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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. 491

10 June 2021

**PERFORMANCE OF SERVICE BY MR JUSTICE DIKGANG MOSENEKE AS
CHAIRPERSON OF THE COMMITTEE FOR THE RATIONALISATION OF
AREAS UNDER THE JURISDICTION AND THE JUDICIAL ESTABLISHMENTS
OF THE DIVISIONS OF THE HIGH COURT**

Under section 7(2)(b) read with paragraph (d) of the definition of "service" in section 1(1) of the Judges' Remuneration and Conditions of Employment Act, 2001 (Act No 47 of 2001), I hereby request Honourable MR JUSTICE DIKGANG MOSENEKE, former Deputy Chief Justice of the Republic of South Africa, who has been discharged from active service, to perform service as chairperson of the committee on the rationalisation of areas of jurisdiction and the judicial establishments of the Divisions of the High Court established in terms of section 6(1) of the Superior Courts Act, 2013 (Act No.10 of 2013) (Rationalisation Committee).

The committee to comprise the following additional members:

- (a) Madam Judge Jeanette TRAVERSO, former Deputy Judge President of the Western Cape Division of the High Court who has been discharged from active service;
- (b) Ms Renuka SUBBAN retired Chief Magistrate of Verulam Magistrate's Court, KwaZulu Natal as additional member; and
- (c) Dr. Silas RAMAITE, retired Deputy National Director of Public Prosecutions, as additional member.

Given under my hand at.....PRETORIA.....on this the...9th
JUNE.....day of Two Thousand and Twenty One.



MR R.O. LAMOLA, MP

MINISTER OF JUSTICE AND CORRECTIONAL SERVICES

**TERMS OF REFERENCE OF THE COMMITTEE ON THE RATIONALISATION OF AREAS
UNDER THE JURISDICTION AND THE JUDICIAL ESTABLISHMENTS OF THE DIVISIONS
OF THE HIGH COURT OF SOUTH AFRICA**

1. Appointment of Committee

- 1.1 A Committee on the rationalisation of areas under the jurisdiction and the judicial establishments of the Divisions of the High Court of South Africa, established in terms of section 6(1) of the Superior Court Act, 2013 (Act No.10 of 2013) (Rationalisation Committee) is hereby appointed.
- 1.2 The Committee to be assisted by administrative staff seconded from the Department of Justice and Constitutional Development and any other State Department or Organ of State which shall include researchers, Geographical Information System (GIS) specialist under the supervision of the Secretary of the Committee; and
- 1.3 The Secretary of the Committee to be designated by the Minister after consulting the Chairperson of the Committee.

2. Terms of Reference of the Committee

- 2.1 The Committee, pursuant to the section 16(6) of the Constitution of the Republic of South Africa, 1996 (the Constitution) read with section 6 of the Superior Courts Act, 2013 (Act No. 10 of 2013) (the Superior Courts Act) to-
 - 2.1.1 with a view to rationalising areas under the jurisdictions of the Divisions of the High Court and the judicial establishments of all courts as an imperative to enhance access to justice, inquire into, report on and make recommendations regarding -
 - (a) areas in respect of which a main seat and/or a local seat of a Division of the High Court must exercise jurisdiction, taking into account -
 - (i) magisterial districts, sub-districts and places of sitting proclaimed in terms of the Magistrates Court Act, 1944 (Act No. of 1944);
 - (ii) the distances travelled by litigants to access any main seat or local seat of the High Court;
 - (iii) the costs incurred in accessing of seeking legal redress at the main seat and local seat of the High Court;
 - (iv) the proximity of police stations and other State functionaries to the main seat and or local seat of a Division;
 - (v) the existing court infrastructure and the medium and long-term plans on the upgrading and construction of new courts; and

- (b) any factor that the Minister may consider in establishing local seat of a Division of a High Court and the areas under the jurisdiction of such local seat as required by section 6(3) of the Superior Courts Act; and
- 2.1.2 assess the judicial establishment of each Division of the High and local seat under any such Division, with a view to ensuring equitable distribution of judicial posts across all the Divisions and local seats of any such Division, taking into consideration:-
- (a) the numerical strength of each Division and its local seat where such local seat exist;
 - (b) the caseload trends and projected future workload trends of each Division;
 - (c) the population served by each main seat or local seat of a Division;
 - (d) number of magisterial districts, sub-districts and places of sitting of the lower court and the work load trends of such districts, sub-districts and places of sitting which are under the jurisdiction of the main seat and local seat of the Division concerned;
 - (e) the knock-on effects of any proposed adjustment of the judicial establishment on the other human resource components that support judicial processes and the administration of justice broadly; and
 - (f) the economic situation and affordability of proposed rationalisation outcome.
3. The committee, in carrying out its functions, to consult, liaise and/or invite comments and submissions from the following stakeholders and/or persons including juristic persons:
- (a) Heads of Court and any other interested member of the Judiciary;
 - (b) the National Prosecuting Authority;
 - (c) Legal Aid South Africa;
 - (d) the Legal Practice Council and any interested member of the legal profession;
 - (e) the South African Board for Sheriffs or any interested sheriff;
 - (f) the South African Police Service;
 - (g) any organ of State; and
 - (h) any member of the public who has a vested interest on the outcome of the rationalisation exercise.
4. The Committee to determine its own procedure in carrying its task, including using of electronic or on-line mechanism of gathering comments, inputs, evidence and submissions relevant to its task.

5. The Committee to submit its Interim Report on or before 15 October 2021 and its final Report on 31 December 2021.

6. The terms of reference of the Committee may be amended by the Minister as may be required.