**NATIONAL ASSEMBLY**

**QUESTIONS FOR WRITTEN REPLY**

FRIDAY, 18 MARCH 2022

DUE DATE: 1 APRIL 2022

1039. Mr D F Mthenjane (EFF) to ask the President of the Republic:

What factors (a) did he take into account in his decision to appoint Justice Raymond Zondo as the new Chief Justice of the Constitutional Court and (b) led him to ignore the recommendation of the Judicial Service Commission to appoint the Judge President of the Supreme Court of Appeal, Justice Mandisa Maya?

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**REPLY**

The Constitution sets out the role of the Chief Justice. Section 165(6) indicates that the Chief Justice is the head of the judiciary and exercises responsibility over the establishment and monitoring of norms and standards for the exercise of the judicial functions of all courts. He or she also heads the Constitutional Court, our apex court.

Section 174(1) of the Constitution requires that persons appointed as judicial officers be fit and proper persons, and that those appointed to the Constitutional Court must also be South African citizens. Section 174(2) further requires that the judiciary must reflect broadly the racial and gender composition of South Africa and that this must be considered when judicial officers are appointed.

These are among the factors that were relevant to my choice of who should be the next Chief Justice.

In addition, I considered the great value in ensuring continuity and certainty in the leadership of the judiciary, and the important role the judiciary plays in ensuring trust and faith in state institutions.

I had the benefit of the inputs of all political parties represented in Parliament, and the contents and outcomes of the interviews conducted by the Judicial Service Commission, who were consulted as required by the Constitution. The Constitution does not give primacy to any of those entities and persons that I am enjoined to consult.

I exercised my Constitutionally granted discretion, taking into account all factors, in coming to the determination that Justice Raymond Zondo is the best person to be our next Chief Justice.