

(as tabled)

GOVERNMENT NOTICE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R.

2009

JUDICIAL SERVICE COMMISSION ACT, 1994 (ACT NO. 9 OF 1994) REGULATIONS RELATING TO THE JUDICIAL SERVICE COMMISSION

The Minister of Justice and Constitutional Development has, in consultation with the Chief Justice under section 13(5) and under section 35 of the Judicial Service Commission Act, 1994 (Act No. 9 of 1994), made the regulations in the Schedule.

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- 7. Miscellaneous
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Registrable interests

ANNEXURE B

Form

- 1. Disclosure of registrable interest
- 2. Application for consent in terms of section 11(1) and (2) of the Judicial Service Commission Act, 1994
- 3. Request for access to information to confidential part of register of judges' registrable interests
- 4. Nomination of person to serve on tribunal
- 5. List of non-judicial officers suitable to serve on tribunals

ANNEXURE C

Format of Register of Judges' Registrable Interests

Definitions

1. In these regulations any word or expression to which a meaning has been assigned in the Act shall bear the meaning so assigned to it and, unless the context otherwise indicates—

"day" means any day of the week other than a Saturday, Sunday or public holiday;

"Register" means the Register of Judges' Registrable Interests, referred to in section 13(2) of the Act;

"Registrar" means the Registrar of Judges' Registrable Interests, appointed in terms of section 13(1) of the Act;

"registrable interest" means an interest contemplated in regulation 2;

"the Act" means the Judicial Service Commission Act, 1994 (Act No. 9 of 1994);

Registrable interests

2. The registrable interests of judges in active service, judges who had been discharged from active service and acting judges, and those of their immediate family members, are as listed in Annexure A.

Disclosure of registrable interests

- 3. (1) A judge must disclose particulars of all his or her registrable interests and those of his or her immediate family members on a form which corresponds substantially with Form 1 of Annexure B, and must lodge that disclosure with the Registrar.
- (2) Subject to section 13(4) of the Act, a judge must lodge the first disclosure with the Registrar within 30 days of his or her appointment as a judge, and thereafter within 30 days after acquiring, or learning of the existence of, a new registrable interest.
- (3) The Registrar must enter the particulars of a disclosure by a judge in the Register and must cause a copy of all entries relating to that judge, to be delivered to the judge. All entries relating to the registrable interests of a family member of a judge must be made in the confidential part of the Register.
- (4) During March every year, a judge must inform the Registrar in writing whether the entries in the Register are an accurate reflection of that judges' registrable interests and those of his or her immediate family members and, if applicable, make such further disclosures to the Registrar, or inform the Registrar of such amendments, as may be required.
 - (5) If the Registrar has reason to believe that a judge—
- (a) has failed or is failing to comply with a provision of these regulations; or
- (b) may have disclosed incorrect or misleading information,

the Registrar must without delay invite that judge in writing to comply with the provision in question or to correct any information so disclosed.

- (6) If, after a period of 30 days has lapsed after a judge received a written invitation in terms of subregulation (5), the Registrar still has reason to believe that the judge—
- (a) has failed or is failing to comply with a provision of these regulations; or
- (b) may have disclosed incorrect or misleading information, the Registrar must without delay lodge a complaint against that judge in the manner contemplated in

Application for consent

section 14(3) of the Act.

- 4. (1) An application for the written consent of the Minister as contemplated in—
- (a) section 11(1) of the Act, must be in writing and must correspond substantially with Part I of Form 2 of Annexure B; and
- (b) section 11(2) of the Act, must be in writing and must correspond substantially with Part II of Form 2 of Annexure B.
- (2) An application contemplated in subregulation (1), together with certified copies of supporting documentation must be lodged in duplicate with the Chief Justice, who must—
- (a) consider the application;
- (b) make a written recommendation to the Minister; and
- (c) submit his or her written recommendation, together with a copy of the application and supporting documentation, to the Minister for consideration.
- (3) The Minister must cause the Chief Justice and the judge who made an application to be informed of his or her decision regarding the application within a reasonable time.

Register

- 5. (1) The Register must correspond substantially with the format set out in Annexure C.
 - (2) The public part of the Register may be inspected by any person at the office of the Registrar or at any other venue agreed to by the Registrar, during office hours and under the supervision of a person designated by the Registrar.
 - (3) The Registrar must keep the Register in a safe place.
- (4) Only the Heads of Court, the Registrar and any official designated in writing by the Registrar have unrestricted access to the Confidential Part of the Register. Any other person wishing to have access to information recorded in the confidential part of the Register must—
- (a) apply in writing for such access on a form which corresponds substantially with Form 3 of Annexure B; and
- (b) lodge the application contemplated in paragraph (a), in duplicate with the Registrar.
- (5) Upon receipt of an application contemplated in subregulation (4) the Registrar must open a file in the name of the judge whose particulars have been requested and file all documents relating to the application on that file.

- (6) The Registrar must within ten days of receipt of the application—
- (a) in writing inform the judge whose particulars were requested, of the application; and
- (b) request the judge to respond, in writing, to the application within 15 days after receiving the request.
 - (7) A judge whose particulars were requested may, in writing—
- (a) give permission to the access applied for; or
- (b) object to the application, stating the reasons for such objection..
- (8) Upon receipt of a judge's written permission to grant access referred to in subregulation (7)(a), the Registrar must—
- (a) inform the applicant that the access has been granted; and
- (b) make the necessary arrangements for the applicant to have access to the requested particulars.
 - (9) If, after a request in terms of subregulation (6), a judge—
- (a) does not respond to the request; or
- (b) objects to the application,

the Registrar must submit the application to the Committee for consideration.

- (10) The Committee must, after affording both parties a reasonable opportunity to put their arguments to the Committee, direct—
- (a) that it is in the applicant's or the public's interest to have such access, and that the applicant may have such access; or
- (b) that there is insufficient justification for the access applied for and that the access is refused.
- (11) Upon receipt of the Committee's direction, the Registrar must inform the applicant accordingly and if the access has been granted, make the necessary arrangements for the applicant to have access to the requested particulars.
- (12) Any access to information recorded in the confidential part of the Register, granted in terms of this regulation, must occur under the direct supervision of the Registrar.
- (13) The Registrar must keep a record of all applications in terms of subregulation (4) and the outcome of thereof.

List of persons suitable to serve on Tribunals

- 6. (1) The Executive Secretary must from time to time and subject to the directions of the Chief Justice, invite the organised legal professions and the deans of law faculties of South African Universities to nominate persons who are not judicial officers, to be entered on the list referred to in section 23(1) of the Act.
 - (2) The nomination of a person must—
- (a) be in writing on a form which corresponds substantially with Form 4 of Annexure B; and
- (b) be accompanied by—
 - (i) a *curriculum vitae* of the person nominated;

- (ii) such further particulars of the nominee as may be directed by the Chief Justice.
- (3) The Executive Secretary must submit all nominations received to the Chief Justice.
- (4) Upon receipt of the names of nominees approved by the Chief Justice in concurrence with the Minister, the Executive Secretary must enter those names on a list, which corresponds substantially with Form 5 of Annexure B.

Miscellaneous

- 7. (1) The Minister must, in writing, consult with the Chief Justice on the funds required for the administration and functioning of the Commission, as contemplated in section 36(3) of the Act.
- (2) The affirmation of secrecy, contemplated in section 38(3)(b) of the Act, must be made and subscribed to in writing before any judicial officer or commissioner of oaths designated by the Chief Justice, whereafter the original affirmation must be entrusted to the Executive Secretary for safekeeping, and a copy of the affirmation must be given to the person who made and subscribed to that affirmation.

Short title

8. These regulations shall be called the Regulations relating to the Judicial Service Commission, 2009.

ANNEXURE A

REGULATIONS RELATING TO THE JUDICIAL SERVICE COMMISSION, 2009

REGISTRABLE INTERESTS

[Regulation 2]

PART 1: Interests to be declared by Judges in Active Service

- 1. Immovable property, including immovable property outside South Africa.
- 2. Shares and other financial interests in companies and other corporate entities.
- 3. Directorships or business interests in a company, close corporation, partnership or any other business enterprise.
- 4. Any royalties, income or other benefits derived from the application of section 11 of the Act.
- 5. Sponsorships, including financial assistance from any source other than the income earned by a judge in his or her judicial capacity, or earned by an immediate family member in his or her personal capacity.
- 6. Gifts, other than a gift received from an immediate family member, with a value of more than R1000 or gifts received from a single source with a cumulative value of more than R1000 in a calendar year, and including hospitality intended as such.
- 7. Any other financial income not derived from the holding of judicial office.

PART 2: Interests to be declared by Judges discharged from Active Service

- 1. Shares and other financial interests in companies and other corporate entities.
- Directorships or business interests in a company, close corporation, partnership or any other business enterprise.
- 3. Any royalties, income or other benefits derived from the application of section 11 of the Act.
- 4. Sponsorships, including financial assistance from any source other than the income earned by a judge in his or her judicial capacity, or earned by an immediate family member in his or her personal capacity.
- 5. Any other financial income not derived from the holding of judicial office.

PART 3: Interests to be declared by Acting Judges

- 1. Immovable property, including immovable property outside South Africa.
- 2. Shares and other financial interests in companies and other corporate entities.
- 3. Directorships or business interests in a company, close corporation, partnership or any other business enterprise.

- 4. Any royalties, income or other benefits derived from the application of section 11 of the Act.
- 5. Sponsorships, including financial assistance from any source other than the income earned by a judge in his or her judicial capacity, or earned by an immediate family member in his or her personal capacity.
- 6. Gifts, other than a gift received from an immediate family member, with a value of more than R1000 or gifts received from a single source with a cumulative value of more than R1000 in a calendar year, and including hospitality intended as such.
- 7. Any other financial income not derived from the holding of judicial office, during the term of service as an acting judge.

PART 4: Interests of immediate family members to be declared by judges

- 1. Immovable property, including immovable property outside South Africa, unless the judge concerned has been discharged from active service.
- 2. Shares and other financial interests in companies and other corporate entities.
- 3. Directorships or business interests in a company, close corporation, partnership or any other business enterprise.
- 4. Sponsorships, including financial assistance, from any source other than an immediate family member.
- Gifts, other than a gift received from an immediate family member, with a value of more than R1000 or gifts received from a single source with a cumulative value of more than R1000 in a calendar year, and including hospitality intended as such, unless the judge concerned has been discharged from active service.

ANNEXURE B

FORM 1

REGULATIONS RELATING TO THE JUDICIAL SERVICE COMMISSION, 2009

DISCLOSURE OF REGISTRABLE INTERESTS

[Regulation 3]

Failure to comply with any provision in Regulation 3, or the disclosure of false or misleading information, will

Proof of Minister's consent, granted in terms of section 11 of the Act, must be attached, where applicable.

Please note:

3.

This form must be completed in block letters.

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FORM 2 REGULATIONS RELATING TO THE JUDICIAL SERVICE COMMISSION, 2009

APPLICATION FOR CONSENT IN TERMS OF SECTION 11(1) AND (2) OF THE JUDICIAL SERVICE COMMISSION ACT, 2008

[Regulation 4(1)]

Please note:

- 1. This form must be—
 - (a) completed in block letters; and
 - (b) submitted in duplicate to the Chief Justice.
- 2. Certified copies of supporting documentation must be attached to application.
- 3. If space provided is not enough, please continue on a separate page.
- 4. Part I of the form must be completed by a judge performing active service.
- 5. Part II of the form must be completed by a judge who has been discharged from active service.

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FORM 3 REGULATIONS RELATING TO THE JUDICIAL SERVICE COMMISSION, 2009

REQUEST FOR ACCESS TO INFORMATION TO CONFIDENTIAL PART OF REGISTER OF JUDGES' REGISTRABLE INTERESTS

[Regulation 5(4)]

Please note:

- 1. This form must be completed in block letters.
- 2. Proof of the capacity in which the request is made must be attached (if the request is made on behalf of a body or institution).
- 3. Proof, if any, to substantiate the reason for the request must be attached.
- 4. The request may be denied. If the request is granted, an appointment must be with the Executive Secretary in the Office of the Chief Justice to have access to the information requested, in the presence of the Executive Secretary.
- 5. No copies of any information will be made available.

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FORM 4 REGULATIONS RELATING TO THE JUDICIAL SERVICE COMMISSION, 2009

NOMINATION OF PERSON TO SERVE ON TRIBUNAL

[Regulation 6(2)]

This nomination form must be completed in print.

PART 1: NOMINATION OF PERSON

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Signature of person nominated

FORM 5 REGULATIONS RELATING TO THE JUDICIAL SERVICE COMMISSION, 2009

LIST OF NON-JUDICIAL OFFICERS SUITABLE TO SERVE ON TRIBUNALS [Regulation 6(4)]

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ANNEXURE C

FORMAT OF REGISTER OF JUDGES' REGISTRABLE INTERESTS [Regulation 5]

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。 第14章 12章 14章 14章 14章 14章 14章 14章 14章 14章 14章 14	医多种氏管 医多种性 医多种性 医多种性 医多种性 医多种性 医多种性 医多种性 医多种性			アプル・ファイン・ディア・イビー・ディング
上海是是什么有印度的最后的企业的,但是不是不是的,但是不是的,这个人的,我们就是一个人的,我们就是一个人的,我们就是一个人的,我们就是一个人的,我们就是一个人的,我们	医骶骨结肠 医最近 阿尼亚特 医 医皮肤性 化甲基酚酸 第二人称 从外的一尺 医甲基酚 电电流电路	الروسية والمراجع المراجع المراجع	The second control of	حقفها ناموه والمستسلون والسيورين والم
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The second secon				

PART B PUBLIC PART

CHAPTERIE JUDGES IN ACTIVE SERVICE

Name of Superior Court, e.g. Supreme Court of Appeal

Justice (Name of Judge):

Immovable property:

Description

Date of entry

Shares:

Nature

Nominal value

Company/Entity

Date of entry

Directorships/partnerships/business enterprises:

Name of entity

Type of business

Income/benefit derived

Date of entry

Benefit derived from application of section 11 of Act 9 of 1994:

Particulars of written

Nature of benefit

Value

consent

Date of entry

Sponsorships

Source

Nature

Nominal value

Date of entry

Gifts and hospitality

Source

Nature

Nominal value

Date of entry

Other financial income not related to judicial office

Source

Value

Date of entry

CHAPTER 2: JUDGES DISCHARGED FROM ACTIVE SERVICE

Justice (Name of Judge): - Date discharged:

Shares:

Nature

Nominal value

Company/Entity

Date of entry

Directorships/partnerships/business enterprises:

Name of entity

Type of business

Income/benefit derived

Date of entry

Benefit derived from application of section 11 of Act 9 of 1994:

Particulars of written

Nature of benefit

Value

consent

Date of entry

Sponsorships

Source

Nature

Nominal value

Date of entry

Other financial income not related to judicial office

Source

Value

Date of entry

CHAPTERS: ACTING JUDGES

Name of Superior Court, e.g. Supreme Court of Appeal

Justice (Name of Acting Judge):

Immovable property:

Description

Date of entry

Shares:

Nature

Nominal value

Company/Entity

Date of entry

Directorships/partnerships/business enterprises:

Name of entity

Type of business

Income/benefit derived

Date of entry

Benefit derived from application of section 11 of Act 9 of 1994:

Particulars of written

Nature of benefit

Value

consent

Date of entry

Sponsorships

Source

Nature

Nominal value

Date of entry

Gifts and hospitality

Source

Nature

Nominal value

Date of entry

Other financial income not related to judicial office

Source

Value

Date of entry

PART 23 CONTIDENT	MALIPARTI		
CHAPTER ETUDCES	EN ACTIVE SERVICE		
Name of Superior Cour	t, e.g Supreme Court of A	opeal a second	
Justice (name of Judge)	Personal registrable	interests:	
Immovable property: Description	Location	Value	Date of entry
Name age and gender	cof immediate family mem	berof Judge:	
Registrable assets of (name of above family men	ber):	
Immovable property: Description	Location	Value	Date of entry
Shares:- Nature	Nominal value	Company/Entity	Date of entry
Directorships/partnersh Name of entity	ips/business enterprises: Type of business	Income/benefit derived	Date of entry
Sponsorships Source	Nature	Nominal value	Date of entry
Gifts and hospitality Source	Nature	Nominal value	Date of entry
CHARTER 22 JUDGES	DISCHARGED-FROMA	CTIVE	
Justice (name of Judge)	Personal registrable	interests:	
Immovable property: Description	Location	Value	Date of entry
	of immediate family mem		
Immovable property: Description	Location	Value	Date of entry
Shares: Nature	Nominal value	Company/Entity	Date of entry

Directorships/partnerships/business enterprises: Name of entity Type of business Income/benefit derived Date of entry Sponsorships Source Nature Nominal value Date of entry Gifts and hospitality Nominal value Source Nature Date of entry CHAPTERS: ACTING JUDGES Justice (name of Judge): Personal registrable interests: Immovable property: Description Value Location Date of entry Name; age and gender of immediate family member of Judge: Registrable assets of (name of above family member): Immovable property: Location Description Value Date of entry Shares: Nature Nominal value Company/Entity Date of entry Directorships/partnerships/business enterprises: Name of entity Type of business Income/benefit derived Date of entry Sponsorships Nature Source Nominal value Date of entry Gifts and hospitality

Nominal value

Date of entry

Nature

Source