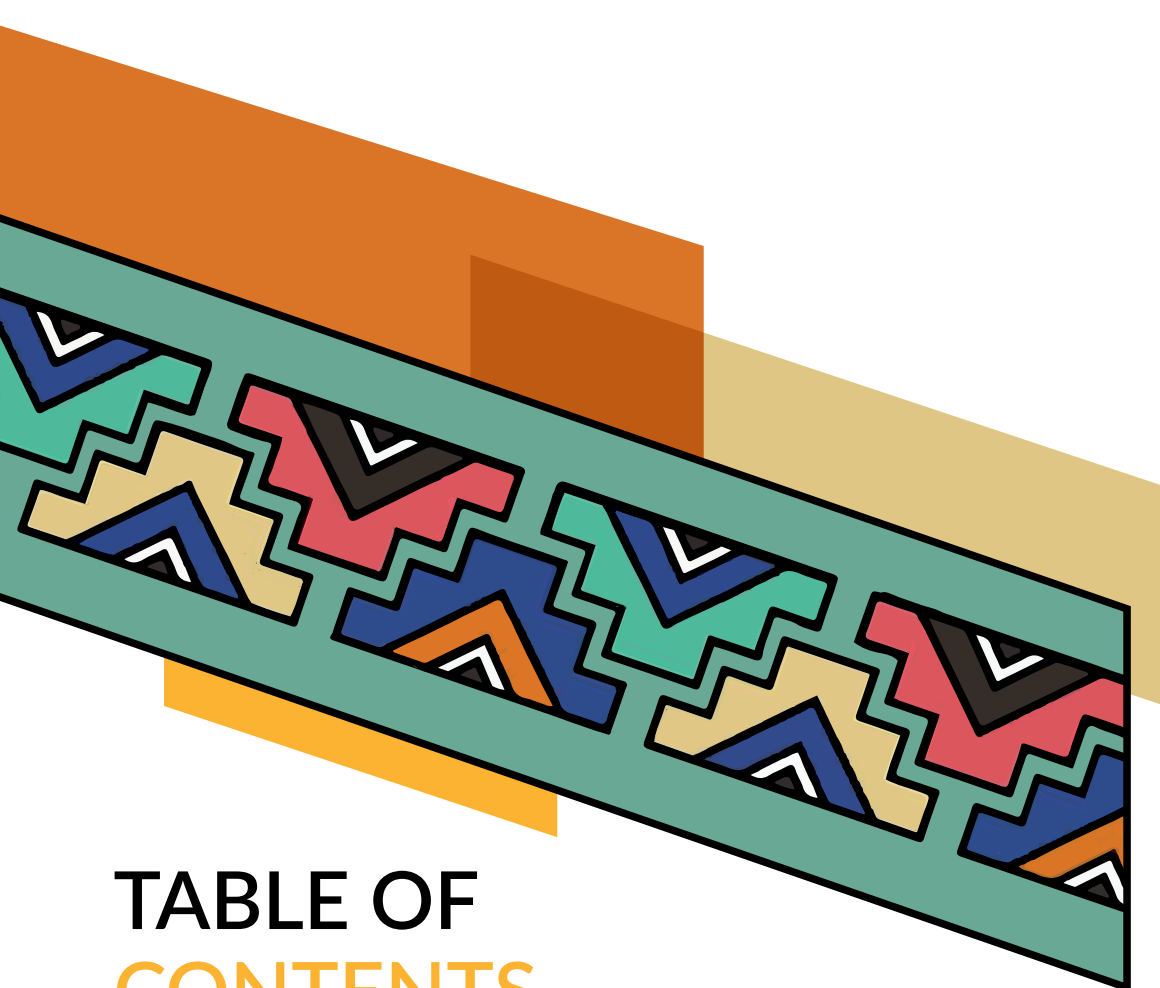




# ANNUAL JUDICIARY REPORT 2023/2024

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





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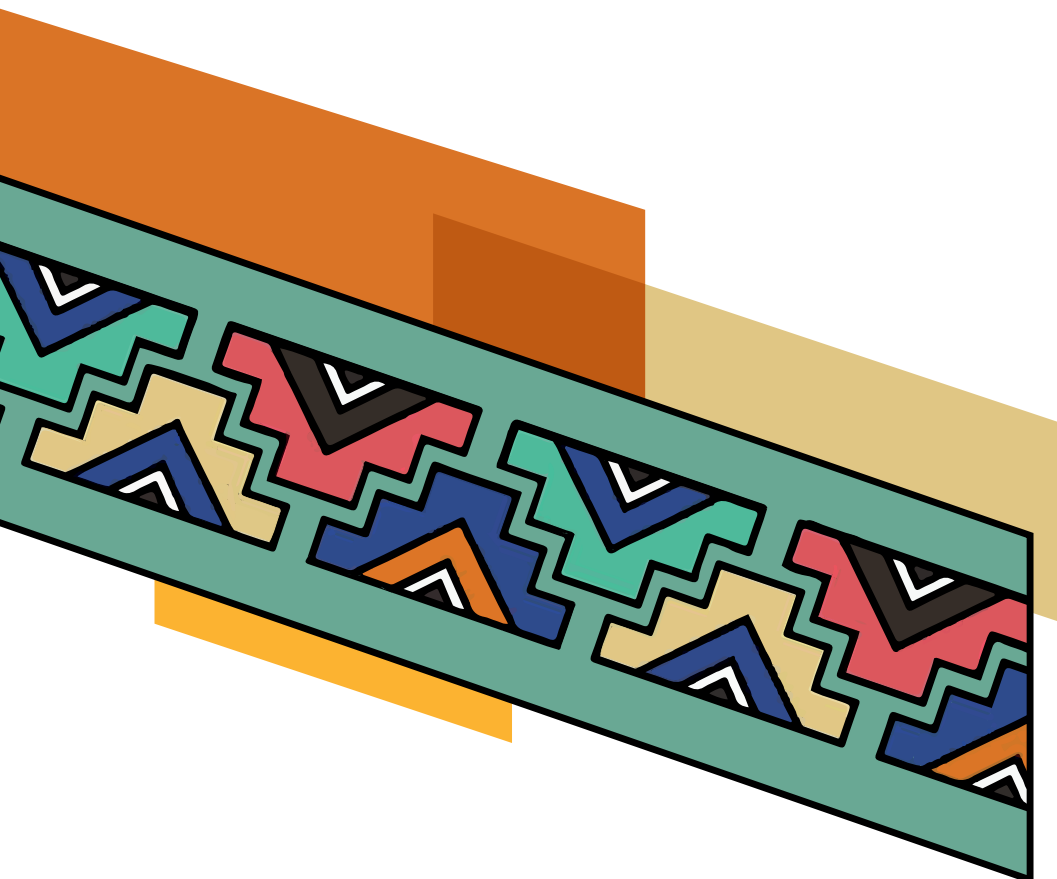
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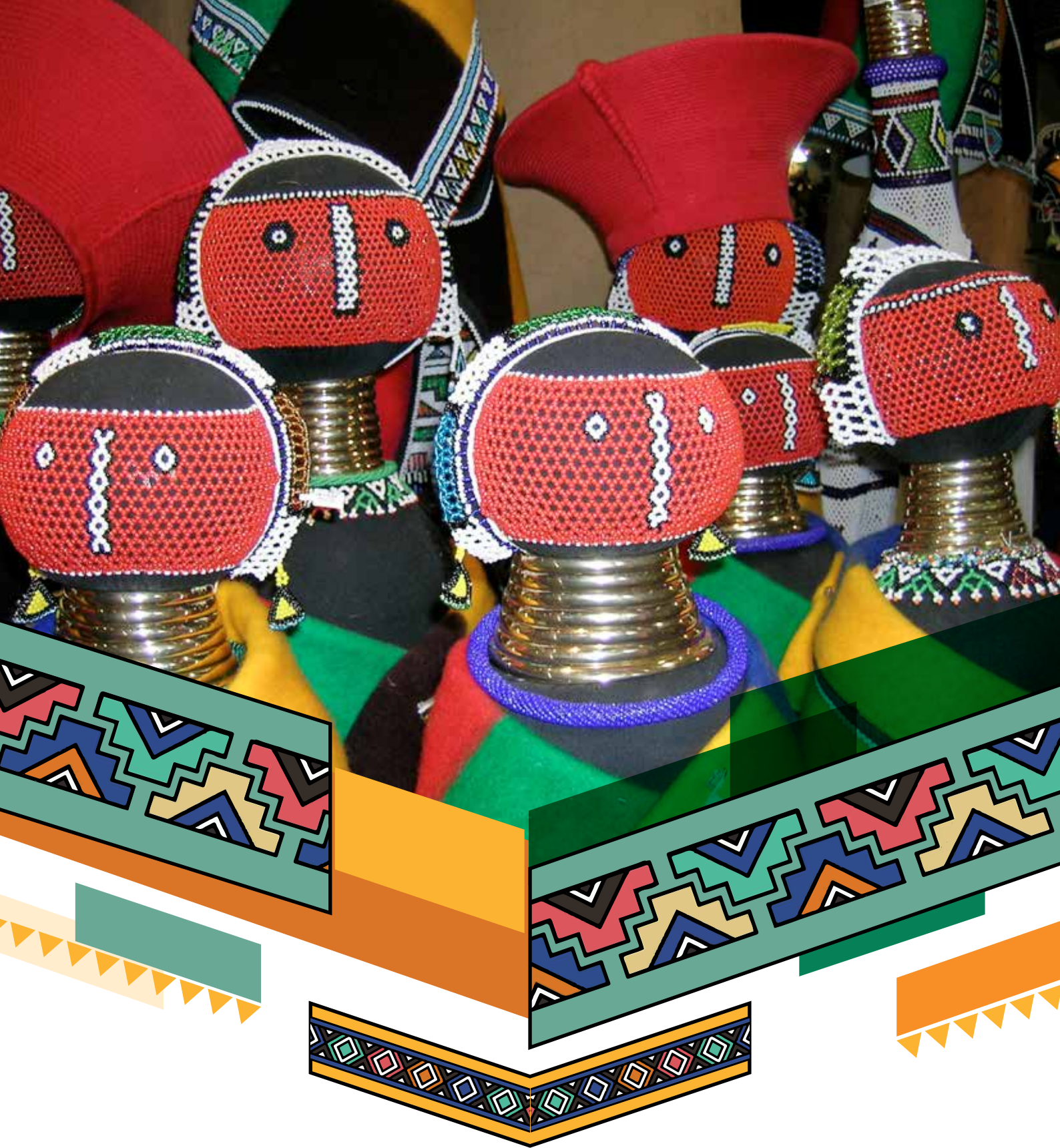
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# LIST OF ABBREVIATIONS

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

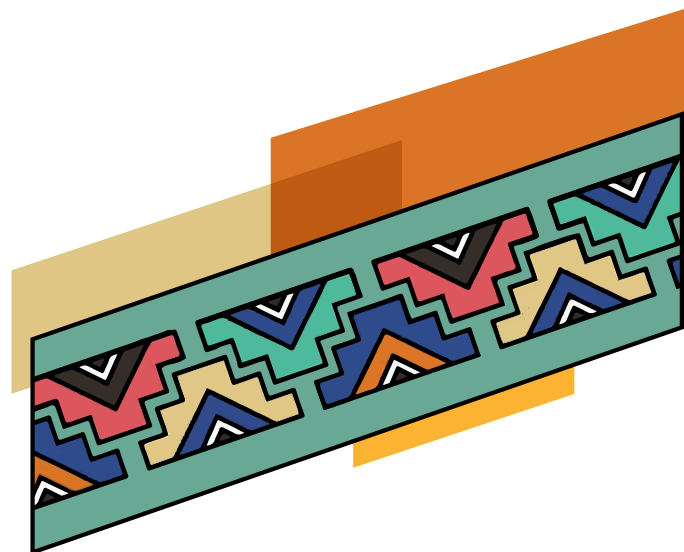






PART A





## FOREWORD BY THE CHIEF JUSTICE

The 2023/2024 Financial Year provided the South African Judiciary an opportunity to pause and reflect on its standing as the judicial authority of the Republic (section 165 of the Constitution of the Republic of South Africa, 1996). This opportunity for reflection was occasioned by the Judges' Conference, which took place in December 2023. The Chief Justice, with the support of the Heads of Court, convened the Judges' Conference to discuss matters of interest to the Judiciary in relation to its constitutional role and mandate. The last time the Judiciary met for this purpose was in 2012. The December 2023 Judges' Conference was attended by Judges from across the country and by representatives of Magistrates. It was held under the theme: "Towards a single, effective and fully independent Judiciary".

In line with this theme, one of the aims of the 2023 Judges' Conference was to provide Judges and Magistrates with a platform to, amongst others, reflect on Judicial independence including institutional

independence which will ensure that the Chief Justice receives adequate support in order to fulfil the office's functions and other matters concerning the functioning of the Courts in order to ensure that the Courts serve the people better. The Judges' Conference also discussed issues pertaining to efficiencies in the court system, resourcing and capacitation of the Judiciary, as well as judicial accountability, integrity and ethical conduct of Judicial Officers (Magistrates and Judges). In this sense, the Judges' Conference served to recalibrate the Judiciary and reposition it for the realisation of its constitutional mandate.

This 2023/2024 Annual Judiciary Report therefore marks a watershed period in the history of the South African Judiciary in the democratic era, wherein the Judiciary acknowledged the challenges it faces in the pursuit of its constitutional mandate, as well as the successes it has recorded in the exercise of judicial authority. This period importantly also marked a reaffirmation of the principle



of the independence of the Judiciary as espoused in the Constitution of the Republic. This reaffirmation of judicial independence, together with the Judiciary's collective aim to reimagine its work as captured in the Resolutions of the 2023 Judges' Conference, represent the strategic outlook that will inform the activities of the Judiciary moving into the future.

The 2023/2024 Annual Judiciary Report reflects the constraints faced by the Courts as has been repeatedly highlighted by the Judiciary over the years and now aptly captured in the 2023/2024 Annual Judiciary Report Report of the Committee on the Rationalisation of Areas Under the Jurisdiction of the Divisions of the High Court of South Africa and Judicial establishments.

A key finding of this Committee, which was chaired by retired Justice Dikgang Moseneke, highlights that the shortage of Judges has had a negative effect resulting in serious court delays and backlogs. While the population and the demand for access to the Courts have grown significantly in the last years, the number of Judges has stayed the same. The shortage of Judges has had a knock-on effect in the legal system, putting strain on permanent Judges. The 57% achievement by the Superior Courts on its performance targets under the period under review is a stark reflection of the reality highlighted in the Committee's report. Notwithstanding current constraints, the Superior Courts should be commended for their efforts to deliver judgments timeously. The 2023/2024 Annual Judiciary Report shows that 4 880 out of 7 062 judgments were delivered within 3 months from the date the judgment was reserved. This shows that the Superior Courts achieved 69%, which is only one (1) percentage point below the set target of 70%.

The 2023/2024 Annual Judiciary Report also shows that for the period under review, the Regional Courts utilised a combined total of 67 705 court days and a combined total of 207 770:08 court hours. A total of 41 420 new cases were registered. A total of 40 709 cases were disposed of by the Regional Courts. A comparison with the previous Financial Year indicates that court days increased by 3%, new cases increased by 8%, disposed cases decreased by 2% and court hours increased by 7%. It is commendable that, generally, no judgments were reserved for longer than three (3) months from the date of last hearing by the Regional Courts during the period under review.

It remains the Judiciary's firm view that the establishment of a single Judiciary and the attainment of full institutional independence of the Judiciary, which includes a Judiciary-led court administration model, financial autonomy and operational independence, is the only way to realise the vision outlined in section 165 of the Constitution. Judicial independence is a condition precedent for the existence of a constitutional democracy and for its protection and advancement. It is foundational to and indispensable for the discharge of judicial functions in a constitutional democracy based on the rule of law.

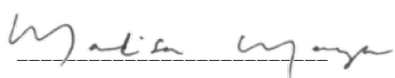
Institutional independence concerns the day-to-day operations of the Courts. It requires ensuring that the Courts are not directly or indirectly controlled or seen to be controlled by other Arms of State. The Judiciary must determine its own policy and strategic priorities, including how funds are allocated to pursue those priorities. This entails determining which personnel is best suited to support it in the execution of its constitutional obligations and that those functionaries be answerable to judicial authority. The Judiciary must identify all the needs that are closely related to the proper functioning of the courts, including budget, prioritise them and have them implemented under its watch. It follows that the judiciary must run its own affairs in keeping with the principle of separation of powers and judicial independence as provided for in the Constitution.

The Constitution of the Republic provides that the Judiciary is independent and subject only to the Constitution and the law. 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. It is only through full institutional independence and the transition to a judiciary-led court administration model can the judiciary be fully accountable to South Africans for the performance of judicial functions and operation of the Courts. The public expects proper and effective performance of the Courts.

Roger K. Warren, the former president of the National Center for State Courts think tank, offered one of the most articulate expressions of the absolute need for judicial independence and accountability. He said:

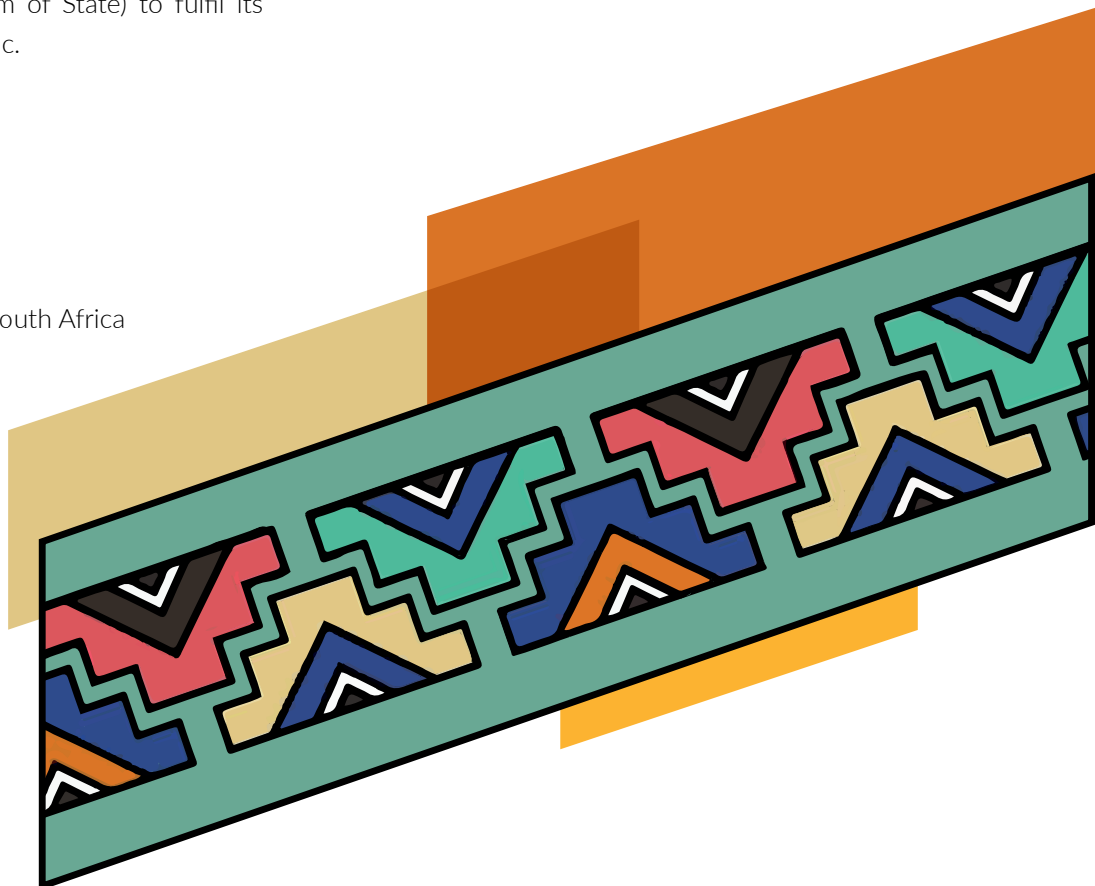
*"The Judiciary is accorded independence as a means to the end that we perform the job well, decide fairly, and administer the laws justly. We are public servants. If we do not perform our responsibilities well, we will inevitably face persistent attacks on our own independence. To state it different, our own poor performance will be the door through which the strongest challenges to our judicial independence will enter. If we take no responsibility for our performance, we are in no position to complain about the attacks upon our independence. Democracy is a system of checks and balances. No governmental power, including the judicial power, is absolute. If we exercise judicial power ineffectively, improperly, or poorly, other branches will surely seek to check our authority, to influence our decision making, and to interfere in our operations. We must be accountable for our performance."*

It is my pleasure to present the 8<sup>th</sup> Annual Judiciary Report to the people of the Republic of South Africa on the Judiciary's performance of judicial functions. The Annual Judiciary Report for 2023/2024 is presented for the Judiciary (the judicial arm of State) to fulfil its obligation to account to the public.



**Chief Justice Mandisa M L Maya**

Chief Justice of the Republic of South Africa



# 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;
  - (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> <ul style="list-style-type: none"><li>(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;</li><li>(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;</li><li>(c) decide applications envisaged in section 80 or 122;</li><li>(d) decide on the constitutionality of any amendment to the Constitution;</li><li>(e) decide that Parliament or the President has failed to fulfil a constitutional obligation; or</li><li>(f) certify a provincial constitution in terms of section 144.</li></ul> <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
<b>SUPREME COURT OF APPEAL (SCA)</b>	<p>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.</p> <p>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.</p> <p>Generally, the Supreme Court of Appeal sits in panels of three or five, but two Judges deal with applications for leave to appeal.</p>
<b>HIGH COURT OF SOUTH AFRICA</b>	<p>In terms of section 166(c) of the Constitution, there is one High Court of South Africa.</p> <p>In terms of the Superior Courts Act, 2013 there are nine provincial Divisions of the High Court of South Africa. They are:</p> <ul style="list-style-type: none"> <li>(a) The Eastern Cape Division, with its main seat in Makhanda and three Local Divisions located in Gqeberha, Mthatha and Bhisho;</li> <li>(b) The Free State Division with its main seat in Bloemfontein;</li> <li>(c) The Gauteng Division with its main seat in Pretoria and the Local Division in Johannesburg.</li> <li>(d) The KwaZulu-Natal Division with its main seat in Pietermaritzburg and its Local Division in Durban;</li> <li>(e) The Limpopo Division with its main seat in Polokwane with its local Division in Thohoyandou;</li> <li>(f) The Mpumalanga Division with its main seat in Mbombela, with its local Division in Middelburg;</li> <li>(g) The Northern Cape Division with its main seat in Kimberley;</li> <li>(h) The North West Division with its main seat in Mahikeng; and</li> <li>(i) The Western Cape Division with its main seat in Cape Town.</li> </ul> <p>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.</p>

**Courts of a status similar to that of the High Court are the following specialised Courts:**

COURT	JURISDICTION
<b>ELECTORAL COURT</b>	<p>The Electoral Court is a specialist Court established in terms of section 18 of the Electoral Commission Act, 1996 (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 include Judges and non-Judges.</p> <p>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.</p>



**Courts of a status similar to that of the High Court are the following specialised Courts:**

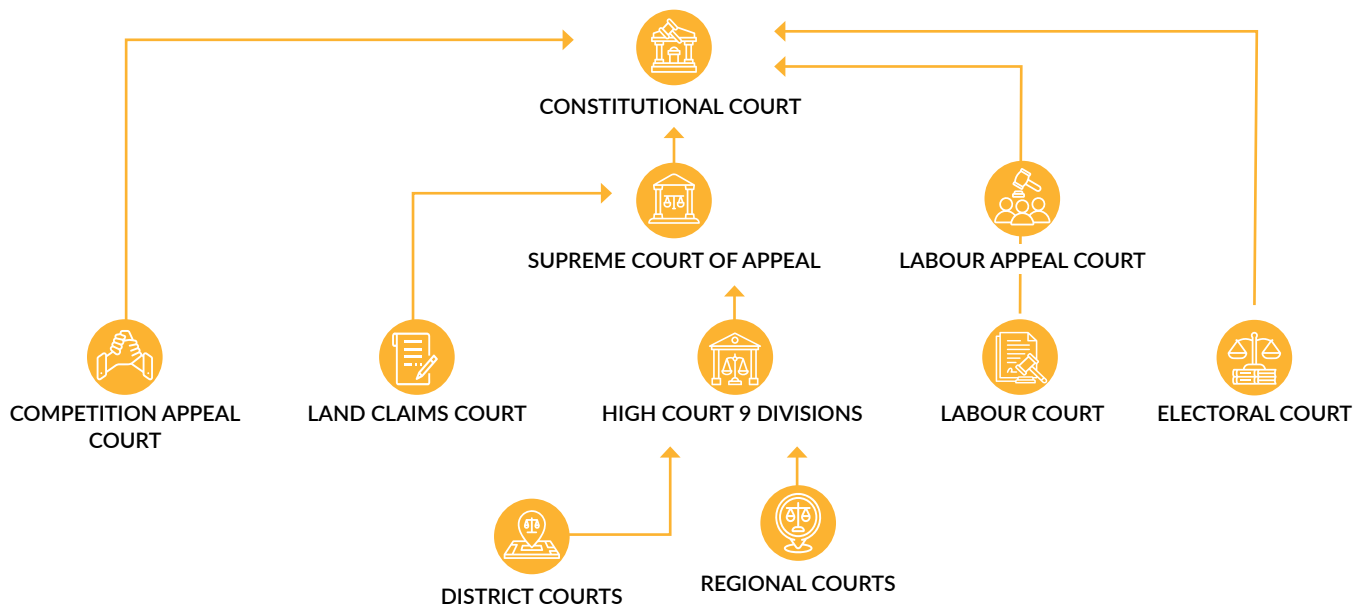
COURT	JURISDICTION
<b>LABOUR APPEAL COURT</b>	The Labour Appeal Court is a specialist court of appeal which hears all appeals from judgments of the Labour Court. The Labour Appeal Court and the Labour Court share the same Judge President and Deputy Judge President. Other than for the fact that the two 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.
<b>LAND CLAIMS COURT</b>	<p>The Land Court Act, 2023 (Act No 6 of 2023), came into effect on 05 April 2024.</p> <p>For the purposes of this report, the Court will be referred to as the Land Claims Court. The Land Claims Court was established in 1996 and is a creature of the Restitution of Land Rights Act (Act No. 22 of 1994). The Land Claims Court specialised in dealing with disputes that arise out of laws that underpin three of South Africa's land reform initiative. These are the Restitution of Land Rights Act, 1994, the Land Reform (Labour Tenants) Act, 1996 (the Labour Tenants Act) and the Extension of Security of Tenure Act, 1997 (ESTA). This new Court continues to exercise jurisdiction over these statutes which can be understood as its 'existing jurisdiction'. The primary focus of the court's existing jurisdiction is to deal with land restitution/land claims cases. The court deals with restitution cases in the form of referrals from the office of the Commission for the Restitution of Land Rights on direct referral from claimants or affected landowners. The main task of the court in this regard is to adjudicate whatever legal disputes arise and ensure that dispossessed land or other equitable redress is awarded to those who satisfy the statutory requirements. The court also adjudicates compensation disputes between the State and landowners or dispossessed persons with reference to section 25(3) of the Constitution.</p> <p>The court also deals with ESTA and the Labour Tenants Act. These two Acts were enacted by parliament to protect occupiers and workers on farms and labour tenants from ill treatment and illegal evictions and to provide them with secure tenure. Provision is made for awarding subsidies to ESTA occupiers and land to labour tenants. The Court has primary jurisdiction under ESTA. However, the various magistrate courts around the country also have certain jurisdiction in terms of the Extension of Security Tenure Act although their eviction orders are subject to automatic reviews by the court. Importantly, the Court is entrusted not only with ensuring that the ESTA occupiers are protected against arbitrary evictions, but to ensure that the range of positive protections conferred by ESTA are respected, such as security of tenure, access to services and water. Similarly, under the Labour Tenants Act, the court's jurisdiction entails protecting labour tenants from arbitrary eviction and securing their tenure as well as adjudicating disputes relating to award of land under Chapter 3 of the Act.</p>

**LOWER COURTS**

<b>REGIONAL MAGISTRATES' COURTS (CRIMINAL AND CIVIL COURT)</b>	Regional Magistrates' Courts deal with all offences except treason. These courts also deal with some civil and family matters.
<b>DISTRICT COURTS (CRIMINAL AND CIVIL / FAMILY COURTS / CHILDREN'S COURTS)</b>	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 apart from the Electoral Court and the Competition Appeal 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, 10 of 2013.

The Superior Courts Act, 10 of 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.



# PART B





## 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 (Act 47 of 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 of Justice and Constitutional Development in order to enable Judges to do research and to attend to outstanding or prospective judicial functions that may be assigned to them. During each recess period, the Head of each Court must ensure that an adequate number of Judges is available in that Court to deal with any judicial functions that may be required, in the interests of justice, to be dealt with during that recess period.
- In terms of the Regulations on the criteria for the Determination of the Judicial Establishment of the Supreme Court of Appeal and Divisions of the High Court of South Africa, 2015, made in terms of Section 49(1)(b) of the Superior Courts Act, 2013, any determination of the number of Judges at such Courts, must be considered with due regard to court performance statistics and information relating to the performance of judicial functions.

### NORMS AND STANDARDS FOR THE PERFORMANCE OF JUDICIAL FUNCTIONS

Pursuant to the constitutional imperative contained in section 165(6) of the Constitution and in section 8 of the Superior Courts Act, the Chief Justice established Norms and Standards for the performance of judicial functions in February 2014 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 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.

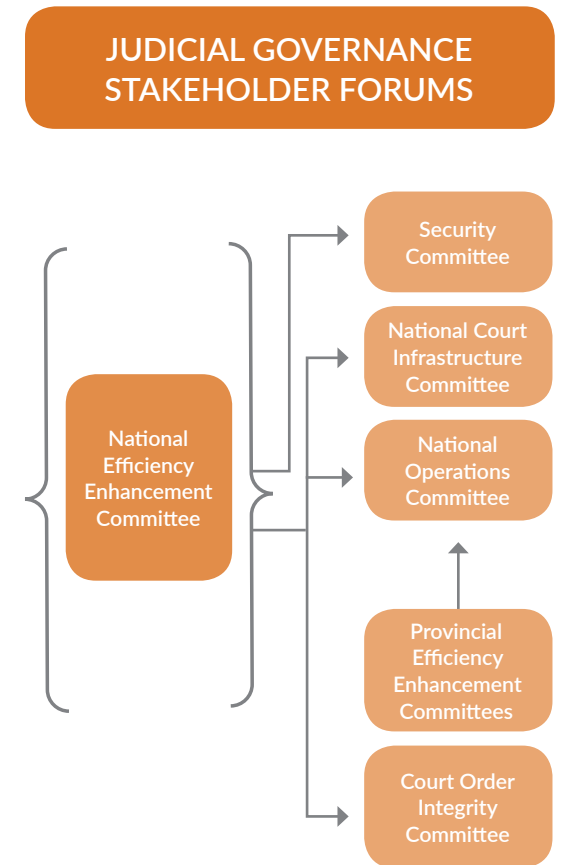
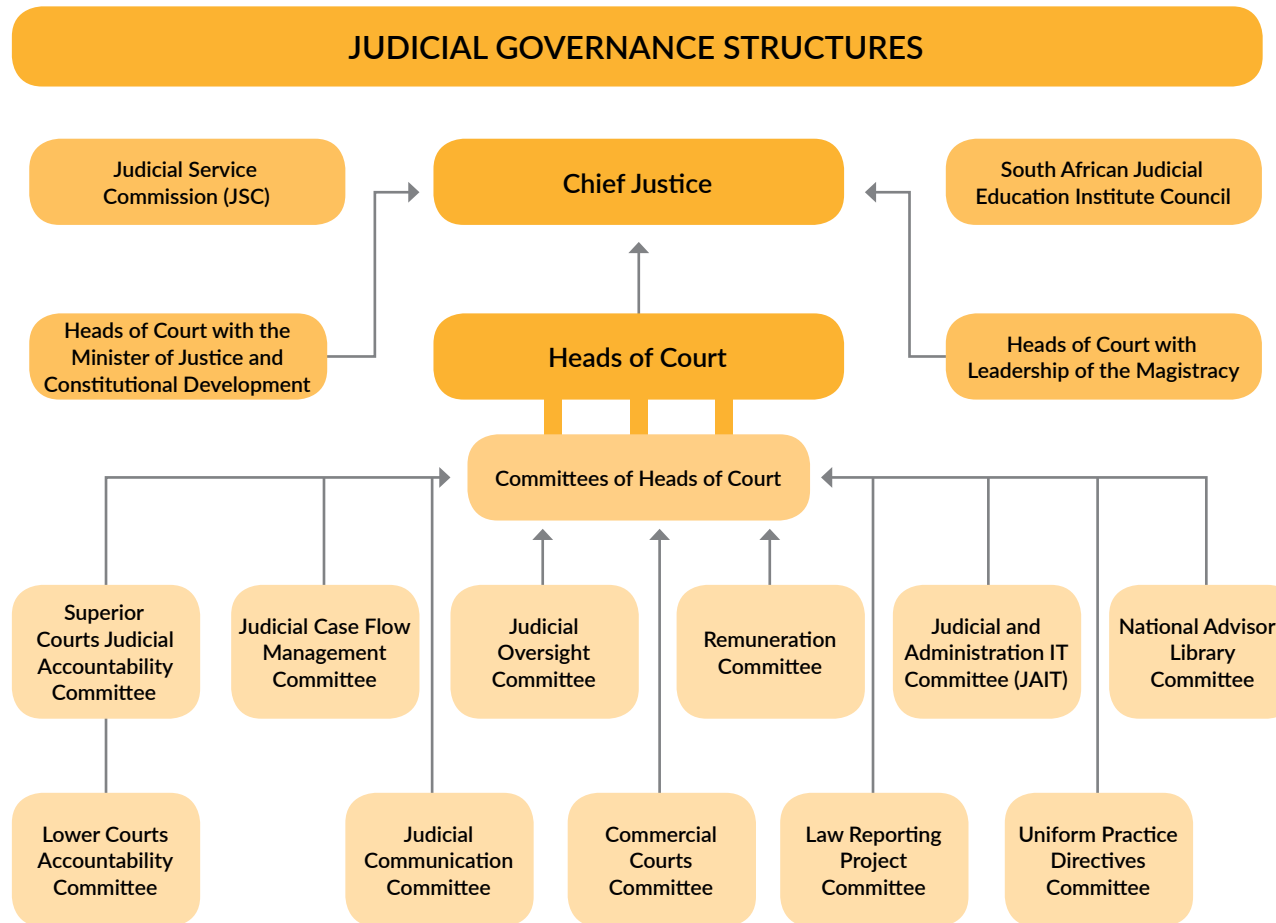
In terms of Article 10(2) of the Code of Judicial Conduct, a Judge must deliver all reserved judgments before the end of the term in which the hearing of the matter was completed, but may, in respect of a matter that was heard within two weeks of the end of that term or where a reserved judgment is of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



## JUDICIAL GOVERNANCE STRUCTURES



# DISCLOSURE OF JUDGES' REGISTRABLE INTERESTS

## LEGAL FRAMEWORK

Section 6(1) of the JSC Act requires the Commission to submit a written report to Parliament for tabling within six (6) months after the end of every year.

In terms of section 6(2)(c) of the JSC Act, the report must include information regarding all matters relating to, including the degree of compliance with, the Register of Judges' Registrable Interests as reported by the Registrar of Judges' Registrable Interests (Registrar).

Regulation 5(5) of the Regulations Relating to the Judicial Service Commission Act, 1994: Disclosure of Registrable Interests (the Regulations) requires the Registrar, for the purpose of indicating the degree of compliance with the Register in the annual report of the Commission, also to furnish the Commission with the names of those Judges in active service who have disclosed interests of their family members.

## DISCLOSURE BY JUDGES APPOINTED IN 2023/2024

Section 13(3) of the JSC Act requires that every Judge must disclose to the Registrar particulars of all his or her registrable interests and those of her or his immediate family members, where applicable. The disclosure is done annually.

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 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)).

In 2023/2024, sixteen (16) new Judges commenced active service in the Judiciary of South Africa. These Judges disclosed their registrable interests within 30 days of appointment as prescribed by the regulations and the disclosed information has been entered into the Register and copies of entries made into the Register were provided to the Judges as per Regulation 3(3).

## STATUS OF DISCLOSURES FOR ALL JUDGES AS OF 31 MARCH 2024

In the year under review there were two hundred and fifty-two (252) Judges in active service and two hundred and fifty-two (252) Judges disclosed their registrable interests by 31 March 2024 as prescribed by the Regulations.

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.

## 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 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)).

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 six (6) 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.

**Table 2: Disclosure of Judges’ Registrable Interests**

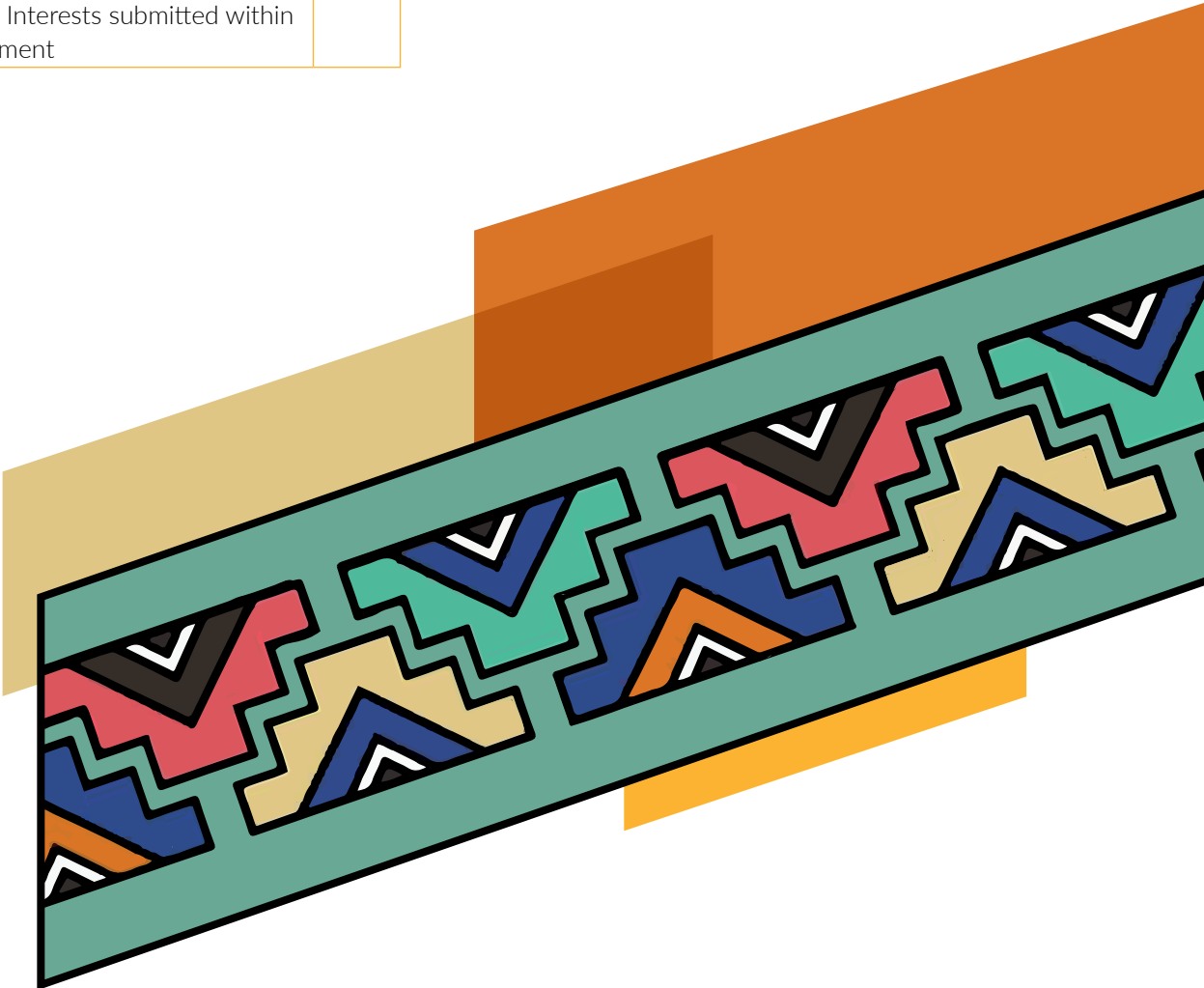
Percentage of disclosures of Judges’ Registrable Interests submitted by 31 March 2024	100%
Percentage of disclosures of newly appointed Judges’ Registrable Interests submitted within 30 days of appointment	100%

**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 the Act 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 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.





# PART D



## 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 and Lower Courts performed during the period under review.

### KEY PERFORMANCE INDICATORS: SUPERIOR COURTS

The AJPP indicators for the Judiciary as reflected in the Annual Judiciary Report 2020/2021 remain relevant for the reporting period under review. The AJPP defines and identifies performance indicators and targets for the various Courts. The performance indicators and targets are measures that allow for the monitoring of performance on one or more aspects of the overall functions and mandate of the Judiciary.

#### Measuring performance through Technical Description Indicators:

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

CONSTITUTIONAL COURT	
PERFORMANCE INDICATOR	PERFORMANCE TARGET 2023/2024
• Percentage of finalised matters	70%

SUPREME COURT OF APPEAL	
PERFORMANCE INDICATOR	PERFORMANCE TARGET 2023/2024
• Percentage of finalised matters	80%
• Percentage of finalised Applications / Petitions	80%

LABOUR APPEAL COURT	
PERFORMANCE INDICATOR	PERFORMANCE TARGET 2023/2024
• Percentage of finalised matters	80%
• Percentage of finalised Petitions	90%

HIGH COURT	
PERFORMANCE INDICATOR	PERFORMANCE TARGET 2023/2024
• Percentage of finalised criminal matters	75%
• Percentage of finalised Mental Health Applications (*New)	90%
• Percentage of finalised civil matters	64%
• Percentage to which criminal case backlogs reduced	30%

LABOUR COURT	
PERFORMANCE INDICATOR	PERFORMANCE TARGET 2023/2024
• Percentage of finalised labour matters	58%

LAND CLAIMS COURT	
PERFORMANCE INDICATOR	PERFORMANCE TARGET 2023/2024
• Percentage of finalised land claims matters	60%

COMPETITION APPEAL COURT	
PERFORMANCE INDICATOR	PERFORMANCE TARGET 2023/2024
• Percentage of finalised Competition Appeal cases	85%

ELECTORAL COURT	
PERFORMANCE INDICATOR	PERFORMANCE TARGET 2023/2024
• Percentage of finalised Electoral Court cases	90%

RESERVED JUDGMENTS	
PERFORMANCE INDICATOR	PERFORMANCE TARGET 2023/2024
• Percentage of finalised Reserved Judgments in all Superior Courts	70%

## PERFORMANCE OF THE SUPERIOR COURTS

For the period under review, eight (8) of fourteen (14) performance targets were achieved. This represents a 57% achievement. The following six (6) performance targets were not achieved:

- i. Percentage of finalised Constitutional Court matters (66%);
- ii. Percentage of finalised Supreme Court of Appeal Cases (74%);
- iii. Percentage of finalised Labour Appeal Matters (77%);
- iv. Percentage of finalised Criminal Cases (66%);
- v. Percentage to which criminal case backlogs reduced (45%); and
- vi. Percentage of finalised Reserved Judgment in all Superior Courts (69%).

The performance of the Superior Courts is depicted in the table below:

**Table 3: Performance on Key Performance Indicators**

Indicators	Annual 2023/2024		
	Actual	Target	Outcome
1. Percentage of finalised Constitutional Court Cases	66%	70%	Under Target
2. Percentage of finalised Supreme Court of Appeal Cases	74%	80%	Under Target
3. Percentage of finalised Supreme Court Application/ Petition	93%	80%	Over Target
4. Percentage of finalised Labour Appeal Matters	77%	80%	Under Target
5. Percentage of finalised Labour Appeal Court Petitions	99%	90%	Over Target
6. Percentage of finalised Criminal Cases (all High Court Divisions)	66%	75%	Under Target
7. Percentage of finalised Mental Health Applications (all High Court Divisions)	98%	90%	Over Target
8. Percentage of finalised Civil Cases (all High Court Divisions)	87%	64%	Over Target



Indicators	Annual 2023/2024		
	Actual	Target	Outcome
9. Percentage to which Criminal Case Backlogs reduced (all High Court Divisions)	45%	30%	Under Target
10. Percentage of finalised Labour Court matters	60%	58%	Over Target
11. Percentage of finalised Land Claims Court Cases	69%	60%	Over Target
12. Percentage of finalised Competition Appeal Court Cases	100%	85%	Over Target
13. Percentage of finalised Electoral Court Cases	93%	90%	Over Target
14. Percentage of finalised Reserved Judgment in all Superior Courts	69%	70%	Under Target

## CONSTITUTIONAL COURT OVERVIEW

**Table 4: Finalised Constitutional Court matters**

Indicator	Total cases	Finalised	Percentage	Target
Percentage of Finalised Constitutional Court matters	543	361	66%	70%

A total of 361 matters out of a total of 543 were finalised by the Constitutional Court. The performance for the reporting period is below the set annual target of 70%.

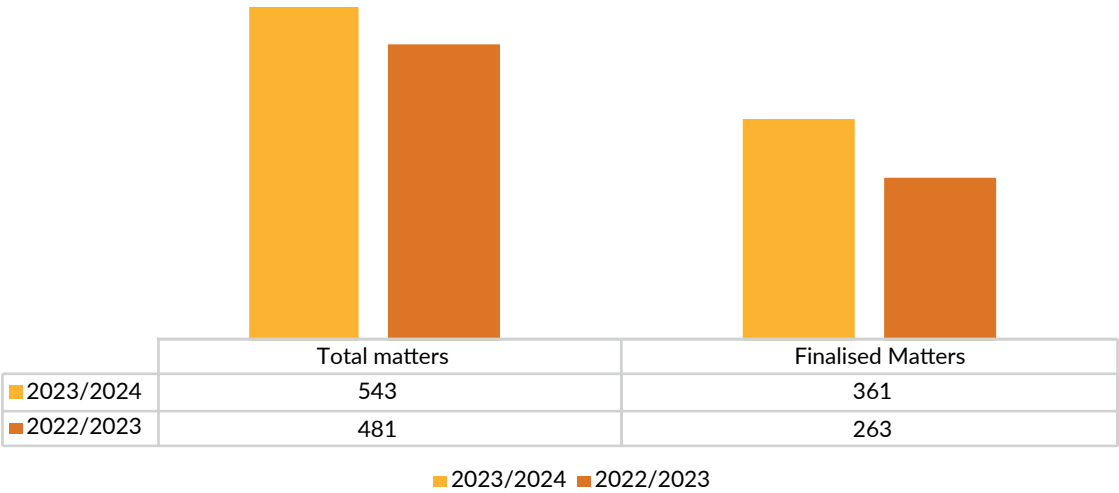
The Constitutional Court is seized with high profile and complex matters, which requires significant time for research, deliberations and reaching consensus where possible. Whilst the caseload of the Constitutional Court has increased significantly year-on-year, the number of Justices has not increased on the Judicial establishment. In fact, two vacancies remained unfilled. The research capacity of the Court is objectively inadequate and more so in comparison with Apex Courts in other jurisdictions. The tremendous pressure under which the Justices work

necessitates the urgent need for adequate capacitation of the Court.

Infrastructure challenges, namely water shortages, loadshedding and fibre breaks in the surrounding area of the Court, further present risks that requires immediate action in order to curb the adverse impact on internal processes and business operations of the Court.

Despite these challenges and capacity constraints outlined above, the Constitutional Court has demonstrated remarkable perseverance and determination, successfully increasing the percentage of finalised matters from 55% to 66%, moving closer to its target of 70%.

**Figure 2: Finalised Constitutional Court Matters**



The total number of matters dealt with by the Constitutional Court increased by 13% from 481 matters during 2022/2023 to 543 during 2023/2024.

Similarly, the total number of matters finalised by the Constitutional Court increased by 37% from 263 matters during 2022/2023 to 361 matters during 2023/2024.

## SUPREME COURT OF APPEAL OVERVIEW

**Table 5: Finalised Supreme Court of Appeals matters**

Indicator	Total cases	Finalised	Percentage	Target
Percentage of finalised Appeals	245	181	74%	80%
Percentage of finalised Application/Petitions	1,196	1,108	93%	80%

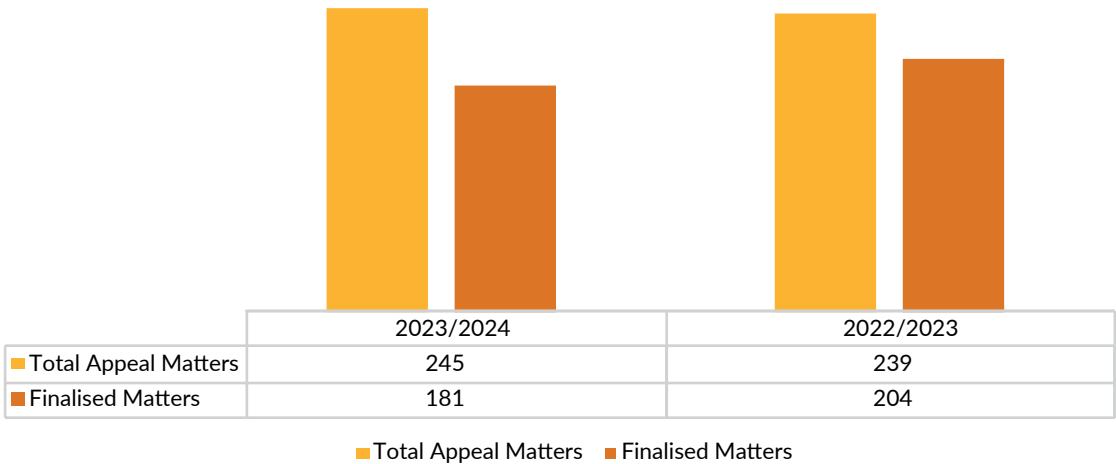
During the period under review, the Supreme Court of Appeal (SCA) achieved 74% performance on the indicator “Percentage of Appeals finalised” by finalising 181 appeals out of a total of 245 appeals. This was below the set annual target of 80%.

The reason for the deviation of 6% from the 80% target is mainly due to two factors, namely (i) the postponement of appeals at the request of the parties and (ii) the fact that the research support made available to the Judges of the Supreme Court of Appeal (SCA) was inadequate during the 2023/2024 reporting period (the reporting period). The SCA is the second highest appellate court in respect of matters of general jurisdiction. It is also an appellate court that handles the highest number of appeals. An adequate number of law researchers is essential for the timeous finalisation of appeals in that court. Although the caseload of the SCA has been increasing steadily over the years, the number of Justices on the SCA establishment has not increased proportionately. During the reporting period, the number of researchers on the staff establishment of the SCA remained woefully inadequate. Notably, during the first 6 (six months) of the reporting period, all the law researchers on the SCA staff establishment were on 3-year fixed term contracts and the senior law researcher post was vacant; this had a negative impact on the court’s performance. Several law researchers who were appointed on fixed term contracts resigned and accepted permanent employment elsewhere. During this reporting period, the challenge of a high staff turnover in the research component was compounded by the fact that vacancies could not be filled immediately. The reason advanced by the OCJ national office for the delay in advertising vacant posts was that the filling of vacant posts had been suspended on account of austerity measures that were put in place by Treasury and the implementation of Circular 49 of the Department of Public Service and Administration. The austerity measures were introduced by the Executive arm of the State without consulting the judiciary.

It bears emphasis that during the last four months of the reporting period, the ratio of law researchers to Judges was 1:7 (i.e one law researcher having to assist up to 7 Judges), whereas the ideal position is for the number of law researchers on the SCA staff establishment to match the number of Judges serving the court. The upshot was that by the end of the financial year (31 March 2024), which coincided with the end of the court term, there was insufficient research capacity to assist the Judges with the final editing of some of the judgments penned before 31 March 2024, which in turn resulted in the late circulation of those judgments. All things considered, the non-achievement of the set target of 80% was inevitable. Unquestionably, an inadequate research capacity hinders the Judges’ preparation for their appeal hearings and consequently delays the final circulation and editing of draft judgments; this therefore has a bearing on the finalisation of the appeals. To address the challenge of an inadequate research capacity, numerous requests were made to increase the number of law researchers on the staff establishment of the SCA. Throughout the reporting period, such requests were rejected on the basis that there was no funding for posts which were not included in the existing SCA staff establishment.

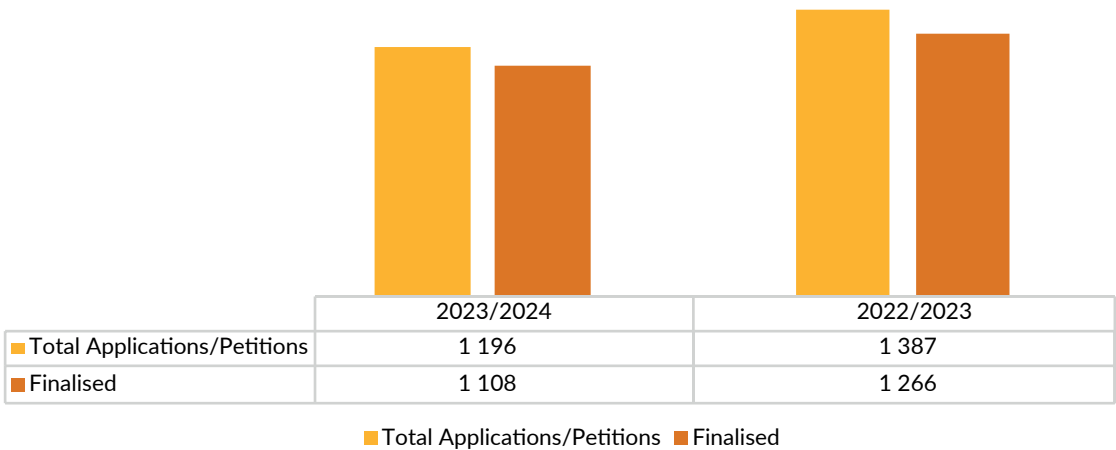
The SCA achieved 93% performance on the indicator “Percentage of Applications/Petitions finalised” by finalising 1 108 applications/petitions out of a total caseload of 1 196 applications/petitions. This represents an over achievement of 13% performance measured against the set annual target of 80%.

Figure 3: Finalised Supreme Court of Appeal Matters



The total number of appeals matters enrolled by the Supreme Court of Appeal increased by 3% from 239 matters during 2022/2023 to 245 matters during 2023/2024. On the other hand, the total number of appeals finalised by the Supreme Court of Appeal decreased by 11% from 204 appeals finalised during 2022/2023 to 181 appeals finalised during 2023/2024.

Figure 4: Finalised Supreme Court of Appeal Applications/Petitions



The total number of applications/petitions enrolled by the Supreme Court of Appeal decreased by 14% from 1,387 applications/petitions during 2022/2023 to 1,196 applications/petitions during 2023/2024. Similarly, the total number of applications/petitions finalised by the Supreme Court of Appeal decreased by 12% from 1,266 applications/petitions finalised during 2022/2023 to 1,108 applications/petitions finalised during 2023/2024.

## SPECIALISED COURTS OVERVIEW

### Labour Appeal Court

**Table 6: Finalised Labour Appeal Court Matters**

Indicator	Total cases	Finalised	Percentage	Target
Finalised Labour Appeal Court Matters	62	48	77%	80%
Finalised Labour Appeal Court Petition	166	165	99%	80%

During the period under review, the Labour Appeal Court achieved 77% performance on the indicator “Percentage of finalised Appeals” by finalising 48 appeals out of a total case load of 62 appeals. This was below the set annual target of 80% by three (3) percentage points.

The Labour Appeal Court achieved 99% performance on the indicator “Percentage of finalised Petitions” by finalising 165 petitions out of a total caseload of 166 petitions. This represents an over achievement by ten (10) percentage points performance measured against the set annual target of 90%.

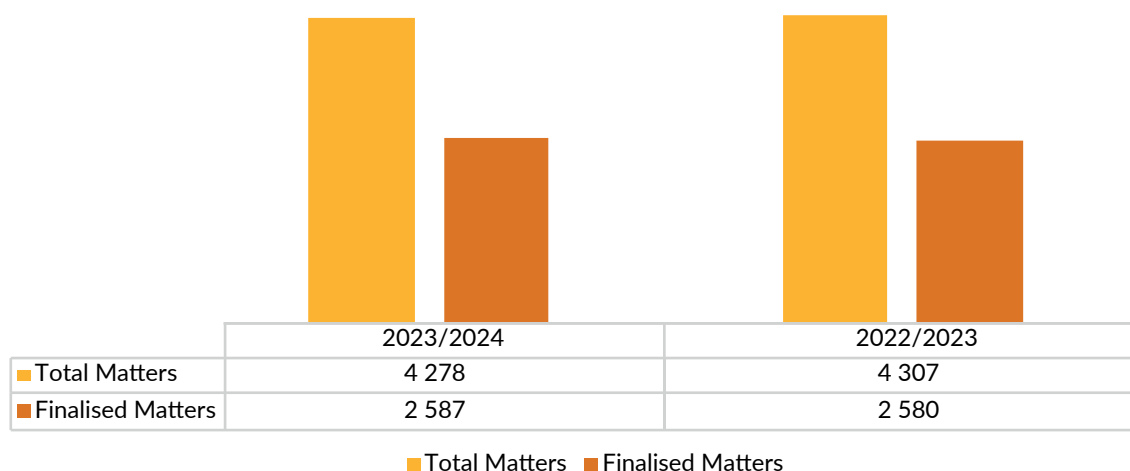
**Table 7: Finalised matters in Specialised Courts: Labour, Land, Electoral and Competition Appeal Courts**

Indicators	Total cases	Finalised	Percentage	Target
<b>Percentage of finalised Labour Court matters</b>	<b>4,278</b>	<b>2,587</b>	<b>60%</b>	<b>58%</b>
Durban	432	237	55%	58%
Johannesburg	3,073	1,780	58%	58%
Cape Town	390	280	72%	58%
Gqeberha	383	290	76%	58%
<b>Percentage of finalised Land Claims Court matters</b>	<b>176</b>	<b>122</b>	<b>69%</b>	<b>60%</b>
<b>Percentage of finalised Electoral Court cases</b>	<b>14</b>	<b>13</b>	<b>93%</b>	<b>90%</b>
<b>Percentage of finalised Competition Appeal Court cases</b>	<b>7</b>	<b>7</b>	<b>100%</b>	<b>85%</b>

### Labour Court

The Labour Court achieved 60% performance by finalising 2 587 Labour Court matters out of a total of 4 278 matters. This is an over achievement by two percentage points against the set annual target of 58%.

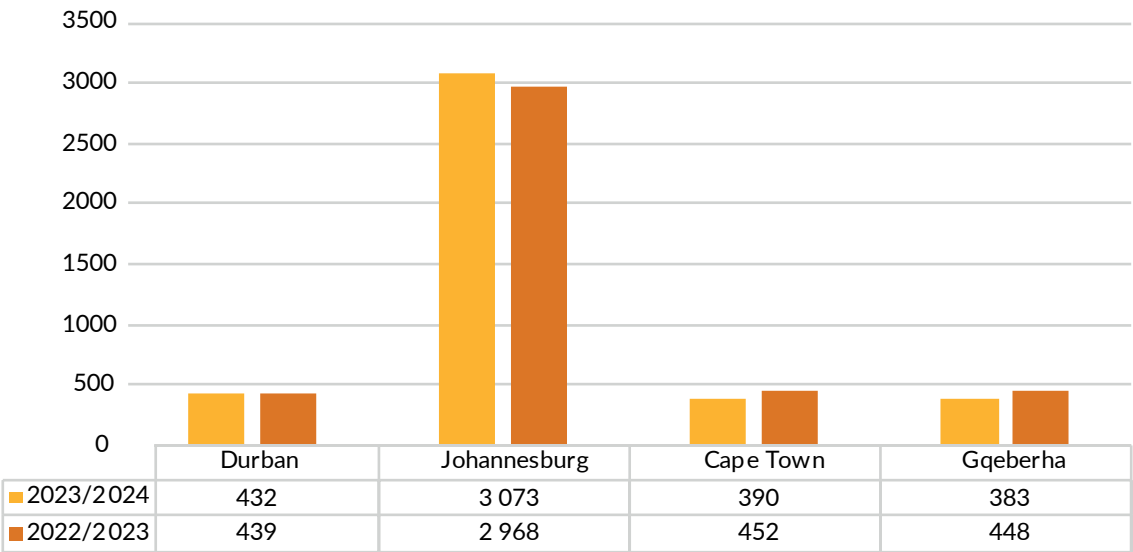
**Figure 5: Finalised Labour Court Matters**



During the period under review, 0,7% less Labour Court matters were enrolled in 2023/2024 compared to 2022/2023, whilst 0,3% more matters were finalised in 2023/2024 compared to 2022/2023.



Figure 6: Labour Court Sitzings – Total cases enrolled

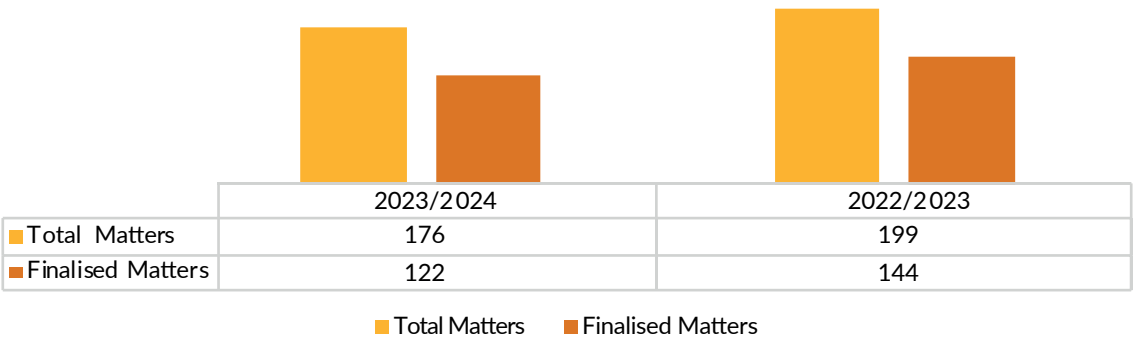


The Labour Court sits mainly in four (4) locations, namely Durban, Gqeberha, Cape Town and Johannesburg. The case load decreased in three centres, except for Johannesburg, with an increase of 4%. Matters enrolled in all the various Labour Court centres decreased (i.e. with 14% in Cape Town, 15% in Gqeberha and 2% in Durban).

Land Claims Court

The Land Claims Court achieved 69% performance by finalising 122 matters out of a total of 176. This is an over achievement of nine (9) percentage points against the set annual target of 60%.

Figure 7: Finalised Land Claims Court Matters

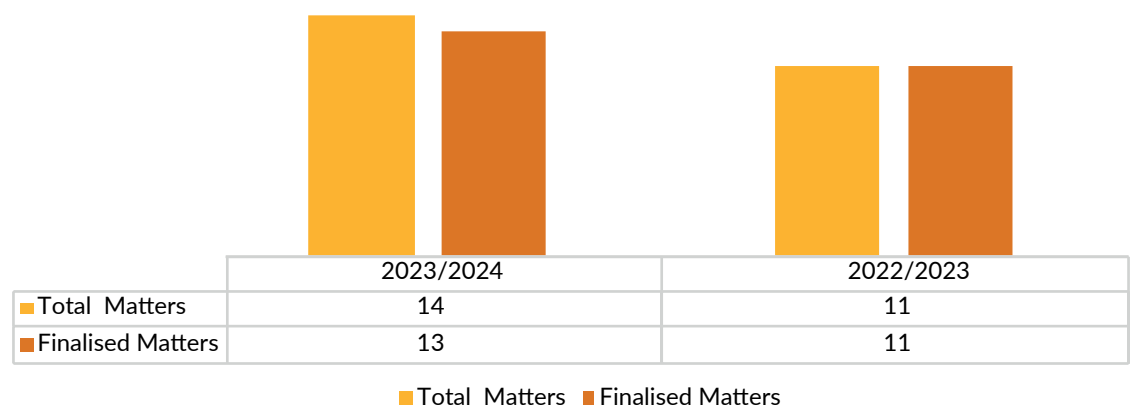


During the period under review, 12% less Land Claims Court matters were enrolled in 2023/2024 compared to 2022/2023, similarly 15% less matters were finalised in 2023/2024 compared to 2022/2023.

## Electoral Court

The Electoral Court achieved a 93% performance by finalising 13 out of a total of 14 matters, which represents an over achievement of three (3) percentage points against the set annual target of 90%.

Figure 8: Finalised Electoral Court Matters

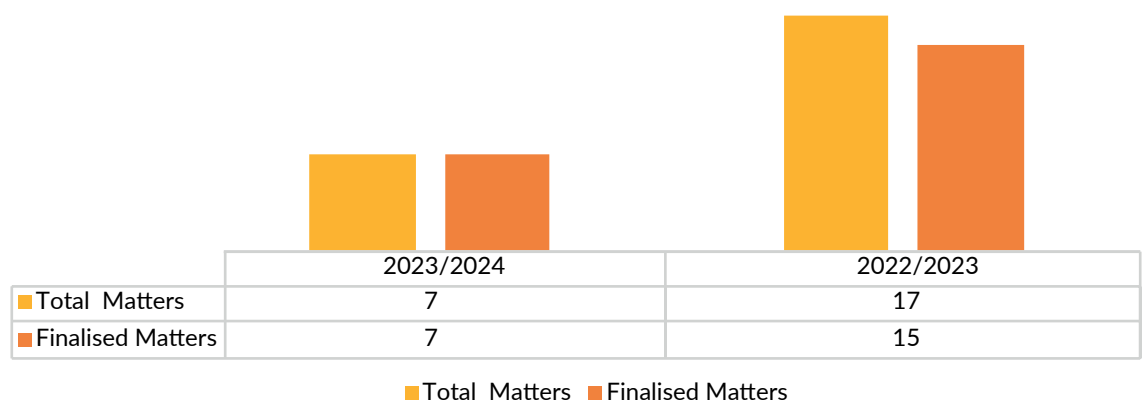


During the period under review, 27% more Electoral Court matters were enrolled in 2023/2024 compared to 2022/2023, similarly 18% more matters were finalised in 2023/2024 compared to 2022/2023.

## Competition Appeal Court

The Competition Appeal Court achieved 100% by finalising seven (7) matters out of a total of seven (7), which represents an over achievement of 15 percentage points against the set annual target of 85%.

Figure 9: Finalised Competition Appeal Court Matters



During the period under review, 59% less Competition Appeal Court matters were enrolled in 2023/2024 compared to 2022/2023, similarly 53% less matters were finalised in 2023/2024 compared to 2022/2023.

## PERCENTAGE OF CRIMINAL MATTERS FINALISED

During the period under review, the various Divisions of the High Court managed to finalise 3 415 criminal matters out of a total of 5 179 criminal matters, which represents a performance of 66%. This is an under

achievement of nine (9) percentage points against the set target of 75%.

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

**Table 8: Percentage of finalised Criminal matters in each Division**

COURT NAME	Total Cases	Finalised	Percentage	Target
Eastern Cape Division, Makhanda	218	176	81%	75%
Eastern Cape Local Division, Bisho	55	29	53%	75%
Eastern Cape Local Division, Mthatha	170	54	32%	75%
Eastern Cape Local Division, Gqeberha	93	80	86%	75%
<b>Eastern Cape Division</b>	<b>536</b>	<b>339</b>	<b>63%</b>	<b>75%</b>
<b>Free State Division, Bloemfontein</b>	<b>381</b>	<b>290</b>	<b>76%</b>	<b>75%</b>
Gauteng Division, Pretoria	493	243	49%	75%
Gauteng Local Division, Johannesburg	489	245	50%	75%
<b>Gauteng Division</b>	<b>982</b>	<b>488</b>	<b>50%</b>	<b>75%</b>
KwaZulu-Natal Division, Pietermaritzburg	976	740	76%	75%
KwaZulu-Natal Local Division, Durban	266	102	38%	75%
<b>KwaZulu-Natal Division</b>	<b>1 242</b>	<b>842</b>	<b>68%</b>	<b>75%</b>
Limpopo Division, Polokwane	328	254	77%	75%
Limpopo Local Division, Thohoyandou	188	122	65%	75%
Limpopo Division	516	376	73%	75%
Mpumalanga Division, Mbombela	150	75	50%	75%
Mpumalanga Local Division, Middelburg	138	66	48%	75%
Mpumalanga Division	288	141	49%	75%
North-West Division, Mahikeng	193	157	81%	75%
Northern Cape Division, Kimberley	136	82	60%	75%
Western Cape Division, Cape Town	905	700	77%	75%
<b>National Total</b>	<b>5 179</b>	<b>3 415</b>	<b>66%</b>	<b>75%</b>

From the above national overview, it is evident that 44% (7 of 16) of the Divisions of the High Court have managed to achieve the set annual target of 75%. The nine (9) Divisions that did not meet the set annual target of 75% were Eastern Cape Local Division, Mthatha (32%); Eastern Cape Local Division, Bisho

(53%), Gauteng Division, Pretoria (49%), Gauteng Local Division, Johannesburg (50%); KwaZulu-Natal Local Division, Durban (38%); Limpopo Local Division, Thohoyandou (65%), Mpumalanga Division, Mbombela (50%), Mpumalanga Division, Middelburg (48%), and Northern Cape Division, Kimberley (60%).

The reasons for deviation from achieving the set targets are as follows:

- **The Division of the High Court, Gauteng**

The underperformance by the Gauteng Division as it relates to the finalisation of Criminal Trials generally stems from the conduct of the accused and sometimes their legal representatives, for any number of reasons, inter alia:

- i. Launching unnecessary interlocutory applications for discovery of documents;
- ii. Forcing the holding of trials within a trial with the intention of throwing out statements or evidence brought before the Court;
- iii. Constant change of legal representation;
- iv. Constant postponements to brief new legal representation (owing to alleged financial constraints);
- v. Requests for consultations and records when a new legal representative comes on board; and
- vi. Delays in holding pre-trials and pleading.

The proposed solution is for Judges – both permanent and acting – to set matters down during recess in order to finalise them.

- **The Division of the High Court, KwaZulu-Natal (KZN)**

The Division has a limited number of criminal courts and as a result the Division was not able to accommodate all matters. Furthermore, the Division has a few criminal trials running for long and those courts cannot deal with new matters.

The Division has requested additional appointments to the establishment from the Minister of Justice and Constitutional Development and this was approved and is working well so far. The Division has also asked the Acting Judges to complete their trials during recess which assists in freeing up the courts.

- **The Division of the High Court, Limpopo**

The decline is attributable to, among other things, the following considerations:

- Several postponements of trials;
- Part - heard matters for hearing of further evidence;

- Abrupt termination of legal representative's mandate on short notice;
- Enrolment by the Director Public Prosecutions (DPP) of multiple new cases on the trial roll, compounding the problem being the accused persons facing a plethora of charges;
- Enrolment by the DPP of such cases as referred above, not ripe for trial, and;
- Failure by Legal Aid to Appoint Judicare for indigent accused persons.

The following corrective measures were adopted;

- Appointment of Retired Judge, Acting Judges and pro bono Acting Judges were identified to reduce the backlogs in criminal cases.
- Developed compulsory Judicial Criminal Pre - Trials, Practice Directives which came into effect on 06 October 2024. The implementation of the said Practice Directives begun seamlessly during the First Term of 2025.
- One of the effective ways proposed in order to mitigate the placement of multiple offenders charged with multiple counts on the trial roll, is to isolate those matters from the ordinary trial rolls in a specific Term, and place them on a separate Special Trial Roll. This is where the engagement of retired judges becomes crucial in order to case manage the already congested court rolls (where in Thohoyandou Local Division e.g. only two (2) Judges are allocated to try criminal cases, sit at a time because of its historical establishment).
- This obvious imbalance of the heavy workload, needless to mention, underpins the need to capacitate judicial resources with special reference to appointment of additional permanent Judges in critical jurisdictions.

- **The Division of the High Court, Mpumalanga**

Underestimation of the duration of trial days by roll planners especially in matters where there are multiple witnesses. Lack of preparedness by stakeholders. Lack of Judges to deal with criminal matters. Insufficient number of criminal court rooms. Shortage of support staff and resources.



The Judge President has initiated implementation of compulsory Judicial Case management on all criminal matters to ensure trial readiness. This aspect is included in the practice directive for effective implementation. The Collapse of the criminal roll is discussed during the REEC, Provincial Efficiency and Enhancement Committee (PEEC) and special meetings convened with the Judge President and relevant stakeholders. Appointment of additional Judges and support staff to deal with criminal matters. Procurement of the CRT machines for all criminal courts. Provision of adequate criminal court rooms for all the 3 criminal courts to seat throughout the term instead of on a rotational basis at Delmas, Breyten and KwaMhlanga. Procurement of Parkhomes.

#### • The Division of the High Court, Northern Cape

Reasons for deviations:

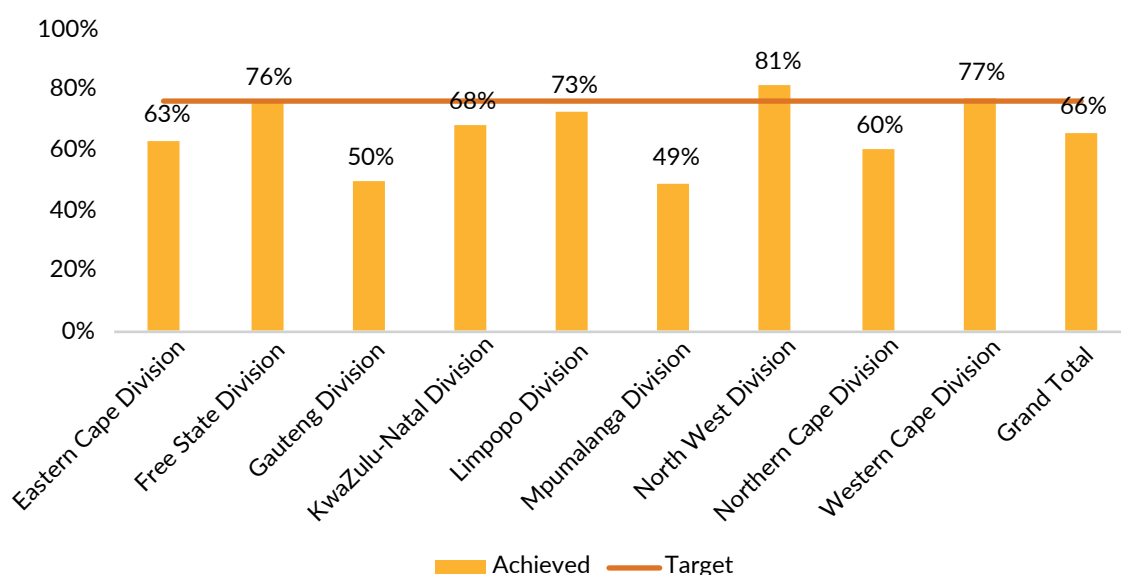
- An increase in the volume of criminal cases coupled with the shortage of Judges negatively influenced the timely disposition of criminal cases.
- Complex and multiple accused cases contribute to delays and prolonged periods of trials. In some instances, interlocutory litigation caused delays.
- The unavailability of witnesses and the postponement of cases due to the unavailability of mental health evaluation and DNA (Forensic) reports from South African Police Services (SAPS) contribute to inordinate delays.

- The termination of legal representatives' mandate during the cause of the trials and seeking replacements.
- Delays in transcription of trial proceedings for replacement legal representatives.
- The system used by Legal Aid South Africa to appoint judicare representative is cumbersome.
- Double booking of legal representation.
- Long distance travel between the seat of the court and the circuit courts.
- Electricity load shedding/ load reduction and unavailability of generators that can carry the weight of recording machines.
- Giving preference to backlog cases that compete with new cases for limited judicial resources.
- Austerity measures imposed on the judiciary support structure without consulting the judiciary by the Executive arm of the State.

Measures to mitigate under performance

- Factors resulting in case backlogs are identified and resolved by means of stakeholder cooperation through the PEEC.
- The appointment of Acting Judges additional to the establishment will contribute to a reduction in the risk of increasing the existing backlogs.

**Figure 10: Percentage of Finalised Criminal Matters in each Division.**



The highest percentage of Finalised Criminal Matters was achieved by the North West Division (81%), followed by the Western Cape Division (77%) and Free State Division, Bloemfontein (76%).

## PERCENTAGE OF FINALISED MENTAL HEALTH APPLICATIONS PER COURT

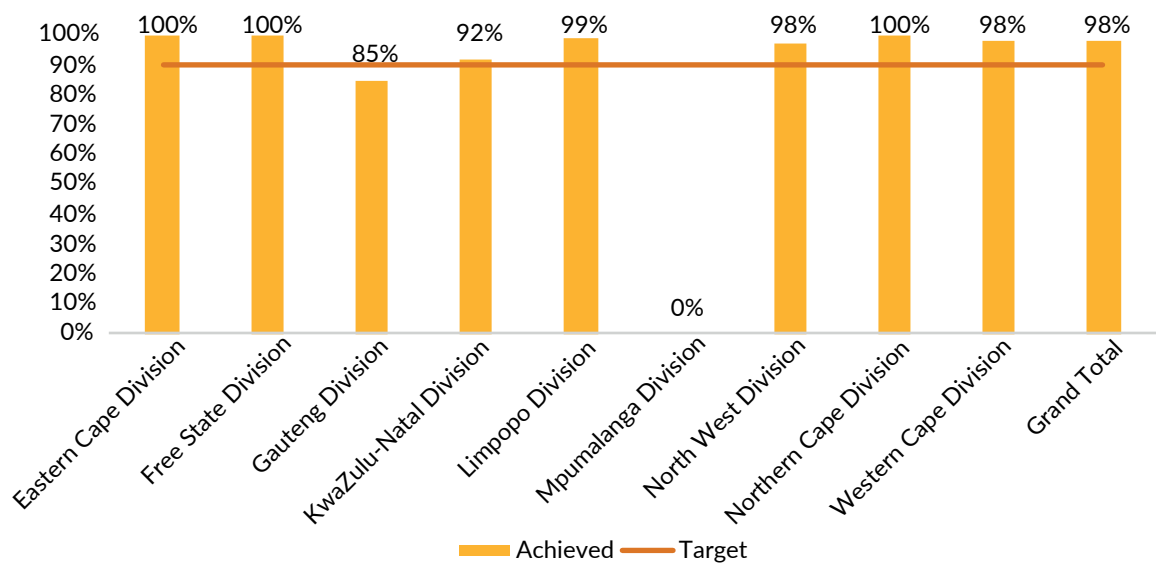
The table above shows that a total of 6 478 mental health applications were finalised out of total 6 608 in the reporting period, which represents a performance of 98%.

**Table 9: Percentage of finalised Mental Health Applications per Court**

COURT NAME	Total Cases	Finalised	Percentage	Target
Eastern Cape Division, Makhanda	514	514	100%	90%
Eastern Cape Local Division, Bhisho	113	111	98%	90%
Eastern Cape Local Division, Mthatha	12	12	100%	90%
Eastern Cape Local Division, Gqeberha	Nil	Nil	Nil	90%
<b>Eastern Cape Division</b>	<b>639</b>	<b>637</b>	<b>100%</b>	<b>90%</b>
<b>Free State Division, Bloemfontein</b>	<b>532</b>	<b>532</b>	<b>100%</b>	<b>90%</b>
Gauteng Division, Pretoria	42	34	81%	90%
Gauteng Local Division, Johannesburg	45	40	89%	90%
<b>Gauteng Division</b>	<b>87</b>	<b>74</b>	<b>85%</b>	<b>90%</b>
KwaZulu-Natal Division, Pietermaritzburg	403	368	91%	90%
KwaZulu-Natal Local Division, Durban	18	18	100%	90%
<b>KwaZulu-Natal Division</b>	<b>421</b>	<b>386</b>	<b>92%</b>	<b>90%</b>
Limpopo Division, Polokwane	711	702	99%	90%
Limpopo Local Division, Thohoyandou	Nil	Nil	Nil	90%
<b>Limpopo Division</b>	<b>711</b>	<b>702</b>	<b>99%</b>	<b>90%</b>
Mpumalanga Division, Mbombela	Nil	Nil	Nil	90%
Mpumalanga Local Division, Middelburg	Nil	Nil	Nil	90%
Mpumalanga Division	Nil	Nil	Nil	90%
North-West Division, Mahikeng	80	78	98%	90%
Northern Cape Division, Kimberley	257	256	100%	90%
Western Cape Division, Cape Town	3,881	3,813	98%	90%
<b>National Total</b>	<b>6,608</b>	<b>6,478</b>	<b>98%</b>	<b>90%</b>

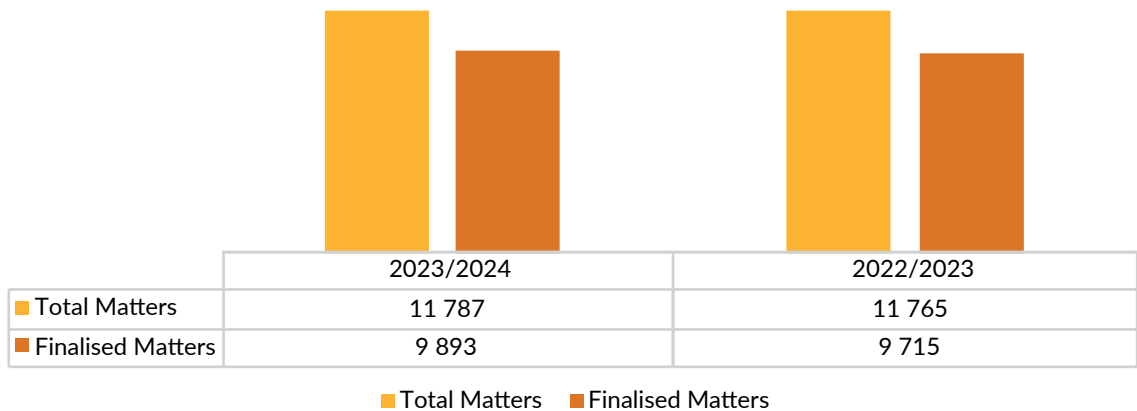
Nationally, there was an over achievement of the set target of 90%. However, Gauteng Division, Pretoria (81%) and Gauteng Local Division, Johannesburg (89%) did not meet the target. It is also worth noting that there were four (4) Courts that did not receive Mental Health Applications.

Figure 11: Percentage of Finalised Mental Health Applications per Division.



The Figure above indicates that all the Divisions met the set target of 90%, apart from Gauteng Division (85%). Eastern Cape Division, Free State Division and Northern Cape Division finalised all Mental Health Applications enrolled.

Figure 12: Year-on-Year Finalised Criminal matters (including Mental health Applications for comparison purposes)



Nationally, for all the high courts, 0,2% more criminal matters (including Mental Health application) were enrolled in 2023/2024 compared to 2022/2023, similarly 1,8% more criminal matters (including Mental Health applications) were finalised in 2023/2024 compared to 2022/2023.

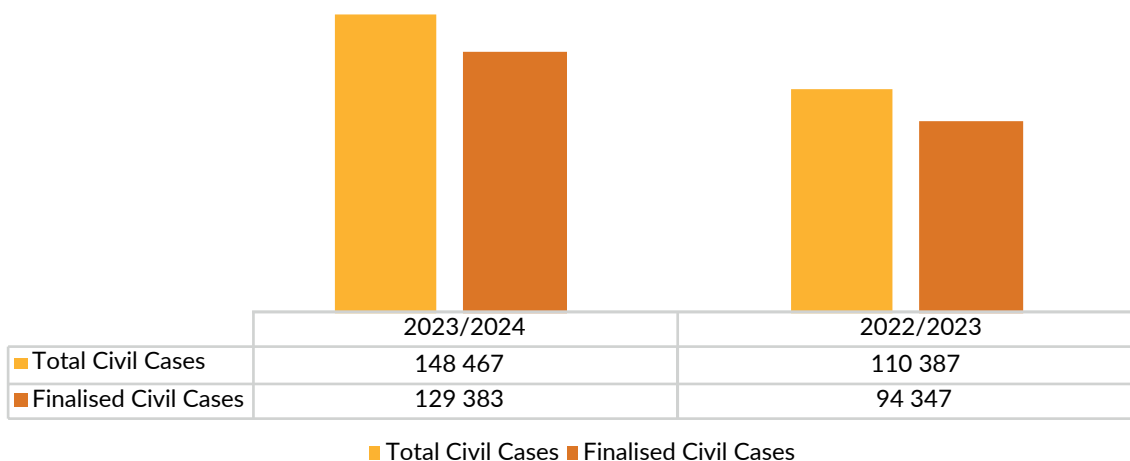
## PERCENTAGE OF CIVIL MATTERS FINALISED (ALL HIGH COURT DIVISIONS)

During the period under review, a total of 129 393 Civil Matters were finalised out of a total of 148 467. This represents an 87% performance against the set annual target of 64%. This reflects an over achievement of twenty-three (23) percentage points. All the Divisions of the High Court exceeded the set annual target of 64% for civil matters finalised.

**Table 10: Percentage of Finalised Civil Matters per Court**

COURT NAME	Total Cases	Finalised	Percentage	Target
Eastern Cape Division, Makhanda	4,727	4,179	88%	64%
Eastern Cape Local Division, Bhisho	1,318	1,056	80%	64%
Eastern Cape Local Division, Mthatha	7,542	6,179	82%	64%
Eastern Cape Local Division, Gqeberha	2,541	2,129	84%	64%
<b>Eastern Cape Division</b>	<b>16,128</b>	<b>13,543</b>	<b>84%</b>	<b>64%</b>
<b>Free State Division, Bloemfontein</b>	<b>6,833</b>	<b>6,084</b>	<b>89%</b>	<b>64%</b>
Gauteng Division, Pretoria	54,378	47,971	88%	64%
Gauteng Local Division, Johannesburg	17,908	17,016	95%	64%
<b>Gauteng Division</b>	<b>72,286</b>	<b>64,987</b>	<b>90%</b>	<b>64%</b>
KwaZulu-Natal Division, Pietermaritzburg	6,836	5,611	82%	64%
KwaZulu-Natal Local Division, Durban	9,774	8,284	85%	64%
<b>KwaZulu-Natal Division</b>	<b>16,610</b>	<b>13,895</b>	<b>84%</b>	<b>64%</b>
Limpopo Division, Polokwane	8,134	7,541	93%	64%
Limpopo Local Division, Thohoyandou	2,797	2,591	93%	64%
<b>Limpopo Division</b>	<b>10,931</b>	<b>10,132</b>	<b>93%</b>	<b>64%</b>
Mpumalanga Division, Mbombela	2,270	1,983	87%	64%
Mpumalanga Local Division, Middelburg	1,862	1,427	77%	64%
<b>Mpumalanga Division</b>	<b>4,132</b>	<b>3,410</b>	<b>83%</b>	<b>64%</b>
North-West Division, Mahikeng	3,952	3,254	82%	64%
Northern Cape Division, Kimberley	2,509	2,127	85%	64%
Western Cape Division, Cape Town	15,086	11,951	79%	64%
<b>National Total</b>	<b>148,467</b>	<b>129,383</b>	<b>87%</b>	<b>64%</b>

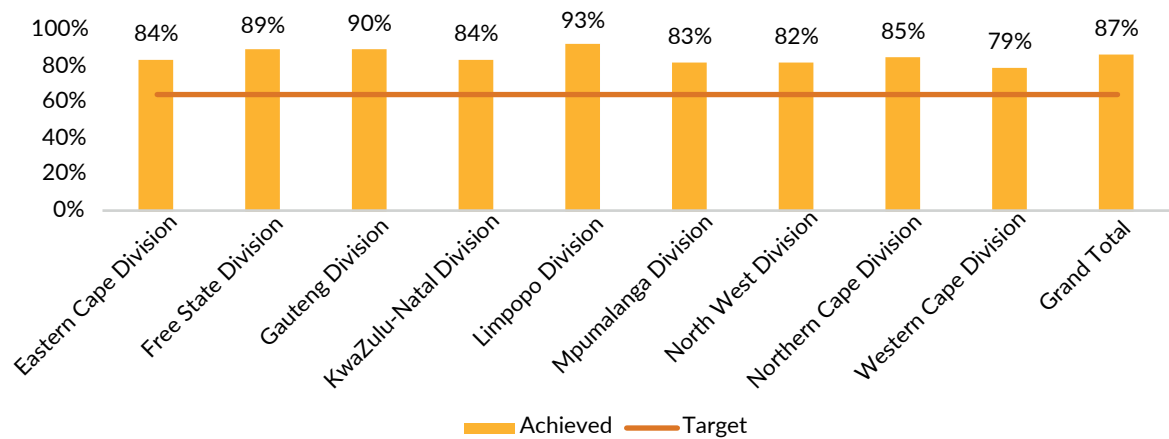
**Figure 13: Year on year finalised civil matter**



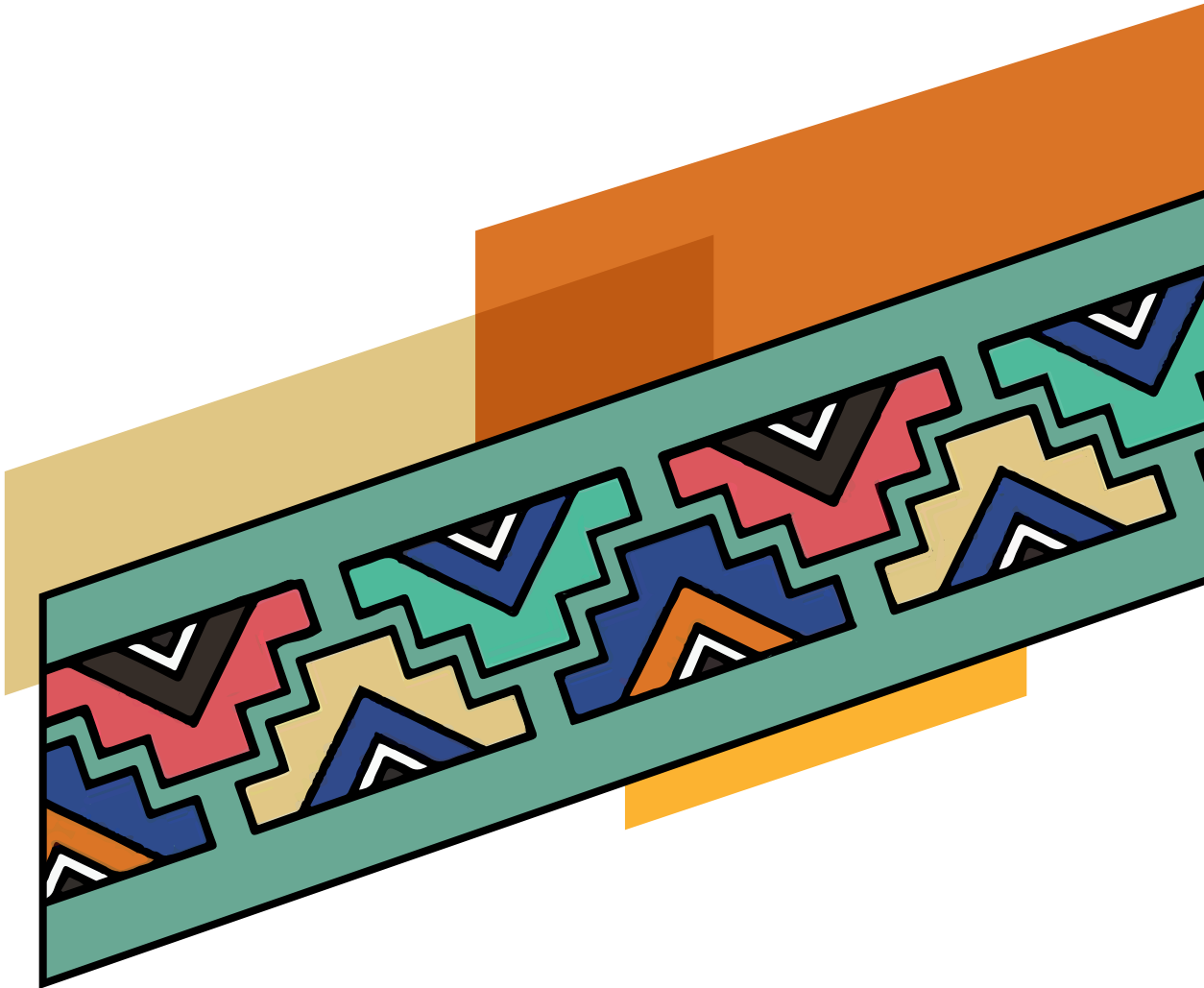
Compared to the previous reporting period, an increase of 34% (from 110 387 to 148 467) of the total number of Civil Matters enrolled is noted. Compared to the previous reporting period, the total number of civil matters finalised also increased with 9% (from 94 347 to 129 393).



Figure 14: Percentage of Finalised Civil Cases per Division.



High percentages of Finalised Civil Matters were maintained by all High Court Divisions, with the Limpopo Division achieving the highest percentage of 93%, as depicted in the graph above, followed by the Gauteng Divisions (90%), and Free State Division (89%).



## REDUCTION PERCENTAGE OF CRIMINAL CASE BACKLOGS

The Judiciary is committed to the reduction and, ultimately, the elimination of case backlogs in our courts. The reduction level 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 thus the percentage of case backlog should be maintained below the set target.

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 to reduce

backlogs to the level of 30%. The aim is to ensure that the percentage of backlogs should be maintained at a percentage that is below this annual target of 30%.

At the end of the period under review, the total number of outstanding Criminal Trial cases in the various Divisions of the High Court was 335, whereas the total number of backlog cases was 139, representing a backlog percentage of 41%. The performance during the reporting period is, therefore, above the annual set target of 30%. This is an under achievement by eleven (11) percentage points performance.

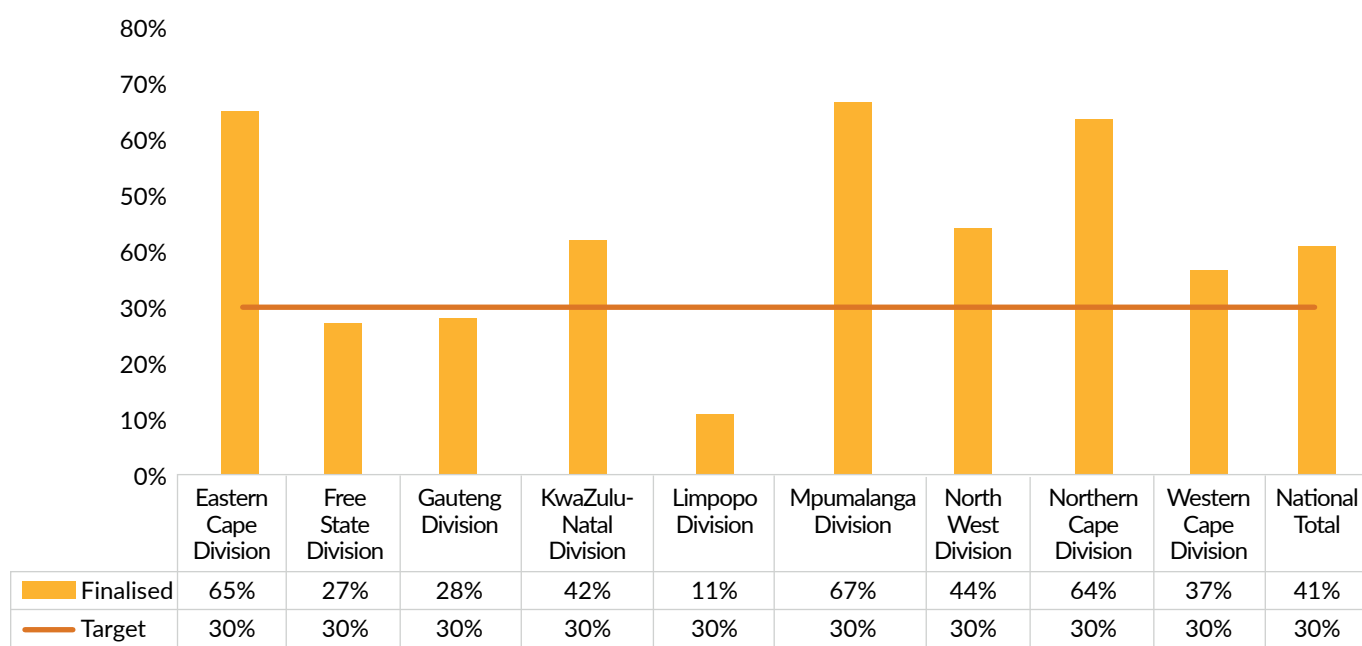
**Table 11: Reduction percentage of criminal case backlogs**

COURT NAME	Total Cases	Backlogs	Percentage	Target
Eastern Cape Local Division, Bhisho	15	11	73%	30%
Eastern Cape Division, Makhanda	13	9	69%	30%
Eastern Cape Local Division, Mthatha	14	11	79%	30%
Eastern Cape Local Division, Gqeberha	13	5	38%	30%
<b>Eastern Cape Division</b>	<b>55</b>	<b>36</b>	<b>65%</b>	<b>30%</b>
Free State Division, Bloemfontein	11	3	27%	30%
Gauteng Division, Pretoria	41	18	44%	30%
Gauteng Local Division, Johannesburg	44	6	14%	30%
<b>Gauteng Division</b>	<b>85</b>	<b>24</b>	<b>28%</b>	<b>30%</b>
KwaZulu-Natal Division, Pietermaritzburg	34	13	38%	30%
KwaZulu-Natal Local Division, Durban	25	12	48%	30%
<b>KwaZulu-Natal Division</b>	<b>59</b>	<b>25</b>	<b>42%</b>	<b>30%</b>
Limpopo Division, Polokwane	13	2	15%	30%
Limpopo Local Division, Thohoyandou	15	1	7%	30%
<b>Limpopo Division</b>	<b>28</b>	<b>3</b>	<b>11%</b>	<b>30%</b>
Mpumalanga Division, Mbombela	8	5	63%	30%
Mpumalanga Division, Middelburg	4	3	75%	30%
<b>Mpumalanga Division</b>	<b>12</b>	<b>8</b>	<b>67%</b>	<b>30%</b>
North-West Division, Mahikeng	25	11	44%	30%
Northern Cape Division, Kimberley	25	16	64%	30%
Western Cape Division, Cape Town	35	13	37%	30%
<b>National Total</b>	<b>335</b>	<b>139</b>	<b>41%</b>	<b>30%</b>

It should be noted that in order to successfully attain the indicator on backlogs, the percentage of backlogs should be maintained at a percentage that is below the annual target of 30%.

The target was achieved in the Limpopo Division (11%), Free State Division (27%) and Gauteng Division (28%) as depicted in the graph below.

**Figure 15: Reduction level percentage of criminal case backlog in each Division**



The reasons for deviation from achieving the set targets are as follows:

• **The Division of the High Court, Gauteng**

The underperformance by the Gauteng Division, Pretoria as it relates to the finalisation of Criminal Trials generally stems from the conduct of the accused and sometimes their legal representatives, for any number of reasons, inter alia:

- i. Launching unnecessary interlocutory applications for discovery of documents;
- ii. Forcing the holding of trials within a trial with the intention of throwing out statements or evidence brought before the Court;
- iii. Constant change of legal representation;
- iv. Constant postponements to brief new legal representation (owing to alleged financial constraints);
- v. Requests for consultations and records when a new legal representative comes on board; and
- vi. Delays in holding pre-trials and pleading.

The proposed solution is for Judges – both permanent and acting – to set matters down during recess in order to finalise them.

• **The Division of the High Court, KwaZulu-Natal**

The Division has a limited number of criminal courts and as a result the Division is not able to accommodate all. Furthermore, the Division has a few long criminal trials running and those courts cannot deal with new matters.

The proposed solution is that the Division have requested an additional appointment to the establishment from the Minister of Justice and this was approved and is working well so far. The Division also has requested the Acting Judges to complete their trials during recess which assists in freeing up the courts.

• **The Division of the High Court, Mpumalanga**

All backlog matters are part heard matters. Judges are only able to deal with part heard matters during recess. The shortage of criminal court rooms, Judges and support staff impacts negatively in reducing number of backlog matters.

The proposed solution is:

- Upgrading of Court facilities, availability and utilization of court rooms for the seating of the circuit courts for the whole term and recess period and not on rotational basis at Breyten, Delmas. KwaMhlanga, Middelburg, Graskop and Barberton.
- Provision of additional Judges to deal with current court matters to enable Judges with backlog matters to attend to part heard matters.

- Provision of additional Criminal Courts for Judges to deal with backlog matters.
- Provision of additional court rooms in a form of park-homes, and appointment of support staff.
- National office to expedite the finalisation of upgrading and renovations of the KwaMhlanga Circuit Court.
- Provision of additional Judges to deal with current court matters to enable Judges with backlog matters to attend to part heard matters.

#### • The Division of the High Court, North West

Long trials, multiple accused and multiple representation challenges.

#### • The Division of the High Court, Northern Cape

Reasons for deviations:

- An increase in the volume of Criminal Cases coupled with the shortage of Judges negatively influenced the timely disposition of criminal cases.
- Complex and multiple accused cases contribute to delays and prolonged periods of trials. In some instances, interlocutory litigation caused delays.
- The unavailability of witnesses and the postponement of cases due to the unavailability of mental health evaluation and DNA (Forensic) reports from SAPS contribute to inordinate delays.
- The termination of legal representatives' mandate during the course of the trials and seeking replacements.
- Delays in transcription of trial proceedings for replacement legal representatives.
- The system used by Legal Aid South Africa to appoint judicare representative is cumbersome.
- Double booking of legal representatives.
- Long distance travel between the seat of the court and the circuit courts.
- Electricity loadshedding/load reduction and unavailability of generators that can carry the weight of recording machines.

Measures to mitigate under performance

- Factors resulting in case backlogs are identified and resolved by means of stakeholder cooperation through the PEEC.
- The appointment of Acting Judges additional to the establishment will contribute to a reduction in the risk of increasing the existing backlogs.

#### • The Division of the High Court, Western Cape

The WC Division of the High Court is annually seized with cases which have multiple charges (in excess of 100) against multiple accused (+/- 15 to 20), which are high risk and sensitive cases. These cases run for longer periods often in excess of a year and are often riddled with interlocutory trials within a trial.

Over the last year initiatives were undertaken to better manage the roll as the Judiciary. The Judiciary is actively engaging with the DPP in regard to the transfer of cases to the High Court and a process document has been developed in this regard. The use of case management has been fruitful and has led to an increase in finalised cases through Section 105A and Section 112 of the Criminal Procedure Act.



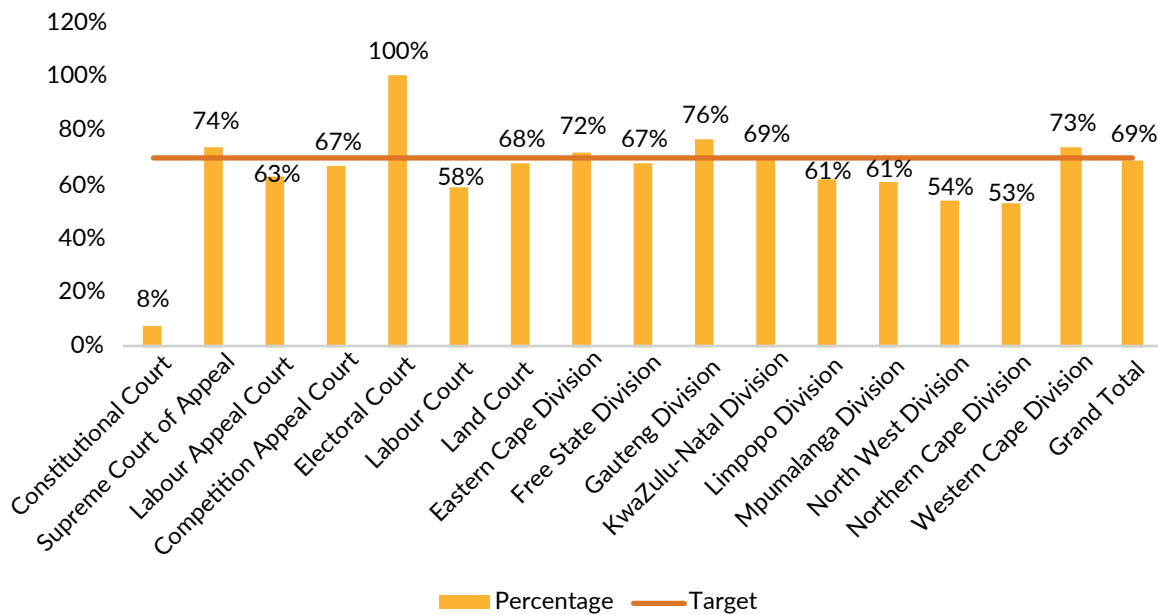
## PERCENTAGE OF RESERVED JUDGMENTS FINALISED IN ALL SUPERIOR COURTS

During the period under review, a total of 4 880 reserved judgments were delivered within three (3) months from the date on which they were reserved. This was out of a total of 7 062 judgments delivered which represents an achievement of 69% performance. The target of 70% was therefore not met by one (1) percentage point.

**Table 12: Percentage of finalised Reserved Judgments in all Superior Courts**

COURT NAME	Reserved Judgments Delivered	Delivered Within 3 Months	Percentage	Target
Constitutional Court	39	3	8%	70%
Supreme Court of Appeal	177	131	74%	70%
Labour Appeal Court	51	32	63%	70%
Competition Appeal Court	6	4	67%	70%
Electoral Court	4	4	100%	70%
Labour Court Cape Town	123	68	55%	70%
Labour Court Durban	99	48	48%	70%
Labour Court Johannesburg	522	342	66%	70%
Labour Court Gqeberha	126	50	40%	70%
<b>Labour Courts</b>	<b>876</b>	<b>508</b>	<b>58%</b>	<b>70%</b>
<b>Land Claims Court</b>	<b>37</b>	<b>25</b>	<b>68%</b>	<b>70%</b>
Eastern Cape Division, Makhanda	303	221	73%	70%
Eastern Cape Local Division, Bhisho	51	41	80%	70%
Eastern Cape Local Division, Mthatha	111	79	71%	70%
Eastern Cape Local Division, Gqeberha	119	80	67%	70%
<b>Eastern Cape Division</b>	<b>585</b>	<b>422</b>	<b>72%</b>	<b>70%</b>
Free State Division, Bloemfontein	495	334	67%	70%
Gauteng Division, Pretoria	1 098	829	76%	70%
Gauteng Local Division, Johannesburg	1 547	1 185	77%	70%
<b>Gauteng Division</b>	<b>2 645</b>	<b>2 014</b>	<b>76%</b>	<b>70%</b>
KwaZulu-Natal Division, Pietermaritzburg	280	184	66%	70%
KwaZulu-Natal Local Division, Durban	192	143	74%	70%
<b>KwaZulu-Natal Division</b>	<b>472</b>	<b>327</b>	<b>69%</b>	<b>70%</b>
Limpopo Division, Polokwane	231	156	68%	70%
Limpopo Local Division, Thohoyandou	62	24	39%	70%
<b>Limpopo Division</b>	<b>290</b>	<b>178</b>	<b>61%</b>	<b>70%</b>
Mpumalanga Division, Mbombela	131	94	72%	70%
Mpumalanga Local Division, Middelburg	121	59	49%	70%
<b>Mpumalanga Division</b>	<b>252</b>	<b>153</b>	<b>61%</b>	<b>70%</b>
North-West Division, Mahikeng	337	183	54%	70%
Northern Cape Division, Kimberley	133	71	53%	70%
Western Cape Division, Cape Town	667	490	73%	70%
<b>National Total</b>	<b>7 062</b>	<b>4 880</b>	<b>69%</b>	<b>70%</b>

**Figure 16: Percentage of finalised Reserved Judgments in all Superior Courts**



The figure above indicates that five (5) Courts met the target: The Supreme Court of Appeal (74%), Electoral Court (100%), Eastern Cape Division (72%), Gauteng Division (76%), and Western Cape Division (73%).

The reasons for deviation from achieving the set targets are as follows:

- **Constitutional Court**

The factors impacting on the finalisation of matters similarly affects the ability of the Constitutional Court to deliver judgments expeditiously.

The high number, complexity and urgent nature of the matters, which engage the Court's exclusive jurisdiction or direct access competence, and require the attention of each of the individual Justices, who sit en banc to adjudicate each matter, is an impediment to the expeditious finalisation of judgments.

As the final court of appeal, the records in matters are typically voluminous. And, often, more parties are joined and participate in proceedings, filing more sets of pleadings and written submissions in totality. The result is significantly more reading and preparation to be done in comparison with other Specialised Courts.

The Court's growing body of complex jurisprudence which the needle must be continuously and carefully threaded each time the Court As the final court of appeal, the records in matters are typically voluminous. And, often, more parties are joined and participate in proceedings, filing more sets of pleadings and written submissions in totality. The result is significantly more reading and preparation to be done in comparison with

other Specialised Courts, requires careful consideration and often prolonged deliberations to reach consensus.

The Court continues to perform a pioneering judicial function as the Apex Court in answering novel and complex questions on the frontiers of the law.

- **The Division of the High Court, KwaZulu-Natal**

The Division has two Judges (a retired Judge and an Acting Judge) who impact negatively on this performance indicator. They have been reported to the Judicial Conduct Committee (JCC) and LPC respectively for disciplinary measures. Some of their matters have been reallocated for rehearing; otherwise the Division has improved on this and the Judge President is monitoring the situation and providing assistance where necessary.

The Division constantly counsel the Judges and follow up on reserved judgments. Some of the matters that have outstanding judgments from the Acting Judge concerned have been reallocated for rehearing but we now do not recommend an acting appointment for someone who has outstanding judgments.

- **The Division of the High Court, Limpopo**

Those with accumulated reserved judgments (Civil Cases) in excess of the 3 months grace period or more, are enjoined to deliver their judgments or face consequence management for their deviation.

- **The Division of the High Court, Mpumalanga**

Judges are overloaded with work and are not able to deal with Reserved Judgments during term and recess period due to preparation of work for the forth coming term.

Judges prioritise writing judgments during recess period amidst preparation for the next term.

The Judge President initiated implementation of allocation of Acting Judges for recess duty to allow permanent Judges to finalise the reserved judgments.

• **The Division of the High Court, North West**

Most Reserved Judgments originates from the Division’s Appeal Marathon project (phase 1 and 2). The Project endeavours to eradicate Appeals. Judges were appointed for the Project hence the delay. The Judge President is monitoring and applying the interventional measures.

• **The Division of the High Court, Northern Capel**

Reasons for deviations:

- An increase in the workload coupled with the serious

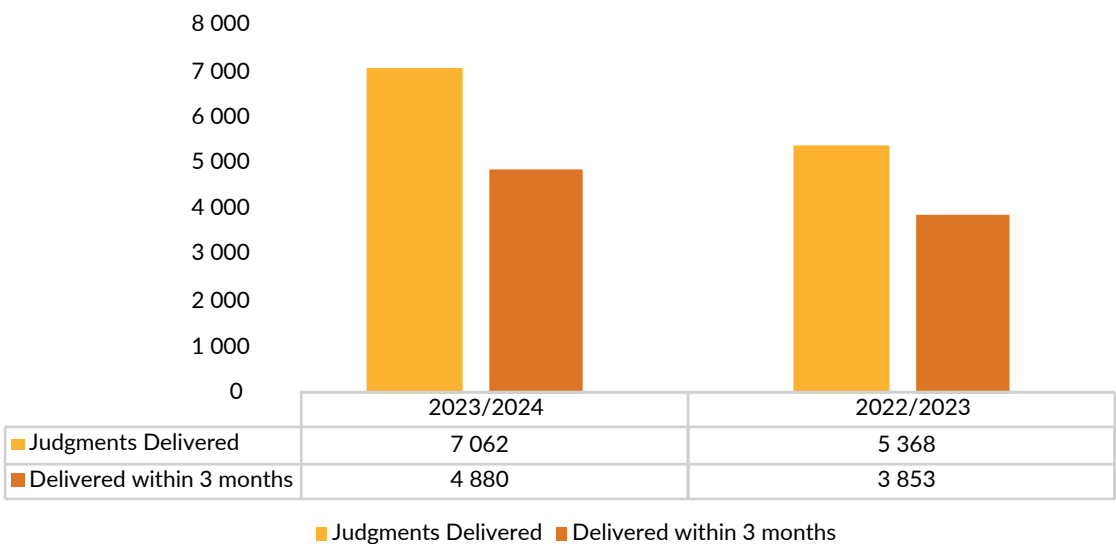
shortage of Judges contributes significantly to the delay in delivering judgments.

- Inadequate law research capacity.

Measures to mitigate under performance

- Judgments are being delivered during recess periods, with priority given to those reserved the longest, in an attempt to address long outstanding reserved judgments.
- Judges have agreed to continue to work harder outside of working hours to finalise outstanding judgments. Unfortunately, it is almost impossible to give Judges more time to work on their reserved judgments during term by not allocating work to them because of an acute shortage of Judges to handle the increased workload of the Division.

**Figure 17: Year-on-Year finalised Reserved Judgments by all Superior Courts**



The total number of reserved judgments delivered by all Superior Courts increased by 32% from 5 368 matters during 2022/2023 to 7 062 during 2023/2024. Similarly, the total number of reserved judgments delivered by all Superior Courts increased by 27% from 3 853 matters during 2022/2023 to 4 880 matters during 2023/2024.

**CONCLUSION**

Eight(8)of the fourteen(14)Annual JudiciaryPerformance Plan indicator targets were met in the 2023/2024 financial year. The finalisation of the Constitutional Court matters; the Appeals at the Supreme Court of Appeal and Labour Appeal Court were below the set target. The overall reserved judgement target was not met as well, with a noticeable low finalisation rate at the

Constitutional Court and Labour Courts. The National target for the reduction of Criminal backlogs at the High Courts was also not met and the reported reasons for that were: cases that involve multiple accused, lengthy trials, and complex matters.

# 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 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. The court

performance information for the Magistrates' Courts to be reported on 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 some 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.

REGIONAL COURT KEY PERFORMANCE INDICATORS	DISTRICT COURT KEY PERFORMANCE INDICATORS
<ul style="list-style-type: none"><li>• Number of Criminal Trials enrolled per day</li><li>• Finalised Criminal Cases per day</li><li>• Disposed Criminal Cases per day</li><li>• Criminal Cases clearance rate</li><li>• Average Criminal Court Hours per day</li><li>• Throughput</li><li>• Finalised Civil Applications per day</li><li>• Finalised Civil Trials per day</li><li>• Average Civil Court Hours Per Day</li><li>• Percentage of Judgments Reserved</li></ul>	<ul style="list-style-type: none"><li>• Percentage of Criminal Cases finalised</li><li>• Percentage of Child Justice Preliminary Inquiries finalised within 30 days after date of first appearance</li><li>• Percentage of Maintenance Matters finalised within 90 days from the date of proper service of process</li></ul>



# PERFORMANCE OF THE MAGISTRATES' COURTS

## Regional Courts Performance Overview

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 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

Table 13 shows that for the period under review, the Regional Courts utilised a combined total of 67 705 court days and a combined total of 207 770:08 court hours. A total of 41 420 new cases were registered. A total of 40 709 cases were disposed of by the Regional Courts.

**Table 13: Criminal Court Performance Overview**

Re- gion	Court Days	New Cases	Number of Trials Enrolled	Num- ber Of Trials Final- ised	s 77 & 78	With- draw- als	SOR	War- rants of arrest	Actual Court Hours	Aver- age Court Hours	Clear- ance Rate	En- rolled Trials per day	Final- ised Trials per day	Through- put in hours per case
EC	10 627	6 926	29 623	3 888	59	1 298	844	737	33 230:11	03:07	99%	2.79	0.37	08:25
FS	4 795	3 275	12 180	1 555	24	804	432	449	13 557:12	02:49	100%	2.54	0.33	08:35
GP	16 346	9 684	36 075	4 100	126	3 882	1 335	1 057	49 804:25	03:02	108%	2.21	0.26	11:47
KZN	13 393	6 751	23 644	3 121	85	1 363	550	469	41 350:09	03:05	83%	1.77	0.24	12:53
LP	4 985	3 177	13 679	1 142	27	691	124	235	14 953:03	02:59	70%	2.74	0.23	12:47
MP	3 021	3 480	14 279	1 082	22	614	420	333	10 200:15	03:22	71%	4.73	0.37	09:14
NC	2 898	955	6 427	864	17	437	205	140	9 215:49	03:10	174%	2.22	0.30	10:27
NW	4 059	1 481	8 285	792	43	534	283	274	10 576:29	02:36	130%	2.04	0.21	12:39
WC	7 581	5 691	19 869	2 769	21	1 894	825	743	24 882:34	03:16	110%	2.62	0.37	08:55
<b>Total</b>	<b>67 705</b>	<b>41 420</b>	<b>164 061</b>	<b>19 313</b>	<b>424</b>	<b>11 517</b>	<b>5 018</b>	<b>4 437</b>	<b>207 770:08</b>	<b>03:04</b>	<b>98%</b>	<b>2.42</b>	<b>0.29</b>	<b>10:31</b>

Table 11 reflecting the performance of the Regional Courts, is summarised as follows:

- Average Court Hours: 03h04. This is below the set Norm and Standard of 4h30
- Average Clearance rate: 98%
- Finalised cases per day: 0.29
- Cases disposed per day: 0.60
- Cases enrolled per day: 2.42
- Throughput: 10h31

## Two Year Criminal Court Performance Statistics Comparison

**Table 14: Criminal Trial Comparison: 2023/2024 vs 2022/2023**

Region	APR 2023 - MAR 2024				APR 2022 - MAR 2023				% Change			
	Days	New Cases	Disposed Case	Court Hours	Days	New Cases	Disposed Case	Court Hours	Days	New Cases	Disposed Cases	Court Hours
EC	10 627	6 926	6 826	33 230:11	10 232	5 951	6 040	28 784:12	4%	16%	13%	15%
FS	4 795	3 275	3 264	13 557:12	4 930	2 770	3 099	13 611:23	-3%	18%	5%	0%
GP	16 346	9 684	10 500	49 804:25	15 129	10 112	1 0716	45 333:15	8%	-4%	-2%	10%
KZN	13 393	6 751	5 588	41 350:09	12 456	5 484	5 153	34 961:20	8%	23%	8%	18%
LP	4 985	3 177	2 219	14 953:03	4 528	1 916	2 144	13 811:16	10%	66%	3%	8%
MP	3 021	3 480	2 471	10 200:15	2 739	1 982	2 469	84 51:11	10%	76%	0%	21%
NC	2 898	955	1 663	9 215:49	2 791	1 205	1 837	8 763:22	4%	-21%	-9%	5%
NW	4 059	1 481	1 926	10 576:29	3 897	1 695	2 374	9 376:41	4%	-13%	-19%	13%
WC	7 581	5 691	6 252	24 882:34	8 289	6 165	7 317	26 071:21	-9%	-8%	-15%	-5%
<b>TOTAL</b>	<b>67 705</b>	<b>41 420</b>	<b>40 709</b>	<b>207 770:08</b>	<b>64 991</b>	<b>37 280</b>	<b>41 149</b>	<b>189 164:01</b>	<b>4%</b>	<b>11%</b>	<b>-1%</b>	<b>10%</b>

A comparison between the current financial year and the previous financial year indicates that court days increased by 4%, new cases increased by 11%, disposed cases decreased by 1% and court hours increased by 10%.

## Regional Courts Civil Court Performance Overview

**Table 15: Civil Trials Overview**

Region	Court Days	Appli- cations Enrolled	Appli- cations Finalised	Trials Enrolled	Trials Finalised	Actual Court Hours	Average Court Hours	% Appli- cations finalised	%Trials Finalised	Applications finalised per day	Trials finalised per day
EC	1 380	1 907	1 308	4 979	3 338	2 914:35	02:06	69%	67%	0.95	2.42
FS	709	1 112	643	3 305	2 262	922:02	01:18	58%	68%	0.91	3.19
GP	3 948	6 453	3 740	11 191	7 178	7 665:03	01:56	58%	64%	0.95	1.82
KZN	2 351	6 588	3 181	9 763	5 736	5 568:53	02:22	48%	59%	1.35	2.44
LP	1 677	2 301	1 318	5 055	2 492	3 363:45	2:00	57%	49%	0.79	1.49
MP	1 174	2 114	1 207	5 602	2 434	2 626:19	02:14	57%	43%	1.03	2.07
NC	317	161	104	802	609	363:50	01:08	65%	76%	0.33	1.92
NW	1 070	1 476	761	3 413	2 124	1 734:40	01:37	52%	62%	0.71	1.99
WC	1 313	4 146	2 169	5 372	3 444	2 873:33	02:11	52%	64%	1.65	2.62
<b>Total</b>	<b>13 939</b>	<b>26 258</b>	<b>14 431</b>	<b>49 482</b>	<b>29 617</b>	<b>28 032:40</b>	<b>02:00</b>	<b>55%</b>	<b>60%</b>	<b>1.04</b>	<b>2.12</b>

Table 15 indicates that for the period under review the Regional Court utilised a combined total of 13 939 court days and a combined total of 28 032:40 court hours. Performance of the Regional Courts can be summarised as follows:

- Average Court Hours: 02h00. This is below the set norm and standard of 04h30
- Finalised civil applications per day: 1.04
- Finalised civil trials per day: 2.12

## Two Year Civil Court Performance Statistics Comparison

**Table 16: Civil Trials 2023/2024 vs 2022/2023**

Region	APR 2023 - MAR 2024				APR 2022 - MAR 2023				% Change			
	Court Days	Enrolled	Finalised	Court Hours	Court Days	Enrolled	Finalised	Court Hours	Court Days	Enrolled	Finalised	Court Hours
EC	1 380	6 886	4 646	2 914:35	1 311	7 238	4 651	2 811:53	5%	-5%	0%	4%
FS	709	4 417	2 905	922:02	701	4 195	2 800	965:08	1%	5%	4%	-4%
GP	3 948	17 644	10 918	7 665:03	3 697	17 494	11 008	7 391:34	7%	1%	-1%	4%
KZN	2 351	16 351	8 917	5 568:53	2 332	15 843	8 951	5 284:06	1%	3%	0%	5%
LP	1 677	7 356	3 810	3 363:45	1 599	6 353	3 652	3 304:42	5%	16%	4%	2%
MP	1 174	7 716	3 641	2 626:19	1 122	6 994	3 334	2 295:50	5%	10%	9%	14%
NC	317	963	713	363:50	292	926	713	296:40	9%	4%	0%	23%
NW	1 070	4 889	2 885	1 734:40	927	4 748	2 695	1 522:35	15%	3%	7%	14%
WC	1 313	9 518	5 613	2 873:33	1 496	10 277	6 417	3 379:53	-12%	-7%	-13%	-15%
<b>TOTAL</b>	<b>13 939</b>	<b>75 740</b>	<b>44 048</b>	<b>28 032:40</b>	<b>13 477</b>	<b>74 068</b>	<b>44 221</b>	<b>27 252:21</b>	<b>3%</b>	<b>2%</b>	<b>0%</b>	<b>3%</b>

A comparison of the current financial year with the previous financial year indicates that the court days increased by 3%, enrolled cases increased 2% and court hours increased by 3%. No changes were noted for the finalised cases.

## Case Flow Blockage/ Challenges

Several factors contributed towards case flow blockages. These include 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 17: Case flow blockages per stakeholder**

Stakeholders	EC	FS	GP	KZN	LP	MP	NW	NC	WC	Total	%
DoJ&CD	1 264	503	1 598	13 70	661	502	815	317	744	<b>7 774</b>	<b>19%</b>
DoJ &CD (infrastructure)	947	369	1 119	1 111	547	342	663	253	481	<b>5 832</b>	<b>14%</b>
DoJ&CD (Personnel) and Other	317	134	479	259	114	160	152	64	263	<b>1 942</b>	<b>5%</b>
Legal Aid SA	769	416	1450	973	408	365	724	188	504	<b>5 797</b>	<b>14%</b>
Prosecution	800	342	1164	864	657	327	476	344	583	<b>5 557</b>	<b>13%</b>
Private Practitioner	808	269	1185	698	584	346	559	197	548	<b>5 194</b>	<b>13%</b>
Accused Person	943	257	849	788	504	274	430	183	524	<b>4 752</b>	<b>12%</b>
Witness	744	216	858	847	255	161	285	159	671	<b>4 196</b>	<b>10%</b>
Other	514	37	496	434	175	187	204	207	395	<b>2 649</b>	<b>6%</b>
SAPS	620	71	483	273	124	129	464	61	192	<b>2 417</b>	<b>6%</b>
Judiciary	100	52	525	204	107	62	162	55	156	<b>1 423</b>	<b>3%</b>
Multiple Parties	170	29	143	116	143	7	27	9	55	<b>699</b>	<b>2%</b>
Social Development	52	7	93	36	49	15	37	18	42	<b>349</b>	<b>1%</b>
Correctional Services	63	16	80	62	8	25	14	13	57	<b>338</b>	<b>1%</b>
Department of Health	23	2	14	32	4	2	28	7	12	<b>124</b>	<b>0%</b>
<b>National Total</b>	<b>6 870</b>	<b>2 217</b>	<b>8 938</b>	<b>6 697</b>	<b>3 679</b>	<b>2 402</b>	<b>4 225</b>	<b>1 758</b>	<b>4 483</b>	<b>41 269</b>	
<b>Percentage (%)</b>	<b>17%</b>	<b>5%</b>	<b>22%</b>	<b>16%</b>	<b>9%</b>	<b>6%</b>	<b>10%</b>	<b>4%</b>	<b>11%</b>		

For the period under review the Regional Courts blockages/challenges experienced can be summarised as follows: DoJ &CD (19%), Legal Aid SA (14%), Prosecution (13%), Private Practitioner (13%).

## 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 three (3) months after the last hearing. Generally, no judgments are reserved for longer than three (3) months from the date of last hearing by the Regional Courts.

## Conclusion

The Judicial Officers of the Regional Courts remain committed to accounting through their work and judgments as the courts are open to the public. Strides have 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 courts and ensure that any case flow blockages are resolved as soon as possible. All Judicial Officers are enjoined to take pro-active stance to invoke all relevant legislation to avoid lengthy periods of incarceration of accused persons whilst awaiting trial.

## District Courts Court Performance Overview

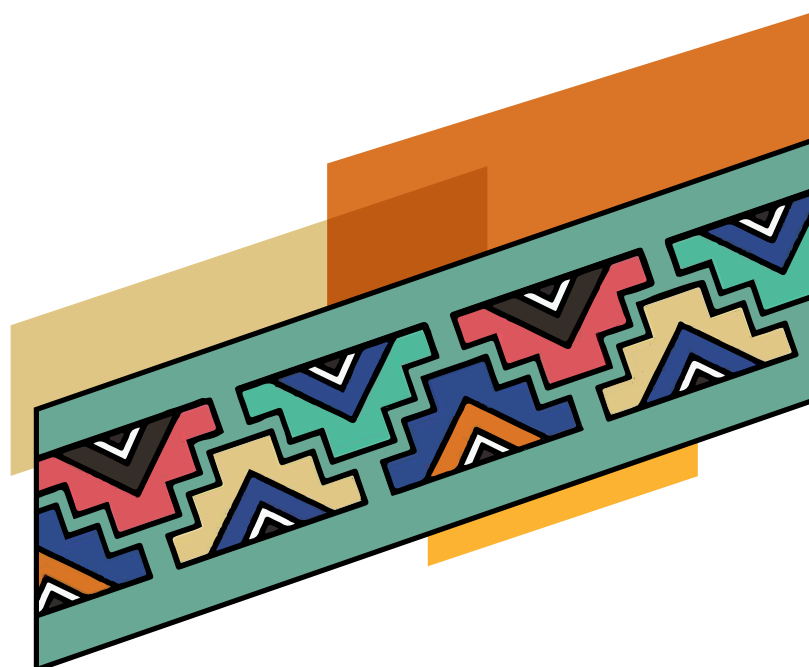
The District Courts are established through the definition of local geographical limits and per Ministerial regulation, whilst groups of District courts are joined together to create Administrative Regions for administrative purposes. Each Administrative Region has a Chief Magistrate who is the Head of Administrative Region and reports on the court performance for all the District courts clustered in their specific Region. District Courts have jurisdiction over all criminal matters except the trial hearings of attempted murder, murder, treason, rape and terrorism. The District Courts also have, amongst other, exclusive jurisdiction over preliminary inquiries in terms of the Child Justice Act, 2008 (Act 75 of 2008). Furthermore, District courts have jurisdiction on civil matters up to a value of R200 000 and also deal with family law cases ranging from protection orders for domestic violence and harassment as well as children's courts and maintenance matters.

The collection and collation of the performance information of the Magistrates' Courts relies on the Integrated Case Management System modules and the Court Recording Technology system (for court sitting hours), which the Department of Justice and Constitutional Development provides in terms of their mandate to provide administrative support to the Lower Courts.

At a meeting held on 15 August 2023, the Heads of the Administrative Regions of the District Courts resolved that as a result of, inter alia, the ongoing ICT challenges in the Department of Justice and Constitutional Development (DoJ&CD), the statistical information for Criminal matters would be extracted from the Magistrate's monthly Judicial return submissions (MC 15 tool). It is highlighted that this statistical information is not a proper reflection of the Judicial Performance Indicators for District courts based on the Norms and Standards.

The DoJ&CD disclaimed the data provided for domestic violence and harassment applications as well as children's court matters in their report dated 17 August 2023. They cite a variety of challenges which has given rise to the total number of cases and applications not having been captured completely on the system and that relates to the incompleteness of the statistics provided.

The performance information in relation to Child Justice preliminary inquiries and Maintenance matters are released as the completeness of the data is within the purview of the Departmental Annual Performance plan indicators and readiness for audit by the Auditor-General is established. The Department received an unqualified audit and a performance of more than 80% for the 2023/2024 performance cycle.





**Table 18: Percentage of Criminal Cases finalised**

Administrative Region	Cases Brought Forward	New Cases Enrolled	Re-enrolled Cases	Total Caseload	Total Cases Disposed	Percentage Finalised
Administrative Region 1 (Eastern Cape A) Port Elizabeth	13 654	145 351	8 163	<b>167 168</b>	<b>153 228</b>	<b>92%</b>
Administrative Region 2 (Eastern Cape B) Mthatha	5 400	28 841	1 398	<b>35 639</b>	<b>30 199</b>	<b>85%</b>
Administrative Region 3 (Free State A) Bloemfontein	4 987	42 531	2 466	<b>49 984</b>	<b>44 629</b>	<b>89%</b>
Administrative Region 4 (Free State B) Welkom	5 047	54 788	4 791	<b>64 626</b>	<b>59 071</b>	<b>91%</b>
Administrative Region 05A (Gauteng) Johannesburg	23 424	664 980	37 098	<b>725 502</b>	<b>707 223</b>	<b>97%</b>
Administrative Region 05 (Gauteng) Pretoria	2 530	19 370	1 702	<b>23 602</b>	<b>20 720</b>	<b>88%</b>
Administrative Region 6 (KwaZulu-Natal A) Durban	14 455	159 051	20 951	<b>194 457</b>	<b>178 338</b>	<b>92%</b>
Administrative Region 7 (KwaZulu-Natal B) Pietermaritzburg	5 998	86 167	1 860	<b>94 025</b>	<b>87 737</b>	<b>93%</b>
Administrative Region 08 (Mpumalanga) Mbombela	8 660	259 041	24 697	<b>292 398</b>	<b>282 830</b>	<b>97%</b>
Administrative Region 09 (Northwest) Mmabatho	8 496	170 486	5 668	<b>184 650</b>	<b>177 087</b>	<b>96%</b>
Administrative Region 10 (Northern Cape) Kimberley	4 960	23 493	4 224	<b>32 677</b>	<b>27 346</b>	<b>84%</b>
Administrative Region 11 (Limpopo) Polokwane	10 168	194 134	2 400	<b>206 702</b>	<b>201 577</b>	<b>98%</b>
Administrative Region 12 (Western Cape A) Cape Town	15 127	151 902	8 677	<b>175 706</b>	<b>159 706</b>	<b>91%</b>
Administrative Region 13 (Western Cape B) Wynberg	25 760	536 087	22 452	<b>584 299</b>	<b>555 929</b>	<b>95%</b>
<b>Grand Total</b>	<b>148 666</b>	<b>2 536 222</b>	<b>146 547</b>	<b>2 831 435</b>	<b>2 685 620</b>	<b>95%</b>

\* Notes: Total caseload = Outstanding at 31 March 2023 and New Cases (1 April 2023 to 31 March 2024)

\*\*Disclaimer

Performance data unaudited.

In the absence of Integrated Case Management System (ICMS) statistics, note the available data source of the MC 15 tool, which is limited as it was not intended to be a case flow management tool for Judicial Indicator purposes. All disposed of case data is thus reflected and it does not differentiate trial matter timelines as per the Judicial Norms and Standards.

As per the above table the performance of the District courts as per the Administrative Regions can be summarised as follows:

- Average criminal cases finalised: **95%**

Noteworthy is that the administrative challenges with regard to support of the courts for essential services such as the court recording system, language interpretation services and tools of trade in the form of laptops and printers has an impact on the case finalisation rate. The continuous power outages occasioned by load shedding impact directly on the functioning of the District courts.

**Table 19: Percentage Child Justice preliminary investigations finalised within 30 days of date of first appearance**

Administrative Region	Exceeding 30 Days	Within 30 Days	Grand Total	% Finalised Within 30 Days
Administrative Region 1 (Eastern Cape A) Port Elizabeth	106	643	749	86%
Administrative Region 2 (Eastern Cape B) Mthatha	79	223	302	74%
Administrative Region 3 (Free State A) Bloemfontein	111	213	324	66%
Administrative Region 4 (Free State B) Welkom	47	282	329	86%
Administrative Region 05 (Gauteng) Pretoria	15	154	169	91%
Administrative Region 05A (Gauteng) Johannesburg	424	815	1 239	66%
Administrative Region 6 (KwaZulu-Natal A) Durban	59	811	870	93%
Administrative Region 7 (KwaZulu-Natal B) Pietermaritzburg	37	575	612	94%
Administrative Region 08 (Mpumalanga) Mbombela	159	324	483	67%
Administrative Region 09 (Northwest) Mmabatho	115	217	332	65%
Administrative Region 10 (Northern Cape) Kimberley	43	371	414	90%
Administrative Region 11 (Limpopo) Polokwane	183	798	981	81%
Administrative Region 12 (Western Cape A) Cape Town	89	1 363	1 452	94%
Administrative Region 13 (Western Cape B) Wynberg	243	2 158	2 401	90%
<b>Grand Total</b>	<b>1 710</b>	<b>8 947</b>	<b>10 657</b>	<b>84%</b>

\*Performance data audited at DoJ&CD

\*\*Disclaimer

The DoJ&CD ICMS on Child Justice statistics, which is the available data source used for reporting does not cover all the Magistrate courts, as it was not piloted and implemented in all courts.

As per the above table the performance of the District Courts as per the Administrative Regions can be summarised as follows:

- Average Child Justice preliminary inquiries finalised within 30-day period: **84%**

The plight of the vulnerable children in conflict with the law is a priority to protect the interests of the child and is evidenced from the speedy finalisation of these matters. Administrative Region 12 (Western Cape A) Cape Town and Administrative Region 7 (KwaZulu-Natal B) Pietermaritzburg has a high percentage of finalised cases as compared to the other Administrative Regions. Administrative Region 09 (Northwest) Mmabatho has a low percentage of cases finalised within the 30-day period.

**Table 20: Percentage Maintenance matters finalised within 90 days from date of proper service of process.**

Administrative Region	Exceeding 90 Days	Within 90 Days	Grand Total	% Finalised Within 90 Days
Administrative Region 1 (Eastern Cape A) Port Elizabeth	626	3 648	4 274	85%
Administrative Region 2 (Eastern Cape B) Mthatha	108	1 952	2 060	95%
Administrative Region 3 (Free State A) Bloemfontein	245	2 104	2 349	90%
Administrative Region 4 (Free State B) Welkom	290	2 845	3 135	91%
Administrative Region 05 (Gauteng) Pretoria	290	1 523	1 813	84%
Administrative Region 05A (Gauteng) Johannesburg	737	6 689	7 426	90%
Administrative Region 6 (KwaZulu-Natal A) Durban	301	3 198	3 499	91%
Administrative Region 7 (KwaZulu-Natal B) Pietermaritzburg	234	2 061	2 295	90%
Administrative Region 08 (Mpumalanga) Mbombela	384	4 050	4 434	91%
Administrative Region 09 (Northwest) Mmabatho	887	4 929	5 816	85%

Administrative Region	Exceeding 90 Days	Within 90 Days	Grand Total	% Finalised Within 90 Days
Administrative Region 10 (Northern Cape) Kimberley	205	1 851	2 056	90%
Administrative Region 11 (Limpopo) Polokwane	852	9 647	1 0499	92%
Administrative Region 12 (Western Cape A) Cape Town	289	2 197	2 486	88%
Administrative Region 13 (Western Cape B) Wynberg	655	3 012	3 667	82%
<b>Grand Total</b>	<b>6 103</b>	<b>49 706</b>	<b>55 809</b>	<b>89%</b>

\* Performance data audited at DoJ&CD

\*\*Disclaimer

The DoJ&CD ICMS on Maintenance statistics, which is the available data source used for reporting does not cover all the Magistrate courts, as it was not piloted and implemented in all courts.

As per the above table the performance of the District Courts as per the Administrative Regions can be summarised as follows:

- Average percentage of Maintenance matters finalised within a 90-day period: **89%**

The high finalisation rate can be attributed to the commitment to deal speedily with matters that protect the interests of the children. The indicator measures the finalisation from date of proper service and thus exclude the matters where there are challenges in the tracing of the respondents. Administrative Region 2 (Eastern Cape B) Mthatha, has the highest percentage of matters finalised in comparison to the other Administrative Regions. Administrative Region 13 (Western Cape B) Wynberg has the lowest percentage of cases finalised within the 90-day period.

## Conclusion

The Judicial Officers of the District Courts remain committed to account through their caseloads for the reporting of their judicial performance, towards ensuring access to justice for all.

The Department of Justice and Constitutional Development has committed to rolling out fiber connections to all the courts to ensure stability on the ICT systems and has indicated that there are plans to improve on a fresh new data capturing tool where the District court Judiciary will be consulted. There is an improvement plan commitment to ensure that all statistics from 01 April 2023 to the current date are complete and maintained thereafter, through an initiative that will see supervisors and data capturers to affect that day's capturing before the workday closes.

Monthly reporting is expected, which will enable the District court Judicial Officers to engage more regularly with the data to ensure the veracity thereof through judicial oversight going forward.

The high dependency on stakeholders within the court environment has a negative impact on efficient case flow management. The respective District Efficiency and Enhancement Committees DEEC and their Provincial Efficiency and Enhancement Committee (PEEC are the case flow structures that strive to improve stakeholder relations to address the blockages in the system to enhance court efficiency.





# PART E



## JUDICIAL EDUCATION AND TRAINING

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.

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 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.

For the year under review, SAJEI conducted 122 judicial education courses against the annual target of 115. SAJEI exceeded the target due to *ad-hoc* largely resulting from changes in policies and legislation.

SAJEI successfully launched and completed the flagship programme on Aspirant Women Judges. The aim of the programme is to create a pool of women who may be eligible to apply for vacancies for High Courts. More than 70% of those who completed the programme are acting at various High Courts.

SAJEI has piloted an online course on Illegal Wildlife Trafficking for the Regional Court Magistrates. From post training evaluation, the training was well received. In line with current legal developments, SAJEI has conducted training on Climate Change, Artificial Intelligence, and CHATGPT to ensure that judges and magistrates are kept abreast of relevant topical issues.

SAJEI continues to render secretariat role to the Africa Electoral Justice Network, which facilitates capacity building for judiciary in the continent. A total of three (3) webinars were conducted on electoral justice in preparation for the elections which took place in 2024.

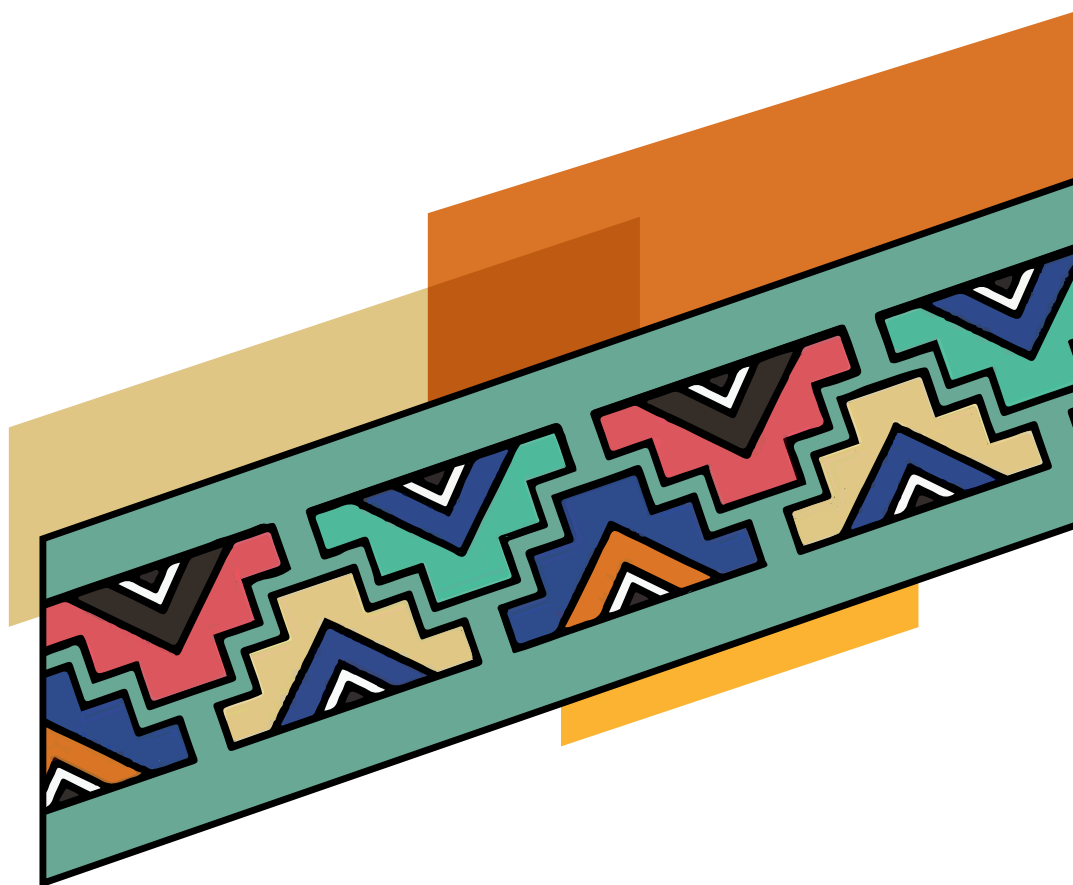


The report covers the period from 01 April 2023 to 31 March 2024. The summarised breakdown of workshops and number of delegates is indicated in the table below:

**Table 21: Summarised Training Data**

NUMBER OF COURSES	DELEGATES	NUMBER OF DELEGATES
1	Judges	80
1	Aspirant Judges	89
2	Aspirant Women Judges	14
2	Regional Court Magistrates	36
1	Judges, Regional and District Magistrates	26
1	Newly Appointed Regional Court Magistrates	42
3	Aspirant Regional Magistrates	92
114	District Court Magistrates	2 986
2	Regional and District Court Magistrates	113
5	Support to Foreign Judicial Institutions	216
1	Newly Appointed Judges	17
<b>133</b>	<b>TOTAL</b>	<b>3 711</b>

The slight decrease in the total number of participants compared to the three thousand seven hundred and eighty-nine (3 799) participants in the previous year is attributed to connectivity issues arising from load shedding.





# 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 (3) 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:

**Table 22: Judges appointed during the period 01 April 2023 - 31 March 2024**

Court	The names of candidates the Commission advised the President to appoint	Judges appointed by the President
Supreme Court of Appeal (Four vacancies)	<ul style="list-style-type: none"> <li>Judge F Kathree-Setiloane</li> <li>Judge A M Kgoele</li> </ul>	<ul style="list-style-type: none"> <li>Judge F Kathree-Setiloane</li> <li>Judge A M Kgoele</li> </ul>
Eastern Cape Division of the High Court, Gqeberha (One vacancy)	<ul style="list-style-type: none"> <li>Adv I Bands</li> </ul>	<ul style="list-style-type: none"> <li>Adv I Bands</li> </ul>
Gauteng Division of the High Court (Five vacancies)	<ul style="list-style-type: none"> <li>Adv J Holland-Müter SC</li> <li>Ms M M D Lenyai</li> <li>Mr M P Motha</li> <li>Mr M V Noko</li> <li>Adv L Ann Retief</li> </ul>	<ul style="list-style-type: none"> <li>Adv J Holland-Müter SC</li> <li>Ms M M D Lenyai</li> <li>Mr M P Motha</li> <li>Mr M V Noko</li> <li>Adv L Ann Retief</li> </ul>
Gauteng Division of the High Court (Four vacancies)	<ul style="list-style-type: none"> <li>Adv S K Hassim SC</li> <li>Adv O Mooki SC</li> <li>Adv J J Strijdom SC</li> <li>Adv B C Wanless SC</li> </ul>	<ul style="list-style-type: none"> <li>Adv S K Hassim SC</li> <li>Adv O Mooki SC</li> <li>Adv J J Strijdom SC</li> <li>Adv B C Wanless SC</li> </ul>
KwaZulu-Natal Division of the High Court (Two vacancies, Durban)	<ul style="list-style-type: none"> <li>Prof M J Mathenjwa</li> </ul>	<ul style="list-style-type: none"> <li>Prof M J Mathenjwa</li> </ul>
Limpopo Division of the High Court (One vacancy)	The Commission advised that no appointment be made with regard to this vacancy at this stage.	The Commission advised that no appointment be made with regard to this vacancy at this stage.
Mpumalanga Division of the High Court (One vacancy for the Judge-President of the Mpumalanga Division)	<ul style="list-style-type: none"> <li>Deputy Judge-President S S Mphahlele</li> </ul>	<ul style="list-style-type: none"> <li>Deputy Judge-President S S Mphahlele</li> </ul>
Northern Cape Division of the High Court (One vacancy)	<ul style="list-style-type: none"> <li>Adv A Stanton</li> </ul>	<ul style="list-style-type: none"> <li>Adv A Stanton</li> </ul>
North West Division of the High Court (One vacancy)	<ul style="list-style-type: none"> <li>Ms S Mfenyana</li> </ul>	<ul style="list-style-type: none"> <li>Ms S Mfenyana</li> </ul>

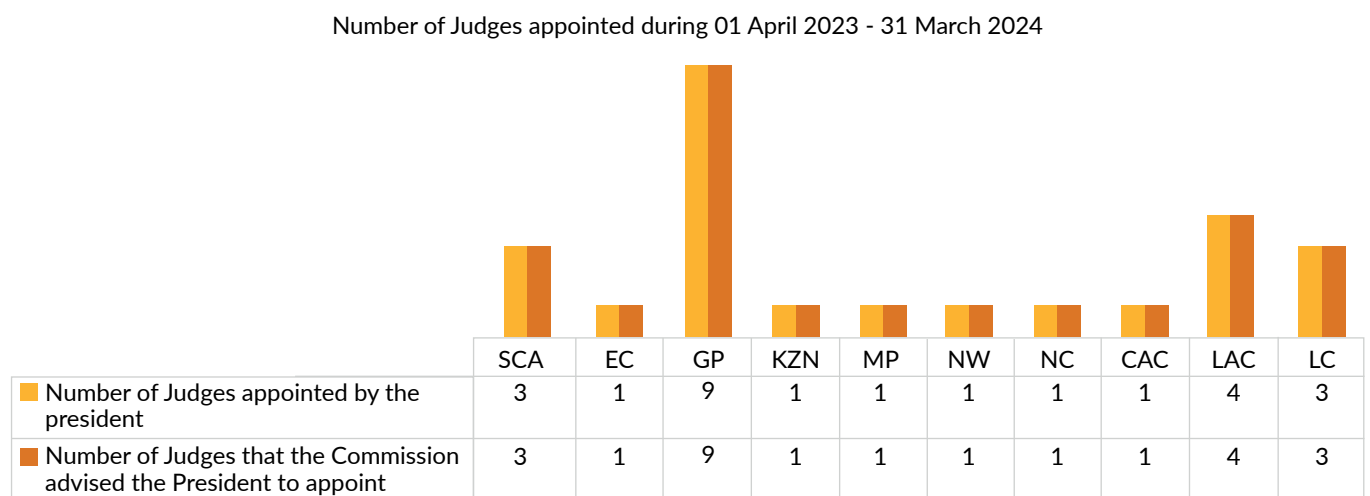


Court	The names of candidates the Commission advised the President to appoint	Judges appointed by the President
Competition Appeal Court (Five vacancies)	<ul style="list-style-type: none"> <li>Judge J L G Nuku</li> </ul>	<ul style="list-style-type: none"> <li>Judge J L G Nuku</li> </ul>
Electoral Court (One vacancy Judge-Member)	The Commission advised that no appointment be made with regard to this vacancy at this stage.	The Commission advised that no appointment be made with regard to this vacancy at this stage.
Labour Appeal Court and Labour Court (One vacancy for the Deputy Judge-President)	<ul style="list-style-type: none"> <li>Judge E M Molahlehi</li> </ul>	<ul style="list-style-type: none"> <li>Judge E M Molahlehi</li> </ul>
Labour Appeal Court (Four vacancies)	<ul style="list-style-type: none"> <li>Judge M P N Nkutha-Nkontwana</li> <li>Judge K M Savage</li> <li>Judge A Van Niekerk</li> </ul>	<ul style="list-style-type: none"> <li>Judge M P N Nkutha-Nkontwana</li> <li>Judge K M Savage</li> <li>Judge A Van Niekerk</li> </ul>
Labour Court (Three vacancies)	<ul style="list-style-type: none"> <li>Adv K Allen-Yaman</li> <li>Mr R N Daniels</li> <li>Mr M R Makhura</li> </ul>	<ul style="list-style-type: none"> <li>Adv K Allen-Yaman</li> <li>Mr R N Daniels</li> <li>Mr M R Makhura</li> </ul>

During the period under review, thirty-five (35) vacancies were recorded in the Superior courts in respect of which the Commission had to interview candidates and advise the President on candidates to appoint as Judges. Of these vacancies, the Commission advised the President to appoint twenty-four (24) candidates. Following the Commission's recommendations, the President, acting in terms of section 174(6) appointed all twenty-four (24) recommended candidates as Judges. Furthermore, the Commission was unable to recommend candidates to fill the other eleven (11) vacancies.

During the period under review, the Commission further interviewed Justice M B Molemela for the position of the President of the SCA. Following her interview, the Commission resolved that Justice Molemela was suitable for appointment as the President of the SCA. The President of the Republic subsequently appointed Justice Molemela with effect from 01 June 2023 as the President of the SCA after consulting the Commission.

**Figure 18: Graph illustrating the Judges that the Commission advised the President to appoint in terms of Section 174(6) inclusive of the President of the SCA.**

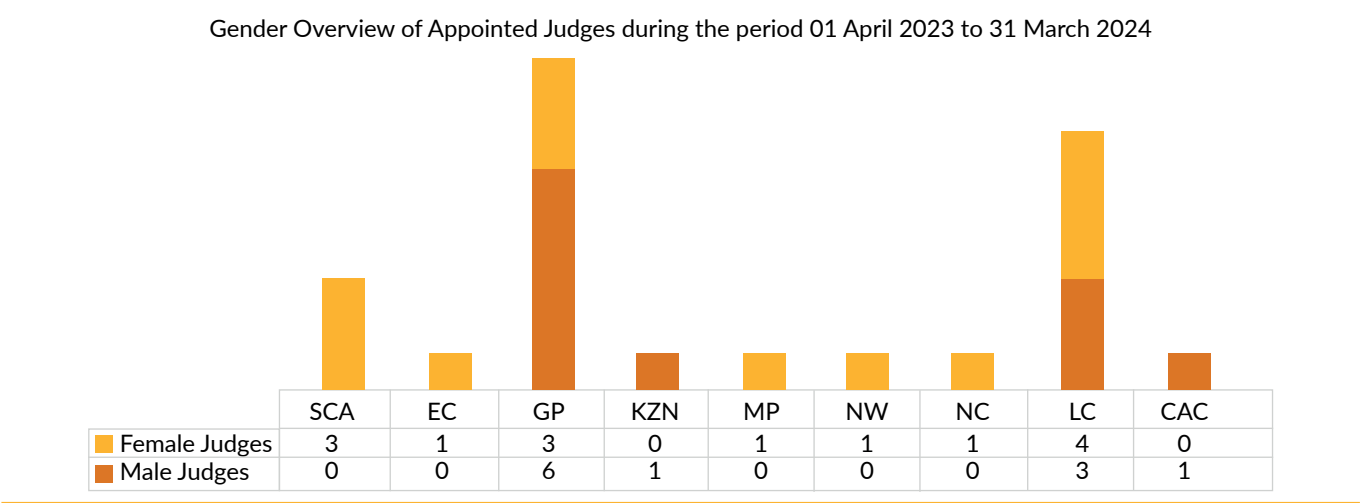


# RACE AND GENDER OF THE SOUTH AFRICAN JUDICIARY SUPERIOR COURTS

## RACE AND GENDER PROFILE OF JUDGES APPOINTED DURING THE PERIOD 01 APRIL 2023 TO 31 MARCH 2024

A total of twenty-five (25) Judges were appointed by the President of the Republic of South Africa during the period under review, inclusive of the President of the SCA. The gender composition of the newly appointed Judges comprised fourteen (14) females representing 56% and eleven (11) males representing 44%. The gender composition is depicted in the figure below:

**Figure 19: Gender Overview of the appointed Judges during reporting period**



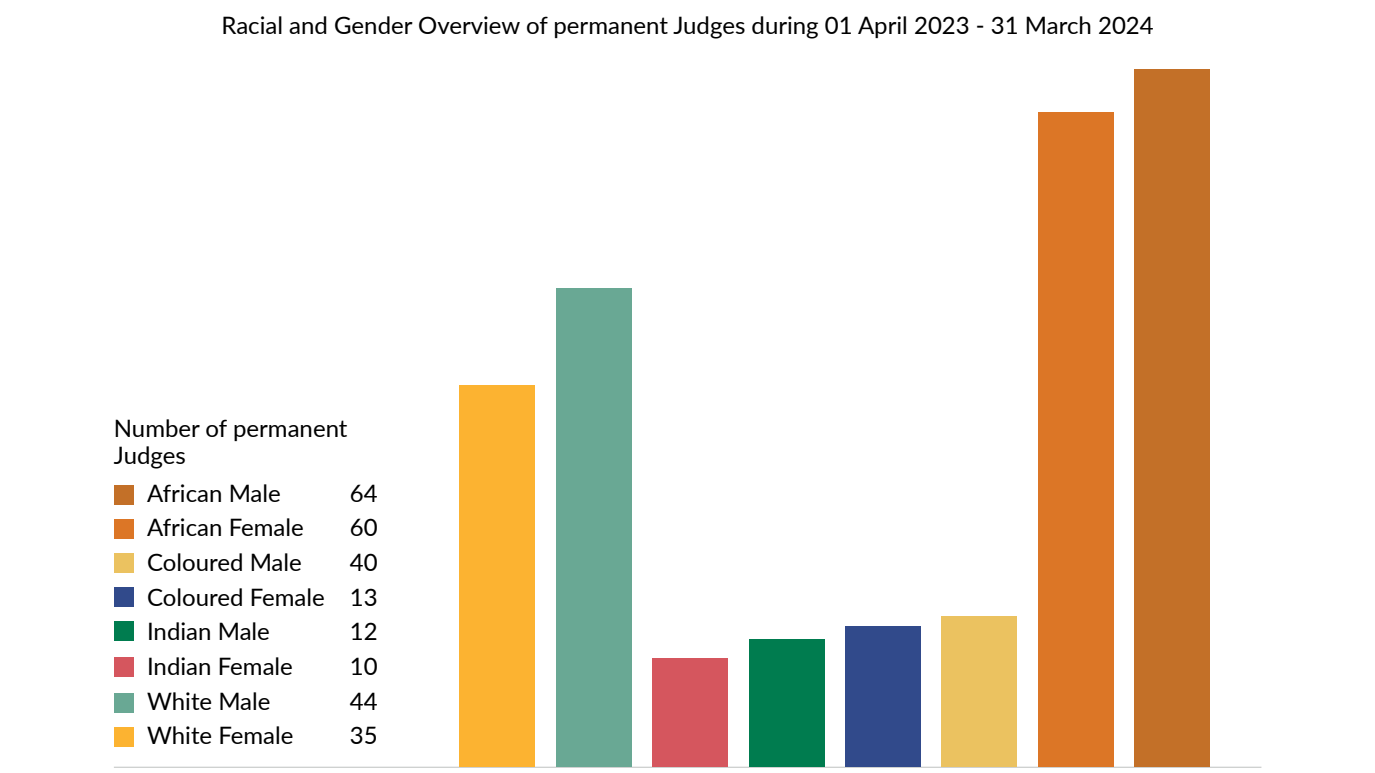
**Table 23: Number of Judges appointed during the period 01 April 2023 to 31 March 2024 specifying gender and race**

COURT	NUMBER OF CANDIDATES THE JSC ADVISED THE PRESIDENT TO APPOINT	NUMBER OF JUDGES APPOINTED BY THE PRESIDENT	NUMBER OF FEMALES & RACE	NUMBER OF MALES & RACE
Supreme Court of Appeal	3	3	2 (African) 1 (Indian)	0
Competition Appeal Court	1	1	0	1 (African)
Eastern Cape Division of the High Court	1	1	1 (White)	0
Gauteng Division of the High Court	9	9	1 (African) 1 (White) 1 (Indian)	3 (White) 3 (African)
KwaZulu-Natal Division of the High Court	1	1	0	1 (African)
Labour Court and Labour Appeal Court	7	7	2 (White) 1 (African)	2 (African) 1 (White) 1 (Indian)
Mpumalanga Division of the High Court	1	1	1 (African)	0

COURT	NUMBER OF CANDIDATES THE JSC ADVISED THE PRESIDENT TO APPOINT	NUMBER OF JUDGES APPOINTED BY THE PRESIDENT	NUMBER OF FEMALES & RACE	NUMBER OF MALES & RACE
North West Division of the High Court	1	1	1 (African)	0
Northern Cape Division of the High Court	1	1	1 (White)	0
<b>Total</b>	<b>25</b>	<b>25</b>	<b>14</b>	<b>11</b>

Following the two sittings of the Commission during the reporting period and the subsequent appointments made by the President, the Judiciary, as of 31 March 2024, was made up of a total of two hundred and fifty-two (252) Judges. The racial overview of all permanent Judges is illustrated in the figure below:

**Figure 20: The racial overview of permanent Judges during the period under review**





The table below illustrates the racial overview of permanent Judges during the period under review:

**Table 24: The racial overview of permanent Judges per Superior Court:**

DIVISIONS	AFRICAN		COLOURED		INDIAN		WHITE		TOTAL
	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	
Constitutional Court	3	3	1	1	1	0	1	0	10
Supreme Court of Appeal	6	7	1	2	1	1	3	2	23
Eastern Cape Local Division, Bhisho	2	0	0	0	0	0	0	2	4
Eastern Cape Local Division, Gqeberha	2	2	0	0	0	0	3	1	8
Eastern Cape Division, Makhanda	2	2	1	0	2	0	3	0	10
Eastern Cape Local Division, Mthatha	2	3	0	0	0	1	2	0	8
Free State Division, Bloemfontein	4	3	1	0	0	1	2	4	15
Gauteng Division, Pretoria	11	13	0	0	0	2	10	8	44
Gauteng Local Division, Johannesburg	9	5	2	1	3	2	8	7	37
KwaZulu-Natal Division, Pietermaritzburg	3	4	0	0	2	0	3	1	13
KwaZulu-Natal Local Division, Durban	3	2	1	1	1	2	1	1	12
Limpopo Division, Polokwane	2	1	0	0	0	0	1	1	5
Limpopo Local Division, Thohoyandou	2	0	0	0	0	0	0	0	2
Mpumalanga Division, Mbombela	3	1	0	0	0	0	0	0	4
Mpumalanga Local Division, Middelburg	0	2	0	0	0	0	0	0	2
North West Division, Mahikeng	0	2	1	0	0	0	1	1	5
Northern Cape Division, Kimberley	2	2	0	1	0	0	1	1	7
Western Cape Division, Cape Town	5	4	6	6	1	1	3	3	29
Labour Appeal Court <sup>1</sup>		1					1	1	3
Labour Court <sup>2</sup>	3	4	0	1	1	0	2	3	12
Competition Appeal Court <sup>3</sup>							1		1
<b>TOTAL</b>	<b>64</b>	<b>60</b>	<b>14</b>	<b>13</b>	<b>12</b>	<b>10</b>	<b>44</b>	<b>35</b>	<b>252</b>
<b>%</b>	<b>25%</b>	<b>24%</b>	<b>6%</b>	<b>5%</b>	<b>5%</b>	<b>4%</b>	<b>17%</b>	<b>14%</b>	<b>100%</b>
<b>TOTAL</b>	<b>124</b>		<b>27</b>		<b>22</b>		<b>79</b>		<b>252</b>
<b>%</b>	<b>49%</b>		<b>11%</b>		<b>9%</b>		<b>31%</b>		<b>100%</b>

<sup>1</sup> Counted at other courts

<sup>2</sup> JP and DJP counted at other courts

<sup>3</sup> Counted at other courts

At the end of the reporting period, the Judiciary was made up of a total of 252 Judges in all Superior Courts of which 25% (64) were African male, 24% (60) were African female, 6% (14) were Coloured male, 5% (13) were Coloured female, 5% (12) were Indian male, 4% (10) were Indian female, 18% (44) were White male and 14% (35) were White female.

A racial breakdown indicated that from the total of 252, 49% (124) of Judges were African, 11% (27) Coloured, 9% (22) Indian and 31% (79) White.

A gender breakdown of the Judiciary reflected that at the end of the period under review the Judiciary comprised 53% (134) males and 47% (118) females. Noteworthy is the transformation in the following Divisions with female representation in the Judiciary of 50% or more:

- Supreme Court of Appeal 52%,
- Eastern Cape Local Division, Bhisho (50%),
- Eastern Cape Local Division, Makhanda (50%),
- Eastern Cape Local Division, Mthatha (50%),
- Free State Division, Bloemfontein (53%),
- Gauteng Division, Pretoria (52%);
- KwaZulu-Natal Local Division, Durban (50%),
- Mpumalanga Local Division, Middelburg (100%),
- Northern Cape Division, Kimberley (57%),
- North West Division, Mahikeng (60%), and
- Labour Court (57%).

The race and gender composition of the Judges is made up of 36% black males (90 of 248), 33% black females (83 of 248), 18% (44 of 248) white males and 13% white females (31 of 248).

**Table 25: Race and Gender Composition of all Judges**

PERMANENT JUDGES: % RACE & GENDER - SUMMARY									
RACE	AFRICAN		COLOURED		INDIAN		WHITE		TOTAL
GENDER	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	
TOTAL	64	60	14	13	12	10	44	35	252
%	25.40%	23.81%	5.56%	5.16%	4.76%	3.97%	17.46%	13.89%	100%

## MAGISTRATES' COURTS

During the period under review, a total of 48 Magistrates were appointed, of which 52 % (25 of 48) were black females, 25 % (12 of 48) were black males, 8% (4 of 48) were white females and 15% (7 of 48) were white males.

The race and gender composition of the Magistrates' Courts establishment is made up of 23% African females (336 of 1 475), 25% African males (366 of 1 475), 13% white females (196 of 1 475) and 13% white males (190 of 1 475).

**Table 26: Race and Gender Composition of all Magistrates**

RACE AND GENDER BREAKDOWN OF MAGISTRATES (ALL LEVELS) AS ON 13/2/2024									
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	79	0	14	25	19	19	45	35	236
Chief Magistrate	2	7	1	1	1	1	1	1	15
Senior Magistrate	27	21	7	11	7	2	10	16	101
Magistrate	254	306	52	70	79	77	134	143	1 115
<b>Grand Total</b>	<b>366</b>	<b>336</b>	<b>74</b>	<b>107</b>	<b>106</b>	<b>100</b>	<b>190</b>	<b>196</b>	<b>1 475</b>
<b>Percentages</b>	<b>25%</b>	<b>23%</b>	<b>5%</b>	<b>7%</b>	<b>7%</b>	<b>7%</b>	<b>13%</b>	<b>13%</b>	<b>100%</b>

SUMMARY:									
POST CLASS	Total Black [Generic] Male	Total White Male	Grand Total Males [All Races]	Total Black [Generic] Female	Total White Female	Grand Total Females [All Races]	Grand Total Black [Generic]	Grand Total White	Total
Regional Court President	4	0	4	3	1	4	7	1	8
Regional Magistrate	112	45	157	44	35	79	156	80	236
Chief Magistrate	4	1	5	9	1	10	13	2	15
Senior Magistrate	41	10	51	34	16	50	75	26	101
Magistrate	385	134	519	453	143	596	838	277	1 115
<b>Grand Total</b>	<b>546</b>	<b>190</b>	<b>736</b>	<b>543</b>	<b>196</b>	<b>739</b>	<b>1 089</b>	<b>386</b>	<b>1 475</b>
<b>Percentages</b>	<b>37%</b>	<b>13%</b>	<b>50%</b>	<b>37%</b>	<b>13%</b>	<b>50%</b>	<b>74%</b>	<b>26%</b>	<b>100%</b>

**Table 27: Race and Gender Composition**

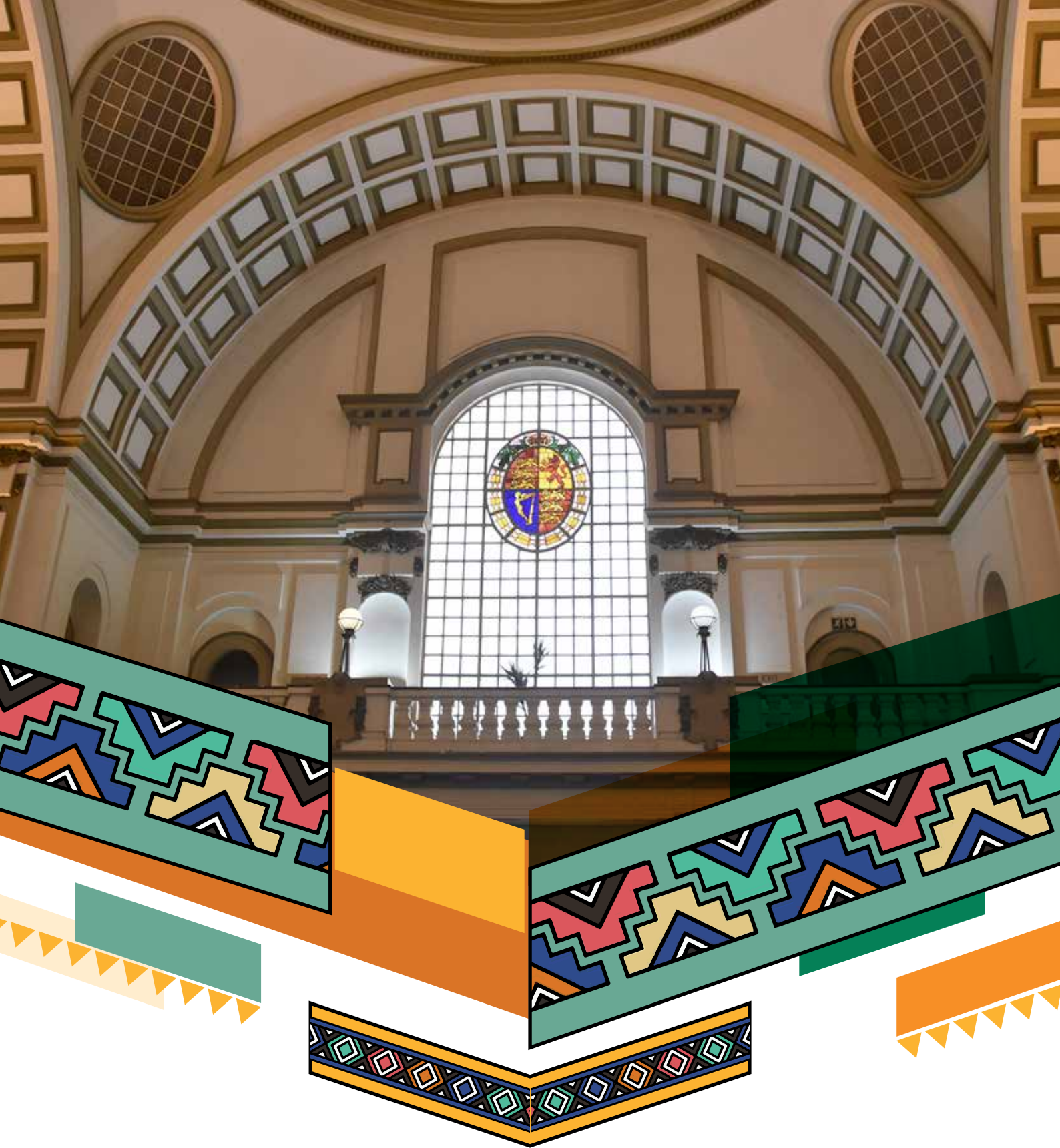
	BLACK (INCLUDING COLOURED & INDIAN FEMALES)	WOMEN (ALL RACES)	LIVING WITH DISABILITIES
<b>TOTAL</b>	<b>543</b>	<b>739</b>	<b>0</b>

## RETIREMENTS

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

**Table 28: Judges discharged from active service**

INITIALS AND SURNAME	RANK	DISCHARGED DATE
<b>SUPREME COURT OF APPEAL</b>		
C H G van der Merwe	Justice	31 July 2023
H K Saldulker	Justice	30 October 2023
<b>GAUTENG DIVISION OF THE HIGH COURT</b>		
C M Sardiwalla	Judge	31 July 2023
E J Francis	Judge	22 March 2024
BS Splig	Judge	21 March 2024
<b>KWAZULU-NATAL DIVISION OF THE HIGH COURT</b>		
M S Moodley	Judge	31 July 2023
G Lopes	Judge	31 July 2023
I Madondo	Deputy Judge President	25 November 2023
G N Kruger	Judge	31 December 2023
<b>LIMPOPO DIVISION OF THE HIGH COURT</b>		
M F Legodi	Judge President	21 August 2023
<b>WESTERN CAPE DIVISION OF THE HIGH COURT</b>		
B Waglay	Judge	15 January 2024
A G Binns-Ward	Judge	13 January 2024
M J Hlophe	Judge President	29 February 2024
<b>LABOUR COURT</b>		
B Waglay	Judge President	16 January 2024



# PART G



## EXTRA-JUDICIAL POSITIONS HELD BY MEMBERS OF THE JUDICIARY

### EXTRA-JUDICIAL POSITIONS HELD BY MEMBERS OF THE JUDICIARY SUPERIOR COURTS

**Table 29: Extra-Judicial Positions held by Members of the Judiciary**

INITIALS AND SURNAME	RANK	COURT	POSITION
Constitutional Court			
R M M Zondo	Chief Justice	Constitutional Court	<ul style="list-style-type: none"> <li>• Chairperson of the Judicial Service Commission</li> <li>• Chairperson of the Council of the South African Judicial Education Institute</li> <li>• Chancellor of the University of Zululand</li> <li>• Chairperson of the Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State</li> </ul>
M M L Maya	Deputy Chief Justice	Constitutional Court	<ul style="list-style-type: none"> <li>• Chancellor of the University of Mpumalanga: 2021</li> <li>• Member of the Judicial Service Commission: 2017</li> <li>• Council Member: South African Judicial Education Institute: 2017</li> <li>• Founding Member (2002); Deputy President (2008 - 2010); President 2018 to 2023: South African Chapter of the International Association of Women Judges</li> <li>• Regional Director: West and Southern Africa; International Association of Women Judges: 2021</li> <li>• Member; Duke University [USA] Bolch Judicial Institute Leadership Council: 2020</li> <li>• Board Member; University of Free State Law Faculty: 2020</li> <li>• Advisory Board Member; Yearbook of South African Law: 2020</li> <li>• Advisory Board Member; South African Law Journal: 2019</li> <li>• Board Member; National Bar Examinations Board: 2016</li> <li>• Chairperson; South African Law Reform Commission: 2013 –</li> <li>• Member; Commonwealth Association of Law Reform Commissions: 2013</li> <li>• Patron; Lawyers Against Violence: 2013</li> <li>• Trustee; South African Institute for Advanced Constitutional, Public, Human Rights and International Law: 2012</li> </ul>
Z Tshiqi	Justice	Constitutional Court	<ul style="list-style-type: none"> <li>• Chairperson of the African Regional Judges' Forum</li> <li>• Member of SAJEI Council and the Curriculum and Development Committee</li> </ul>



INITIALS AND SURNAME	RANK	COURT	POSITION
SUPREME COURT OF APPEAL			
M B Molemela	Justice	Supreme Court of Appeal	<ul style="list-style-type: none"> <li>Trustee of a non-profit organisation (Free State Symphony Orchestra;</li> <li>Trustee of the Ray Zondo SAC-IAWJ Trust;</li> <li>Chancellor of the Central University of Technology.</li> </ul>
D H Zondi	Justice	Supreme Court of Appeal	<ul style="list-style-type: none"> <li>Member of Judicial Conduct Committee of the JSC;</li> <li>Member of the Governing Council of the Global Network on Electoral Justice since 2022;</li> <li>Member of the Working Group of Africa Electoral Justice Network since 2022.</li> </ul>
H Saldulker	Justice	Supreme Court of Appeal	<ul style="list-style-type: none"> <li>Board Member of the National Bar Examination Board (NBEB) and Judge Moderator for Advocates Examinations.</li> <li>Liaison Judge for the Hague Convention</li> </ul>
N Mabindla-Boqwana	Justice	Supreme Court of Appeal	<ul style="list-style-type: none"> <li>Member of the Scholarship Selection committee</li> </ul>
A Kgoele	Justice	Supreme Court of Appeal	<ul style="list-style-type: none"> <li>Board Member of the Faculty of Law at UFS</li> <li>Trustee at SAC-IAWJ Trust</li> <li>Director at SAC-IAWJ</li> </ul>
GAUTENG DIVISION			
D Mlambo	Judge President	Gauteng Division	<ul style="list-style-type: none"> <li>Board Member of the International Legal Foundation (ILF)</li> <li>President: International Association of Refugee and Migration Judges (IARMJ Africa Chapters)</li> <li>Chairperson: Community Advice Offices of South Africa (CAOSA)</li> </ul>
R Strydom	Judge	Gauteng Local Division (Johannesburg)	<ul style="list-style-type: none"> <li>Director: 2 Non-trading Companies</li> <li>Rean Strydom familie Belegging</li> <li>Business Venture Investments (refer to the note below)</li> </ul>
N Manoim	Judge	Gauteng Local Division (Johannesburg)	<ul style="list-style-type: none"> <li>Professor of Practice: University of Johannesburg (Non-paying honorary position).</li> </ul>
G Malindi	Judge	Gauteng Local Division (Johannesburg)	<ul style="list-style-type: none"> <li>Trustee: Nelson Mandela Trust</li> </ul>
L T Modiba	Judge	Gauteng Local Division (Johannesburg)	<ul style="list-style-type: none"> <li>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.</li> </ul>
I Opperman	Judge	Gauteng Local Division (Johannesburg)	<ul style="list-style-type: none"> <li>Commissioner of the Court of Military Appeals.</li> </ul>
S Cowen	Judge	Gauteng Local Division (Johannesburg)	<ul style="list-style-type: none"> <li>Co-director and 50% Shareholder in a property holding company called Utopia Haven 110 (Pty) Ltd. The company owns a unit in a sectional scheme in North West in a wilderness area.</li> </ul>
M Mdalana-Mayisela	Judge	Gauteng Local Division (Johannesburg)	<ul style="list-style-type: none"> <li>Principal, leading Bible studies at her Church</li> </ul>

INITIALS AND SURNAME	RANK	COURT	POSITION
E Van der Schyff	Judge	Gauteng Division (Pretoria)	<ul style="list-style-type: none"> <li>Adjunct Professor of Law: University of Venda (UNIVEN)</li> <li>Extraordinary Professor of Law at the North-West University (NWU).</li> </ul>
AC Basson	Judge	Gauteng Division (Pretoria)	<ul style="list-style-type: none"> <li>President: Taekwondo Federation Africa</li> <li>Executive board member: Taekwondo Federation</li> </ul>
<b>EASTERN CAPE DIVISION</b>			
S Mbenenge	Judge President	Eastern Cape Division	<ul style="list-style-type: none"> <li>Member of the Walter Sisulu University Council</li> </ul>
G Bloem	Judge	Eastern Cape Division	<ul style="list-style-type: none"> <li>Chairperson of the Rhodes University Council</li> </ul>
A Govindjee	Judge	Eastern Cape Division	<ul style="list-style-type: none"> <li>Member of the SAJEI Council</li> </ul>
<b>FREE STATE DIVISION</b>			
NS Daniso	Judge	Free State Division of the High Court	<ul style="list-style-type: none"> <li>Member of the African Regional Judges Forum</li> <li>Member of the International Association of Refugee &amp; Migration, African Charter</li> </ul>
<b>KWAZULU-NATAL DIVISION</b>			
TP Poyo- Dlwati	Judge President	KwaZulu-Natal Division	<ul style="list-style-type: none"> <li>President: South African Chapter of International Association of Women Judges (SAC-IAWJ)</li> <li>Chairperson for the Rhodes Scholarship for Southern Africa - KZN (2023 to date)</li> <li>Leader of the Bliss Couples Fellowship at Maritzburg Christian Church</li> <li>Editor of the Judiciary Newsletter</li> </ul>
RG Mossop	Judge	KwaZulu-Natal Division	<ul style="list-style-type: none"> <li>Commissioner: Small Claims Court-Durban</li> </ul>
SR Balton	Judge	KwaZulu-Natal Division	<ul style="list-style-type: none"> <li>Member: R Boodram Consulting</li> <li>Member: RBS Brakes CC</li> <li>Director: Umhlanga Hindu Society</li> </ul>
EJS Steyn	Judge	KwaZulu-Natal Division	<ul style="list-style-type: none"> <li>SAJEI SINCE MAY 2023 to date: - Member of SAJEI EXCO Committee</li> <li>Chair of SAJEI HR Committee</li> <li>Electoral Court – Acting since 2 May 2024 to 31 October 2024</li> <li>Lecturing Aspirant Women Judges on 22 February 2023 (Limpopo)</li> </ul>
MBS Mapisa	Judge	KwaZulu-Natal Division	<ul style="list-style-type: none"> <li>Member of the University of Limpopo Council from 1 January 2024</li> </ul>
MR Chetty	Judge	KwaZulu-Natal Division	<ul style="list-style-type: none"> <li>Legal Resources Centre Trust – former Trustee, now Patron (Advisory Board Member) 2014 to present</li> <li>FOUNDATION FOR HUMAN RIGHTS, Member of the Supervisory Board 2021 to present</li> </ul>
JI Henriques	Judge	KwaZulu-Natal Division	<ul style="list-style-type: none"> <li>Council Member of the University of KwaZulu-Natal</li> </ul>

INITIALS AND SURNAME	RANK	COURT	POSITION
<b>LIMPOPO DIVISION</b>			
M Naude-Odendaal	Judge	Limpopo Division	<ul style="list-style-type: none"> <li>Chairperson of the Tax Board</li> </ul>
<b>MPUMALANGA DIVISION</b>			
B Mashile	Judge	Mpumalanga Division	<ul style="list-style-type: none"> <li>Chairperson of the National Council of Correctional Service.</li> </ul>
<b>NORTHERN CAPE DIVISION</b>			
V Phatshoane	Deputy Judge President	Northern Cape Division	<ul style="list-style-type: none"> <li>Chairperson of the Sol Plaatjie University</li> </ul>
LG Lever	Judge	Northern Cape Division	<ul style="list-style-type: none"> <li>Trustee- Louie Schutee Family Trust- no remuneration received for this position</li> <li>Trustee -D.M. Minchin Testamentary Trust- Term of office comes to an end September or October 2024- no remuneration received for this position.</li> <li>Trustee – International Trust – No remuneration received for this position.</li> <li>Executor Fathers estate – The estate is handled and being wound up by an attorney as my agent- No remuneration will be taken by me by me for this office.</li> <li>Curator Bonis and Curator Personam for incapacitated mother-</li> </ul>
<b>NORTH WEST DIVISION</b>			
T Djadje	Deputy Judge President	North West Division of the High Court	<ul style="list-style-type: none"> <li>Member of the International Association of Women Judges</li> </ul>
<b>WESTERN CAPE DIVISION</b>			
C Fortuin	Judge	Western Cape Division of the High Court	<ul style="list-style-type: none"> <li>Chancellor of the Diocese of Saldanha Bay in the Anglican Church of South Africa (ACSA)</li> </ul>
K Savage	Judge	Western Cape Division of the High Court	<ul style="list-style-type: none"> <li>Director of the Southern African Legal Information Institute (SAFLII), A Non-Profit Company (NPC)</li> </ul>
L Nuku	Judge	Western Cape Division of the High Court	<ul style="list-style-type: none"> <li>Director: Black Conveyancers Association Training Academy</li> </ul>
V Saldanha	Judge	Western Cape Division of the High Court	<ul style="list-style-type: none"> <li>Member of the Advisory Board of Dullah Omar Institute (DOI)</li> <li>University of the Western Cape</li> <li>Trustee of the Albie Sachs Constitutionalism and Rule of Law Trust (ASCAROL)</li> </ul>

## EXTRA-JUDICIAL POSITIONS HELD BY MEMBERS OF THE MAGISTRACY

### MAGISTRATES' COURTS

**Table 30: Extra-Judicial Positions held by Members of the Magistracy**

### MAGISTRATES' COURTS

INITIALS AND SURNAME	RANK	COURT	POSITION
EASTERN CAPE			
Ms S Raphahlelo	Chief Magistrate	Gqeberha	<ul style="list-style-type: none"> <li>Member of the Magistrates Commission;</li> <li>Member of the Ethics committee of the Magistrates Commission;</li> <li>Member of the Appointments committee of the Magistrates Commission;</li> <li>Chairperson of the Family Court Forum of the CMF</li> <li>Member of the Criminal Court Forum of the CMF;</li> <li>Member of the Civil Court Forum of the Chief Magistrates' Forum (CMF);</li> <li>Member of EXCO of the Chief Magistrates' Forum (CMF);</li> <li>Member of the Provincial Lower Court Performance Monitoring Committee;</li> <li>Member if the National Committee of DSD foster care management.</li> </ul>
PP Van Vuuren	Senior Magistrate	Makhanda	<ul style="list-style-type: none"> <li>Chairperson of the Family, Civil and Criminal Court forums in the region;</li> <li>Member of the National committee of Department of Social Development foster care management;</li> </ul>
Mr N Jeomath	Additional Magistrate	East London	<ul style="list-style-type: none"> <li>National Treasurer of Judicial Officers Association of South Africa (JOASA)</li> </ul>
S Dunywa	Regional Court President	Eastern Cape	<ul style="list-style-type: none"> <li>Member: Regional and District IT Committee</li> </ul>
S Jacobs	Regional Magistrate	Eastern Cape	<ul style="list-style-type: none"> <li>Secretary: The South African Chapter of the International Association of Women Judges (SAC-IAWJ)</li> </ul>
A Mashigo	Regional Magistrate	Eastern Cape	<ul style="list-style-type: none"> <li>Provincial Co-ordinator: The South African Chapter of the International Association of Women Judges (SAC-IAWJ)</li> </ul>
FREE STATE			
A Motlekar	Chief Magistrate	Welkom	<ul style="list-style-type: none"> <li>Deputy Chairperson: Executive Committee, Chief Magistrates Forum</li> <li>Chairperson for the Provincial Advisory Committee for the appointment of Sheriffs.</li> <li>Member: Judicial IT Committee Member: Regional and District Judicial IT Committee.</li> </ul>

INITIALS AND SURNAME	RANK	COURT	POSITION
C Parks	Regional Magistrate	Bloemfontein	<ul style="list-style-type: none"> <li>Additional Member of (Free State) Provincial Executive Committee of Judicial Officers Association of South Africa (JOASA);</li> <li>Additional Member of (Free State) Provincial Executive Committee of South African Women Lawyers Association (SAWLA).</li> </ul>
B Mahlatsi	Regional Magistrate	Welkom	<ul style="list-style-type: none"> <li>Senior Pastor at United Apostolic Gospel Church and Marriage Officer.</li> <li>Executive member of the National Apostolic Council of Churches (NACCSA), as legal advisor without remuneration.</li> </ul>
Z Mbalo	Regional Court President	Bloemfontein	<ul style="list-style-type: none"> <li>Member of the Magistrates Commission</li> </ul>
GAUTENG			
S B Mosaka	Chief Magistrate	Kempton Park	<ul style="list-style-type: none"> <li>Member of National Intersectoral Committee for Child Justice</li> </ul>
M Djaje	Regional Court President	Johannesburg	<ul style="list-style-type: none"> <li>Member: Regional &amp; District IT Committee;</li> <li>Member: Chairperson of Lower Courts Remuneration Committee (LCRC);</li> <li>Member: SAJEI Council</li> </ul>
H R Louw	Regional Magistrate	Kagiso	<ul style="list-style-type: none"> <li>Member of the Lower Courts Remuneration Committee (LCRC)</li> </ul>
M S Makamu	Regional Magistrate	Benoni	<ul style="list-style-type: none"> <li>Member of the Magistrates Commission</li> </ul>
I Cox	Regional Magistrate	Benoni	<ul style="list-style-type: none"> <li>National Secretary of the Association of Rotational Moulders of Southern Africa (ARMSA)</li> </ul>
KWAZULU NATAL			
K G Chetty	Additional Magistrate	Verulam	<ul style="list-style-type: none"> <li>Trustee- Body Corporate at residence</li> </ul>
K Boonzaier	Additional Magistrate	Verulam	<ul style="list-style-type: none"> <li>KZN Provincial Portfolio Committee Member</li> <li>Member of South African Chapter of the International Association of Women Judges (SAC-IAWJ)</li> </ul>
NSZ Ndlovu	Senior Magistrate	Pinetown	<ul style="list-style-type: none"> <li>Judicial Officers Association of South Africa (JOASA) - Provincial Executive Committee Additional Member</li> </ul>
S Mthethwa	Magistrate	Mtunzini	<ul style="list-style-type: none"> <li>Judicial Officers Association of South Africa (JOASA) - Provincial Secretary</li> </ul>
M Nhlangulela	Additional Magistrate	Durban	<ul style="list-style-type: none"> <li>Judicial Officers Association of South Africa (JOASA) - Provincial Executive Committee</li> </ul>
H P Mkhlasibe	Senior Magistrate	Durban-PFC	<ul style="list-style-type: none"> <li>KZN Provincial Coordinator – SAC – IAW</li> </ul>
E B Ngubane	Chief Magistrate	Durban	<ul style="list-style-type: none"> <li>Chairperson of the Judicial Accountability Sub-Committee of the Chief Magistrates' Forum</li> <li>Secretary of the Family Court Sub-Committee of the Chief Magistrates' Forum.</li> </ul>

INITIALS AND SURNAME	RANK	COURT	POSITION
B Shabalala	Additional Magistrate	Durban	<ul style="list-style-type: none"> <li>Trustee of eThekweni Community Foundation Trust (NPO) [Trustees oversee operations of oversight of the Governance of the NPO for the benefit of the public without remuneration] as contemplated in Article 14 (4)(a) of the Code of Judicial Conduct).</li> </ul>
<b>LIMPOPO</b>			
C D Ringane	Chief Magistrate	Polokwane	<ul style="list-style-type: none"> <li>Provincial Chairperson of the Sheriffs Board</li> </ul>
JH Wessels	Regional Court President	Limpopo Division	<ul style="list-style-type: none"> <li>Member of Rules Board and chairperson of the ADR, Small Claims Court;</li> <li>Committees and chairperson of the Magistrates Court Committee;</li> <li>Chairperson of the E-Justice rules &amp; Children's Court Rules task teams;</li> <li>Council member, SAJEI;</li> <li>Member of JAIT;</li> <li>Chairperson: Regional and District Judiciary IT Committee (RDJITC)</li> <li>Member of the RCPF (Regional Court Presidents Forum)</li> <li>Governance Council member of the Democratic Governance and Rights Unit (DGRU) at UCT Law</li> <li>Independent Trustee: Limpopo Society of Advocates (LSOA)</li> <li>Pupillage Trust Fund</li> <li>Chairperson: REEC (Regional Efficiency Enhancement Committee)</li> </ul>
NJ Ratshibvumo	Acting Regional Magistrate	Giyani	<ul style="list-style-type: none"> <li>Board member, Higher Grace Church</li> </ul>
CT Honwana	Regional Magistrate	Lenyenye	<ul style="list-style-type: none"> <li>Treasurer: ARMSA National</li> <li>Chairperson of Extension 52 Aqua Park working group responsible for bereavements announcements</li> </ul>
PV Mudau	Regional Magistrate	Thohoyandou	<ul style="list-style-type: none"> <li>Treasurer, ARMSA (Association of Regional Magistrates of Southern Africa), Limpopo</li> <li>Deacon (member of church council), Mvudi Reformed Church of Southern Africa</li> </ul>
MT Kganyago	Regional Magistrate	Nkowankowa	<ul style="list-style-type: none"> <li>Member of Sodality Catholic Church, Legal Desk</li> </ul>
PD Nkuna	Regional Magistrate	Polokwane	<ul style="list-style-type: none"> <li>Chairperson: ARMSA Limpopo</li> <li>Chairperson – Hoxani Traditional Council (Legal Desk)</li> </ul>
A Swanepoel	Regional Magistrate	Seshego	<ul style="list-style-type: none"> <li>Wellness: ARMSA Limpopo</li> </ul>
H Madima	Regional Magistrate	Lephalale	<ul style="list-style-type: none"> <li>Secretary: ARMSA Limpopo</li> </ul>



INITIALS AND SURNAME	RANK	COURT	POSITION
MO Mahlo	Regional Magistrate	Sekhukhune	<ul style="list-style-type: none"> <li>Projects: ARMSA Limpopo</li> </ul>
JC Maribana	Acting Regional Magistrate	Thabazimbi	<ul style="list-style-type: none"> <li>Commissioner, Small Claims Court</li> </ul>
RJ Marais	Acting Regional Magistrate	Groblersdal	<ul style="list-style-type: none"> <li>Chairperson: Limpopo Biathlon Association</li> </ul>
<b>MPUMALANGA</b>			
Minnie	Regional Magistrate	Witbank	<ul style="list-style-type: none"> <li>Management Committee of St Joseph's Home for the Aged</li> </ul>
<b>NORTH WEST</b>			
JJ Ikaneng	Chief Magistrate	Mahikeng	<ul style="list-style-type: none"> <li>Chairperson of the NW Provincial Advisory Committee for the Appointment of Sheriffs in terms of Regulation 2C of the Regulations Relating to Sheriffs, 1990</li> </ul>
T Leshomo	Senior Magistrate	Potchefstroom	<ul style="list-style-type: none"> <li>Assistant Secretary SAC-IAWJ</li> </ul>
<b>NORTHERN CAPE</b>			
OM Krieling	Chief Magistrate	Northern Cape	<ul style="list-style-type: none"> <li>Chairperson – Chief Magistrates Forum</li> <li>Chairperson - Provincial Advisory Committee for the Appointment of Sheriffs</li> <li>Board Member – Rules Board for Courts of Law</li> </ul>
R Terblanche	Senior Magistrate	Kimberley	<ul style="list-style-type: none"> <li>Member of Magistrates Commission</li> </ul>
<b>WESTERN CAPE</b>			
E du Toit	Senior Magistrate	Bellville	<ul style="list-style-type: none"> <li>Chairperson of the Sunnyside Lodge Board (Old Age Home)</li> </ul>
I de V Viljoen	Senior Magistrate	Worcester	<ul style="list-style-type: none"> <li>Chairperson of the Small Claims Court</li> </ul>
P Visagie	Magistrate	Goodwood	<ul style="list-style-type: none"> <li>Provincial Treasurer – Judicial Officers Association of South Africa.</li> </ul>
L Jacobs	Magistrate	Hermanus	<ul style="list-style-type: none"> <li>Provincial Secretary – Judicial Officers Association of South Africa</li> </ul>



PART H

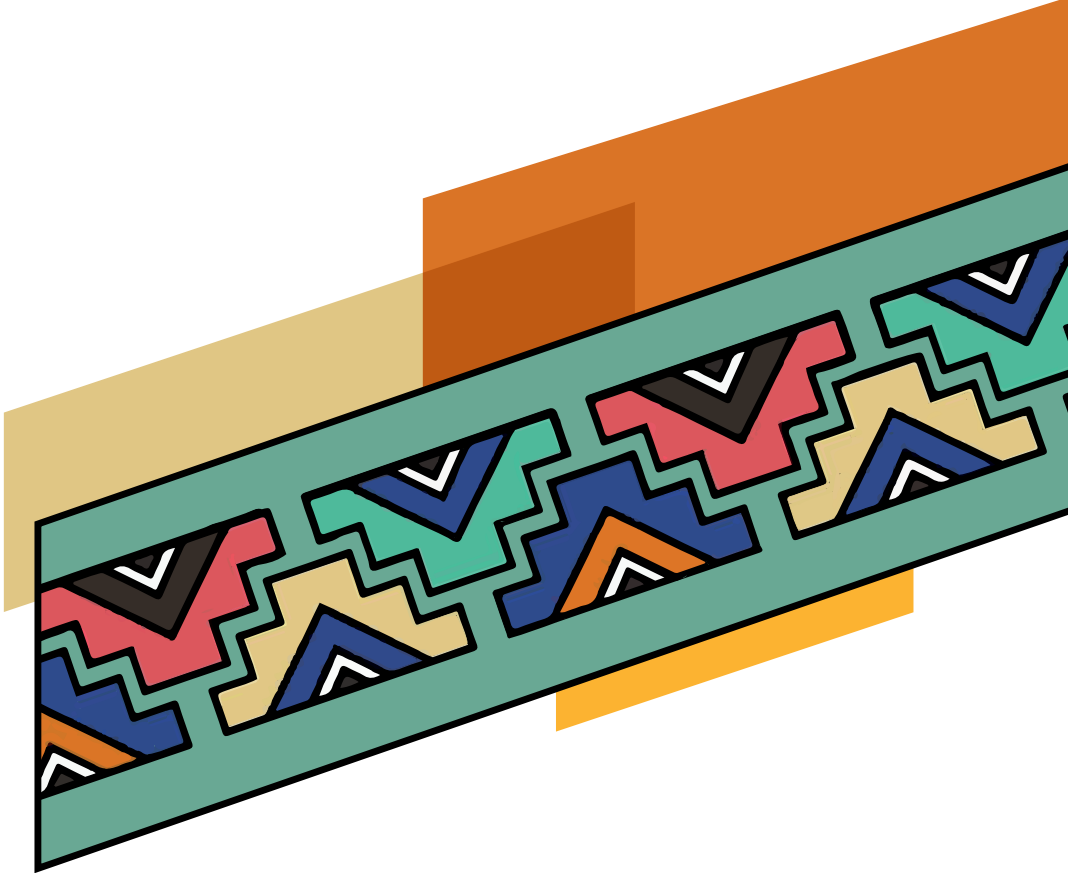
# IN MEMORIAM

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.

SUPERIOR COURTS			
NAME	CAPACITY	DIVISION	DATE DECEASED
HN Hendler	Judge	North West	12 May 2023
G Webster	Judge	Gauteng	15 July 2023
HC Nel	Judge	Cape Town	29 July 2023
MP Jennett	Judge	Makhanda	19 October 2023
D Van Reenen	Judge	Western Cape	23 November 2023
G Friedman	Judge President	Western Cape	11 September 2023

LOWER COURTS			
NAME	CAPACITY	DIVISION	DATE DECEASED
G.J. Williams	Magistrate	Western Cape Oudtshoorn	25 April 2023
D. Aucamp	Retired Regional Magistrate	Free State – Heilbron	19 June 2023
M. Thamae	Regional Magistrate	Free State – Heilbron	22 September 2023
M.J. Taljaard	Head of Office	Camperdown Court	17 December 2023
K. J. Jonker	Head of Office	Pinetown Court	30 January 2024



# ANNEXURES

## ANNEXURE A: TECHNICAL INDICATOR DESCRIPTION: SUPERIOR COURTS

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

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

4. INDICATOR TITLE	PERCENTAGE OF MATTERS FINALISED (LABOUR APPEAL COURT)
<b>Short Definition</b>	The indicator measures the percentage of appeal matters finalised (upheld/ granted, settled, withdrawn or dismissed) by the Labour Appeal Court (LAC)
<b>Purpose / Importance</b>	To measure the performance of the Labour Appeal Court in relation to the finalisation of appeal matters enrolled at the LAC.
<b>Source / Collection of Data</b>	Court rolls, Manual Registers, Court Judgments and Court Orders
<b>Method of Calculation</b>	Number of matters finalised / Total number of matters enrolled x 100
<b>Data Limitations</b>	None
<b>Type of Indicator</b>	Output
<b>Calculation Type</b>	Non-cumulative
<b>Reporting Cycle</b>	Quarterly and Annually
<b>New Indicator</b>	Yes
<b>Desired Performance</b>	An increase in the percentage of LAC matters finalised For the period under review the target is set at 80%.
<b>Indicator Responsibilities</b>	Court Administration Unit

5. INDICATOR TITLE	PERCENTAGE OF PETITIONS FINALISED (LABOUR APPEAL COURT)
<b>Short Definition</b>	The indicator measures the percentage of petitions finalised by the (LAC
<b>Purpose / Importance</b>	To measure the performance of the Labour Appeal Court in relation to the finalisation of petitions enrolled at the LAC
<b>Source / Collection of Data</b>	Court rolls, Manual Registers, Court Judgments and Court Orders
<b>Method of Calculation</b>	Number of petitions finalised / Total number of petitions enrolled x 100
<b>Data Limitations</b>	None
<b>Type of Indicator</b>	Output
<b>Calculation Type</b>	Non-cumulative
<b>Reporting Cycle</b>	Quarterly and Annually
<b>New Indicator</b>	Yes
<b>Desired Performance</b>	An increase in the percentage of LAC petitions finalised For the period under review the target is set at 90%.
<b>Indicator Responsibilities</b>	Court Administration Unit

6. INDICATOR TITLE	REDUCTION PERCENTAGE OF CRIMINAL CASE BACKLOGS (ALL HIGH COURT DIVISIONS)
<b>Short Definition</b>	Reduce the percentage of cases in the High Court which are on the roll for more than 12 months (Criminal Case Backlog) *
<b>Purpose / Importance</b>	To measure the speedy finalisation of criminal backlog cases at the High Court
<b>Source / Collection of Data</b>	List of outstanding cases, court judgments and court orders
<b>Method of Calculation</b>	Total Criminal Trials Outstanding for more than 12 months from date of plea as at 31st March 2024 / All Criminal Trials Outstanding as at the 31st March 2024 where the accused has pleaded.
<b>Data Limitations</b>	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.
<b>Type of Indicator</b>	Output
<b>Calculation Type</b>	Non-cumulative
<b>Reporting Cycle</b>	Quarterly and Annually
<b>New Indicator</b>	No
<b>Desired Performance</b>	A reduction in the percentage of backlog cases. For the period under review the target is set at 30%.
<b>Indicator Responsibilities</b>	Court Administration Unit



7. INDICATOR TITLE	PERCENTAGE OF CRIMINAL MATTERS FINALISED (ALL HIGH COURT DIVISIONS)
<b>Short Definition</b>	<p>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.</p> <p>*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.</p>
<b>Purpose / Importance</b>	To measure the performance in relation to the finalisation of criminal matters
<b>Source / Collection of Data</b>	Manual Registers and court judgments
<b>Method of Calculation</b>	<p><math>(\text{Number of criminal matters finalised} / \text{total case load}) \times 100</math></p> <p>Total case load = The actual number of cases enrolled during the reporting period.</p>
<b>Data Limitations</b>	None
<b>Type of Indicator</b>	Output
<b>Calculation Type</b>	Non-cumulative
<b>Reporting Cycle</b>	Quarterly and Annually
<b>New Indicator</b>	No
<b>Desired Performance</b>	<p>An increase in the percentage of criminal matters finalised.</p> <p>For the period under review the target is set at 75%.</p>
<b>Indicator Responsibilities</b>	Court Administration Unit

8. INDICATOR TITLE	PERCENTAGE OF CIVIL MATTERS FINALISED (ALL HIGH COURT DIVISIONS)
<b>Short Definition</b>	<p>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</p> <p>*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.</p> <p>** For Pre-trials proceeding only the finalised (granted and settlements) will be considered and form part of the total data population.</p>
<b>Purpose / Importance</b>	To measure the performance of the civil courts
<b>Source / Collection of Data</b>	Court rolls, Manual Registers, court judgments and court orders
<b>Method of Calculation</b>	<p><math>(\text{Number of civil matters finalised} / \text{total case load}) \times 100</math></p> <p>Total case load = The actual number of cases enrolled during the reporting period</p>
<b>Data Limitations</b>	None
<b>Type of Indicator</b>	Output
<b>Calculation Type</b>	Non-cumulative
<b>Reporting Cycle</b>	Quarterly and Annually
<b>New Indicator</b>	No
<b>Desired Performance</b>	<p>An increase in the percentage of civil cases finalised</p> <p>For the period under review the target is set at 64%.</p>
<b>Indicator Responsibilities</b>	Court Administration Unit

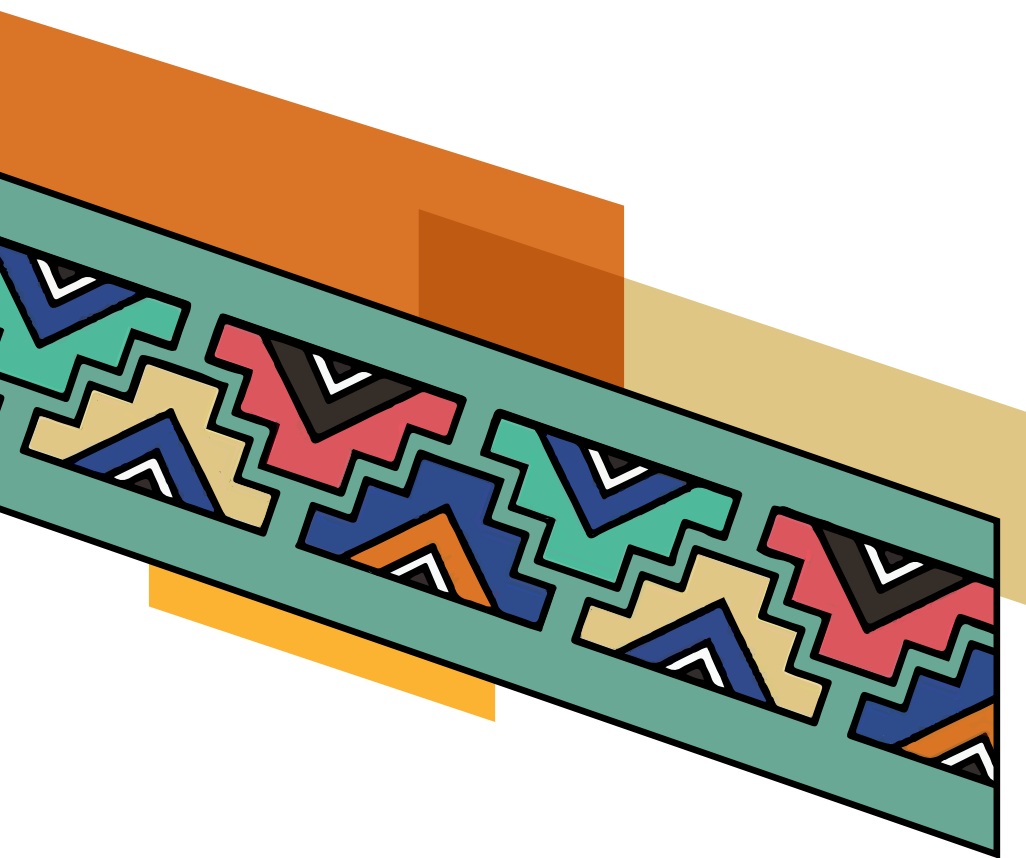
9. INDICATOR TITLE	PERCENTAGE OF MATTERS FINALISED (LABOUR COURT)
<b>Short Definition</b>	<p>The indicator measures the percentage of matters, (trials, opposed / unopposed motions, urgent applications, reviews, pre-trial, admissions, appeals) matters finalised (admitted, granted, dismissed, refused, settled, rule nisi discharged, rule nisi confirmed, withdrawn, matters remitted to CCMA / Bargaining Council, draft order) by the Labour Court.</p> <p>*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.</p> <p>** For Pre-trials proceedings only the finalised (granted and settlements) will be considered and form part of the total data population.</p>
<b>Purpose / Importance</b>	To measure the performance of the Labour Court in relation to the finalisation of labour matters
<b>Source / Collection of Data</b>	Court judgments, court orders, court rolls and manual registers
<b>Method of Calculation</b>	<p>(Number of matters finalised / total case load) x100</p> <p>Total case load = The actual number of matters enrolled during the reporting period</p>
<b>Data Limitations</b>	None
<b>Type of Indicator</b>	Output
<b>Calculation Type</b>	Non-cumulative
<b>Reporting Cycle</b>	Quarterly and Annually
<b>New Indicator</b>	No
<b>Desired Performance</b>	<p>An increase in the percentage of labour matters finalised</p> <p>For the period under review the target is set at 58%.</p>
<b>Indicator Responsibilities</b>	Court Administration Unit

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

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

12. INDICATOR TITLE	PERCENTAGE OF MATTERS FINALISED (LAND CLAIMS COURT)
<b>Short Definition</b>	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.
<b>Purpose / Importance</b>	To measure the performance of the Land Claims Court in relation to the finalisation of matters
<b>Source / Collection of Data</b>	Court rolls, Manual Registers, court judgments and court orders
<b>Method of Calculation</b>	(Number of matters finalised / total case load) x100 Total case load = The actual number of matters enrolled during the reporting period
<b>Data Limitations</b>	None
<b>Type of Indicator</b>	Output
<b>Calculation Type</b>	Non-cumulative
<b>Reporting Cycle</b>	Quarterly and Annually
<b>New Indicator</b>	No
<b>Desired Performance</b>	An increase in the % of matters finalised For the period under review the target is set at 60%.
<b>Indicator Responsibilities</b>	Court Administration Unit

13. INDICATOR TITLE	PERCENTAGE OF RESERVED JUDGMENTS FINALISED (ALL SUPERIOR COURTS)
<b>Short Definition</b>	The indicator measures the percentage of reserved judgments finalised by all Superior Courts.
<b>Purpose / Importance</b>	To measure the percentage of reserved judgments delivered by the Superior Courts within three months after the last hearing.
<b>Source / Collection of Data</b>	Court judgments, Manual Register of reserved judgments, data capturing tools and judicial bench book
<b>Method of Calculation</b>	$(\text{Number of reserved judgments delivered within three months} / \text{total number of reserved judgments delivered}) \times 100$
<b>Data Limitations</b>	None
<b>Type of Indicator</b>	Output
<b>Calculation Type</b>	Non-cumulative
<b>Reporting Cycle</b>	Quarterly and Annually
<b>New Indicator</b>	No
<b>Desired Performance</b>	Speedy delivery of reserved judgments by all Superior Courts (reserved judgments delivered within three months of last hearing).
<b>Indicator Responsibilities</b>	Court Administration Unit



## ANNEXURE B: TECHNICAL INDICATOR DESCRIPTION: REGIONAL COURTS

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

2. INDICATOR TITLE	FINALISED CRIMINAL CASES PER DAY
<b>Short Definition</b>	<p>The proportion of criminal trials finalised by the Regional Court per day.</p> <p>*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)</p>
<b>Purpose / Importance</b>	To measure the performance in relation to the finalisation of criminal cases.
<b>Source / Collection of Data</b>	Court roll, charge sheets, court orders and criminal court books.
<b>Method of Calculation</b>	Number of criminal cases finalised / total cumulative combined court days
<b>Data Limitations</b>	None
<b>Type of Indicator</b>	Output
<b>Calculation Type</b>	Cumulative
<b>Reporting Cycle</b>	Quarterly and Annually
<b>New Indicator</b>	Proxy Indicator
<b>Desired Performance</b>	An increase in the proportion of criminal trials finalised daily.
<b>Indicator Responsibilities</b>	Regional Court Presidents Forum

3. INDICATOR TITLE	DISPOSED CRIMINAL CASES PER DAY
<b>Short Definition</b>	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)
<b>Purpose / Importance</b>	To measure the performance in relation to the finalisation of criminal cases.
<b>Source / Collection of Data</b>	Court rolls, charge sheets, court orders and criminal court books.
<b>Method of Calculation</b>	Number of criminal cases disposed of / total cumulative combined court days
<b>Data Limitations</b>	None
<b>Type of Indicator</b>	Output
<b>Calculation Type</b>	Cumulative
<b>Reporting Cycle</b>	Quarterly and Annually
<b>New Indicator</b>	Proxy Indicator
<b>Desired Performance</b>	An increase in the proportion of criminal matters disposed of daily.
<b>Indicator Responsibilities</b>	Regional Court Presidents Forum

4. INDICATOR TITLE	CRIMINAL CASES CLEARANCE RATE
<b>Short Definition</b>	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.
<b>Purpose / Importance</b>	To help Courts and Judicial Officers to understand whether they complete as many cases as are registered.
<b>Source / Collection of Data</b>	Court rolls, charge sheets, court orders and criminal court books.
<b>Method of Calculation</b>	(Number of criminal cases disposed of / total new cases registered) x 100
<b>Data Limitations</b>	None
<b>Type of Indicator</b>	Output
<b>Calculation Type</b>	Cumulative
<b>Reporting Cycle</b>	Quarterly and Annually
<b>New Indicator</b>	Proxy Indicator
<b>Desired Performance</b>	An increase in the percentage of criminal cases cleared from the roll.
<b>Indicator Responsibilities</b>	Regional Court Presidents Forum

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

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

10. INDICATOR TITLE	PERCENTAGE OF JUDGMENTS RESERVED (REGIONAL COURTS)
<b>Short Definition</b>	The percentage of judgments reserved for longer than three months after the last hearing.
<b>Purpose / Importance</b>	To reduce the number of reserved judgments and ensure timely delivery of reserved judgments.
<b>Source / Collection of Data</b>	Court judgments, manual register of reserved judgments and judicial bench book.
<b>Method of Calculation</b>	(Number of judgments reserved for longer than three months / total number of judgments reserved) x100
<b>Data Limitations</b>	None
<b>Type of Indicator</b>	Output
<b>Calculation Type</b>	Non-cumulative
<b>Reporting Cycle</b>	Quarterly and Annually
<b>New Indicator</b>	No
<b>Desired Performance</b>	Speedy delivery of reserved judgments. Reserved judgments to be delivered within three months of last hearing.
<b>Indicator Responsibilities</b>	Regional Court Presidents Forum

## ANNEXURE C: TECHNICAL INDICATOR DESCRIPTION: DISTRICT COURTS

1. INDICATOR TITLE	PERCENTAGE OF CRIMINAL CASES FINALISED
<b>Short Definition</b>	The percentage of criminal cases finalised  *NB! The following outcomes are regarded as finalised: Cases finalised in terms of Section 115 of the Criminal Procedure Act (with evidence); Section 112(1)(b), section 112(2) and Section 112(1)(a) (without evidence). Also included are cases withdrawal/ struck of roll/ transferred, warrant of arrest issued, referred to Regional Court, referred to High Court, transferred to admission of guilt register and other finalised matters.
<b>Purpose / Importance</b>	To measure the performance of District courts in relation to incoming cases against the ability of the courts to finalise matters per month.
<b>Source / Collection of Data</b>	Court roll, charge sheets, criminal court books.
<b>Method of Calculation</b>	$(\text{Total number of criminal matters finalised} / \text{total number of criminal case load}) \times 100$ <ul style="list-style-type: none"> <li>Total case load = new cases enrolled + re-enrolment of cases + outstanding court roll brought forward from previous month</li> <li>Total number of cases finalised = in terms of Section 115 of the Criminal Procedure Act (with evidence) + Section 112(1)(b) + Section 112(2) + Section 112(1)(a) (without evidence) + withdrawal + struck of roll + transferred + warrant of arrest issued + referred to Regional Court + referred to High Court + transferred to admission of guilt register + other finalised matters.</li> </ul>
<b>Data Limitations</b>	None
<b>Type of Indicator</b>	Output
<b>Calculation Type</b>	Cumulative for the month year end
<b>Reporting Cycle</b>	Annually
<b>New Indicator</b>	Proxy Indicator
<b>Desired Performance</b>	An increase in the proportion of criminal cases finalised per month.
<b>Indicator Responsibilities</b>	Chief Magistrates Forum

2. INDICATOR TITLE	PERCENTAGE OF CHILD JUSTICE PRELIMINARY INQUIRIES FINALISED WITHIN 30 DAYS AFTER DATE OF FIRST APPEARANCE
<b>Short Definition</b>	Percentage of Child Justice preliminary inquiries finalised
<b>Purpose / Importance</b>	This indicator monitors the prompt finalisation of preliminary inquiries in terms of the Child Justice Act
<b>Source / Collection of Data</b>	Court rolls, charge sheets, court orders and criminal court books.  Data collection ICMS: Child Justice
<b>Method of Calculation</b>	$(\text{Total number of preliminary inquiries finalised within 30 days from date of first appearance} / \text{Total number of matters finalised}) \times 100$
<b>Data Limitations</b>	None
<b>Type of Indicator</b>	Output
<b>Calculation Type</b>	Cumulative
<b>Reporting Cycle</b>	Annually
<b>New Indicator</b>	No
<b>Desired Performance</b>	Speedy finalisation of preliminary inquiries in the best interest of children through a reduction of court days utilised to finalise Child Justice preliminary inquiries to adhere to judicial norms and standards
<b>Indicator Responsibilities</b>	Chief Magistrates Forum and DoJ&CD consolidated system report

3. INDICATOR TITLE	PERCENTAGE OF MAINTENANCE MATTERS FINALISED WITHIN 90 DAYS FROM THE DATE OF PROPER SERVICE OF PROCESS
Short Definition	Percentage of Maintenance matters finalised
Purpose / Importance	This indicator monitors the prompt finalisation of maintenance matters in the best interests of children.
Source / Collection of Data	Court rolls, charge sheets, court orders and criminal court books.
Method of Calculation	<p>Percentage of maintenance matters finalised within 90 days from date of proper service            = (Number of maintenance matters finalised within four months from date of proper service / Total number of maintenance matters finalised) * 100</p> <p>Finalisation refers to maintenance applications concluded by the Magistrate through resolved/ disposed/ or closed</p>
Data Limitations	None
Type of Indicator	Output
Calculation Type	Cumulative
Reporting Cycle	Annually
New Indicator	Yes
Desired Performance	Speedy finalisation of maintenance matters in the best interest of children
Indicator Responsibilities	Chief Magistrates Forum

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