



**MAGISTRATES
COMMISSION**

REPUBLIC OF SOUTH AFRICA

**LANDDROSTE-
KOMMISSIE**

P O BOX 9096, PRETORIA, 0001

(012) 325 3951

FAX (012) 326 0094

Reference: 6/5/5/2 -210/2014

Enquiries: Mr I.P. du Preez

Date: 24 June 2015

Mr L Zantsi
c/o The Chief Magistrate
Private Bag X9017
CAPE TOWN
8000

L
Dear Mr Zantsi

CHARGE OF MISCONDUCT: MAGISTRATE L. ZANTSI, ASPIRANT ADDITIONAL (ACTING) MAGISTRATE, LAINGSBURG – PERSAL NUMBER 12254886

You, **Lukhanyo Zantsi**, at all relevant times a magistrate duly appointed as an acting magistrate in terms of section 9(3) of the Magistrates' Courts Act, No. 32 of 1944 and the Judicial Matters Amendment Act, No. 85 of 1995, as amended in respect of whom the Magistrates Commission, instituted in terms of the Magistrates Act, No. 90 of 1993 (The Act), has jurisdiction, **are charged with the following charges of misconduct:**

CHARGE 1

You are guilty of contravening regulation **25(c)** read with regulation 26(17) of the Regulations and section 16 of the Act and further read with **paragraphs 1, 4 and 16** of the **Code of Conduct** for Magistrates issued in terms of **regulation 54A** of the Regulations and contained in Schedule E to the Regulations (**the Code of Conduct**) as amended.

IN THAT **during August and September 2014** and at Laingsburg Court House, you reported on duty while under the influence of intoxicating liquor or stupefying drugs. As a result of your conduct you had to be taken home by a Clerk at the Laingsburg Court House, *to wit* Anchille van Graan.

You thereby acted without integrity and/or in a manner which does not uphold and promote the good name, dignity and esteem of the office of magistrate and the administration of justice and/or acted to the detriment of the discipline or the efficiency of the administration of justice or allied activities.

CHARGE 2

You are guilty of contravening regulation **25(e)** of the Regulations for Judicial Officers in Lower Courts, No. R.361 of 11 March 1994 (the Regulations) read with regulation 26(17) of the Regulations and section 16 of the Act.

IN THAT **during the period 4 and 5 November 2014** at Laingsburg, you used intoxicants or stupefying drugs excessively to the effect that it impacted on your ability to report for duty at the Laingsburg Court House.

CHARGE 3

You are guilty of contravening regulation **25(c)** read with regulation 26(17) of the Regulations and section 16 of the Act and further read with **paragraphs 1, 4 and 16** of the Code of Conduct as amended.

IN THAT **during the period 4 and 5 November 2014** and at Laingsburg, you consumed alcohol which had the effect of preventing you from reporting for duty and performing your duties as the sole appointed judicial officer at the Laingsburg Court House.

Therefore you absented yourself from office or duty without valid cause, and without notifying the Sub Cluster and / or Cluster Head of your intended absence, and thereby caused no arrangements to be made for a substitute magistrate to act in your absence at the Laingsburg Court House, at which court house you are the sole appointed judicial officer.

You thereby acted without integrity and/or in a manner which does not uphold and promote the good name, dignity and esteem of the office of magistrate and the administration of justice and/or acted to the detriment of the discipline or the efficiency of the administration of justice or allied activities.

CHARGE 4

You are guilty of contravening regulation **25(h)** of the Regulations for Judicial Officers in Lower Courts, No. R.361 of 11 March 1994 (the Regulations) read with regulation 26(17) of the Regulations and section 16 of the Act.

IN THAT **during the period 4 and 5 November 2014** and at Laingsburg Court House, you absented yourself from office or duty without valid cause.

CHARGE 5

You are guilty of contravening regulation **25(c)** read with regulation 26(17) of the Regulations and section 16 of the Act and further read with **paragraphs 1, 4 and 16** of the Code of Conduct as amended.

IN THAT on **14 January 2015** and at Laingsburg Court House, you absented yourself from office or duty in that you did not notify the Sub Cluster and / or Cluster Head of your absence. Your absence as sole appointed judicial officer at the Laingsburg Court House thereby created a situation where Judicial Service delivery at the said Court House was left unattended.

You thereby acted without integrity and/or in a manner which does not uphold and promote the good name, dignity and esteem of the office of magistrate and the administration of justice and/or acted to the detriment of the discipline or the efficiency of the administration of justice or allied activities.

CHARGE 6

You are guilty of contravening regulation **25(c)** read with regulation 26(17) of the Regulations and section 16 of the Act and further read with **paragraphs 1, 4 and 16** of the Code of Conduct as amended.

IN THAT on **15 January 2015** and at Laingsburg Court House, you absented yourself from office or duty in that you did not notify the Sub Cluster and / or Cluster Head of your absence. Your absence as sole appointed judicial officer at the Laingsburg Court House thereby created a situation where Judicial Service delivery at the said Court House was left unattended.

You thereby acted without integrity and/or in a manner which does not uphold and promote the good name, dignity and esteem of the office of magistrate and the administration of justice and/or acted to the detriment of the discipline or the efficiency of the administration of justice or allied activities.

CHARGE 7

You are guilty of contravening regulation **25(c)** read with regulation 26(17) of the Regulations and section 16 of the Act and further read with **paragraphs 1, 4 and 16** of the Code of Conduct as amended.

IN THAT on **16 January 2015** and at Laingsburg Court House, you absented yourself from office or duty in that you did not notify the Sub Cluster and / or Cluster Head of your absence. Your absence as sole appointed judicial officer at the Laingsburg Court House thereby created a situation where Judicial Service delivery at the said Court House was left unattended.

You thereby acted without integrity and/or in a manner which does not uphold and promote the good name, dignity and esteem of the office of magistrate and the administration of justice and/or acted to the detriment of the discipline or the efficiency of the administration of justice or allied activities.

CHARGE 8

You are guilty of contravening regulation **25(c)** read with regulation 26(17) of the Regulations and section 16 of the Act and further read with **paragraphs 1 and 4** of the Code of Conduct as amended.

IN THAT on **17 February 2015** and at Laingsburg, you uttered vulgar and abusive words towards a female member of the South African Police Service, *to wit* Sergeant Anna-Marie

de Kock, by *inter alia*:

- Calling her 'a fucken white trash';
- Telling her she is 'fucken white';
- Stating to her 'it's because you are fucken white'
- Threatening her with the statement 'You will see what's going to happen now to you after this' and 'I will now show you'

You thereby acted without integrity and/or in a manner which does not uphold and promote the good name, dignity and esteem of the office of magistrate and the administration of justice.

CHARGE 9

You are guilty of contravening regulation **25(c)** read with regulation 26(17) of the Regulations and section 16 of the Act and further read with **paragraphs 1 and 4** of the Code of Conduct as amended.

IN THAT on **17 February 2015** and at Laingsburg Police Station, whilst under arrest for driving a motor vehicle while under the influence of intoxicating liquor, you lay on your stomach inside the charge office and / or police station, and uttered vulgar and abusive words whilst in the presence of members of the South African Police Services and / or members of the public.

You thereby acted without integrity and/or in a manner which does not uphold and promote the good name, dignity and esteem of the office of magistrate and the administration of justice.

CHARGE 10

You are guilty of contravening regulation **25(c)** read with regulation 26(17) of the Regulations and section 16 of the Act and further read with **paragraphs 1 and 4** of the Code of Conduct as amended.

IN THAT during the period **August / September 2014** and at Laingsburg Caltex Garage, you made a misrepresentation to a petrol attendant, in the employment of the said garage, that you have an arrangement with the owner of the garage one Mrs Ilse Nel, to buy fuel on credit.

You thereby obtained fuel for your vehicle where in truth and in fact you knew that no such arrangement was in place.

You thereby acted without integrity and/or in a manner which does not uphold and promote the good name, dignity and esteem of the office of magistrate and the administration of justice.

CHARGE 11

You are guilty of contravening regulation **25(c)** read with regulation 26(17) of the Regulations and section 16 of the Act and further read with **paragraphs 1 and 4** of the Code of Conduct as amended.

IN THAT during the period August / September 2014 and at Laingsburg, you failed to pay monies due and payable to Mrs Ilze Nel and / or Laingsburg Caltex Garage for fuel obtained from Laingsburg Caltex Garage. Due to your failure to settle your debt Mrs Ilze Nel and / or Laingsburg Caltex Garage was obliged to demand payment from you.

You thereby acted without integrity and/or in a manner which does not uphold and promote the good name, dignity and esteem of the office of magistrate and the administration of justice.

CHARGE 12

You are guilty of contravening regulation **25(c)** read with regulation 26(17) of the Regulations and section 16 of the Act and further read with **paragraphs 1 and 4** of the Code of Conduct as amended.

IN THAT during the period 2014 / 2015 and at Laingsburg, you conducted yourself inter alia as follows:

- Consumed alcohol in a public place, to wit the local communal pigsty;
- Left behind empty liquor/alcohol bottles at the local communal pigsty;
- Drove your motor vehicle after consuming alcohol at the local communal pigsty;

You thereby acted without integrity and/or in a manner which does not uphold and promote the good name, dignity and esteem of the office of magistrate and the administration of justice.

CHARGE 13

You are guilty of contravening regulation **25(c)** read with regulation 26(17) of the Regulations and section 16 of the Act and further read with **paragraphs 1 and 4** of the Code of Conduct as amended.

IN THAT during the period 2014 / 2015 and at Laingsburg, you often arrived at work smelling of liquor.

You thereby acted without integrity and/or in a manner which does not uphold and promote the good name, dignity and esteem of the office of magistrate and the administration of justice.

CHARGE 14

You are guilty of contravening regulation **25(b)**, read with regulation 35, and further read with regulation 26(17) of the Regulations and section 16 of the Act.

IN THAT **during the period 2014 / 2015** and at Laingsburg Court House, you did not adhere to the office hours as prescribed by regulation 35 in that you often arrived late at the Court House and / or left early.

You are **invited** in terms of **regulation 26(5)** of the Regulations to send or deliver a **written explanation** regarding the misconduct with which you are charged in order to establish which allegations are admitted and which allegations are disputed within ten (10) days after receiving this charge sheet.

Such explanation is to be made to the Secretary, Magistrates Commission, Pretoria by means of post (P.O. Box 9096 Pretoria 0001) or facsimile (012 – 326 0094) or e-mail (idupreez@justice.gov.za). Should you fail to reply within the stipulated period, it will be deemed that you do not wish to submit any explanation.

GIVEN UNDER MY HAND AT PRETORIA THIS DAY OF 2015.

M F LEGODI
CHAIRPERSON: MAGISTRATES COMMISSION

I hereby acknowledge receipt of the charge sheet on (date)

Full names and surname:

.....
 SIGNATURE

.....