**Media Statement**

**Provisional suspension of Chief Magistrate Nair**

<https://www.justice.gov.za/m_statements/2020/20200226-Nair.html>

26 February 2020

The Minister of Justice and Correctional Services, Mr Ronald Lamola, has tabled a report in Parliament in terms of 13(3)(b) of the Magistrates Act, Act 90 of 1993, regarding the provisional suspension from office of Mr Desmond Nair, the Chief Magistrate, Pretoria, pending the outcome of an investigation into his fitness to hold office as a magistrate.

In terms of section 13(3)(b), the Minister, on the advice of the Magistrates Commission, may provisionally suspend a magistrate from office, if the Commission is satisfied that reliable evidence exists indicating that an allegation against that magistrate is of such a serious nature as to make it inappropriate for the magistrate to perform the functions of a magistrate whilst the allegation is being investigated and if an investigation has been instituted by the Commission into the magistrate’s fitness to hold office.

The report, which must also set out the reasons for the suspension, must be tabled in Parliament by the Minister within seven days of the suspension.

Having conducted a preliminary investigation and having considered the preliminary investigation report, the Commission resolved to charge Mr Nair with misconduct and a charge sheet, containing two counts of misconduct, was served in November last year.

The misconduct charges relate to allegations that Mr Nair allegedly asked for, or accepted/received special favours or benefits from BOSASA which may unduly influence him in the execution of his judicial duties or which may create the impression or perception as being intended to influence him in the performance of such duties.

“*Judicial officers must be held to the highest standards of scrutiny and their conduct must at all times be beyond reproach and be conduct befitting their office. Given the seriousness of the allegations, as well as the importance of the image of our judicial officers, our courts and the rule of law, I have decided to provisionally suspend Mr Nair with immediate effect, pending the outcome of the investigation*,” said Minister Lamola.

In terms of the Act, Parliament must as soon as reasonable possible pass a resolution as to whether or not the provisional suspension is confirmed.

**Issued by the Department of Justice and Constitutional Development**