAL	526	532	85	124	122	127	250	256	2022
PERCENTAGES	26%	26%	4%	6%	6%	6%	12%	13%	100%

RETIREMENTS

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

Table 23: Judges discharged from active service

INITIALS AND SURNAME	RANK	DISCHARGED DATE
CONSTITUTIONAL COURT		
M T R Mogoeng	Chief Justice	11 October 2021
C N Jafta	Justice	11 October 2021
S S V Khampepe	Justice	11 October 2021
SUPREME COURT OF APPEAL		
A Cachalia	Justice	14 August 2021
M J D Wallis	Justice	30 January 2022
GAUTENG DIVISION OF THE HIGH COURT		
C P Rabie	Judge	22 April 2021
N Ranchod	Judge	30 April 2021
A J Bam	Judge	15 July 2021
P M Mabuse	Judge	09 November 2021
M Tsoka	Judge	03 January 2022
C G Lamont	Judge	29 January 2022
K Makhafola	Judge	06 February 2022
KWAZULU-NATAL DIVISION OF THE HIGH COURT		
A Van Zyl	Judge	23 August 2021
A N Jappie	Judge	28 February 2022
EASTERN CAPE DIVISION OF THE HIGH COURT		
S H Cele	Judge	31 July 2021
J M Robertson	Judge	31 December 2021
WESTERN CAPE DIVISION OF THE HIGH COURT		
L J Bozalek	Judge	23 August 2021





G

PART G

EXTRA-JUDICIAL POSITIONS
HELD BY MEMBERS OF THE JUDICIARY

EXTRA-JUDICIAL POSITIONS HELD BY MEMBERS OF THE JUDICIARY

SUPERIOR COURTS

Table 24: Extra-Judicial Positions held by Members of the Judiciary

INITIALS AND SURNAME	RANK	POSITION
CONSTITUTIONAL COURT		
R M M Zondo	Chief Justice	<ul style="list-style-type: none"> Chairperson of the Judicial Service Commission 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
M M Maya	Deputy Chief Justice	<ul style="list-style-type: none"> Member of the Judicial Service Commission Council Member: South African Judicial Education Institute President: South African Chapter of the International Association of Women Judges Regional Director: West and Southern Africa: International Association of Women Judges Chancellor of the University of Mpumalanga Board Member: Bolch Judicial Institute Leadership Council Duke Law School Board Member: Judicature Law Journal Duke Law School Board Member: University of Free State Law Faculty Founding Editor: South African Chapter of the International Association of Women Judges Law Journal Board Member: National Bar Examinations Board Member: Commonwealth Association of Law Reform Commissions Advisory Board Member: Yearbook of South African Law Advisory Board Member: South African Law Journal Patron: Lawyers Against Violence Trustee: South African Institute for Advanced Constitutional, Public, Human Rights and International Law
SUPREME COURT OF APPEAL		
M B Molemela	Justice	<ul style="list-style-type: none"> Trustee of a non-profit organisation (Free State Symphony Orchestra); Trustee of the Ray Zondo SAC-IAWJ Trust; Chancellor of the Central University of Technology.
D H Zondi	Justice	<ul style="list-style-type: none"> Member of Judicial Conduct Committee of the JSC.
H Saldulker	Justice	<ul style="list-style-type: none"> Board Member of the National Bar Examination Board (NBEB) and Judge Moderator for Advocates Examinations. Liaison Judge for the Hague Convention
GAUTENG DIVISION OF THE HIGH COURT		
D Mlambo	Judge President	<ul style="list-style-type: none"> Board Member of the International Legal Foundation (ILF) President: International Association of Refugee and Migration Judges (IARMJ Africa Chapter) Chairperson: Community Advice Offices of South Africa (CAOSA)

INITIALS AND SURNAME	RANK	POSITION
N Manoim	Judge	<ul style="list-style-type: none"> Professor of Practice: University of Johannesburg (Non-paying honorary position).
G Malindi	Judge	<ul style="list-style-type: none"> Trustee: Nelson Mandela Trust
L T Modiba	Judge	<ul style="list-style-type: none"> President of the Special Investigations Unit Tribunal established in terms of Section (2)(1) of the Special Investigations Units and special Tribunals Act 74 of 1996.
I Opperman	Judge	<ul style="list-style-type: none"> Commissioner of the Court of Military Appeals.
E Van der Schyff	Judge	<ul style="list-style-type: none"> Adjunct Professor of Law: University of Venda (UNIVEN) Extraordinary Professor of Law at the North-West University (NWU).
KWAZULU-NATAL DIVISION OF THE HIGH COURT		
M Madondo	Acting Judge President	<ul style="list-style-type: none"> Honorary Professor at UNISA
T P Poyo-Dlwati	Acting Deputy Judge President	<ul style="list-style-type: none"> Deputy President: South African Chapter of International Association of Women Judges (SAIAWJ)
K Pillay	Judge	<ul style="list-style-type: none"> The Special Tribunal Serves at the Hague Convention
D Pillay	Judge	<ul style="list-style-type: none"> Member: Independent Electoral Commission
EASTERN CAPE DIVISION OF THE HIGH COURT		
S Mbenenge	Judge President	<ul style="list-style-type: none"> Member of the Walter Sisulu University Council
G Bloem	Judge	<ul style="list-style-type: none"> Chairperson of the Rhodes University Council
LIMPOPO DIVISION OF THE HIGH COURT		
M Naude-Odendaal	Judge	<ul style="list-style-type: none"> Chairperson of the Tax Board
MPUMALANGA DIVISION OF THE HIGH COURT		
B Masile	Judge	<ul style="list-style-type: none"> Chairperson of the National Council of Correctional Service.
NORTHERN CAPE DIVISION OF THE HIGH COURT		
V Phatshoane	Deputy Judge President	<ul style="list-style-type: none"> Chairperson of the Sol Plaatjie University Council
WESTERN CAPE DIVISION OF THE HIGH COURT		
C Fortuin	Judge	<ul style="list-style-type: none"> Chancellor of the Diocese of Saldanha Bay in the Anglican Church of South Africa (ACSA)
K Savage	Judge	<ul style="list-style-type: none"> Director of the Southern African Legal Information Institute (SAFLII), A Non-Profit Company (NPC)
L Nuku	Judge	<ul style="list-style-type: none"> Director: Black Conveyancers Association Training Academy
V Saldanha	Judge	<ul style="list-style-type: none"> Member of the Advisory Board of Dullah Omar Institute (DOI)

MAGISTRATES' COURTS

INITIALS AND SURNAME	RANK	PROVINCE / COURT	POSITION
EASTERN CAPE			
S Dunywa	Regional Court President	Eastern Cape	<ul style="list-style-type: none"> Member: Regional and District IT Committee
GAUTENG			
M Djaje	Regional Court President	Gauteng	<ul style="list-style-type: none"> Member: Judicial IT Committee Member: Regional and District IT Committee
FREE STATE			
A Motlekar	Chief Magistrate	Welkom	<ul style="list-style-type: none"> Member: Executive Committee, Chief Magistrates Forum Member: Judicial IT Committee
LIMPOPO			
J Wessels	Regional Court President	Limpopo	<ul style="list-style-type: none"> Member: Judicial IT Committee Member: Regional and District IT Committee
C D Ringane	Chief Magistrate	Polokwane	<ul style="list-style-type: none"> Chairperson: Provincial Advisory Committee for the Appointment of Sheriffs



INITIALS AND SURNAME	RANK	PROVINCE / COURT	POSITION
NORTHERN CAPE			
O M Krieling	Chief Magistrate	Northern Cape	<ul style="list-style-type: none"> • Chairperson – Chief Magistrates Forum • Council Member – South African Judicial Education Institute • Chairperson – Provincial Advisory Committee for the Appointment of Sheriffs
O S Mazwi	Magistrate (Head of Office)	Groblershoop	<ul style="list-style-type: none"> • Deputy President – Judicial Officers Association of South Africa
R Terblanche	Senior Magistrate	Kimberley	<ul style="list-style-type: none"> • Member of Magistrates Commission
C J Abrahams	Additional Magistrate	De Aar	<ul style="list-style-type: none"> • Provincial Chairperson – Judicial Officers Association of South Africa
P K Magidela	Magistrate (Head of Office)	Springbok	<ul style="list-style-type: none"> • Provincial Secretary – Judicial Officers Association of South Africa
L J Blaauw	Additional Magistrate	Kimberley	<ul style="list-style-type: none"> • Provincial Treasurer – Judicial Officers Association of South Africa
J Brits	Magistrate (Head of Office)	Pampierstad	<ul style="list-style-type: none"> • Provincial Coordinator: South African Chapter of the International Association of Women Judges
J S Mabaso	Additional Magistrate	Barkly West	<ul style="list-style-type: none"> • Provincial Coordinator: South African Chapter of the International Association of Women Judges



H

PART H

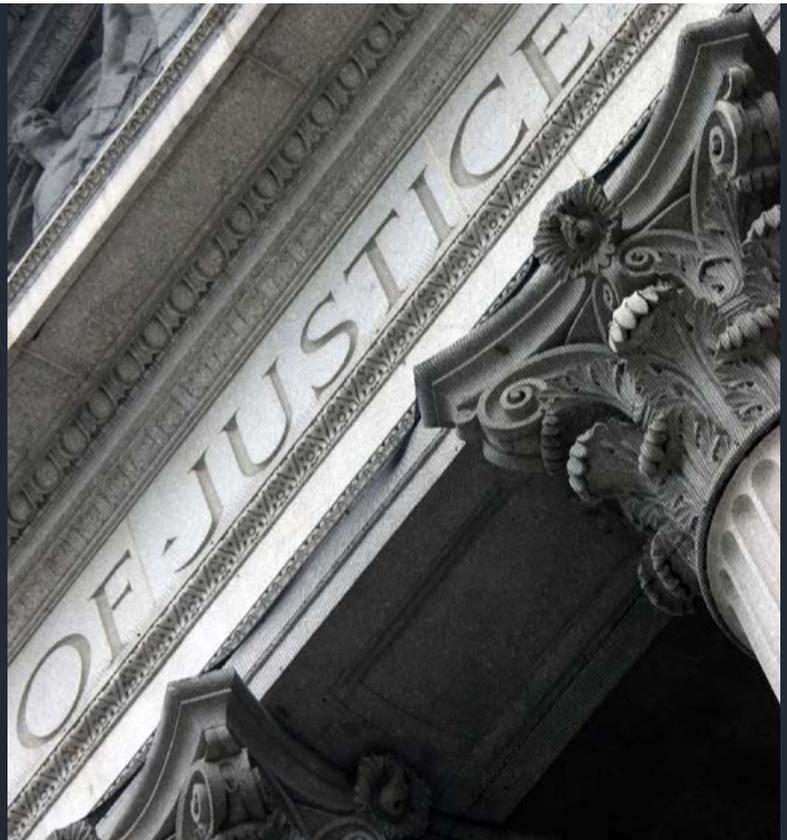
IN MEMORIAM

IN MEMORIAM

A dedication to the memory of our departed colleagues

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

NAME	CAPACITY	DIVISION	DATE DECEASED
C J Claassen	Retired Judge	Gauteng Local Division, Johannesburg	12 June 2021
W J Van der Merwe	Retired Judge	Gauteng Local Division, Johannesburg	25 June 2021
V J Mnguni	Judge	KwaZulu-Natal High Court Division, Pietermaritzburg	07 September 2021
R E Monama	Judge	Gauteng High Court Division, Pretoria	17 February 2022





ANNEXURE

TECHNICAL INDICATOR DESCRIPTIONS

ANNEXURE A: TECHNICAL INDICATOR DESCRIPTION: SUPERIOR COURTS

1. INDICATOR TITLE	PERCENTAGE OF MATTERS FINALISED (CONSTITUTIONAL COURT)
Short Definition	The indicator measures the percentage of matters finalised (judgment granted or dismissed) by the Constitutional Court.
Purpose / Importance	To measure 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	(Number of cases finalised / total case load) x 100 Case load = Cases brought forward (BF) + New cases
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 (upheld or dismissed) by the Supreme Court of Appeal
Purpose / Importance	To measure 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	Number of matters finalised / Total number of matters enrolled x 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 matters finalised For the period under review the target is set at 80%.

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 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	Number of applications / petitions finalised / Total number of applications / petitions enrolled x 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 applications / petitions finalised For the period under review the target is set at 80%.
Indicator Responsibilities	Court Administration Unit

4. INDICATOR TITLE	PERCENTAGE OF MATTERS FINALISED (LABOUR APPEAL COURT)
Short Definition	The indicator measures the percentage of appeal matters finalised (upheld or dismissed) by the Labour Appeal Court
Purpose / Importance	To measure the performance of the Labour Appeal Court in relation to the finalisation of appeal matters enrolled at the LAC.
Source / Collection of Data	Court rolls, Manual Registers, Court Judgments and Court Orders
Method of Calculation	Number of matters finalised / Total number of matters enrolled x 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 LAC matters finalised For the period under review the target is set at 80%.
Indicator Responsibilities	Court Administration Unit

5. INDICATOR TITLE	PERCENTAGE OF PETITIONS FINALISED (LABOUR APPEAL COURT)
Short Definition	The indicator measures the percentage of petitions finalised by the Labour Appeal Court
Purpose / Importance	To measure the performance of the Labour Appeal Court in relation to the finalisation of petitions enrolled at the LAC
Source / Collection of Data	Court rolls, Manual Registers, Court Judgments and Court Orders
Method of Calculation	Number of petitions finalised / Total number of petitions enrolled x 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 LAC petitions finalised For the period under review the target is set at 90%.
Indicator Responsibilities	Court Administration Unit

6. INDICATOR TITLE	REDUCTION PERCENTAGE OF CRIMINAL CASE BACKLOGS (ALL HIGH COURT DIVISIONS)
Short Definition	Reduce the percentage of cases in the High Court 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 Court
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 31 st March 2022 / All Criminal Trials Outstanding as at the 31 st March 2022
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 and "double booking" by legal representatives.
Type of Indicator	Output
Calculation Type	Non-cumulative
Reporting Cycle	Quarterly and Annually
New Indicator	No
Desired Performance	A reduction in the percentage of backlog cases. For the period under review the target is set at 30%.
Indicator Responsibilities	Court Administration Unit

7. INDICATOR TITLE	PERCENTAGE OF CRIMINAL MATTERS FINALISED (ALL HIGH COURT DIVISIONS)
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, 1977 (plea and sentence agreements), mental health reviews, bail appeals. *NB! The following outcomes will not be regarded as finalised: Postponed, Postponed Sine die, remanded in custody, reserved judgment, stood down, part heard, adjourned and blank (no outcome) entries specified.
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 cases 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 percentage of criminal matters finalised. For the period under review the target is set at 75%.
Indicator Responsibilities	Court Administration Unit

8. INDICATOR TITLE	PERCENTAGE OF CIVIL MATTERS FINALISED (ALL HIGH COURT DIVISIONS)
Short Definition	The indicator measures the percentage of civil (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 (admitted, granted, dismissed, refused, settled and withdrawn) by the High Court *NB! The following outcomes will not be regarded as finalised: Postponed, Postponed Sine die, reserved judgment, stood down, part heard, adjourned and blank (no outcome) entries specified. ** For Pre-trials proceeding only the finalised (granted and settlements) will be considered and form part of the total data population.
Purpose / Importance	To measure the performance of the civil courts
Source / Collection of Data	Court rolls, Manual Registers, court judgments and court orders
Method of Calculation	$(\text{Number of civil matters finalised} / \text{total case load}) \times 100$ 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	Quarterly and Annually
New Indicator	No
Desired Performance	An increase in the percentage of civil cases finalised For the period under review the target is set at 64%.
Indicator Responsibilities	Court Administration Unit

9. INDICATOR TITLE	PERCENTAGE OF MATTERS FINALISED (LABOUR COURT)
Short Definition	The indicator measures the percentage of matters, (trials, opposed / unopposed motions, urgent applications, reviews, pre-trial, admissions, appeals) matters finalised (admitted, granted, dismissed, refused, settled, rule nisi discharged, rule nisi confirmed, withdrawn, matters remitted to CCMA / Bargaining Council, draft order) by the Labour Court. *NB! The following outcomes will not be regarded as finalised: Postponed, Postponed Sine die, reserved judgment, stood down, part heard, adjourned and blank (no outcome) entries specified. ** For Pre-trials proceedings only the finalised (granted and settlements) will be considered and form part of the total data population.
Purpose / Importance	To measure the performance of the Labour 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	(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 percentage of labour matters finalised For the period under review the target is set at 58%.
Indicator Responsibilities	Court Administration Unit

10. INDICATOR TITLE	PERCENTAGE OF ELECTORAL MATTERS FINALISED (ELECTORAL COURT)
Short Definition	The indicator measures the percentage of matters finalised (strike offs, withdrawn, granted or dismissed) by the Electoral Court.
Purpose / Importance	To measure 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 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	Bi-annually and annually
New Indicator	No
Desired Performance	An increase in the percentage of Electoral cases finalised. For the period under review the target is set at 90%.
Indicator Responsibilities	Court Administration Unit

11. INDICATOR TITLE	PERCENTAGE OF COMPETITION MATTERS FINALISED (COMPETITION APPEAL COURT)
Short Definition	The indicator measures the percentage of competition appeal matters finalised (upheld or dismissed) by the Competition Appeal Court.
Purpose / Importance	To measure 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	Bi-annually and annually
New Indicator	No
Desired Performance	An increase in the percentage of competition appeal cases finalised For the period under review the target is set at 85%.
Indicator Responsibilities	Court Administration Unit

12. INDICATOR TITLE	PERCENTAGE OF MATTERS FINALISED (LAND CLAIMS COURT)
Short Definition	The indicator measures the percentage of cases (Automatic Reviews, Restitution, Extension of Security of Tenure and Land Reform [Labour Tenant]) finalised (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 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 the period under review the target is set at 60%.
Indicator Responsibilities	Court Administration Unit

13. INDICATOR TITLE	PERCENTAGE OF RESERVED JUDGMENTS FINALISED (ALL SUPERIOR COURTS)
Short Definition	The indicator measures the percentage of reserved judgments finalised by all Superior Courts.
Purpose / Importance	To measure the percentage of reserved judgments delivered by the Superior Courts within three months after the last hearing.
Source / Collection of Data	Court judgments, Manual Register of reserved judgments, data capturing tools and judicial bench book
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.
Indicator Responsibilities	Court Administration Unit

ANNEXURE B: TECHNICAL INDICATOR DESCRIPTION: REGIONAL COURTS

1. INDICATOR TITLE	NUMBER OF CRIMINAL TRIALS ENROLLED PER DAY
Short Definition	The proportion of criminal trial ready matters enrolled per day.
Purpose / Importance	To measure the performance in relation to the optimum functioning of the trial courts and limit the total collapsing of the rolls.
Source / Collection of Data	Court roll, charge sheets, court orders and criminal court books.
Method of Calculation	Number of criminal trial ready matters enrolled / total cumulative combined court days
Data Limitations	None
Type of Indicator	Output
Calculation Type	Cumulative
Reporting Cycle	Quarterly and Annually
New Indicator	Proxy Indicator
Desired Performance	An increase in the proportion of criminal trials enrolled daily.
Indicator Responsibilities	Regional Court Presidents Forum

2. INDICATOR TITLE	FINALISED CRIMINAL CASES PER DAY
Short Definition	The proportion of criminal trials finalised by the Regional Court per day. *NB! The following outcomes will not be regarded as finalised: Withdrawn, Warrant of arrest, struck offs; Postponed, Postponed Sine die; remanded in custody, reserved judgment; stood down, part heard; adjourned and blank fields (no outcome entries captured)
Purpose / Importance	To measure the performance in relation to the finalisation of criminal cases.
Source / Collection of Data	Court roll, charge sheets, court orders and criminal court books.
Method of Calculation	Number of criminal cases finalised / total cumulative combined court days
Data Limitations	None
Type of Indicator	Output
Calculation Type	Cumulative
Reporting Cycle	Quarterly and Annually
New Indicator	Proxy Indicator
Desired Performance	An increase in the proportion of criminal trials finalised daily.
Indicator Responsibilities	Regional Court Presidents Forum

3. INDICATOR TITLE	DISPOSED CRIMINAL CASES PER DAY
Short Definition	The proportion of criminal trials disposed of by the Regional Court per day. *NB! The following outcomes will not be regarded as disposed of: Postponed, Postponed Sine die; remanded in custody, reserved judgment; stood down, part heard; adjourned and blank fields (no outcome entries captured)
Purpose / Importance	To measure the performance in relation to the finalisation of criminal cases.
Source / Collection of Data	Court rolls, charge sheets, court orders and criminal court books.
Method of Calculation	Number of criminal cases disposed of / total cumulative combined court days
Data Limitations	None
Type of Indicator	Output
Calculation Type	Cumulative
Reporting Cycle	Quarterly and Annually
New Indicator	Proxy Indicator
Desired Performance	An increase in the proportion of criminal matters disposed of daily.
Indicator Responsibilities	Regional Court Presidents Forum

4. INDICATOR TITLE	CRIMINAL CASES CLEARANCE RATE
Short Definition	The number of outgoing cases (resolved, disposed, or closed) as a proportion of the number of incoming cases (filed, registered, or opened) expressed as a percentage.
Purpose / Importance	To help Courts and Judicial Officers to understand whether they complete as many cases as are registered.
Source / Collection of Data	Court rolls, charge sheets, court orders and criminal court books.
Method of Calculation	$(\text{Number of criminal cases disposed of} / \text{total new cases registered}) \times 100$
Data Limitations	None
Type of Indicator	Output
Calculation Type	Cumulative
Reporting Cycle	Quarterly and Annually
New Indicator	Proxy Indicator
Desired Performance	An increase in the percentage of criminal cases cleared from the roll.
Indicator Responsibilities	Regional Court Presidents Forum

5. INDICATOR TITLE	AVERAGE CRIMINAL COURT HOURS PER DAY
Short Definition	The average criminal trial court hours per day.
Purpose / Importance	To measure the performance in relation to the optimum utilisation (occupancy) of the trial court time.
Source / Collection of Data	Criminal court books.
Method of Calculation	Total cumulative combined court hours sat / total cumulative combined court days
Data Limitations	None
Type of Indicator	Output
Calculation Type	Cumulative
Reporting Cycle	Quarterly and Annually
New Indicator	No
Desired Performance	An increase in the daily average court hours.
Indicator Responsibilities	Regional Court Presidents Forum

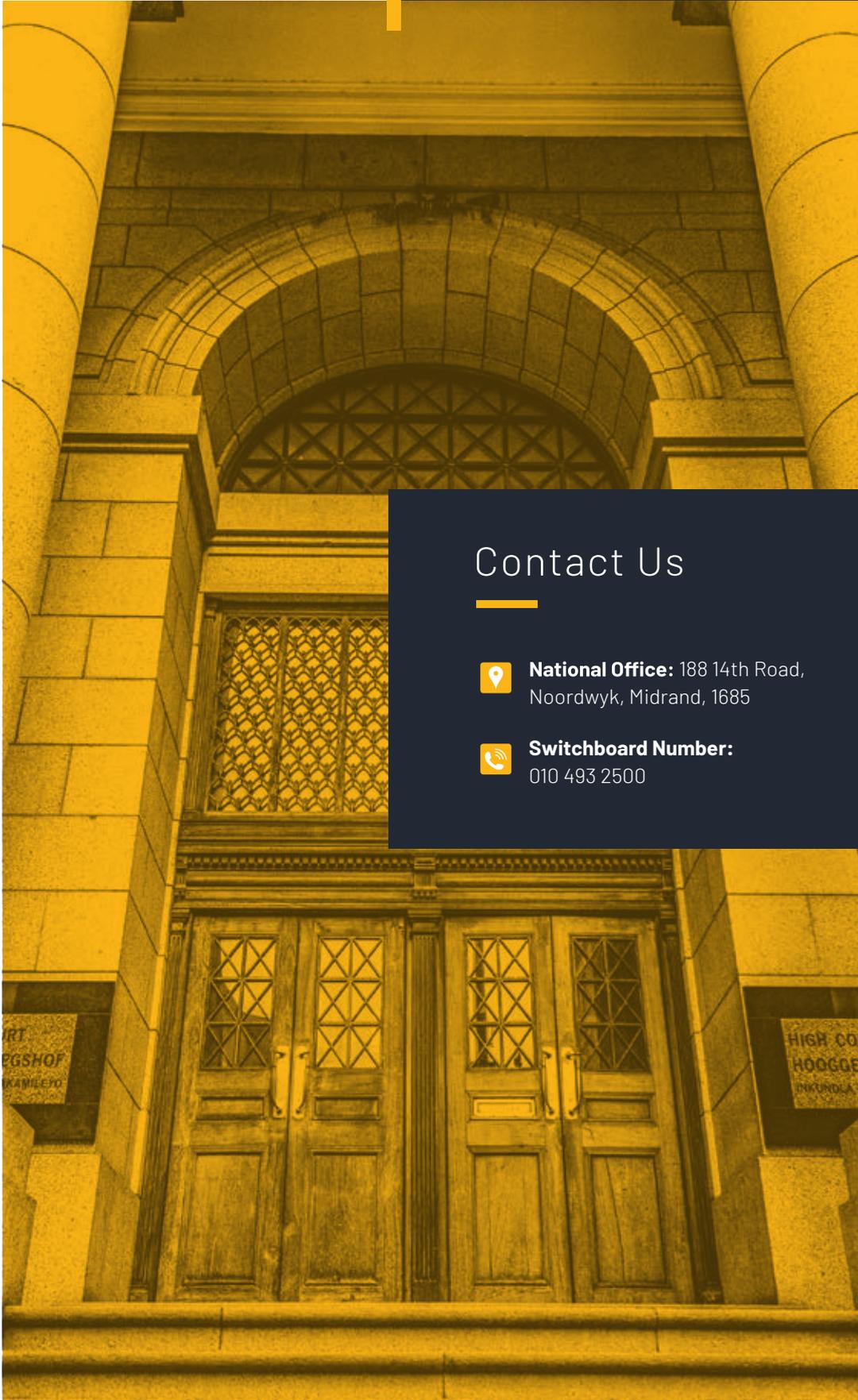
6. INDICATOR TITLE	THROUGHPUT (AVERAGE TRIAL COURT HOURS OF FINALISING A SINGLE COURT CASE)
Short Definition	The average criminal trial court hours it took to finalise one case.
Purpose / Importance	To measure the performance in relation to the duration in trial court hours it took to at least finalise one case.
Source / Collection of Data	Criminal court books.
Method of Calculation	Total cumulative combined criminal court hours sat / total cases finalised
Data Limitations	None
Type of Indicator	Output
Calculation Type	Cumulative
Reporting Cycle	Quarterly and Annually
New Indicator	Proxy Indicator
Desired Performance	A reduction in the hours it takes to finalise a single case.
Indicator Responsibilities	Regional Court Presidents Forum

7. INDICATOR TITLE	FINALISED CIVIL APPLICATIONS PER DAY
Short Definition	The proportion of civil applications, (opposed / unopposed motions, urgent applications, appeals, default judgments) matters finalised (granted, dismissed, refused, settled rule nisi discharged, rule nisi confirmed, withdrawn draft order) by the Regional Court. *NB! The following outcomes will not be regarded as finalised: Postponed, Postponed Sine die; reserved judgment; stood down; part heard; adjourned and blank fields (no outcome entries captured)
Purpose / Importance	To measure the performance of the Regional Court in relation to the finalisation of civil applications.
Source / Collection of Data	Court judgments, court orders, court rolls and court books
Method of Calculation	Number of civil applications finalised / total cumulative combined court days
Data Limitations	None
Type of Indicator	Output
Calculation Type	Cumulative
Reporting Cycle	Quarterly and Annually
New Indicator	Proxy Indicator
Desired Performance	An increase in the proportion of civil applications finalised daily.
Indicator Responsibilities	Regional Court Presidents Forum

8. INDICATOR TITLE	FINALISED CIVIL TRIALS PER DAY
Short Definition	The proportion of civil trials finalised (granted, dismissed, refused, withdrawn; draft order made an order of court) by the Regional Court. *NB! The following outcomes will not be regarded as finalised: Postponed, Postponed Sine die; reserved judgment; stood down; part heard; adjourned and blank fields (no outcome entries captured)
Purpose / Importance	To measure the performance of the Regional Court in relation to the finalisation of civil trials.
Source / Collection of Data	Court judgments, court orders, court rolls and court books
Method of Calculation	Number of civil trials finalised / total cumulative combined court days
Data Limitations	None
Type of Indicator	Output
Calculation Type	Cumulative
Reporting Cycle	Quarterly and Annually
New Indicator	Proxy Indicator
Desired Performance	An increase in the proportion of civil trials finalised daily.
Indicator Responsibilities	Regional Court Presidents Forum

9. INDICATOR TITLE	AVERAGE CIVIL COURT HOURS PER DAY
Short Definition	The average civil trial court hours per day.
Purpose / Importance	To measure the performance in relation to the optimum utilisation (occupancy) of the trial court time.
Source / Collection of Data	Criminal court books.
Method of Calculation	Total cumulative combined civil court hours sat / total cumulative combined court days
Data Limitations	None
Type of Indicator	Output
Calculation Type	Cumulative
Reporting Cycle	Quarterly and Annually
New Indicator	No
Desired Performance	An increase in the daily average court hours.
Indicator Responsibilities	Regional Court Presidents Forum

10. INDICATOR TITLE	PERCENTAGE OF JUDGMENTS RESERVED (REGIONAL COURTS)
Short Definition	The percentage of judgments reserved for longer than three months after the last hearing.
Purpose / Importance	To reduce the number of reserved judgments and ensure timely delivery of reserved judgments.
Source / Collection of Data	Court judgments, manual register of reserved judgments and judicial bench book.
Method of Calculation	$(\text{Number of judgments reserved for longer than three months} / \text{total number of judgments reserved}) \times 100$
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. Reserved judgments to be delivered within three months of last hearing.
Indicator Responsibilities	Regional Court Presidents Forum



Contact Us



National Office: 188 14th Road,
Noordwyk, Midrand, 1685



Switchboard Number:
010 493 2500

ART
EGSHOF
KAMILEYO

HIGH CO
HOOGGE
INKUNDLA