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GOVERNMENT NOTICE

GOEWERMENTSKENNISGEWING

DEPARTMENT OF JUSTICE

DEPARTEMENT VAN JUSTISIE

No. R. 1707

27 October 1994

No. R. 1707

27 Oktober 1994

MAGISTRATES ACT, 1993
(ACT No. 90 OF 1993)

WET OP LANDDROSTE, 1993
(WET No. 90 VAN 1993)

AMENDMENT OF REGULATIONS

WYSIGING VAN REGULASIES

The Minister of Justice has, under section 16 of the Magistrates Act, 1993 (Act No. 90 of 1993), made the regulations in the Schedule.

Die Minister van Justisie het kragtens artikel 16 van die Wet op Landdroste, 1993 (Wet No. 90 van 1993), die regulasies in die Bylae uitgevaardig.

SCHEDULE

BYLAE

Definitions

1. In these regulations "the Regulations" means the regulations published by Government Notice No. R. 361 of 11 March 1994, as amended by Government Notices Nos. R. 644 of 1 April 1994, R. 1407 of 11 August 1994 and R. 1808 of 17 October 1994.

Amendment of Classification of the Regulations

2. The Classification of the Regulations is hereby amended by—

(a) the insertion of the expression—

"PART XXI: CODE OF CONDUCT FOR
MAGISTRATES

54A. Code of conduct for Magistrates"

after the expression—

"PART XX: CREATION OF POSTS

54. Creation of posts";

Woordomskrywing

1. In hierdie regulasies beteken "die Regulasies" die regulasies afgekondig by Goewermentskennisgewing No. R. 361 van 11 Maart 1994, soos gewysig by Goewermentskennisgewings Nos. R. 644 van 1 April 1994, R. 1407 van 11 Augustus 1994 en R. 1808 van 17 Oktober 1994.

Wysiging van Indeling van die Regulasies

2. Die Indeling van die Regulasies word hierby gewysig deur—

(a) die invoeging van die uitdrukking—

"DEEL XXI: GEDRAGSKODE VIR LAND-
DROSTE

54A. Gedragskode vir Landdroste"

na die uitdrukking—

"DEEL XX: SKEPPING VAN POSTE

54. Skepping van poste";

(b) the insertion of the expression —

“SCHEDULE E

Code of conduct for Magistrates”
after the expression —

“SCHEDULE D

Rates for overtime remuneration”.

Insertion of Regulation 54A in the Regulations

3. The following regulation is hereby inserted after regulation 54 of the Regulations:

“54A. The Code of conduct for Magistrates is the Code of conduct contained in Schedule E of the Regulations.”.

Insertion of Schedule E in the Regulations

4. The following Schedule is hereby inserted after Schedule D:

“SCHEDULE E

CODE OF CONDUCT FOR MAGISTRATES

(Regulation 54A)

WHEREAS

the Magistrates Act, No. 90 of 1993, seeks to maintain and promote the independence of the office of magistrate as a judicial office;

magistrates as judicial officers are required to maintain high standards of conduct in both their professional and personal capacities; and

a need for a code of conduct has arisen,

the Magistrates Commission hereby adopts, after consultation with the Magistrates profession, the following Code of Conduct for Magistrates:

1.

A magistrate is a person of integrity and acts accordingly. There are no degree of integrity. Integrity is absolute.

2.

A magistrate administers justice to all without fear, prejudice or favour.

3.

A magistrate executes his/her official duties objectively, competently and with dignity, courtesy and self-control.

4.

A magistrate acts at all times (also in his/her private capacity) in a manner which upholds and promotes the good name, dignity and esteem of the office of magistrate and the administration of justice.

5.

A magistrate obeys the laws of the land.

6.

A magistrate does not associate with any individual or body to the extent that he/she becomes obligated to such person or body in the execution of his/her official duties or creates the semblance thereof and does not use his/her office to further the interests of any individual or body or permit this to be done.

(b) deur die invoeging van die uitdrukking —

“BYLA E

Gedragkode vir Landdroste”
na die uitdrukking —

“BYLA E D

Tariewe vir oortydbesoldiging”.

Invoeging van Regulasie 54A in die Regulasies

3. Die volgende regulasie word hierby na regulasie 54 van die Regulasies ingevoeg:

“54A. Die Gedragkode vir Landdroste is die Gedragkode soos vervat in Bylae E van die Regulasies.”.

Invoeging van Bylae E in die Regulasies

4. Die volgende Bylae word hierby na Bylae D ingevoeg:

7.

A magistrate does not accept any gift, favour or benefit of whatsoever nature which may possibly unduly influence him/her in the execution of his/her official duties or create the impression that this is the case.

8.

A magistrate refrains from the execution of any duty in an official capacity in a matter wherein he/she has a direct or indirect interest.

9.

A magistrate refrains from discussing or remarking or commenting on matters pertaining to his/her profession with the media or in public in a manner which is detrimental to the image of the office of magistrate.

10.

A magistrate shall not divulge any confidential information which has come to his/her knowledge in his/her official capacity, except in so far as it is necessary in the execution of his/her duties.

11.

A magistrate executes his/her official duties diligently and thoroughly and requires his/her subordinates to do likewise.

12.

A magistrate maintains good order in his/her court and requires dignified conduct from litigants, witnesses, court staff, legal practitioners and the public.

13.

A magistrate shall not, without the permission of the Commission, permit the proceedings in his/her court to be televised or broadcast or taped for these purposes, or photographs to be taken or television cameras or similar apparatus to be used in his/her court during a court session, during recess or immediately prior to or after the court session.

14.

A magistrate shall report unprofessional conduct on the part of legal practitioners or public prosecutors of which he/she becomes aware in the course of court proceedings to the professional body concerned or, in the case of public prosecutors, to the attorney-general concerned.

15.

A magistrate shall refrain from express support for any political party or grouping.

16.

A magistrate shall not act to the detriment of the discipline or the efficiency of the administration of justice or allied activities.

17.

A magistrate shall wear official dress during court sessions (except at inspections *in loco*).

A magistrate who acts as presiding officer in a court shall wear a gown which is made from black Princetta material with black embroidery of silken cord on the front and sleeves: Provided that the gown of a regional court magistrate shall be black with bell-shaped sleeves with seams and an 8-cm-wide full length lapel and shoulder piece of scarlet red.

The length of the gown shall be in proportion to the height of the magistrate and the hemline of the gown shall not be more than 20 cm above the ground.

A magistrate shall wear suitable clothes with the gown.”

"BYLAE E

GEDRAGSKODE VIR LANDDROSTE

(Regulasie 54A)

AANGESIEN

die Wet op Landdroste, No. 90 van 1993, die handhawing en bevordering van die onafhanklikheid van die landdrosamp as regterlike amp beoog;

van landdroste as regterlike beamptes vereis word dat hulle hoë gedragstandaarde in hulle professionele sowel as hulle persoonlike hoedanighede moet handhaaf; en

'n behoefte aan 'n gedragkode ontstaan het, aanvaar die Landdrostekommissie, na oorlegpleging met die landdrosprofessie, hiermee die volgende Gedragkode vir Landdroste:

1.

'n Landdros is 'n persoon van integriteit en tree dienooreenkomstig op. Daar is geen grade van integriteit nie. Integriteit is absoluut.

2.

'n Landdros laat aan alle persone reg geskied sonder vrees, vooroordeel of begunstiging.

3.

'n Landdros verrig sy/haar ampspligte op objektiewe wyse, vaardig, waardig, hoflik en met selfbeheersing.

4.

'n Landdros tree te alle tye (ook in sy/haar privaat hoedanigheid) op 'n wyse op wat die goeie naam, waardigheid en aansien van die landdrosamp en die regspleging handhaaf en bevorder.

5.

'n Landdros gehoorsaam die landswette.

6.

'n Landdros assosieer hom/haar nie met enige individu of instansie tot so 'n mate dat dit hom/haar in die uitvoering van sy/haar ampspligte onder 'n verpligting teenoor sodanige individu of instansie plaas óf die skyn daarvan verwek nie en gebruik ook nie sy/haar amp om die belange van enige individu of instansie te bevorder nie en laat dit ook nie toe nie.

7.

'n Landdros ontvang geen geskenk, guns of voordeel van watter aard ook al wat hom/haar in die uitvoering van sy/haar ampspligte moontlik onbehoorlik kan beïnvloed of die indruk kan verwek dat dit die geval is nie.

8.

'n Landdros weerhou hom/haar van die uitvoering van ampspligte in 'n saak waarby hy/sy regstreeks of onregstreeks belang het.

9.

'n Landdros weerhou hom/haar daarvan om met die media of in die openbaar aangeleenthede rakende sy/haar beroep te bespreek, uitlatings daaroor te maak of kommentaar daarop te lewer op 'n wyse wat die beeld van die landdrosamp kan skaad.

10.

'n Landdros openbaar nie enige vertroulike inligting wat hy/sy by die vervulling van sy/haar ampspligte te wete kom nie, behalwe in soverre bekendmaking daarvan vir die uitvoering van sy/haar pligte nodig is.

11.

'n Landdros verrig sy/haar ampspligte vlytig en deeglik en vereis dat sy/haar ondergeskikte personeel dieselfde doen.

12.

'n Landdros handhaaf die goeie orde in sy/haar hof en vereis dat litigante, getuies, hofpersoneel, regspraktisyns en die publiek waardig optree.

13.

'n Landdros laat nie sonder die toestemming van die Kommissie toe dat die verrigtinge in sy/haar hof gebeeldsend of uitgesaai word of vir daardie doeleindes op band opgeneem word nie, of dat daar in sy/haar hof tydens 'n hofsitting, tydens 'n hofreses en onmiddellik voor en na die hofsitting foto's geneem word of televisiekameras of soortgelyke apparaat gebruik word nie.

14.

'n Landdros rapporteer onprofessionele gedrag van regspraktisyns of staatsaanklaers waarvan hy/sy in die loop van hofverrigtinge bewus word, aan die betrokke professionele liggaam of, in die geval van staatsaanklaers, aan die betrokke prokureur-generaal.

15.

'n Landdros weerhou hom/haar van uitgesproke steun aan enige politieke party of groepering.

16.

'n Landdros handel nie tot nadeel van die dissipline of doeltreffendheid van die regspleging of gepaardgaande werksaamhede nie.

17.

'n Landdros gaan tydens hofsittings (behalwe tydens inspeksies ter plaatse) in ampsdrag gekleed.

'n Landdros wat as voorsittende beamppte in 'n hof optree, gaan geklee in 'n toga wat van swart Princetta-materiaal vervaardig is met 'n swart garneersel van koordsy op die voorkant en moue: Met dien verstande dat die toga van 'n streeklanddros swart is met klokvormige moue met some en 'n 8 cm breë vollengte lapel en skouerstuk in skarlakenrooi.

Die lengte van die toga moet in verhouding tot die lengte van die landdros wees en die soomly, van die toga moet nie meer as 20 cm bokant die grond hang nie.

'n Landdros dra saam met die toga bypassende kleredrag."

WARNING

**Possession of
illegal weapons
could condemn**

you to:

**UP TO 25 YEARS IN JAIL,
COMMUNITY AND
FAMILY REJECTION**

**PLEASE
HAND IT IN**

For the sake of your community



**STOP MURDER
ROBBERY
RAPE**

**UP TO R6000 WILL BE PAID
FOR VALUABLE INFORMATION**

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