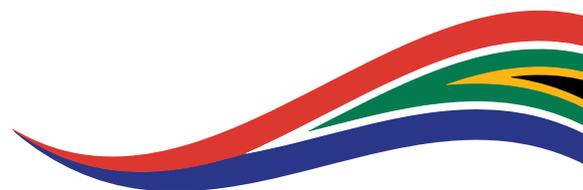
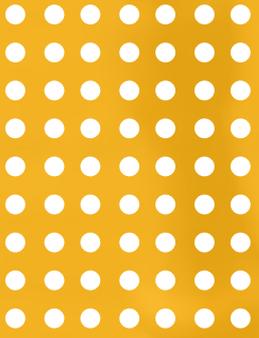




# JUDICIARY ANNUAL REPORT

2019/20







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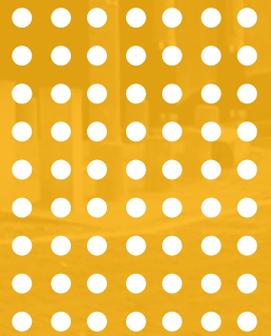
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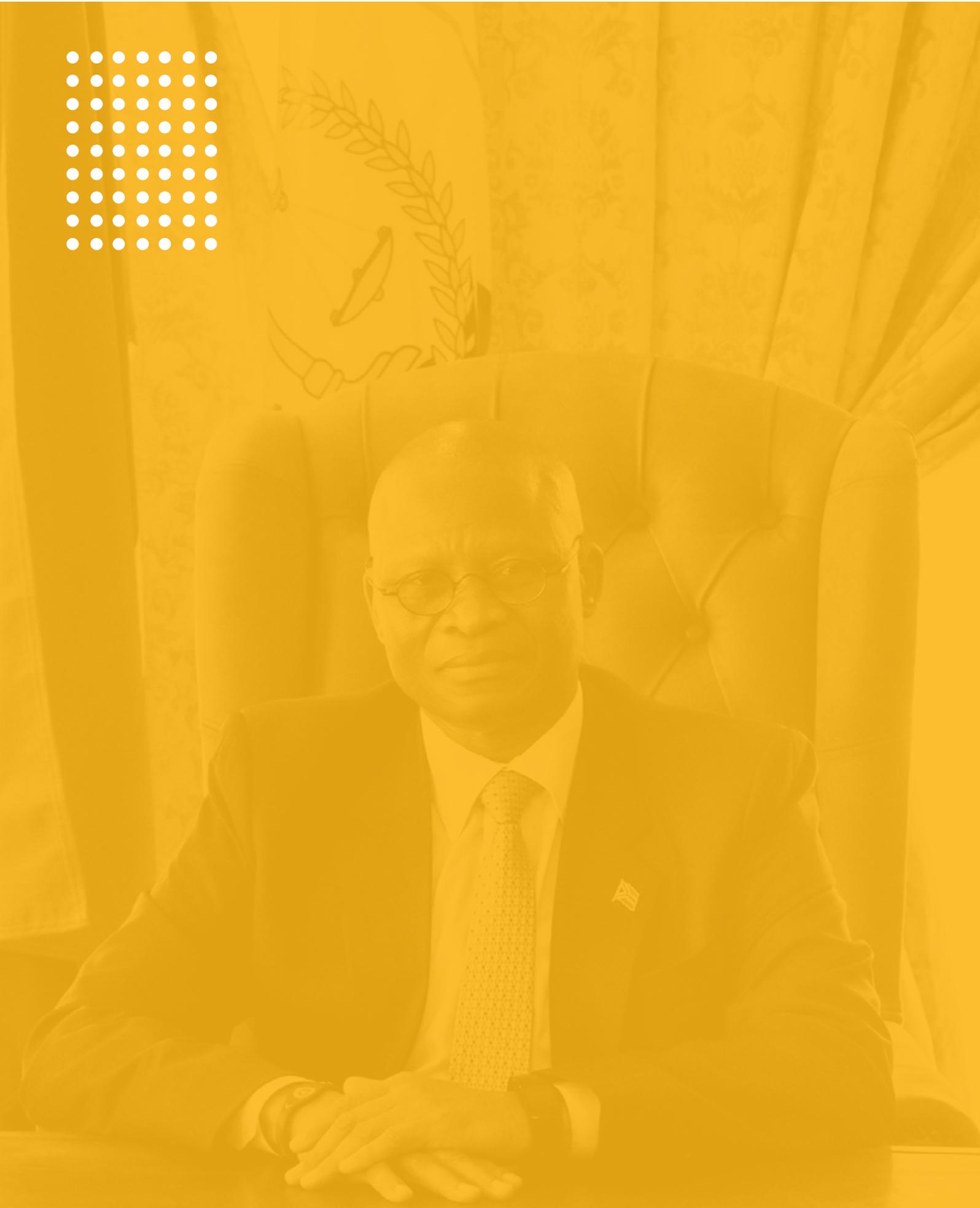
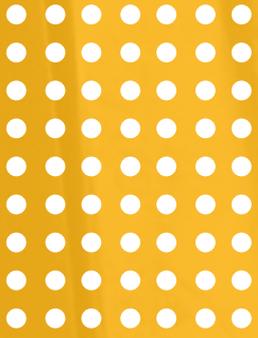
# ABBREVIATIONS

<b>AU</b>	African Union
<b>CCJA</b>	Conference of Constitutional Jurisdictions of Africa
<b>CMF</b>	Chief Magistrates' Forum
<b>CRT</b>	Court Recording Technology
<b>DoJ&amp;CD</b>	Department of Justice and Constitutional Development
<b>ICT</b>	Information and Communication Technology
<b>JAC</b>	Judicial Accountability Committee
<b>JAIT</b>	Judicial and Administrative Information Technology Steering Committee
<b>JCFMC</b>	Judicial Case Flow Management Committee
<b>JCC</b>	Judicial Conduct Committee
<b>JCPS</b>	Justice, Crime Prevention and Security
<b>JOC</b>	Judicial Oversight Committee
<b>JP</b>	Judge President
<b>JSC</b>	Judicial Service Commission
<b>KPI</b>	Key Performance Indicator
<b>NA</b>	National Assembly
<b>NCOP</b>	National Council of Provinces
<b>NEEC</b>	National Efficiency Enhancement Committee
<b>NT</b>	National Treasury
<b>OCJ</b>	Office of the Chief Justice
<b>PEEC</b>	Provincial Efficiency Enhancement Committee
<b>RCPF</b>	Regional Court Presidents' Forum
<b>SAJEI</b>	South African Judicial Education Institute
<b>SAPS</b>	South African Police Service
<b>SCA</b>	Supreme Court of Appeal
<b>SuCA</b>	Superior Courts Act, 2013
<b>SP</b>	Strategic Plan
<b>UN</b>	United Nations
<b>WCCJ</b>	World Conference on Constitutional Justice

# PART A

FOREWORD BY THE  
CHIEF JUSTICE







## FOREWORD BY THE CHIEF JUSTICE

This is the third year of the South African Judiciary reporting on its performance and related issues directly to the public and other key court-process-participants. Comments on our performance, triggered the need to shed light on some of the factors that played an essential role in court performance. A failure to highlight them might lead to an ill-informed and incorrect view of the underlying reasons for Courts' ability or inability to meet their targets.

The workload, equal opportunity, regardless of seniority, to write judgments in complex cases, the number of Judicial Officers in each Court, efficiency-enhancing capacities or resources, the number (panel) of Judicial Officers required to decide a case, the possibility to go on recess, the length of recess and long leave, all have a role to play on whether a particular Court will or will not reach its set performance target.

The overwhelming majority of Magistrates' Courts have a hefty workload to contend with, followed by most Divisions of the High Court and some of the specialist Courts of equivalent status. Some difference-making factors for the latter two are the recess periods, plus long leave, and the possibility to sit in and decide most cases on their own. The Supreme Court of Appeal has a complement of about 25 Judges. The Judges don't all have to sit and decide each case that comes before them. They have the option to sit in panels of three, or at the most five Judges, depending on the nature of the case. As for applications or petitions, they are decided by only two Judges.

A reconsideration of an application for leave to appeal or petition in terms of section 17(2)(f) of the Superior Courts Act is decided by the President of that Court, alone.

The Constitutional Court is the highest Court in the land. Each case enrolled for hearing or application, that is to be disposed of without a hearing, demands the attention of either all eleven (11) Judges or a minimum of eight (8) if others are not available. It is also, even with the decision of the President of the Supreme Court of Appeal, in terms of section 17(2)(f) appealable, but is to be considered by, not the Chief Justice or Deputy Chief Justice alone, but by the entire body of Constitutional Court Judges. It entertains unsuccessful petitions or applications for leave to appeal from the Supreme Court of Appeal. The Constitutional Court therefore entertains all appeals that come from the Supreme Court of Appeal, the Labour Appeal Court, direct appeals from all High Courts and Courts of equivalent status, applications for the possible confirmation of a declaration of constitutional invalidity, which also do not pass through the Supreme Court of Appeal, direct access applications and applications in respect of which the Constitutional Court has exclusive jurisdiction in terms of section 167 of the Constitution. The Apex Court is, unlike other higher Courts, therefore bound to take as long as it often does to finalise cases. Maintaining a strong culture of collegiality and the requirement that eleven or eight independent minds always be brought to bear on all applications occasional delays. It often takes long for Judges who bear the ultimate

responsibility to develop and settle our Constitutional jurisprudence to iron out their differences. Clothing the Constitutional Court with a much wider jurisdiction in 2013 inevitably led to a progressive rise in the number of cases, which contributed to longer delays.

All of the above differentials explain why the Electoral Court and the Competition Appeal Court perform so fantastically compared to all other Courts. This context and a reasonably informed analysis should enhance a well-meaning reader's understanding of Court operations and our Annual Accountability Reports.

On the occasion of presenting the 2018/2019 Judicial Accountability Report, I indicated that we were unable to share a performance report for the Magistracy. I announced that a "new development in the Report was the inclusion of Key Performance Indicators for the Regional and District Courts". And, that "the sheer scope of their workload would require more time to develop a bespoke performance measuring tool". It bears reiteration, that based on the number of Magistrates' Courts, both Regional and District, and the huge volume of cases handled by that tier of the Judiciary, more time was needed to develop the necessary capacities for a customised performance monitoring and evaluation system or tools.

On page 31 of the 2018/2019 Judiciary Annual Report, we listed the Key Performance Indicators for the Magistrates Courts as adopted at a Workshop facilitated by the Judicial Accountability Committee for the Magistrates. We indicated that we would report on the tools which would facilitate the monitoring of the indicators in the 2020/2021 Judiciary Annual Report. Thankfully, the leadership of the Magistracy has ensured that the performance of the Magistrates' Courts forms part of the 2019/2020 Annual Judiciary Accountability Report. Admittedly, this is a work in progress.

It is necessary to repeat our proposal for the adoption of some of the measures that could help alleviate the plight of victims of gender-based violence and strengthen the fight against this scourge even more. That, as we said, should include public awareness campaigns by people who are knowledgeable in responding to, and reporting these offences, the revitalisation, capacitation and establishment of more Thuthuzela Centres; the establishment of a focused, appropriately sensitised and well-trained unit of Investigators and a similarly equipped pool of Prosecutors to deal primarily, or exclusively with sexual offences or gender-based violence cases. Judicial Officers must be specially trained, possibly like their French counterparts, on the investigation and further handling of these cases. In sum, Sexual Offences Courts must in reality be endowed with the critical capacities or resources and be fit for purpose. This still needs to be done.

We reaffirm the undeniable reality that Prosecutors do not convict and cannot therefore, be assessed on the basis of a high or low conviction rate. It takes a credible witness, a competent and diligent Investigating Officer, Prosecutor and Judicial Officer to convict. Even then, the Constitutional mandate of Prosecutors is not to secure a conviction by any means necessary. It is to ensure that justice is done – conviction or acquittal. It is just as unpractical to use Court hours as a yardstick for performance. Court performance is not so much about the number of hours spent in Court, as it is about what is actually being done during that period. This is not to trivialise concerns about people not being in Court when they should, but to caution against over-rating Court hours as a yardstick for performance. Meaningful Court work is about finalising cases in a speedy and fair way, without compromising the quality of the service rendered. The National Prosecuting Authority must therefore re-examine its performance measurement system or tools and put forward objectively defensible suggestions. It does not matter who developed these tools, who believes they are right, which other jurisdictions have been using them and for how long. They are flawed, at odds with practical realities and deny witnesses, the police and the Judiciary their role in securing convictions which are warranted.

All along, the Judicial Case Management system that constitutes one of the best practices we have adopted, was not properly catered for in the Uniform Rules of Court. As a result, we initiated the amendment of these Rules to make provision for a full-scale implementation of this efficiency and effectiveness-enhancing system. This amendment took effect on 31 May 2019.

Our notion of accountability goes way beyond the performance of individual Higher Courts, Regions or Clusters. It extends to the conduct of individual Judges or Magistrates. Although disciplinary matters fall under the jurisdiction of the Judicial Service Commission and the Magistrates' Commission, which account separately on their performance, this Report would be incomplete without an update on at least some of the complaints of alleged misconduct that have been before the JSC in particular, for many years. One of them is the Judge Motata matter which has at long last been disposed of. The matter of Judges Preller, Poswa, Mavundla and Webster has, barring allegations against Judge Webster, who has been unwell and could not participate, also been finalised by the Judicial Conduct Tribunal. It is now in its final stages and the Tribunal recommendations are being considered by the Judicial Service Commission.

The only outstanding matter that has been before our disciplinary structures for well over a decade is that of Judge President J.M. Hlophe. Hopefully, it will not be hamstrung again by litigation and postponements. It must, however be said that Judge Joop Labuschagne and two Members of the Tribunal

are seized with that matter. They enjoy full independence in its processing and disposal. We, particularly Judicial Officers, in active service or retired, lawyers and other responsible thought-leaders, would do well not to make statements that create the incorrect and inadvertently misleading impression that there is something the JSC or the Chief Justice could have done, or can still do to accelerate the progression of these kind of matters, even in the face of litigation or justifiable postponements. It bears emphasis, having made the point to the public and the media last year, no Constitutional or legal power exists to interfere with such a processes.

Similarly, there is no power to remove leaders or interfere with the running of the Western Cape High Court or any High Court, absent a Judicial Conduct Committee-informed decision that points to, or paves the way for that to be done.

The lockdown highlighted several critical challenges, which impacted negatively on the independence of the Judiciary and its possibility not only to preserve that independence, but to also execute its Judicial and administrative functions more effectively and efficiently. Those challenges are the absence of full-blown Court modernisation, rule-making authority and a Judiciary-led independent Court administration.

Starting with Court modernisation, each Provincial Executive Council and Legislature, presumably has its own stand-alone IT infrastructure as is the case with their national "equivalents". The same probably applies to municipalities, most likely the metropolitans. Not so with the Judiciary. There can be no acceptable explanation for excluding another arm of the State in circumstances where Court modernisation would undoubtedly help to accelerate case progression and finalisations, reduce backlogs and significantly improve access to justice.

For years now, we have been working hard to get our Courts to the point where they would be able to function more effectively and efficiently. And Court informatisation or modernisation has been identified as a critical feature of that project. Very little progress has been and could be made, owing to underfunding and SITA's initial inability to help us progress beyond having a concrete plan in place. The SITA blockages have since been removed. It is time to advance past the effectually-circumscribed case lines experimentation

stage, and progress towards implementing the pre-existing comprehensive and futuristic Court automation master plan in terms of which we have always intended to run our Courts. Funding for its implementation has, presumably owing to budgetary constraints, been rather closefistedly released. As soon as the national kitty permits, and the essentiality of full-scale Court modernisation is appreciated, it would hopefully be prioritised for proper funding and implementation. Had this been done as early as we have asked, access to justice and Court operations would have been very smooth, and cases would not have piled-up as much as they have, during the lockdown.

Because Courts are an essential service, we did everything reasonably practicable to keep them open with the limited resources and facilities at our disposal. For the first time, we held virtual Court hearings. Appellate Courts fared well, but not so with Trial Courts, who constitute the major part of our Court System. The IT infrastructure to run trials is sorely needed. That said, we did our best to facilitate access to justice under very difficult circumstances.

The weakness borne out of the intertwinement, at times conflation, of the role of the Executive and the Judiciary in the running of the Courts became even more apparent when Directives for the functioning of the Courts had to be settled. At times, two sets of Directives were issued – one by the Chief Justice and the other by the Minister of Justice and Correctional Services. Given this fluidity of guiding roles, some Judicial Officers and practitioners were initially left uncertain, to say the least, as to which Directives were to be followed, particularly in the event of conflict. Thankfully, the Judiciary found a Constitutionally-permissible way of managing the challenge and proceeded accordingly. Heads of Court, Regional Court Presidents and Cluster Heads commendably crafted Directions to steer the ship through uncharted waters.

This experience, points to the need to resolve the underlying problems and links-up neatly with the need for the Judiciary to have rule-making authority. For, where Court rule-making authority reposes could either strengthen or weaken Judicial independence and the efficiency and effectiveness of the Courts.<sup>1</sup> And the solution lies in reverting to the 1965 position where the Judiciary had the authority to make rules that

<sup>1</sup> See section 165 of the Constitution which reads:

**"165. Judicial authority–**

- (1) The Judicial authority of the Republic is vested in the Courts.
- (2) The Courts are independent and subject only to the Constitution and the law, which they must apply impartially and without fear, favour or prejudice.
- (3) No person or organ of State may interfere with the functioning of the Courts.
- (4) 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.
- (5) An order or decision issued by a court binds all persons to whom and organs of State to which it applies.
- (6) 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."

regulated its core responsibility – the functioning of the Courts. After all, identifying the need for and crafting Court rules is the forte of Judicial Officers as evidenced by the leading role they play in the Rules Board. That restoration of lost authority would help address challenges relating to the delays attendant to rule-making.

Added to this is the need for the Judiciary's institutional independence. We place a high premium on competence and integrity and would therefore want to have a meaningful say in the suitability of those who are to help us operate smoothly. We need to ensure that administrative responsibilities pertaining to the Judiciary are somewhat insulated from external influence. Institutional independence would also eliminate the blurred accountability lines between the OCJ and the Judiciary on the one hand and the OCJ and the Executive on the other. This could be done by adopting the American, Russian or Kenyan-type of Court administration model that is led and controlled by the Judiciary, as a truly independent arm of the State.

In conclusion, the lockdown period has been challenging but loaded with invaluable lessons. I can't thank fellow leaders, in the Superior Courts and the Magistrates' Courts, enough for their understanding and cooperation as well as their principled and firm approach to the management of these unprecedented challenges. My heartfelt gratitude also goes

to all other colleagues in the Judiciary for their hard work and support in these trying times. So too to the Secretary General, Ms M. Sejosengwe, and her OCJ team for their diligence and insistence on compliance with the prescripts whenever State resources are to be deployed, regardless of whether the Chief Justice or another Judicial Officer is involved.

I also thank them for always sensitising Judicial Officers to the need to keep a critical distance from OCJ-related contractual issues and from direct involvement with potential or already-contracted service providers. As a result, we again have a great pleasure to congratulate the SG and the OCJ for another clean audit in a row, at the time when this has become a rarity in Government.

On behalf of all my colleagues, it is a great privilege for me to present the 2019/2020 Judiciary Annual Report to the South African public.

  
**Mogoeng Mogoeng**  
**Chief Justice of the Republic of South Africa**



# SOUTH AFRICAN JUDICIARY

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

All persons and organs of State are barred from interfering with the functioning of the Courts and organs of State, through legislative and other measures, are instructed to assist and protect the courts to ensure the independence, impartiality, dignity, accessibility and effectiveness of the courts.

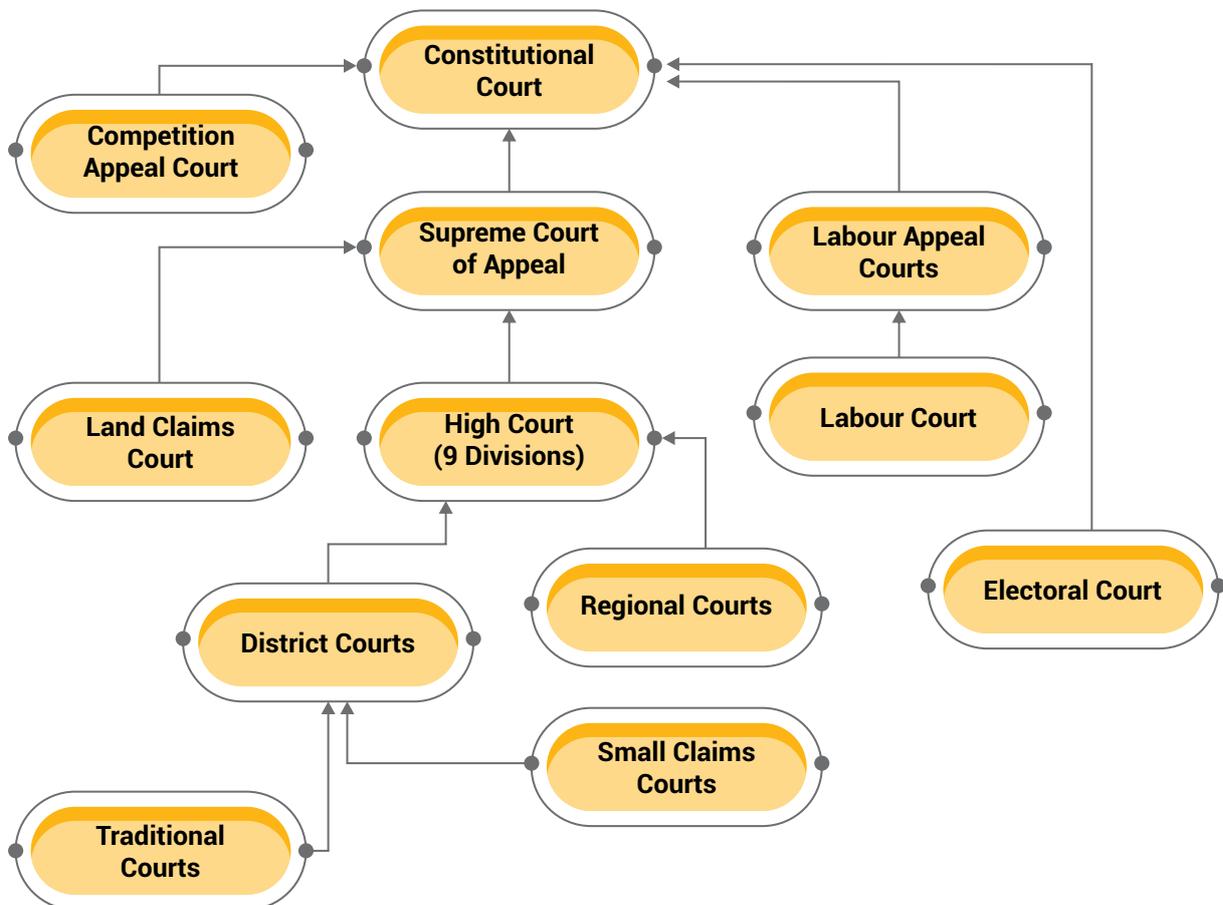
An order or decision issued by a court binds all persons to whom and organs of State to which it applies.

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

Section 166 of the Constitution lists the courts as follows:

- i. The Constitutional Court;
- ii. The Supreme Court of Appeal;
- iii. The High Courts, including any high court of appeal that may be established by an Act of Parliament to hear appeals from High Courts; and
- iv. The Magistrates' Courts and any other court established or recognised in terms of an Act of Parliament, including any court of a status similar to either the High Courts or the Magistrates' Courts.

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



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

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

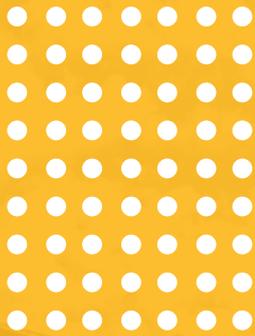
Each Head of Court is further supported by a Deputy with the Exception of the Electoral Court, Competition Appeal Court and Land Claims Court.

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

The Superior Courts Act stipulates that the management of the judicial functions of each court is the responsibility of the Head of that Court. The Judge President of a Division is also responsible for the co-ordination of the judicial functions of all Magistrates' Courts falling within the jurisdiction of that Division. The Heads of the various Courts will manage the judicial functions and ensure that all Judicial Officers perform their judicial functions efficiently.

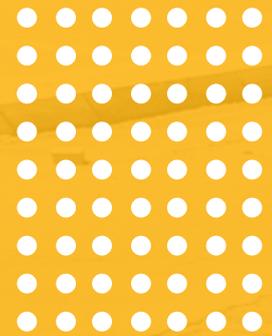
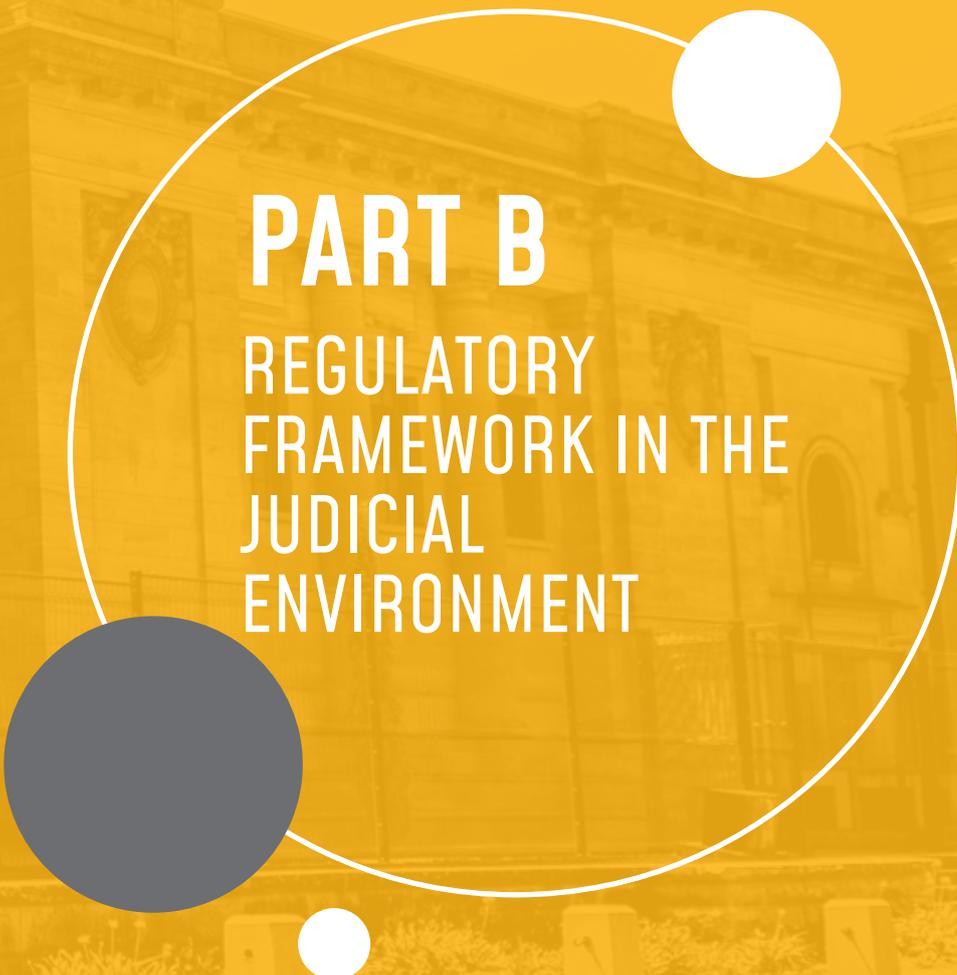
The Office of the Chief Justice (OCJ) as national government department was established to ensure that the Chief Justice can execute his mandate as both the Head of the Constitutional Court and the Head of the Judiciary; to enhance the institutional, administrative and financial independence of the Judiciary;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





# PART B

## REGULATORY FRAMEWORK IN THE JUDICIAL ENVIRONMENT



# REGULATORY FRAMEWORK IN THE JUDICIAL ENVIRONMENT

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

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 Judiciary is independent and subject only to the Constitution and the law. Section 165(6) of the Constitution of the Republic of South Africa, 1996 read with Section 8(2) of the Superior Courts Act, 2013, provides that the Chief Justice is the Head of the Judiciary and exercises responsibility over the establishment and monitoring of the Norms and Standards for the exercise of judicial functions of all Courts.

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

Section 85 of the Constitution vests the executive authority of the Republic in the President, which he or she exercises together with other members of the Cabinet.

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.

Section 197(1) of the Constitution determines that within public administration there is a public service for the Republic, which must function, and be structured, in terms of national legislation, and which must loyally execute the lawful policies of the government of the day.

In terms of section 55, 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 does not include a court or a Judicial Officer.

This clearly excludes the Judiciary from the National Assembly's powers of oversight.

## Superior Courts Act, 2013

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

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

Section 9 provides that Superior Courts may have recess periods as may be determined by the Chief Justice in consultation with the Heads of Court and the Minister in order to enable Judges to do research and to attend to outstanding or prospective judicial functions that may be assigned to them. During each recess period, the Head of each Court must ensure that an adequate number of Judges are 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 Constitution of the Regulations on the Criteria for the Determination of the Judicial Establishment of the Supreme Court of Appeal and Divisions of the High Court of South Africa, 2015, made in terms Section 49(1)(b) of the Superior Courts Act, 2013, any determination of the number of Judges at such Courts, must be considered with due regard to court performance statistics and information relating to the performance of judicial functions.

## Norms and Standards for the Performance of Judicial Functions

In February 2014, the Chief Justice, pursuant to the constitutional imperative contained in section 165 of the Constitution and in section 8 of the Superior Courts Act, enacted Norms and Standards for the performance of judicial functions with the unanimous support of the Heads of Court. These Norms and Standards seek to achieve the enhancement of access to quality justice for all, to affirm the dignity of all users of the court system and to ensure the effective, efficient and expeditious adjudication and resolution of all disputes through the Courts, where applicable.

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

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

## Judicial Service Commission Act, 1994 and Regulations

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

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

Section 8 of the Judicial Service Commission Act, 1994, provides for the establishment and composition of the Judicial Conduct Committee (JCC) to receive, consider and deal with complaints against a Judges. A Code of Judicial Conduct was adopted in terms of Section 12 of the Judicial Service Commission Act, 1994. The purpose of the Code is to serve

as the prevailing standard of judicial conduct, which Judges must adhere to.

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

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

In terms of Article 10(2) of the Code of Judicial Conduct, a Judge must deliver all reserved judgments before the end of the term in which the hearing of the matter was completed, but may, in respect of a matter that was heard in two weeks of the end of that term; or where a reserved judgment is of a complex nature or for any other cogent and sound reason and with the consent of the Head of the Court, deliver that reserved judgment during the course of the next term.

## Disclosure of Judges' registrable interests

Judges are legislatively required to disclose particulars of all their registrable interests and those of his or her immediate family members to the Registrar of Judges' Registrable Interests to enhance transparency, accountability of and public confidence in the Judiciary. The Registrar is the custodian of the Register of Judges' Registrable Interests.

Section 6(2)(c) of the Judicial Service Commission Act, 1994, requires the JSC annually to submit a written report to Parliament for tabling. The report must include amongst others, all matters relating to, including the degree of compliance with, the Register of Judges' registrable interests as reported by the Registrar.

Regulation 5 (5) of the Regulations on Judges' Registrable Interest (made in terms of Section 13(8) of the Judicial Service Commission Act, 1994, (the Regulations), stipulates that the Registrar must, for the purpose of indicating the degree of compliance with the Register in the annual report of the JSC, also furnish the JSC with the names of those Judges in active service who have disclosed interests of their family members. Regulation 3 (2) requires that a Judges must lodge the first disclosure with the Registrar within 30 days of his or her

appointment as a Judge. In the 2019/2020 financial year, a total of 12 Judges were appointed and they all disclosed their registrable interests within the time prescribed by the Regulations.

The disclosed interests have since been entered in the Register of Judges' Registrable Interests as per section 3 (3) of the Regulations and Judges have been provided with 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.

For the current reporting period, there were 246 Judges in active service and 240 of these disclosed their registrable interest on or before the 31 March 2020 closing date as determined by the Regulations.

A total of 6 Judges did not disclose their registrable interests during March 2020. The total number of Judges per affected Divisions were Gauteng one (1), Western Cape four (4) and Eastern Cape one (1). The six (6) outstanding disclosures were later submitted within the grace period provided in Regulation 3(7).

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

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

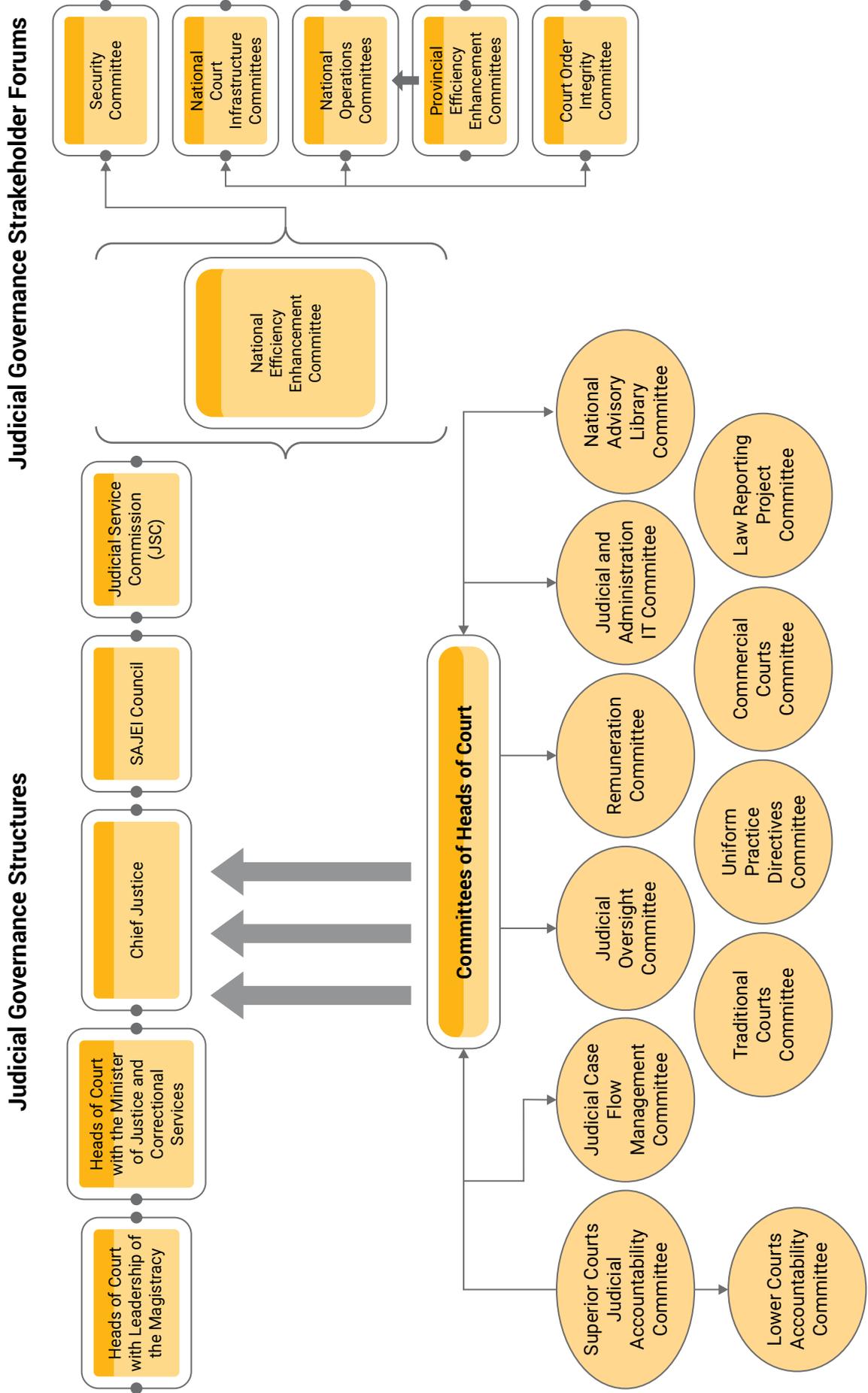
## The South African Judicial Education Institute Act, 2008

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

# PART C

## GOVERNANCE FRAMEWORK OF THE JUDICIARY

# Governance framework of the Judiciary



COMMITTEE	MANDATE AND COMPOSITION	
HEADS OF COURT		
<b>HEADS OF COURT</b>	<p>The Heads of Court meeting is the highest decision making body of the Judiciary and allows for the judicial leadership of the Superior Courts to discuss and make resolutions affecting the Judiciary and the Courts. The Heads of Court meeting is an important forum for decision making and communication between the Chief Justice and the leaders of the Superior Courts and that channel of communication has, since the enactment of the Superior Court Act, become increasingly important in determining the strategic direction of the Judiciary.</p> <p>The Chief Justice and the Heads of Court have established subject-matter committees that evaluate and recommend national policies and legislation on all aspects of judicial administration in order to fully prepare it for a Judiciary-led Court Administration. The Heads of Court appoint and mandate Judges to serve on these committees. These committees are assigned to develop policy on such matters as budget, judicial case flow management, Court performance reporting, automation and technology and court efficiency on both a national and a provincial level.</p>	<p>The meeting is chaired by the Chief Justice. The Head of each of the Superior Courts, or a Judge delegated to attend in their stead, attend the meeting. The Secretary-General of the OCJ, the CEO of SAJEI, and selected OCJ EXCO members attend the meeting in support of the Heads of Court.</p>
<b>JUDICIAL ACCOUNTABILITY COMMITTEE SUPERIOR COURTS</b>	<p>The Chief Justice and the Heads of Court resolved that the Judiciary should be responsible for setting its own performance indicators and targets for the purpose of accountability; evaluating its own performance and identifying areas that require improvement. The Heads of Court resolved to set up a sub-committee on Judicial Planning; Reporting and Accountability to address the following issues, inter alia (a) what should Judges do to improve court performance; (b) what is the most effective way of gathering statistics; (c) how should the Judiciary communicate effectively its work to the public (progress made; the challenges and the required resources); and (d) how best the Judiciary can ensure that they review their targets on an on-going basis.</p>	
<b>JUDICIAL ACCOUNTABILITY COMMITTEE FOR THE MAGISTRATES' COURT</b>	<p>At the March 2017 meeting of the Chief Justice and the leadership of the Magistracy, the Chief Justice expressed the need for him to receive reports on court performance at the Magistrates' Courts. He requested the Leadership of the Magistracy to provide the following information on court performance at Regional and District Court level for criminal matters; civil matters or any other matter. He highlighted the need for these reports to address: (a) number of cases received by all Magistrates' Courts; (b) number of cases finalised; (c) number of cases not finalised; (d) reasons for not finalising the cases; (e) status of the backlogs; and (f) period of the said backlogs.</p>	
<b>MEETING OF THE CHIEF JUSTICE WITH THE LEADERSHIP OF THE MAGISTRACY</b>	<p>The Chief Justice, the Heads of Court with the leadership of the Magistracy, meet twice a year and which allows for the Judicial leadership of the Superior Courts, Regional Courts and District Courts to discuss and make resolutions on matters of mutual interest.</p>	<p>The meeting is chaired by the Chief Justice. The Judges President of the Superior Courts, the Regional Court Presidents and the Administrative Heads of the District Courts are members of this forum. The Secretary General of the OCJ, the CEO of SAJEI, and selected OCJ EXCO members attend the meeting in support of the Heads of Court as well as officials of the Department of Justice and Constitutional Development.</p>

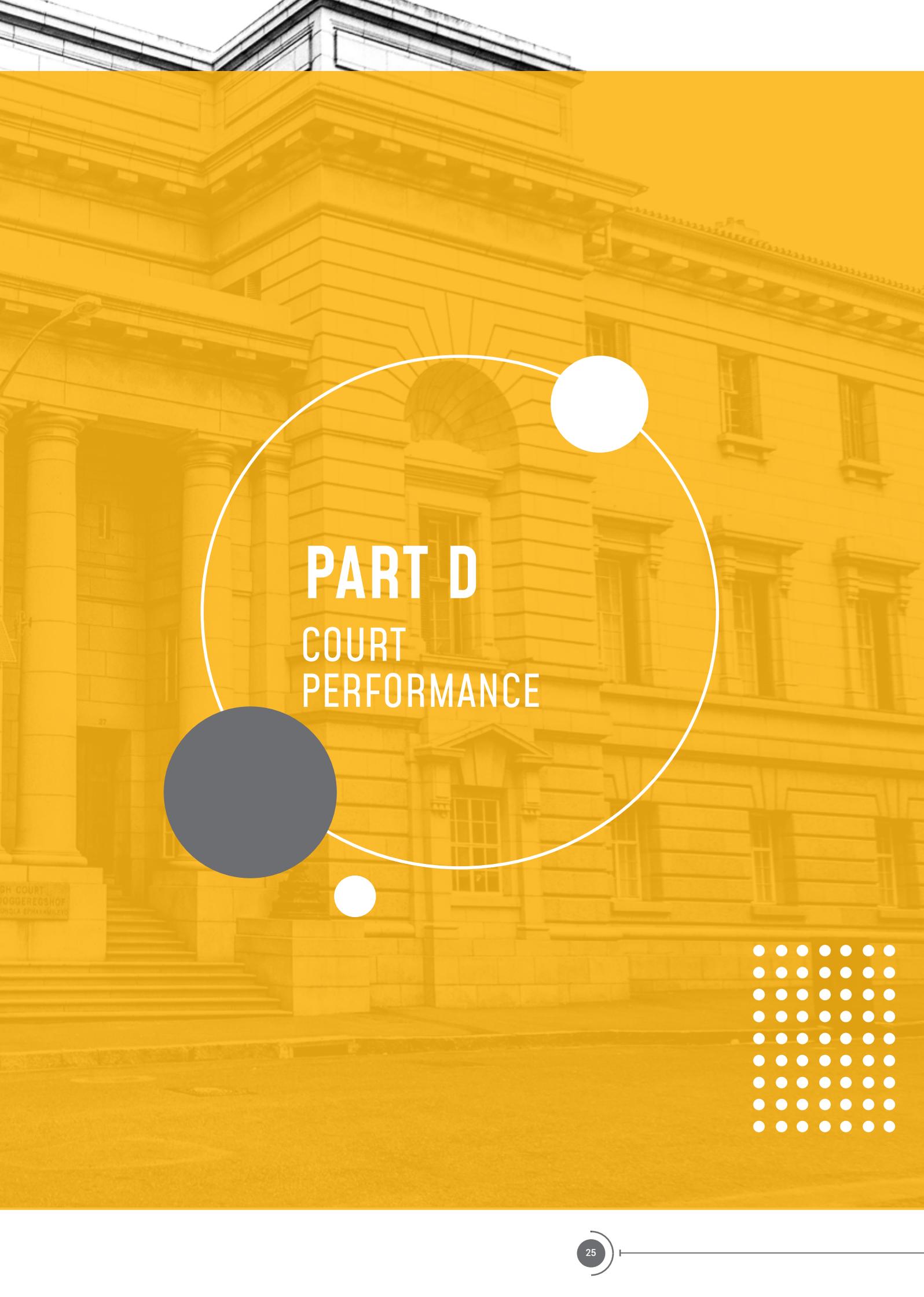
COMMITTEE	MANDATE AND COMPOSITION	
HEADS OF COURT		
<b>JUDICIAL CASE FLOW MANAGEMENT COMMITTEE</b>	<p>The Judicial Case Flow Management Committee (JCFMC) was established in 2011 and serves as a subcommittee of the Heads of Court. Its purpose is to develop the necessary strategies and take the necessary steps to implement management of the flow of civil cases in the Superior Courts by Judges. Its objective is to ensure that the assignment and allocation of cases to a Judicial Officer at the earliest opportunity and the responsibility of that Judicial Officer to manage the flow of that case in an efficient and effective manner, results in the speedy finalisation of cases. The Committee is Chaired by retired Deputy President K K Mthiyane and a representative from each of the Specialised Courts and Division of the High Court.</p>	
<b>JUDICIAL OVERSIGHT COMMITTEE</b>	<p>The Judicial Oversight Committee (JOC), which is a Heads of Court Sub-Committee, was established to assist the Heads of Court in exercising oversight over the Office of the Chief Justice (OCJ) Executive Committee (EXCO) between the Heads of Court meetings. It also acts as advisory body to the OCJ EXCO.</p> <p>The powers of the JOC are to act in accordance with the directives of the Heads of Court; Consider the following in relation to the OCJ: (i) Quarterly financial reports; (ii) Quarterly performance information reports; (iii) Annual report; (iv) Strategic plans; (v) Annual Performance Plans (APPs); (vi) Internal Audit reports and (vii) the budget of the OCJ as prepared by Management; Consider reports from the OCJ business units and oversight bodies such as the Audit and Risk Committee (ARC) and the Auditor-General South Africa (AGSA); and deal with any other issues emanating from the Heads of Court resolutions.</p>	
<b>NATIONAL ADVISORY LIBRARY COMMITTEE</b>	<p>The National Advisory Library Committee was established to review the current library services operations, make recommendations for improvements and monitor implementation in order to ensure effective and efficient management of library services in all Courts. The committee reports to the Heads of Court.</p>	<p>This committee is chaired by a Head of Court and its membership is made up as follows: a Justice and Librarian from Constitutional Court; a Justice and Librarian from Supreme Court of Appeal; a Judge and Librarian of each Division of the High Court, a Regional Court President; a Cluster Head (District Courts); OCJ official, DOJ&amp;CD officials, a representative of the State Attorney; a representative of the South African Law Reform Commission; a State Law Advisor; a representative of Justice College; an official from the Master's Office; representatives of the Lower Courts Libraries.</p> <p>Library Services are provided to the Superior Courts by the Department of Justice and Constitutional Development (the DoJ&amp;CD) as a shared service since the transfer of the administration of the Superior Courts to the OCJ in October 2014.</p>
<b>LAW REPORTING PROJECT</b>	<p>The Heads of Court resolved that a Law Reporting Unit for the Judiciary be established in order to curb escalating costs arising out of the commercialization of the law reports and to provide library services which are easily accessible to the Judiciary. The mandate of this Unit will be to establish in-house law reporting for use by the Judiciary. This will facilitate the institutionalization of law reporting by the Judiciary and the publication of Law Reports.</p>	
<b>JUDICIAL COMMUNICATIONS COMMITTEE (JCOM).</b>	<p>At the Heads of Court meeting in 2015, the Chief Justice identified the need for the establishment of a committee of Judges to develop a communication strategy for the Judiciary, and to engage directly with communication matters relating to the Judiciary and all other matters relating to its functions, constitutional mandate and independence. A Head of Court leads this committee, supported by the Spokesperson for the Judiciary and officials of the OCJ Communications Unit. The Judiciary Newsletter can be found on the following address: <a href="https://www.judiciary.org.za/index.php/news/newsletter">https://www.judiciary.org.za/index.php/news/newsletter</a>.</p>	

COMMITTEE	MANDATE AND COMPOSITION
HEADS OF COURT	
<b>JUDICIARY AND ADMINISTRATION ICT STRATEGY STEERING COMMITTEE (JAIT STRATEGY STEERING COMMITTEE)</b>	JAIT was established in 2013 and the purpose of the Committee is to provide direction and oversight over the use of ICT as a strategic enabler of an effective and efficient Judiciary and its Administration, in order to improve access to justice. JAIT was tasked to prioritise major ICT enabled initiatives in line with the strategic direction of the Judiciary and its Administration and to monitor and evaluate the implementation and business benefits realization of major ICT initiatives on behalf of the Judiciary and its Administration. JAIT reports directly to the Chief Justice and the Heads of Court.
<b>NATIONAL COURT INFRASTRUCTURE COMMITTEE (NCIC)</b>	At the meeting between the Chief Justice, Heads of the Superior Courts and Leadership of the Magistracy, held in October 2016, serious concerns were raised regarding the state of infrastructure at the Courts. The meeting resolved that a committee be established to monitor and advise on all infrastructure projects at all courts and prepare a comprehensive report relating to all infrastructural challenges affecting Superior Courts and Lower Courts nationally for the Chief Justice. The facilities management function (provision and maintenance) has been retained by the DoJ&CD along with all the funding and resources to manage facilities and infrastructure challenges at the Superior Courts. The Department of Public Works and Infrastructure is responsible for infrastructure capital maintenance and the budget for such is with that department.
<b>SECURITY SUBCOMMITTEE</b>	The Security Committee was established by the Heads of Court emanating from concerns raised by the Judiciary relating to security at Superior Courts and that of Judicial Officers. The establishment of the Committee was approved by the meeting of the Heads of Court held during April 2016. The Committee is mandated to address the general challenges from the respective Divisions where security as a service influenced the effective and efficient functioning of the Courts. The Committee must further make recommendations and advise the Heads of Court on matters pertaining to security at the Courts.
<b>REMUNERATIONS COMMITTEE</b>	The Remuneration Committee consolidates inputs from the Judiciary on matters concerning the salaries, allowances and benefits of Judges. These recommendations are then considered by the Heads of Court and on adoption are forwarded to the Independent Commission for the Remuneration of Public Office Bearers. This Commission annually publishes in the Gazette recommendations concerning: the salaries, benefits and allowances of Judges, amongst other public office bearers, the upper limits of the salaries, benefits and allowances, and the resources which are necessary to enable Judges to perform their office-bearer's functions effectively.
<b>TRADITIONAL COURTS</b>	The committee was established to deal with: (i) all issues raised on Traditional Courts; (ii) how Traditional Courts could benefit the Justice System; (iii) training Traditional Leaders on their constitutionally compliant Judicial responsibility; and (iv) what the Judiciary is currently doing in relation to Traditional Courts.
<b>UNIFORM AND CONSOLIDATED PRACTICE DIRECTIVES</b>	The committee is mandated to lead a project relating to the consolidation of all practice directives with a view to develop uniform practice directives.
<b>COMMERCIAL COURTS</b>	The Committee was established to conduct a research study on Commercial Courts established in various jurisdictions and recommend the best model for the potential establishment of Commercial Courts in South Africa; to study a model on e-Commerce Courts; Internet Courts and Financial Courts and recommend how this model could be adopted in the South African context.

COMMITTEE	MANDATE AND COMPOSITION	
HEADS OF COURT		
11.2 STAKEHOLDER FORUMS		
<b>NATIONAL EFFICIENCY ENHANCEMENT COMMITTEE (NEEC)</b>	<p>The NEEC was established to prioritise and improve the efficiency and effectiveness of the justice system to ensure the delivery of quality justice to all. The NEEC is mandated to bring together, at the highest level, the leadership of the Judiciary, the Executive and other stakeholders, to work together in order to enhance performance and outcomes in the delivery of quality justice. The NEEC must address the identified shortcomings in the justice system and develop improvement and implementation plans to enhance the level of performance of each stakeholder.</p>	<p>The NEEC is chaired by the Chief Justice and its membership comprises of: The Heads of the Superior Courts, the Regional Courts Presidents, the Administrative Heads of the District Courts, the OCJ, the DoJ&amp;CD; the National Prosecuting Authority, General Council of the Bar, Law Society of South Africa, Legal Aid South Africa, Department of Social Development; South African Police Service (SAPS), Department of Public Works (DPW), Department of Health, Department of Correctional Services (DCS), Road Accident Fund, and the Sheriffs Board.</p>
<b>PROVINCIAL EFFICIENCY ENHANCEMENT COMMITTEE (PEEC)</b>	<p>The PEECs, established in 2013, duplicate the structure of the NEEC at provincial level and are chaired by the Judge President. Represented at the PEEC are the same stakeholders who constitute the NEEC membership but are represented by the leadership in the respective Provinces. PEECs have been mandated to monitor the following:</p> <ol style="list-style-type: none"> <li>1 <b>Challenges:</b> Addressing those challenges identified by stakeholders in the Province.</li> <li>2 <b>Addressing NEEC priorities and concerns:</b> Priorities and concerns best addressed and attended to by the PEEC will be referred to them by the NEEC for further action and resolution.</li> </ol> <p>These priorities have been expressed through the addition of the following standing items on all PEEC Agendas:</p> <ul style="list-style-type: none"> <li>• Training initiatives of all stakeholders. The need for training and in house training programmes at court or Division level, identified by the NEEC as a priority, should be implemented by the PEEC;</li> <li>• The Use of the Audio Visual Remand system (AVRs) – monitoring of the use of the AVR system as well as the identification of challenges in the implementation of the system;</li> <li>• Case flow management – challenges and interventions;</li> <li>• Remand detainees in custody for longer than 2 years. These reports from the Department of Correctional Services and Legal Aid South Africa are currently shared with all PEECs; and</li> <li>• Statistics of court performance by all stakeholders..</li> </ul> <ol style="list-style-type: none"> <li>3 <b>Resources and Capacity:</b> Identify and address resource and capacity requirements/ constraints in the Province.</li> <li>4 <b>Improvement plans:</b> Develop improvement and implementation plans to enhance the level of performance required of each stakeholder.</li> <li>5 <b>Escalation:</b> Where the PEEC is unable to resolve challenges or constraints identified by stakeholders OR any other shortcomings, bottlenecks or efficiencies relating to the proper functioning of the Courts, these should be escalated for the attention of the NEEC.</li> </ol> <p>The PEECs have also been mandated to recommend policy amendments or developments to the NEEC where necessary.</p> <p>The PEEC structures have been replicated on District and Regional Court level and are known as the District Efficiency Enhancement Committee (DEEC) and Regional Efficiency Enhancement Committee (REEC).</p>	

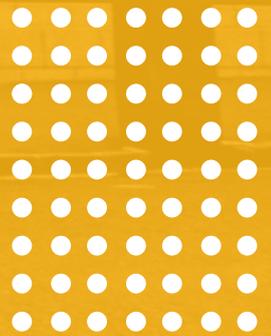
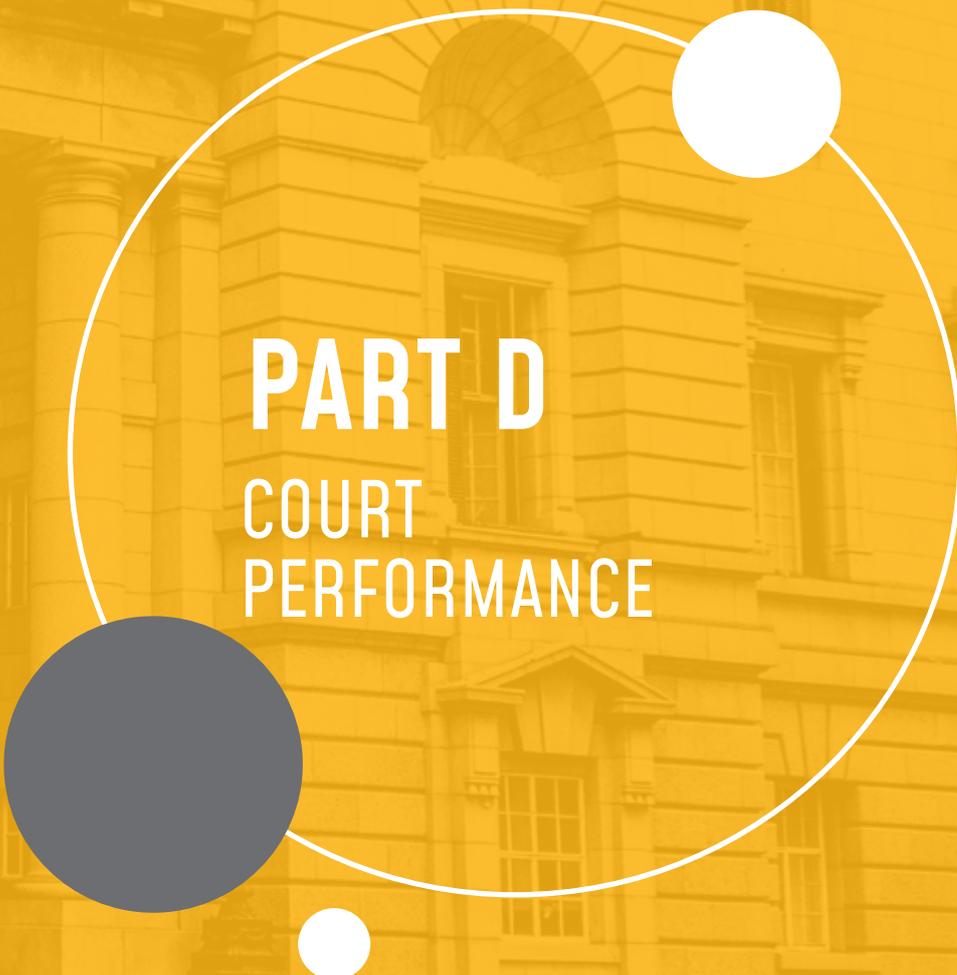
COMMITTEE	MANDATE AND COMPOSITION	
HEADS OF COURT		
<b>NATIONAL OPERATIONS COMMITTEE (NOC)</b>	<p>The purpose of the NOC is to establish task teams to carry out the mandate of the NEEC and to develop improvement plans for the implementation of the objectives of the NEEC. The NOC is furthermore required to perform an oversight function over the activities of the task teams and the Provincial Efficiency Enhancement Committees (PEECs) and report progress to the NEEC.</p>	
<b>COURT ORDER INTEGRITY COMMITTEE</b>	<p>At the meeting of the National Efficiency Enhancement Committee (NEEC), concerns were raised about the prevalence of fraudulent activities relating to court orders at both the Superior and Magistrates' Courts. This is a serious threat to access to justice and undermines the integrity of the judicial system and the public confidence in the Courts. A fraudulent court order in the wrong hands can cause great injustice and harm. In responding to the seriousness of the matter, the NEEC established a committee to:</p> <ol style="list-style-type: none"> <li>1. Identify patterns and processes employed by the perpetrators in an effort to assist the focus of investigations on a national scale;</li> <li>2. Ensure early detection of patterns of corruption at all stakeholders which negatively impact on the efficacy of the justice system;</li> <li>3. Advise on steps to capacitate the Courts and stakeholders in an effort to eradicate the scourge of fraudulent court orders;</li> <li>4. Advise on the requirements an automated court system will have on addressing these concerns.</li> </ol> <p>The Committee was also mandated to look into educating the public on court processes and creating public awareness for the steps taken to eradicate these fraudulent practises.</p>	<p>A Head of Court chairs the Committee. The following members were appointed to the committee: A representative of the Heads of Court, the chairperson of the National Operations Committee (NOC); a representative of the Leadership of the Magistracy, a representative of the South African Police Service (SAPS); OCJ officials; a representative of Department of Justice and Constitutional Development (DoJ&amp;CD); representatives of the Organised Legal Profession and a representative of the National Prosecuting Authority (NPA).</p>





# PART D

## COURT PERFORMANCE



# COURT PERFORMANCE

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

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

In its initial phases after delinking from the Department of Justice and Constitutional Development, reporting on judicial functions was integrated in the planning and reporting processes of the Office of the Chief Justice, the National Department.

The Chief Justice raised a concern at the Heads of Court meeting held on 02 October 2016 that the then draft Office of the Chief Justice (OCJ) 2017/18 Annual Performance Plan (APP), including the OCJ Strategic Plan (2015/16 – 2019/20), contained 'performance indicators', under programme two (namely; Judicial Support and Court Administration), that related to judicial functions. The Heads of Court resolved that the Judiciary, as a self-contained, responsible Arm of State, had to develop Key Performance Indicators and set targets on court performance for the purpose of monitoring its own performance.

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

As a result, 'Performance indicators and targets' relating to Judicial functions were delineated from the OCJ Planning documents from 2017/18 going forward.

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

The 2019/2020 Annual Performance Plan (APP) for the Judiciary has been developed and it defines and identifies performance indicators and targets for the various courts. The Performance Indicators and targets are measures that allow for monitoring of performance on one or more aspect of the overall functions and mandates of the Judiciary. The performance indicators for the Judiciary are informed by:

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

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

The performance targets are informed by:

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

The purpose of the court performance monitoring report is to provide progressive updates on the implementation of the Judiciary APP with specific reference to monitoring delivery against set quarterly performance targets. The report below provides an overall picture on how the Superior Courts performed for the period 01 April 2019 to 31 March 2020.

# KEY PERFORMANCE INDICATORS FOR THE SUPERIOR COURTS

## 1. Constitutional Court

Performance Indicators	Performance Target 2019/2020
Percentage of cases finalised	70%

## 2. Supreme Court of Appeal

Performance Indicators	Performance Target 2019/2020
Percentage of cases finalised	80%

## 3. High Court

Performance Indicators	Performance Target 2019/2020
Number of cases in the High Courts which are on the roll for more than 12 months (Criminal Case backlog)	137
Percentage of criminal matters finalised	55%
Percentage of civil matters finalised	54%

## 4. Labour Courts and Labour Appeal Court

Performance Indicators	Performance Target 2019/2020
Percentage of labour matters finalised	56%

## 5. Land Claims Court

Performance Indicators	Performance Target 2019/2020
Percentage of land claims matters finalised	56%

## 6. Competition Appeal Court

Performance Indicators	Performance Target 2019/2020
Percentage of Competition Appeal cases finalised	90%

## 7. Electoral Court

Performance Indicators	Estimated Performance 2016/2017 Performance Target 2019/2020
Percentage of electoral cases finalised	90%

Performance Indicators	Performance Target 2019/2020
Percentage of reserved judgments finalised in all Superior Courts	70%
Percentage of disclosures for serving Judges' Registrable Interests submitted by 31 March	100%
Percentage of disclosures for newly appointed Judges' Registrable Interests submitted within 30 days of appointment (if any)	100%

# PERFORMANCE OF THE SUPERIOR COURTS FOR THE PERIOD APRIL 2019 – MARCH 2020

Performance Indicator	Total cases	Finalised	%
<b>SUPERIOR COURTS PERFORMANCE INDICATORS</b>			
Percentage of cases finalised by the Constitutional Court	403	308	76%
Percentage of cases finalised by the Supreme Court of Appeal	223	192	86%
Number of applications for leave to appeal and petitions finalised by the Supreme Court of Appeal	1039	957	92%
Percentage of cases finalised by the Competition Appeal Court	10	9	90%
Percentage of cases finalised by the Electoral Court	14	14	100%
Percentage of cases finalised by the Labour Court and Labour Appeal Court	6095	3851	63%
Labour Court Durban	905	733	81%
Labour Court Johannesburg	4306	2539	59%
Labour Court Cape Town	471	289	61%
Labour Court Port Elizabeth	413	290	70%
Percentage of cases finalised by the Land Claims Court	256	176	69%
Percentage of criminal cases finalised by the High Court	11340	9545	84%
<b>SUPERIOR COURTS PERFORMANCE INDICATORS PER DIVISION</b>			
Eastern Cape Division	1123	892	79%
Free State Division	673	622	92%
Gauteng Division	1744	1263	72%
KwaZulu-Natal Division	838	628	75%
Limpopo Division	652	417	64%
Mpumalanga Division	404	285	71%
North West Division	88	40	45%
Northern Cape Division	168	126	75%
Western Cape Division	5650	5272	93%
Percentage of civil cases finalised by the High Court	130751	105457	81%
<b>SUPERIOR COURTS PERFORMANCE INDICATORS PER DIVISION</b>			
Eastern Cape Division	11103	9097	82%
Free State Division	3956	3467	88%
Gauteng Division	70043	58731	84%
KwaZulu-Natal Division	12208	10143	83%
Limpopo Division	8070	7207	89%
Mpumalanga Division	4659	2869	62%
North West Division	3064	2072	68%
Northern Cape Division	1642	1185	72%
Western Cape Division	16006	10686	67%

Performance Indicator	Total cases	Finalised	%
<b>SUPERIOR COURTS PERFORMANCE INDICATORS PER DIVISION</b>			
Number of cases in the High Courts which are on the roll for more than 12 months (Criminal Case backlog)	75	36	
Percentage of reserved judgments finalised in all Superior Courts	4136	3161	76%
<b>SUPERIOR COURTS PERFORMANCE INDICATORS PER COURT</b>			
Constitutional Court	42	8	19%
Supreme Court of Appeal	174	162	93%
Electoral Court	1	1	100%
Labour Courts	754	507	67%
Land Claims Court	23	19	83%
Eastern Cape Division	568	477	84%
Free State Division	372	298	80%
Gauteng Division	693	522	75%
KwaZulu-Natal Division	347	227	65%
Limpopo Division	210	176	84%
Mpumalanga Division	263	234	89%
North West Division	168	119	71%
Northern Cape Division	127	98	77%
Western Cape Division	398	315	79%

Figure 1: Constitutional Court and Supreme Court of Appeal finalised cases

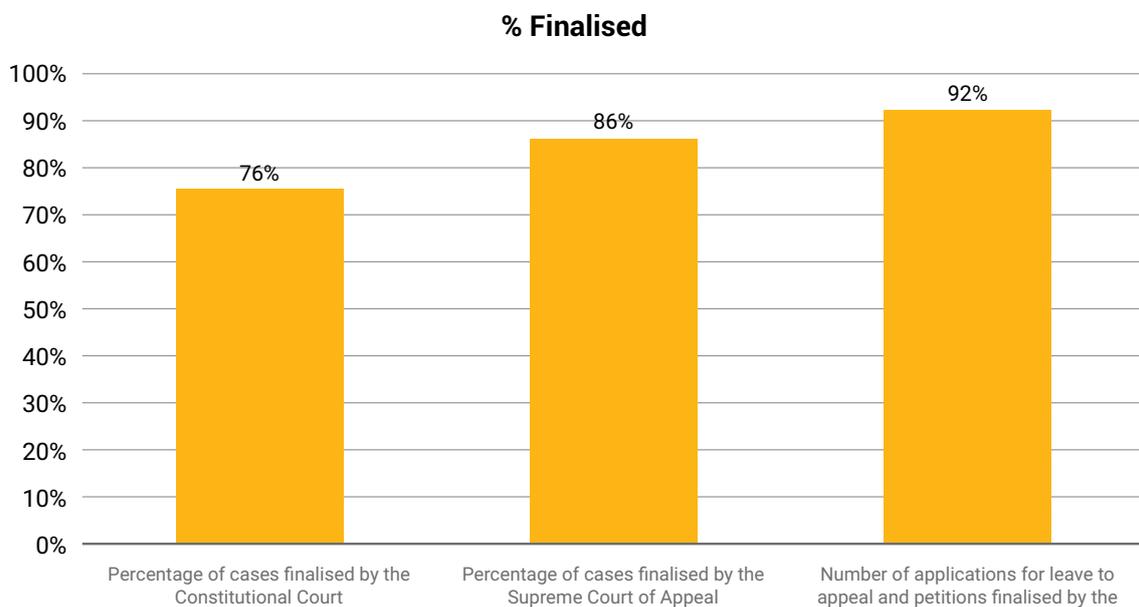


Figure 1 above depicts the percentage of cases finalized by the Constitutional Court and Supreme Court of Appeal. It shows that the Constitutional Court finalized 76% of all cases; the Supreme Court of Appeal finalized 86% of all cases and 92% of all application for leave to appeal and petitions.

**Figure 2: Specialized Courts finalised cases**

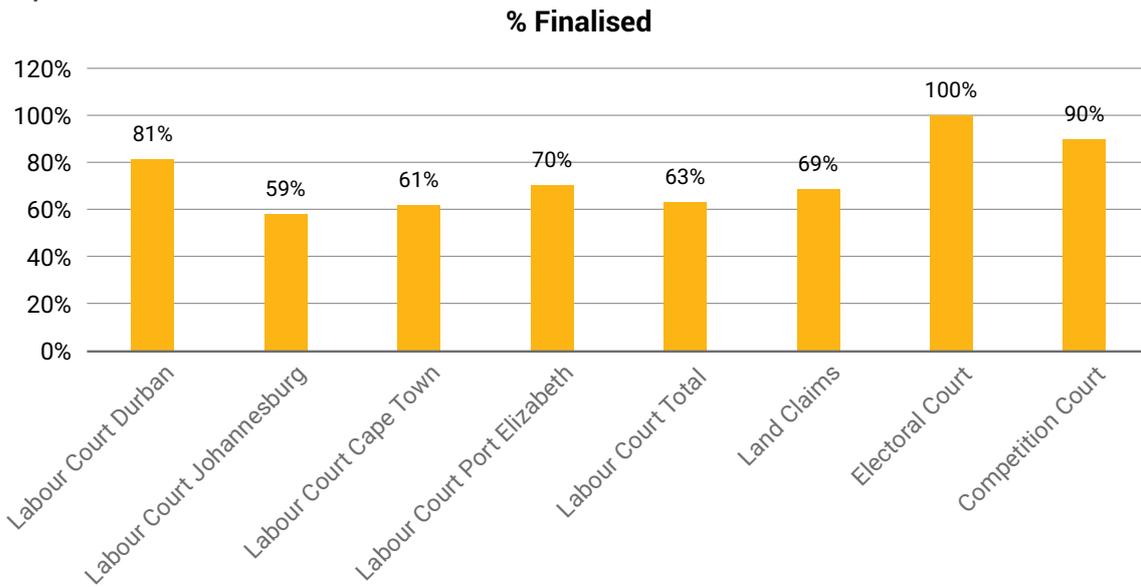
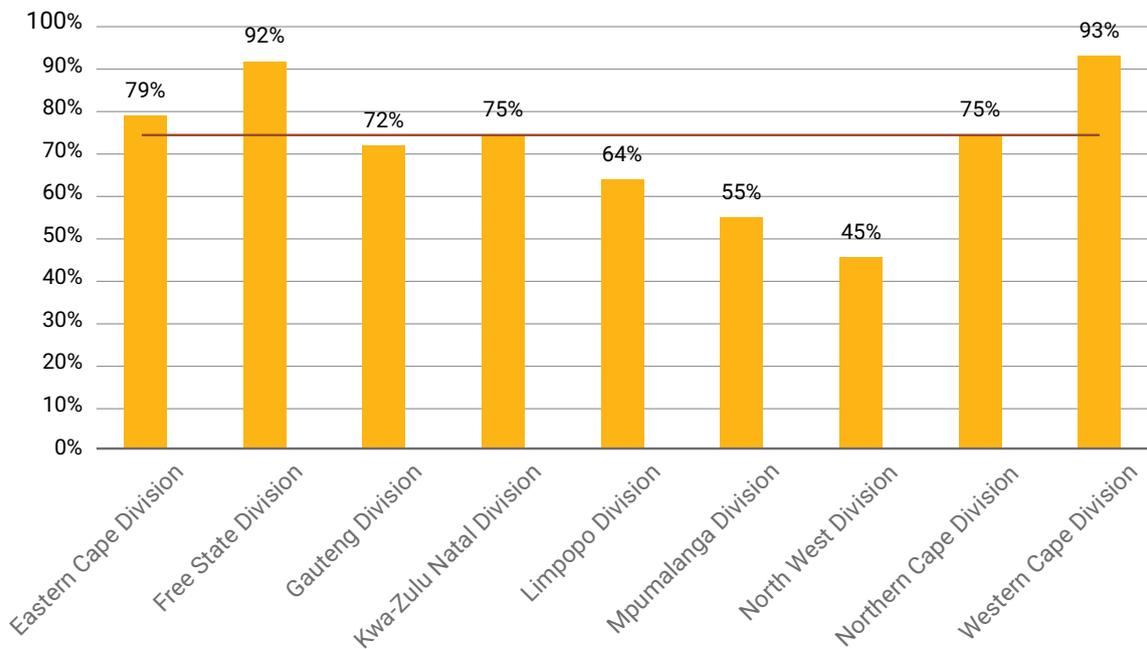


Figure 2 above shows the following findings for end of March with respect to the performance of the Specialized Courts

- Labour Court**  
 The Labour Court managed to finalise 3851 cases out of a total caseload of 6095 cases; which translates to 63%.
- Land Claims Court**  
 The Land Claims Court managed to finalise 176 cases out of a total caseload of 256 cases; which translates to 69%.
- Electoral Court**  
 The Electoral Court managed to finalise 14 cases out of a total caseload of 14 case; which translates to 100%.
- Competition Appeal Court**  
 The Competition Appeal Court managed to finalise 9 cases out of a total caseload of 10 cases; which translates to 90%.

**Figure 3: Percentage of Criminal cases finalised per division**



The figure 3 above shows the performance of each Division of the High Court on the percentage of criminal cases finalized. Overall the High Court achieved a percentage of 84% for this indicator.

**Figure 4: Percentage of Civil cases finalized per Division**

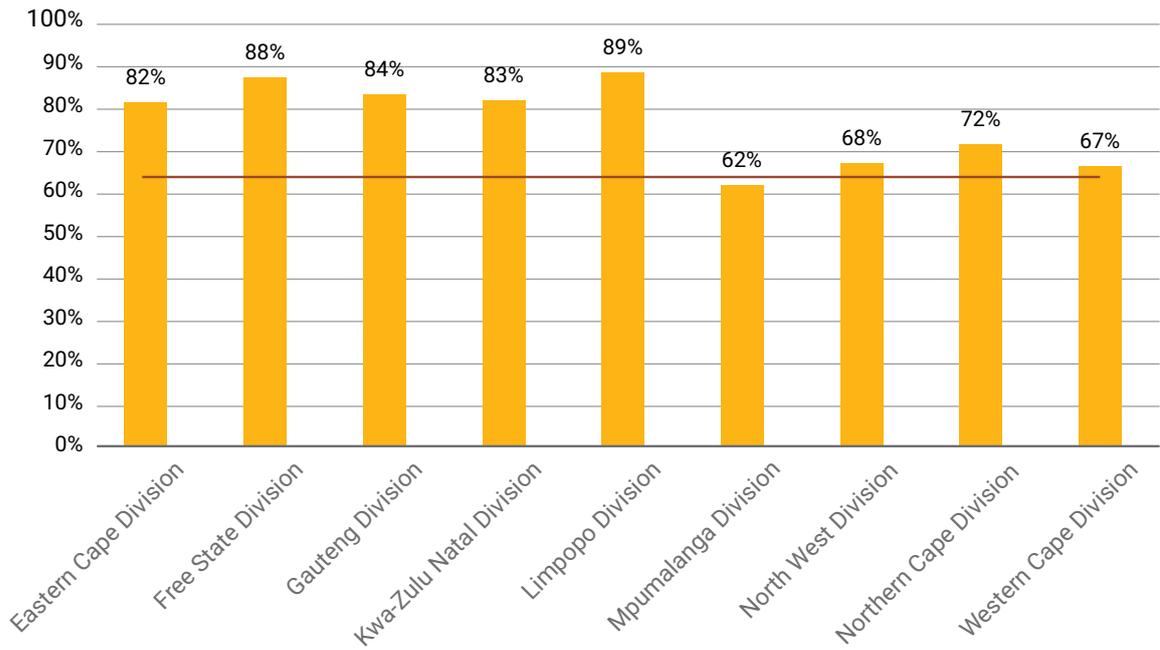


Figure 4 above shows that all Division of the High Court have reached the set target of 64% on the percentage of civil cases finalised.



## RESERVED JUDGMENTS

Reserved judgments are monitored to measure the compliance with the Norms and Standards for the performance of judicial functions issued by the Chief Justice on 28 February 2014 and the Code of Judicial Conduct adopted in terms of section 12 of the Judicial Service Commission Act, 1994.

The Norms and Standards, in paragraph 5.2.6 provides that judgments in both civil and criminal matters, should generally not be reserved without a fixed date for handing down. Judicial Officers have a choice to reserve judgments *sine die* where circumstances are such that the delivery of a judgment on a fixed date is not possible. Save for exceptional circumstances where it is not possible to do so, every effort shall be made to hand down judgments no later than 3 months after the last hearing.

Article 10(2) of the Judicial Code of Conduct provides that:

"A judge must deliver all reserved judgments before the end of the term in which the hearing of a matter was completed, but may –

- (a) in respect of a matter that was heard within two weeks of the end of that term; or
- (b) where a reserved judgment is of a complex nature or for any other cogent and sound reason and with consent of the head of the court, deliver that reserved judgment during the course of the next term".

The table below shows that as at 31 March 2020, there were a total of 88 judgments reserved for longer than six months since the date of last hearing.

Court Name	More than 6 months	% more than 6 months
Constitutional Court	5	22%
Supreme Court Of Appeal	0	0%
Competition Appeal	0	0%
Labour Court Cape Town	1	8%
Labour Court Durban	2	22%
Labour Court Johannesburg	21	19%
Labour Court Port Elizabeth	0	0%
Land Claims Court	0	0%
Eastern Cape Division, Grahamstown	0	0%
Eastern Cape Local Division, Bhisho	0	0%
Eastern Cape Local Division, Mthatha	0	0%
Eastern Cape Local Division, Port Elizabeth	0	0%
Free State Division, Bloemfontein	0	0%
Gauteng Division, Pretoria	23	19%
Gauteng Local Division, Johannesburg	6	8%
KwaZulu-Natal Division, Pietermaritzburg	12	17%
KwaZulu-Natal Local Division, Durban	11	26%
Limpopo Division, Polokwane	0	0%
Limpopo Local Division, Thohoyandou	0	0%
Mpumalanga Division, Mbombela	0	0%
Mpumalanga Local Division, Middelburg	0	0%
North West Division, Mahikeng	3	11%
Northern Cape Division, Kimberley	1	6%
Western Cape Division, Cape Town	3	4%
<b>Grand Total</b>	<b>88</b>	<b>11%</b>

# KEY PERFORMANCE INDICATORS OF THE MAGISTRATES' COURTS

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

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

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

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

## KEY PERFORMANCE INDICATORS FOR THE REGIONAL COURTS

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

## KEY PERFORMANCE INDICATORS FOR THE DISTRICT COURTS

Performance Indicators	
Percentage of criminal judgments reserved in all District Courts for longer than 3 months	
Percentage of civil judgments reserved in all District Courts for longer than 3 months.	
Percentage of criminal cases disposed of within 6 months from date of plea	
Percentage of criminal case backlogs not yet disposed of 9 months after first appearance date	
Percentage of criminal cases pleaded within 3 months from first appearance date	
Percentage of Child Justice preliminary inquiries disposed of within 90 days after date of first appearance	
Percentage of civil cases disposed of within a period of 9 months	
Percentage of disposed of family cases (maintenance, Children's court and DV separate indicators due to separate systems) within a period of 9 months	
Combined Average Court recording hours	
	Average Criminal Court recording hours per day
	Average Traffic Court recording hours per day
	Average Civil Court recording hours per day
	Average Civil Court motions recording hours per day
	Average Maintenance Court recording hours per day
	Average Domestic violence Court recording hours per day
	Average Harassment Court recording hours per day
	Average Judicial inquest Court recording hours per day
	Average Children's Court recording hours per day
	Average Equality Court recording hours per day



# PERFORMANCE OF THE MAGISTRATES COURTS FOR THE PERIOD 01 APRIL 2019 – 31 MARCH 2020

## 1. Regional Courts

The head of a Regional Court, whose area of jurisdiction is based on the provincial borders, is the Regional Court President. The Regional Courts have jurisdiction over a more serious category of criminal matters and can hear cases relating to alleged murder, rape, armed robbery and serious assault. In terms of the Criminal Law (Sentencing) Amendment Act, 2007 (Act 38 of 2007) a Regional Magistrates' Court can sentence a person who has been found guilty of offences that include murder or rape to imprisonment for life. The Court can also sentence people who have been found guilty of certain offences such as armed robbery or stealing a motor vehicle to imprisonment for a period up to 20 years. A Regional Magistrates' Court can impose a maximum fine of R300 000.

Regional Courts now have civil jurisdiction to the extent that divorce matters can now be heard there. The Regional Courts have jurisdiction over family matters like divorces, maintenance, custody matters and civil matters between R 200 000.00 - R 400 000.00.

For the current reporting period the Regional Courts will only be reporting on the following indicators:

- Percentage of criminal cases pleaded within 3 months from first appearance date / date transferred to Regional Court
- Percentage of criminal matters finalised within 6 months from date of plea
- Percentage of criminal case disposed of within a period of 9 months after date matter first appeared on Regional court roll
- Percentage of civil cases disposed within a period of 9 months of date of set-down

As indicated, the absence of baseline information impacted on the determination of targets for each indicator. The reported performance reflected below is therefore based on the number of cases which comply to the set timelines against the number of cases in each indicator converted to a percentage.

### Percentage of criminal cases pleaded within 3 months from date of first appearance date or date transferred to Regional Court

Region	Exceeding 3 months	Less than 3 Months	Grand Total	%
Eastern Cape	2565	165	2730	6%
Free State	1358	109	1467	7%
Gauteng	3854	804	4658	17%
KwaZulu-Natal	2924	273	3197	9%
Mpumalanga	1128	56	1184	5%
North West	1202	51	1253	4%
Northern Cape	580	34	614	6%
Limpopo	999	103	1102	9%
Western Cape	3231	107	3338	3%
<b>Grand Total</b>	<b>17841</b>	<b>1702</b>	<b>19543</b>	<b>9%</b>

## Percentage of criminal matters finalised within 6 months from date of plea

Region	Exceeding 6 months	Less than 6 Months	Grand Total	%
Eastern Cape	290	2440	2730	89%
Free State	167	1300	1467	89%
Gauteng	586	4072	4658	87%
KwaZulu-Natal	424	2773	3197	87%
Mpumalanga	157	1027	1184	87%
North West	301	952	1253	76%
Northern Cape	40	574	614	93%
Limpopo	310	792	1102	72%
Western Cape	354	2984	3338	89%
<b>Grand Total</b>	<b>2629</b>	<b>16914</b>	<b>19543</b>	<b>87%</b>

## Percentage of criminal case disposed of within a period of 9 months after date matter first appeared on Regional court roll

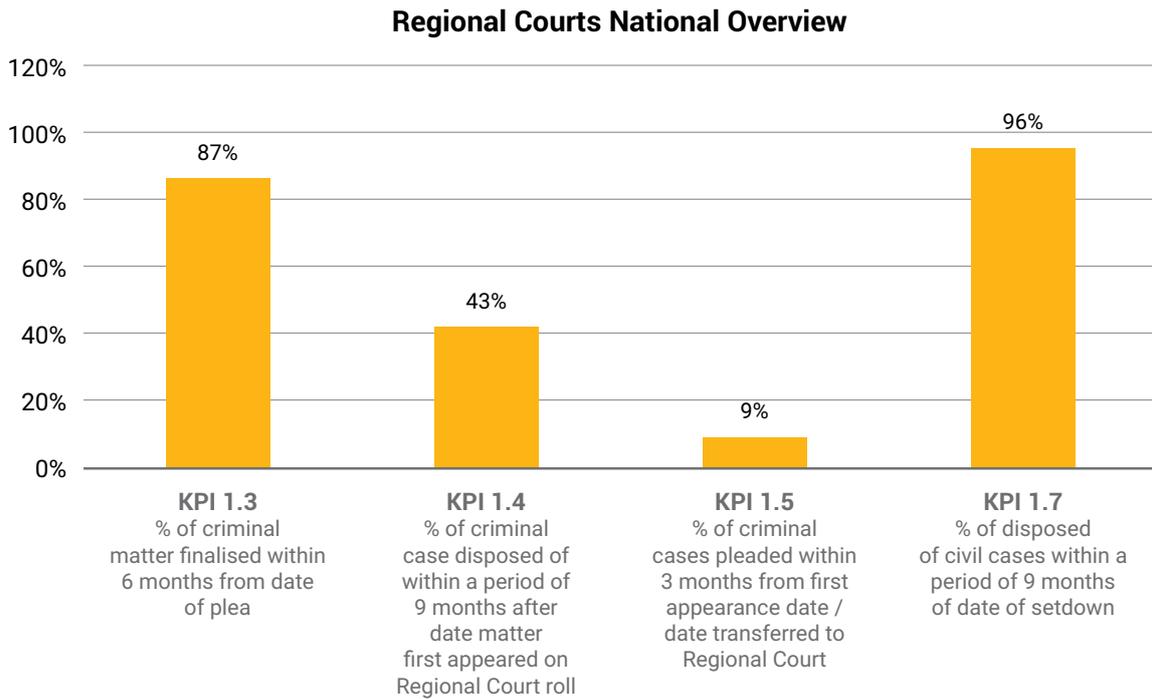
Region	Exceeding 9 months	Within 9 months	Grand Total	%
Eastern Cape	3233	1673	4906	34%
Free State	1397	1580	2977	53%
Gauteng	4742	6843	11585	59%
KwaZulu Natal	3575	2121	5696	37%
Limpopo	1513	582	2095	28%
Mpumalanga	1584	771	2355	33%
North West	1851	1116	2967	38%
Northern Cape	804	621	1425	44%
Western Cape	4745	2132	6877	31%
<b>Grand Total</b>	<b>23444</b>	<b>17439</b>	<b>40883</b>	<b>43%</b>

## Percentage of civil cases disposed of within a period of 9 months from date of set-down

Regional Courts	% disposed within 9 month	Total Disposed Civil Cases	% disposed within 9 month
Eastern Cape	4616	4616	100%
Free State	2454	2639	93%
Gauteng	10653	10982	97%
KwaZulu Natal	6119	6181	99%
Limpopo	2434	2675	91%
Mpumalanga	1831	1907	96%
North West	3249	3282	99%
Northern Cape	643	766	84%
Western Cape	5145	5654	91%
<b>Grand Total</b>	<b>37144</b>	<b>38702</b>	<b>96%</b>

There is a negligible amount of criminal and civil reserved judgments within the Regional Courts which does not warrant for reporting of the actual figures. The few criminal and civil reserved judgments are all in compliance with the set Norms and Standards.

For the period under review, the graph below presents a picture of the Regional Court Division.



The above graph depicts National Regional Courts' performance for the period under review can be summarized as follows:

- Out of a total of 19543 cases 16, 914 Criminal matters were finalized within 6 months from the date of plea which gives a percentage 87%.
- Out of a total of 40, 883 cases 17, 439 criminal case disposed of within a period of 9 months after date matter first appeared on Regional court roll which gives a percentage 43%.
- Out of a total of 19, 543 cases 1, 702 criminal cases pleaded within 3 months from first appearance date / date transferred to Regional Court which gives a percentage 9%.
- Out of a total of 38, 702 cases 37, 144 civil cases were disposed of within a period of 9 months of date of set-down which gives a percentage 96%.



## District Courts

Chief Magistrates are the Heads of the District Courts, formerly referred to as Magistrates Courts. The District Courts are divided into clusters called Administrative Regions, also based on the provincial borders and each Region has a Chief Magistrate as its Administrative Head. The District Courts have jurisdiction over minor criminal matters and cannot try cases of alleged murder, treason, rape and terrorism. District Courts have jurisdiction on civil matters up to R 200 000.00.

For the current reporting period the Regional Courts will only be reporting on the following indicators:

- Percentage of criminal cases pleaded within 3 months from first appearance date
- Percentage of criminal cases finalised within 6 months from date of plea
- Percentage of criminal case disposed of 9 months after first appearance date
- Percentage of Child Justice preliminary inquiries disposed of within 90 days after date of first appearance
- Percentage of maintenance matters disposed of within 90 days.

As indicated, the absence of baseline information impacted on the determination of targets for each indicator. The reported performance reflected below is therefore based on the number of cases which comply to the set timelines against the number of cases in each indicator converted to a percentage.

### Percentage of criminal cases pleaded within 3 months from first appearance date

Administrative Regions: DC	Exceeding 3 months	Less than 3 Months	Grand Total	% KPI 2.5
Administrative Region 1 (Eastern Cape A) Port Elizabeth	4621	5026	9647	52%
Administrative Region 2 (Eastern Cape B) Mthatha	1055	1864	2919	64%
Administrative Region 3 (Free State A) Bloemfontein	1157	3126	4283	73%
Administrative Region 4 (Free State B) Welkom	1511	4570	6081	75%
Administrative Region 5A (Gauteng) Johannesburg	6187	10934	17121	64%
Administrative Region 5 (Gauteng) Pretoria	830	2349	3179	74%
Administrative Region 6 (KwaZulu Natal A) Durban	4705	7779	12484	62%
Administrative Region 7 (KwaZulu Natal B) PMB	1903	6496	8399	77%
Administrative Region 08 (Mpumalanga) Nelspruit	2207	6988	9195	76%
Administrative Region 09 (Northwest) Mmabatho	1805	3346	5151	65%
Administrative Region 10 (Northern Cape) Kimberley	1868	1476	3344	44%
Administrative Region 11 (Limpopo) Polokwane	2320	12675	14995	85%
Administrative Region 12 (Western Cape A) Cape Town	4688	7160	11848	60%
Administrative Region 13 (Western Cape B) Wynberg	6942	10573	17515	60%
<b>Grand Total</b>	<b>41799</b>	<b>84362</b>	<b>126161</b>	<b>67%</b>

**Percentage of criminal cases finalised within 6 months from date of plea**

<b>Administrative Regions :District Courts</b>	<b>Exceeding 6 months</b>	<b>Less than 6 months</b>	<b>Grand Total</b>	<b>%</b>
Administrative Region 1 (Eastern Cape A) Port Elizabeth	254	9393	9647	97%
Administrative Region 2 (Eastern Cape B) Mthatha	89	2830	2919	97%
Administrative Region 3 (Free State A) Bloemfontein	51	4232	4283	99%
Administrative Region 4 (Free State B) Welkom	57	6024	6081	99%
Administrative Region 5 (Gauteng) Pretoria	20	3159	3179	99%
Administrative Region 5A (Gauteng) Johannesburg	179	16942	17121	99%
Administrative Region 6 (KwaZulu Natal A) Durban	123	12361	12484	99%
Administrative Region 7 (KwaZulu Natal B) PMB	51	8348	8399	99%
Administrative Region 08 (Mpumalanga) Nelspruit	116	9079	9195	99%
Administrative Region 09 (Northwest) Mmabatho	97	5054	5151	98%
Administrative Region 10 (Northern Cape) Kimberley	55	3289	3344	98%
Administrative Region 11 (Limpopo) Polokwane	191	14804	14995	99%
Administrative Region 12 (Western Cape A) Cape Town	168	11680	11848	99%
Administrative Region 13 (Western Cape B) Wynberg	147	17368	17515	99%
<b>Grand Total</b>	<b>1598</b>	<b>124563</b>	<b>126161</b>	<b>99%</b>

**Percentage of criminal case disposed of 9 months after first appearance date**

<b>Admin Region: District Courts</b>	<b>Exceeding 9 months</b>	<b>Within 9 months</b>	<b>Grand Total</b>	<b>%KPI 2.4</b>
Administrative Region 1 (Eastern Cape A) Port Elizabeth	2870	25307	28177	90%
Administrative Region 2 (Eastern Cape B) Mthatha	1499	11663	13162	89%
Administrative Region 3 (Free State A) Bloemfontein	976	18769	19745	95%
Administrative Region 4 (Free State B) Welkom	858	15881	16739	95%
Administrative Region 5 (Gauteng) Pretoria	495	10233	10728	95%
Administrative Region 5A (Gauteng) Johannesburg	4217	50796	55013	92%
Administrative Region 6 (KwaZulu Natal A) Durban	2925	42206	45131	94%
Administrative Region 7 (KwaZulu Natal B) PMB	933	25149	26082	96%
Administrative Region 08 (Mpumalanga) Nelspruit	1862	25394	27256	93%
Administrative Region 09 (Northwest) Mmabatho	1704	21610	23314	93%
Administrative Region 10 (Northern Cape) Kimberley	1264	15197	16461	92%
Administrative Region 11 (Limpopo) Polokwane	2627	37208	39835	93%
Administrative Region 12 (Western Cape A) Cape Town	4487	37177	41664	89%
Administrative Region 13 (Western Cape B) Wynberg	7047	63044	70091	90%
<b>Grand Total</b>	<b>33764</b>	<b>399634</b>	<b>433398</b>	<b>92%</b>

## Percentage of Child Justice preliminary inquiries disposed of within 90 days after date of first appearance

District & Administrative	Exceeding 90 days	Within 90 days	Total	% Within 90 days per Region
<b>Eastern Cape</b>	<b>70</b>	<b>1 377</b>	<b>1 447</b>	<b>95.16%</b>
Administrative Region 1 (Eastern Cape A) Port Elizabeth	34	1 068	1 102	96.91%
Administrative Region 2 (Eastern Cape B) Mthatha	36	309	345	89.57%
<b>Free State</b>	<b>105</b>	<b>781</b>	<b>886</b>	<b>88.15%</b>
Administrative Region 3 (Free State A) Bloemfontein	93	362	455	79.56%
Administrative Region 4 (Free State B) Welkom	12	419	431	97.22%
<b>Gauteng</b>	<b>99</b>	<b>1 463</b>	<b>1 562</b>	<b>93.66%</b>
Administrative Region 5 (Gauteng) Pretoria	14	192	206	93.20%
Administrative Region 5A (Gauteng) Johannesburg	85	1 271	1 356	93.73%
<b>KwaZulu Natal</b>	<b>40</b>	<b>1 620</b>	<b>1 660</b>	<b>97.59%</b>
Administrative Region 6 (KwaZulu Natal A) Durban	22	903	925	97.62%
Administrative Region 7 (KwaZulu Natal B) PMB	18	717	735	97.55%
<b>Limpopo</b>	<b>105</b>	<b>1 070</b>	<b>1 175</b>	<b>91.06%</b>
Administrative Region 11 (Limpopo) Polokwane	105	1 070	1 175	91.06%
<b>Mpumalanga</b>	<b>74</b>	<b>523</b>	<b>597</b>	<b>87.60%</b>
Administrative Region 08 (Mpumalanga) Nelspruit	74	523	597	87.60%
<b>North West</b>	<b>30</b>	<b>495</b>	<b>525</b>	<b>94.29%</b>
Administrative Region 09 (Northwest) Mmabatho	30	495	525	94.29%
<b>Northern Cape</b>	<b>18</b>	<b>509</b>	<b>527</b>	<b>96.58%</b>
Administrative Region 10 (Northern Cape) Kimberley	18	509	527	96.58%
<b>Western Cape</b>	<b>189</b>	<b>3 910</b>	<b>4 099</b>	<b>95.39%</b>
Administrative Region 12 (Western Cape A) Cape Town	25	1 364	1 389	98.20%
Administrative Region 13 (Western Cape B) Wynberg	164	2 546	2 710	93.95%
<b>Grand Total</b>	<b>730</b>	<b>11 748</b>	<b>12 478</b>	<b>94.15%</b>

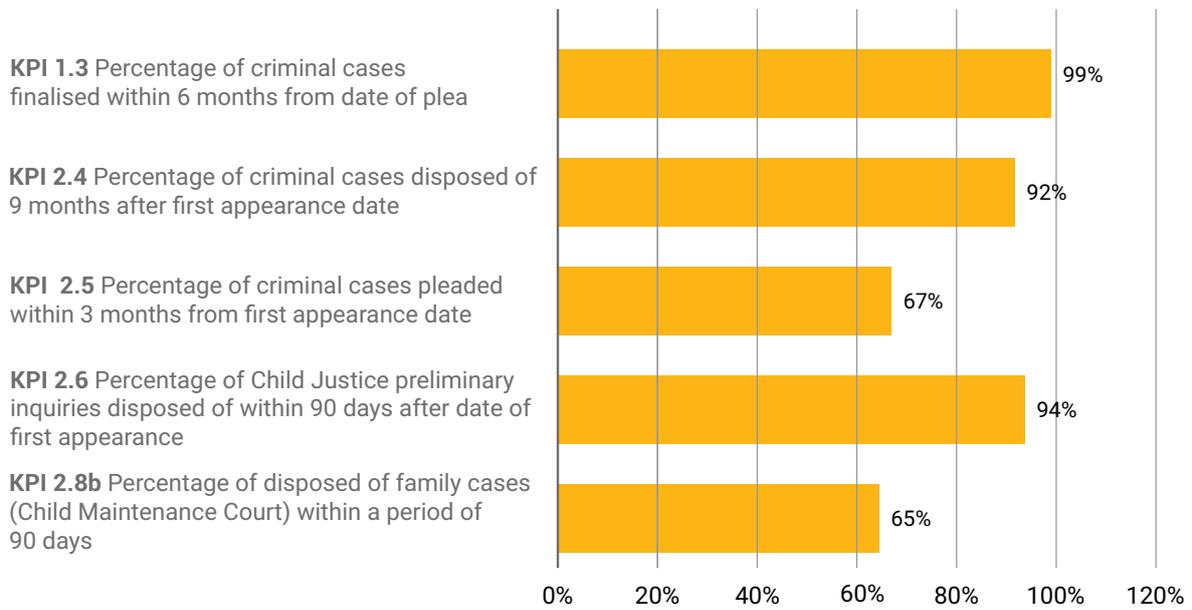
**Percentage of maintenance matters disposed of within 90 days.**

<b>Administrative Regions</b>	<b>Within 90 days</b>	<b>Exceed 90 days</b>	<b>Grand Total</b>	<b>% Within 90 days</b>
<b>Eastern Cape</b>	<b>411</b>	<b>209</b>	<b>620</b>	<b>66.29%</b>
Administrative Region 1 (Eastern Cape A) Port Elizabeth	369	195	564	65.43%
Administrative Region 2 (Eastern Cape B) Mthatha	42	14	56	75.00%
<b>Free State</b>	<b>508</b>	<b>162</b>	<b>670</b>	<b>75.82%</b>
Administrative Region 3 (Free State A) Bloemfontein	123	87	210	58.57%
Administrative Region 4 (Free State B) Welkom	385	75	460	83.70%
<b>Gauteng</b>	<b>293</b>	<b>160</b>	<b>453</b>	<b>64.68%</b>
Administrative Region 5 (Gauteng) Pretoria	159	101	260	61.15%
Administrative Region 5A (Gauteng) Johannesburg	134	59	193	69.43%
<b>KwaZulu-Natal</b>	<b>31</b>	<b>16</b>	<b>47</b>	<b>65.96%</b>
Administrative Region 6 (KwaZulu-Natal A) Durban	4	5	9	44.44%
Administrative Region 7 (KwaZulu-Natal B) Pietermaritzburg	27	11	38	71.05%
<b>Limpopo</b>	<b>552</b>	<b>238</b>	<b>790</b>	<b>69.87%</b>
Administrative Region 11 (Limpopo) Polokwane	552	238	790	69.87%
<b>Mpumalanga</b>	<b>31</b>	<b>28</b>	<b>59</b>	<b>52.54%</b>
Administrative Region 08 (Mpumalanga) Nelspruit	31	28	59	52.54%
<b>North West</b>	<b>60</b>	<b>35</b>	<b>95</b>	<b>63.16%</b>
Administrative Region 09 (Northwest) Mmabatho	60	35	95	63.16%
<b>Northern Cape</b>	<b>296</b>	<b>153</b>	<b>449</b>	<b>65.92%</b>
Administrative Region 10 (Northern Cape) Kimberley	296	153	449	65.92%
<b>Western Cape</b>	<b>1022</b>	<b>736</b>	<b>1758</b>	<b>58.13%</b>
Administrative Region 12 (Western Cape A) Cape Town	211	163	374	56.42%
Administrative Region 13 (Western Cape B) Wynberg	811	573	1384	58.60%
<b>Grand Total</b>	<b>3204</b>	<b>1737</b>	<b>4941</b>	<b>64.85%</b>

There is a negligible amount of criminal and civil reserved judgments within the District Courts which does not warrant for reporting of the actual figures. The few criminal and civil reserved judgments are all in compliance with the set norms and standards.

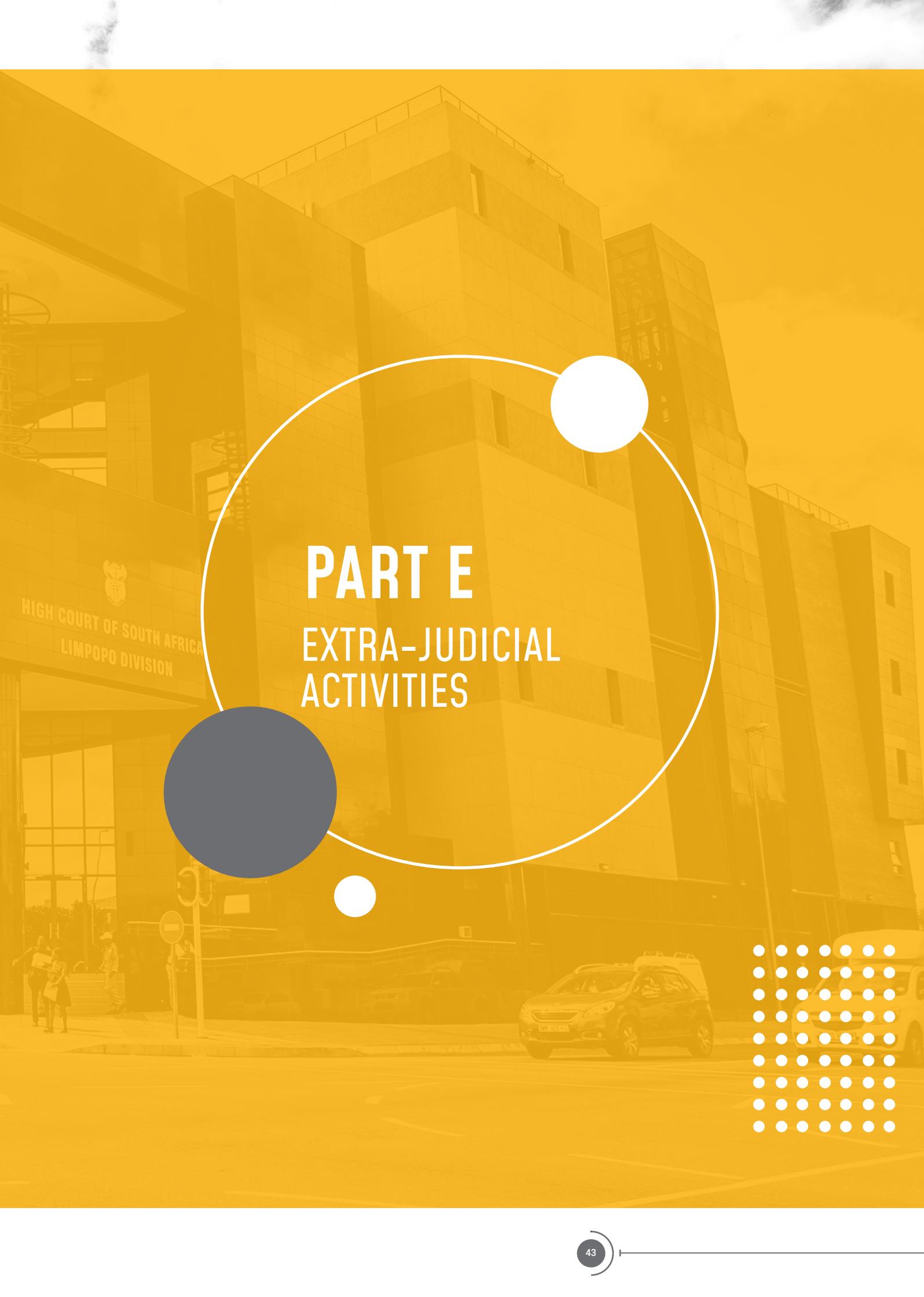
For the period under review the graph below presents a depiction of the overall performance of the District Courts.

### District Courts National Overview



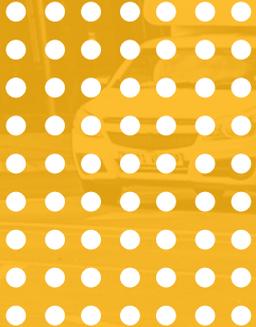
The above graph for the period under review can be summarised as follows:

- Out of a total of 126, 161 cases 124, 563 criminal matters were finalised within 6 months from the date of plea which gives a percentage 99%.
- Out of a total of 433, 398 cases 399, 634 criminal case disposed of within a period of 9 months after date matter first appeared on Regional court roll which gives a percentage 92%.
- Out of a total of 126, 161 cases 84, 362 criminal cases pleaded within 3 months from first appearance date / date transferred to Regional Court which gives a percentage 67%.
- Out of a total of 12, 478 cases 11, 748 Child Justice preliminary inquiries disposed of within 90 days after date of first appearance which gives a percentage 94%.
- Out of a total of 4, 941 cases 3, 204 disposed of family cases (maintenance) within a period of 90 days which gives a percentage 65%.



# PART E

## EXTRA-JUDICIAL ACTIVITIES



# EXTRA-JUDICIAL ACTIVITIES

## The South African Judicial Education Institute (SAJEI)

In accordance with the South African Judicial Education Institute Act, 2008 (Act 14 of 2008), the Institute is led by a Council consisting of the following members:

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

In terms of 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.

## Conference of Constitutional Jurisdictions of Africa (CCJA)

The Conference of Constitutional Jurisdictions of Africa (CCJA) is an independent institution established by constitutional jurisdictions in Africa to ensure that the Judiciary in each member state supports and deepens democracy by upholding constitutionalism and the rule of law. At the initiative of Algeria, the African Union adopted at the fifteenth session of the Conference of Heads of State and Government held from 25 to 27 July 2010 in Kampala, Uganda, the decision to create an African Constitutional Justice space.

The creation of this space meets an imperative: bring together the African mechanisms of constitutional justice in a continental area to enable them to participate in the domain that is theirs, promotion and dissemination of universal values and principles of state law, democracy and human rights, enshrined in the preamble to the Constitutive Act of the African Union.

A preparatory meeting bringing together the presidents of constitutional courts in Africa was held in the sidelines of the Second World Conference on Constitutional Justice held in Rio de Janeiro (Brazil) 16 January 2011, where Algeria drove the process for the establishment of such a Conference.

Presidents and representatives of the Constitutional Courts and Councils and equivalent institutions in Africa held on 7 and 8 May 2011 at the headquarters of the Constitutional Council of Algeria the congress of the African Space Constitutional justice where they established the "Conference of Constitutional Jurisdictions of Africa" (CCJA). The headquarters of the CCJA is set in Algiers.

At the Fourth Congress of the CCJA in 2017, Chief Justice Mogoeng Mogoeng was elected as its President.

During his term of office as President of the CCJA, Chief Justice Mogoeng Mogoeng, oversaw the rapid growth of the CCJA as a continental body as well as its critical role on constitutional issues in the global arena. This can be attested by the growth in membership. When the Chief Justice assumed office as President in April 2017, the CCJA comprised of 35 full members and one member with observer status. At the

end of the Chief Justice's two year term of office as President, the CCJA comprised of 46 full members and 3 members with observer status. The sharp increase in membership was due to Chief Justice Mogoeng Mogoeng's rigorous work in the continent in which he actively pursued jurisdictions that were not members by urging them to join the CCJA.

Chief Justice Mogoeng Mogoeng did not only ensure the increment in membership but also elevated the status of the CCJA in the global stage by ensuring that the CCJA participates in the Conferences of all other continental bodies from around the world thereby ensuring that the Africa's voice is heard on constitutional justice matters. This culminated in the CCJA entering into co-operation agreements with three regional bodies, namely with the Association of Asian Constitutional Courts and Equivalent Institutions (AACC), the Conference of the Constitutional Control Organs of the Countries of New Democracy (CCCOCND), and the Union of Arab Constitutional Courts and Councils (UACCC).

Chief Justice Mogoeng Mogoeng also served as the President of the Bureau of the World Conference on Constitutional Justice

(WCCJ), for a year. And it was during his term as the President of the Bureau of the WCCJ that he convinced the global body to consider awarding the hosting of the Fifth Congress of the WCCJ in Africa. Indeed, the leaders of the world body agreed and awarded the rights to host the Fifth Congress of the WCCJ in Algeria in 2020.

In January 2018 the CCJA, for the very first time since its inception, participated in the Summit of the Heads of States convened by the African Union. It was here that Chief Justice Mogoeng Mogoeng had an opportunity to share the central role that Judiciaries play within Africa with the Heads of States. In June 2019, Chief Justice Mogoeng Mogoeng's two year term of office as President of the CCJA ended during of the Fifth Congress of the CCJA which was held in Luanda, Angola under the theme: "The Constitutional courts and Councils as Guarantors of the Constitution and the Fundamental Rights and Freedoms." The Chief Justice will remain part of the Executive Bureau of the CCJA until 2021.

#### EX OFFICIO, INTERNATIONAL AND OTHER EXTRA-JUDICIAL POSITIONS HELD BY MEMBERS OF THE SOUTH AFRICAN JUDICIARY

Initials and Surname	Rank	Court	Position
<b>Mogoeng Mogoeng</b>	<b>Chief Justice</b>	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>• Member of the Executive Bureau of the CCJA;</li> <li>• Chancellor of the University of KwaZulu-Natal</li> </ul>
<b>R M M Zondo</b>	<b>Deputy Chief Justice</b>	Constitutional Court	<ul style="list-style-type: none"> <li>• Deputy Chairperson of the Council of the South African Judicial Education Institute;</li> <li>• Vice 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, 2018</li> </ul>
<b>M Maya</b>	<b>President</b>	Supreme Court of Appeal	<ul style="list-style-type: none"> <li>• Board membership in the National Bar Examination Board</li> <li>• Board member of the Free State University Law Faculty Board</li> <li>• Judge Moderator for the Advocates' Examinations.</li> <li>• President and founding member of the South African Chapter of the International Association of Women Judges</li> <li>• Member of the Judicial Service Commission</li> <li>• Council Member: South African Judicial Education Institute</li> </ul>

Initials and Surname	Rank	Court	Position
			<ul style="list-style-type: none"> <li>• Chairperson; South African Law Reform Commission</li> <li>• Board Member; South African Journal on Human Rights</li> <li>• Member; Commonwealth Association of Law Reform Commissions</li> <li>• Patron; Lawyers Against Violence</li> </ul>
<b>B E Nkabinde</b>	<b>Retired Justice</b>	Constitutional Court	Regulation of Interception of Communications and Provision of Communication-Related Information Act, 2002(Act No. 70 of 2002)
<b>L Mpati</b>	<b>Retired President</b>	Supreme Court of Appeal	Commissioner of the Commission on Inquiry into allegations of impropriety regarding the Public Investment Corporation (PIC)
<b>K K Mthiyane</b>	<b>Retired Deputy President</b>	Supreme Court of Appeal	Chairperson of the Commission of Inquiry into remuneration and conditions of service in the public service and public entities listed in the Public Finance Management Act, 1999 (Act No. 1 of 1999)
<b>Y Mokgoro</b>	<b>Retired Justice</b>	Constitutional Court	Chairperson of the Enquiry into fitness of Advocate Nomgcobo Jiba and Advocate Lawrence Sithembiso Mrwebi to hold office of Deputy National Director of Public Prosecutions
<b>E Cameron</b>	<b>Retired Justice</b>	Constitutional Court	Chancellor of the University of Stellenbosch Inspecting Judge for Correctional Services
<b>S Majiedt</b>	<b>Justice</b>	Constitutional Court	Chancellor of the Sol Plaatje University
<b>N Dambuza</b>	<b>Justice</b>	Supreme Court of Appeal	Chairperson of the Rules Board
<b>B C Mocumie</b>	<b>Justice</b>	Supreme Court of Appeal	Representative of the Judiciary of the Republic of South Africa (RSA) on the International Hague Network of Judges.
<b>R Nugent</b>	<b>Retired Justice</b>	Supreme Court of Appeal	Commissioner of the Commission of Inquiry into Tax Administration and Governance
<b>D Mlambo</b>	<b>Judge President</b>	Gauteng Division of the High Court	<ul style="list-style-type: none"> <li>• Board Member of the Council of Advice offices of SA (CAOSA)</li> <li>• Board Member of the International Legal Foundation (ILF).</li> </ul>
<b>A Jappie</b>	<b>Judge President</b>	KwaZulu-Natal Division of the High Court	Board member of the National Bar Examination Board. (NBEB).
<b>M Leeuw</b>	<b>Judge President</b>	North West Division of the High Court	Chairperson of the Independent Commission for the Remuneration of Public Office Bearers

Initials and Surname	Rank	Court	Position
<b>H M T Musi</b>	<b>Retired Judge President</b>	Free State Division of the High Court	Designated Judge for the Purpose of the Regulation of Interception of Communications and Provision of Communication-Related Information Act, 2000
<b>F D Kgomo</b>	<b>Retired Judge President</b>	Northern Cape Division of the High Court	The Judge appointed in terms of the South African Police Service Act, 1995, to investigate complaints against members of the Directorate for Priority Crime Investigation.
<b>A P Ledwaba</b>	<b>Deputy Judge President</b>	Gauteng Division of the High Court	Chairperson of the Magistrates' Commission
<b>D Pillay</b>	<b>Judge</b>	KwaZulu-Natal Division of the High Court	<ul style="list-style-type: none"> <li>• Commissioner at the Independent Electoral Commission of South Africa (IEC)</li> <li>• Extraordinary Professor at the University of Pretoria</li> </ul>
<b>J Kollapen</b>	<b>Judge</b>	Gauteng Division of the High Court	Chairperson of the South African Law Reform Commission
<b>L T Modiba</b>	<b>Judge</b>	Gauteng Division of the High Court	Member of the Special Investigations Unit Tribunal established in terms of Section (2)(1) of the Special Investigating Units and Special Tribunals Act 74 of 1996.
<b>A Basson</b>	<b>Judge</b>	Gauteng Division of the High Court	President of the Taekwon-do Africa Federation and the Vice-President of the International Taekwon-do Federation
<b>T A N Makhubele</b>	<b>Judge</b>	Gauteng Division of the High Court	Deputy Chairperson of the Council of University of Limpopo
<b>S Mothle</b>	<b>Judge</b>	Gauteng Division of the High Court	<ul style="list-style-type: none"> <li>• Board member of the National Bar Examination Board (NBEB) and Judge Moderator for Advocates Examinations.</li> <li>• member of the Judges Association</li> <li>• Honorary member of the South African Chapter of the International Association of Women Judges.</li> </ul>
<b>F Legodi</b>	<b>Judge President</b>	Mpumalanga Division of the High Court	<ul style="list-style-type: none"> <li>• Chairperson of the Military Appeals Court</li> </ul>
<b>H Saldulker</b>	<b>Justice</b>	Supreme Court of Appeal	<ul style="list-style-type: none"> <li>• Board member of the National Bar Examination Board. (NBEB).</li> <li>• Judge Moderator for the Advocates Examination.</li> <li>• Member of the South African Chapter of the International Association of Women Judges;</li> <li>• Supreme Court of Appeal representative on the Hague Convention.</li> </ul>

Initials and Surname	Rank	Court	Position
<b>E Steyn</b>	<b>A Judge</b>	KwaZulu-Natal Division of the High Court	Chairperson of the National Council for Correctional Services (NCCS)
<b>V Phatshoane</b>	<b>Judge</b>	Northern Cape Division of the High Court	Member of the Sol Plaatje University Council
<b>B Ngoepe</b>	<b>Retired Judge President</b>	Gauteng Division of the High Court	Appointed by the Constitutional Court as referee in terms of section 38 of the Superior Courts Act to report on the matters related to the order in the SASSA case
<b>Z M Nhlangulela</b>	<b>Deputy Judge President</b>	Eastern Cape Division of the High Court	Vice-Chairman for the National Council for Correctional Services (NCCS)
<b>Y S Meer</b>	<b>Acting Judge President</b>	Land Claims Court	Extraordinary Professor at the University of Stellenbosch
<b>J B Z Shongwe</b>		Justice of the Supreme Court of Appeal	Supreme Court of Appeal Chairperson of the Commission of Inquiry into the Minibus Taxi-Type Service Violence Fatalities and Instability in the Gauteng Province.
<b>G M Makhanya</b>	<b>Details</b>	Details	President of Special Tribunal
<b>J A Heher</b>	<b>Retired Justice</b>	Supreme Court of Appeal	Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector Including Organs of the State

The Constitutional Court is a member of the Conference of Constitutional Jurisdictions of Africa (CCJA) and the Chief Justice is a members of of the Executive Bureau of the CCJA and attends the Congress of the CCJA.

The Constitutional Court is a member of the World Conference on Constitutional Justice (WCCJ) and the Chief Justice in his capacity as the Head of the Constitutional Court attends the meetings of the WCCJ.

## REGIONAL COURT JUDICIARY

Member of the Curriculum Committee of the SAJEI Council			
Initials and Surname	Rank	Court	Position
<b>C Oosthuizen-Senekal</b>	<b>Regional Magistrate</b>	Stillfontein, North West Province	Secretary, South African Chapter of the International Association of Women Judges (SAC-IAWJ)
<b>J H Wessels</b>	<b>Regional Court President</b>	Limpopo Province	Member of the Rules Board and Chairperson of the ADR (Alternative Dispute Resolutions) and Small Claims Court Committees. Deputy Chairperson of the Magistrates Court Committee of the Rules Board
<b>J Ratshibvumo</b>	<b>Regional Magistrate</b>	Giyani, Limpopo Province	President of ARMSA

<b>Initials and Surname</b>	<b>Rank</b>	<b>Court</b>	<b>Position</b>
<b>C Honwana</b>	<b>Regional Magistrate</b>	Lenyenye, Limpopo Province	Member of ARMSA National Executive Committee (NEC), National Treasurer of ARMSA.
<b>K Pillay</b>	<b>Regional Magistrate</b>	Mankweng, Limpopo Province	Member of ARMSA NEC: Chairperson-Projects (National)
<b>J Ngobeni</b>	<b>Regional Magistrate</b>	Polokwane, Limpopo Province	Member of ARMSA NEC-Wellness (National)
<b>P D Nkuna</b>	<b>Regional Magistrate</b>	Phalaborwa, Limpopo Province	Provincial Chairperson-ARMSA Limpopo
<b>K M Nqadala</b>	<b>Regional Court President</b>	Northern Cape Regional Division (Kimberley)	Member of the National Council for Correctional Services of South Africa.
<b>B Langa</b>	<b>Regional Court President</b>	Western Cape Regional Division (Cape Town)	Member of the Curriculum Committee of the SAJEI Council
<b>Dr J Lekhuleni</b>	<b>Regional Magistrate</b>	Cape Town Western Cape Province	Peer Reviewer for SAC-IAWJ JUTA Journal Board
<b>GDuthie</b>	<b>Regional Magistrate</b>	Khayelitsha (WC)	Member of ARMSA NEC (Additional Member)
<b>F Tonisi</b>	<b>Regional Magistrate</b>	Paarl Western Cape Province	Chairperson of ARMSA, Western Cape
<b>S Mandla</b>	<b>Regional Magistrate</b>	Oudtshoorn Western Cape Province	Provincial Coordinator for Western Cape, SAC-IAWJ
<b>C Nziweni</b>	<b>Regional Magistrate</b>	Goodwood Western Cape Province	Provincial Secretary- ARMSA, Western Cape
<b>K Meyer</b>	<b>Regional Magistrate</b>	Wynberg Western Cape Province	Provincial Treasurer-ARMSA, Western Cape
<b>N Moni</b>	<b>Regional Magistrate</b>	Oudtshoorn Western Cape Province	Additional Member-ARMSA, Western Cape
<b>A Ramos</b>	<b>Acting Regional Magistrate</b>	Khayelitsha Western Cape Province	Assistant Vice President Programmes, SAC-IAWJ
<b>V Noncembu</b>	<b>Regional Court President</b>	Mmabatho North West Province	Deputy President, SAC-IAWJ; Member of the Child Justice Committee; Member of the Editorial Team of the SAC-IAWJ and Juta Writing for Publications Programme.

Initials and Surname	Rank	Court	Position
<b>S Maboho</b>	<b>Regional Magistrate</b>	Rustenburg North West Province	Member of the Provincial Executive of ARMSA (North West Province)
<b>S Du Toit</b>	<b>Regional Magistrate</b>	Mmabatho North West Province	ARMSA Provincial Chairperson (North West Province); Member of ARMSA NEC
<b>K Sephoti</b>	<b>Regional Magistrate</b>	Ga-Rankuwa North West Province	Provincial Executive Member of ARMSA (North West Province)
<b>CC La Marque</b>	<b>Regional Magistrate</b>	Secunda, Mpumalanga Province	Provincial Coordinator of SAC-IAWJ, Mpumalanga Province
<b>N Engelbrecht</b>	<b>Regional Court President</b>	Mpumalanga Province	Member of the Lower Courts Remunerations Committee
<b>N A Khumalo</b>	<b>Regional Magistrate</b>	Mbombela, Mpumalanga Province	Ordained Pastor –God is Alive Church/UJehova Uyaphila, for non-remunerative purposes.
<b>D Mogotsi</b>	<b>Regional Magistrate</b>	Garankuwa North West Province	Member of the Curriculum Committee of the SAJEI Council

## DISTRICT COURT JUDICIARY

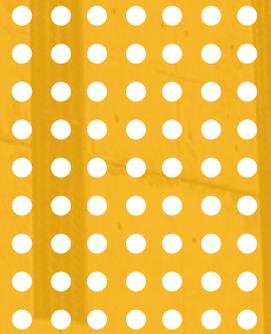
Administrative Region	Surname and Initials	Rank	Court	Function
<b>1 Eastern Cape A – Port Elizabeth</b>	<b>Mr. C Goosen</b>	Additional Magistrate	Nerina One Stop Child Justice Centre	Deputy Chairperson, Eastern Cape Provincial Child Justice Forum Deputy Chairperson, Eastern Cape Accreditation Committee
	<b>Ms. A Larsen</b>	Additional Magistrate	Port Elizabeth	Branch Secretary, NADEL Port Elizabeth and District
	<b>Ms. X Ngwendu</b>	Additional Magistrate	Queenstown	Anglican Church of Southern Africa Khahlamba Diocesan Chancellor: Ex officio on Diocesan Council and Trust Board Ex Officio Executive Member of SAWLA
	<b>Ms. S Raphahlelo</b>	Chief Magistrate	Port Elizabeth	Deputy Chairperson: Chief Magistrates Forum Chairperson: Provincial Advisory Committee for the Appointment of Sheriffs

Administrative Region	Surname and Initials	Rank	Court	Function
4 Free State B Welkom	Ms. A Motlekar	Chief Magistrate	Welkom	Member: Executive Committee: Chief Magistrates Forum Chairperson: Provincial Advisory Committee for the Appointment of Sheriffs
5 Gauteng – Johannesburg	Mr. EA Makda	Senior Magistrate	Vereeniging	Member: Council for Debt Collectors
	Ms. YP Sidlova	Chief Magistrate	Johannesburg	Member: Magistrates Commission
	Mr. TT Thupatlase	Acting Chief Magistrate	Randburg	Member: Rules Board for Courts of Law
	Mrs. E de Klerk	Chief Magistrate	Palm Ridge	Member: Executive Committee: Chief Magistrates Forum
5A Gauteng - Pretoria	Mr. IP du Preez	Acting Chief Magistrate	Pretoria	Member of Editorial Committee: SAJEI newsletter
6 KwaZulu Natal - Durban	Mr. EB Ngubane	Chief Magistrate	Durban	Chairperson: Provincial Advisory Committee for the Appointment of Sheriffs Coordinator / Chairperson of the Overcrowding Sub-Committee of the Provincial Efficiency Enhancement Committee [PEEC] in KwaZulu-Natal
	Mr. G van Rooyen	Senior Magistrate	Emlazi	Member of Editorial Board of the SAJEI Journal
7 KwaZulu Natal - Pietermaritzburg	Mr. ZAS Dlamini	Additional Magistrate	Pietermaritzburg	Provincial Secretary: Judicial Officers Association of South Africa
8 Mpumalanga Nelspruit	Ms. TS Tonjeni	Chief Magistrate	Nelspruit	Council member: South African Judicial Education Institute Chairperson: Provincial Advisory Committee for the Appointment of Sheriffs Member: Executive Committee: Chief Magistrates Forum
9 North West Mmabatho	Mrs. JJ Ikaneng	Chief Magistrate	Mmabatho	Chairperson: Provincial Advisory Committee for the Appointment of Sheriffs Member: Executive Committee: Chief Magistrates Forum
10 Northern Cape – Kimberley	Mr. OS Mazwi	Magistrate	Groblershoop	Provincial Chairperson: Judicial Officers Association of South Africa Member: National Executive Committee of the Judicial Officers Association of South Africa
	Mr. OM Krieling	Chief Magistrate	Kimberley	Council member: South African Judicial Education Institute Secretary: Chief Magistrates Forum Chairperson: Provincial Advisory Committee for the Appointment of Sheriffs
	Ms. PK Magidela	Magistrate	Springbok	Provincial Secretary: Judicial Officers Association of South Africa

Administrative Region	Surname and Initials	Rank	Court	Function
10 Northern Cape – Kimberley	Mr. LJ Blaauw	Additional Magistrate	Kimberley	Provincial Treasurer: Judicial Officers Association of South Africa
	Mr. J Brits	Magistrate	Pampierstad	Provincial Coordinator: SAC of International Association of Women Judges
11 Limpopo - Polokwane	Mrs. CD Ringane	Chief Magistrate	Polokwane	Chairperson: Provincial Advisory Committee for the Appointment of Sheriffs
	Mrs. L Raborife-Nchabeleng	Additional Magistrate	Morebeng	Member: Magistrates Commission
12 Western Cape – Cape Town	Mr. DM Thulare	Chief Magistrate	Cape Town	Chairperson: Chief Magistrates Forum Member: Magistrates Commission Chairperson: Provincial Advisory Committee for the Appointment of Sheriffs

# PART F

## APPOINTMENTS, RETIREMENTS AND VACANCIES



# JUDICIAL APPOINTMENTS RETIREMENTS AND VACANCIES

Sections 174 to 178 of the Constitution deal with the appointment of Judicial Officers.

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

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

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

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

The following are Judges appointed during the reporting period:

FULL NAMES	CAPACITY	COURT OR DIVISION OF THE HIGH COURT	DATE OF EFFECT
Mr Justice Xola Mlungisi Petse	Deputy President	Supreme Court of Appeal	01.06.2019
Mr Justice Daniel Vuminkosi Dlodlo	Appeal Judge	Supreme Court of Appeal	01.06.2019
Madam Justice Caroline Elizabeth Heaton-Nicholls	Appeal Judge	Supreme Court of Appeal	01.06.2019
Madam Justice Fikile Eunice Mokgohloa	Appeal Judge	Supreme Court of Appeal	01.06.2019
Madam Justice Yvonne Thokozile Mbatha	Appeal Judge	Supreme Court of Appeal	01.06.2019
Mr Justice Clive Michael Plasket	Appeal Judge	Supreme Court of Appeal	01.06.2019
Mr Justice Ronald Deon Hendricks	Deputy Judge President	North West Division	01.12.2019
Adv. Deidre Susan Kusevitsky	Judge	Gauteng Division	01.12.2019
Adv. Motilal Sunil Rukananan	Judge	Easter Cape Division, Grahamstown	01.12.2019
Madam Justice Bulelwa Myra Pakati	Judge	Eastern Cape Division, Port Elizabeth	01.01.2020
Adv. Nyameko Wellman Gqamana	Judge	Eastern Cape Division, Port Elizabeth	01.01.2020
Ms Nokuthula Sylvia Daniso	Judge	Free State Division	01.01.2020
Adv. Avril Maier-Frawley	Judge	Gauteng Division	01.01.2020
Mr David Makhoba	Judge	Gauteng Division	01.01.2020
Adv. Molebogeng Mamorena Pascalina Madalana-Mayisela	Judge	Gauteng Division	01.01.2020
Ms Shanaaz Christine Mia	Judge	Gauteng Division	01.01.2020
Mr Marcus Lekgaloa Senyatsi	Judge	Gauteng Division	01.01.2020
Dr. Elmarie van Der Schyff	Judge	Gauteng Division	01.01.2020
Adv. Rean Strydom	Judge	Gauteng Division	01.01.2020
Adv. Hayley Maud Slingers	Judge	Gauteng Division	01.12.2019
Adv. Phillip Horatius Siggolo Zilwa	Judge	Eastern Cape Division, Bhisho	01.06.2020

## Judges discharged from active service between 01 April 2019 to 31 March 2020

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

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

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

NAME	DATE	COURT
C Pretorius C	12-05-2019	Gauteng Division, Pretoria
S D S Moshidi S D S	10-06-2019	Gauteng Local Division, Johannesburg
C H Lewis	01-07-2019	Supreme Court of Appeal
Sishi Themba Albert	09-07-2019	KwaZulu-Natal Local Division, Durban
Seriti Legoabe Willie	22.07.2019	Supreme Court of Appeal
Rampai Mojalefa Hans	28-07-2019	Free State Division, Bloemfontein
Cameron Edwin	20-08-2020	Constitutional Court
Pickering Jeremy Dring	30.08.2019	Eastern Cape Division, Grahamstown
Makhanya Gidfonia Mlindelwa	09-09-2019	Gauteng Local Division, Johannesburg
Prinsloo William Richard Collins	29-10-2019	Gauteng Division, Pretoria
Msimeki Miloti Winston	10-11-2019	Gauteng Division, Pretoria
Tuchten Neil Brock	01-02-2020	Gauteng Division, Pretoria
Mavundla Ntendeya Moses	16-02-2020	Gauteng Division, Pretoria
Fabricius Hans-Joachim Adolf Bernhard	01-03-2020	Gauteng Division, Pretoria

### 1. Judges who resigned between 01 April 2019 and 31 March 2020

FULL NAMES	CAPACITY	DIVISION OF THE HIGH COURT	DATE OF EFFECT
Madam Justice Nadia Gutta	Judge	North West Division	16.04.2019

# THE RACE AND GENDER COMPOSITION OF THE SOUTH AFRICAN JUDICIARY

## SUPERIOR COURTS

DIVISIONS	AFRICAN		COLOURED		INDIAN		WHITE		TOTAL	VACANCIES
	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE		
Constitutional Court	4	2	0	1	0	0	2	0	9	2
Supreme Court of Appeal	7	7	2	0	3	1	5	1	26	0
Northern Cape Division (Kimberley)	1	3	0	1	0	0	1	0	6	0
Eastern Cape Division (Grahamstown)	2	1	1	0	0	0	3	1	8	2
Eastern Cape Local Division (Port Elizabeth)	1	0	0	0	0	0	2	2	5	2
Eastern Cape Local Division (Bhisho)	1	0	0	0	0	0	1	2	4	1
Eastern Cape Local Division (Mthatha)	2	2	0	0	0	1	2	0	7	1
Western Cape Division (Cape Town)	5	3	6	5	2	1	7	3	32	1
North West Division (Mahikeng)	1	3	1	0	0	0	0	0	5	1
Free State Division (Bloemfontein)	5	2	1	0	0	1	3	3	15	1
Gauteng Division (Pretoria)	14	10	0	2	3	0	11	6	46	3
Gauteng Local Division (Johannesburg)	8	5	3	0	2	2	7	6	33	4
Limpopo Division, Polokwane	3	1	0	0	0	0	1	0	5	0
Limpopo Local Division, Thohoyandou	3	0	0	0	0	0	0	0	3	1
Mpumalanga Division, Nelspruit	1	0	0	0	0	0	0	0	1	1

DIVISIONS	AFRICAN		COLOURED		INDIAN		WHITE		TOTAL	VACANCIES
	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE		
KwaZulu-Natal Division (Pietermaritzburg)	3	2	1	0	2	1	6	0	15	2
KwaZulu-Natal Local Division (Durban)	4	2	1	1	1	3	1	1	14	0
Labour Court	3	3		1			3	2	13	1
* Labour Appeal Court										
** Land Claims Court	2			1	1	1			0	
***Competition Appeal Court									0	
<b>TOTAL</b>	<b>68</b>	<b>46</b>	<b>16</b>	<b>11</b>	<b>13</b>	<b>10</b>	<b>55</b>	<b>27</b>	<b>246</b>	<b>22</b>

\*, \*\*, \*\*\* Judges of the above-mentioned courts are seconded from the High Court and therefore their statistics are already included in above table.

## MAGISTRATES COURTS

Race Gender	AFRICAN		COLOURED		INDIAN		WHITE		Grand Total
	FEMALE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	MALE	
Special Grade Chief Magistrate									0
MAGISTRATE CHIEF	6	3	1	1	1	1	1	2	16
MAGISTRATE SENIOR	27	31	5	5	10	8	18	14	118
MAGISTRATE	300	291	71	82	78	57	160	205	1244
REGIONAL COURT PRESIDENT	2	5	1	0	0	0	1	0	9
MAGISTRATE REGIONAL	80	86	12	21	27	13	41	59	339
<b>Grand Total</b>	<b>415</b>	<b>416</b>	<b>90</b>	<b>109</b>	<b>116</b>	<b>79</b>	<b>221</b>	<b>280</b>	<b>1726</b>
Percentage	20,38%	20,43%	4,42%	5,35%	5,70%	3,88%	10,85%	13,75%	84,77%

# In Memorium

A Dedication to the Memory of Our Honourable Departed Colleagues.

We remember our dearly departed colleagues and we thank them and their families for serving the people of this great nation with distinction and honour.

FULL NAMES	CAPACITY	DIVISION OF THE HIGH COURT	DATE OF DEATH
Mr Justice A J Steenkamp	Judge	Gauteng Division	20 May 2019
Mr Justice W H G van der Linde	Judge	Gauteng Division	09 November 2019
Mr Sishi	Senior Magistrate	Head of Court, Pinetown	31 January 2019
Mr Bonginkosi Meshak Ndokweni	Magistrate	Durban	28 November 2019
Ms Mogapi	Additional Magistrate	Pretoria North	26 August 2019



**CONTACT US:**

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