

South Africa

Superior Courts Act, 2013

Regulations on the Criteria for the Determination of the Judicial Establishment of the Supreme Court of Appeal and Divisions of the High Court of South Africa, 2015

Government Notice R26 of 2016

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Regulations on the Criteria for the Determination of the Judicial Establishment of the Supreme Court of Appeal and Divisions of the High Court of South Africa, 2015

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The Minister of Justice and Correctional Services has, on the advice of the Chief Justice and under section 49(1)(b) of the Superior Courts Act, 2013 ([Act No. 10 of 2013](#)), made the regulations in the Schedule.

1. Definitions

In these regulations, "the Act" means the Superior Courts Act, 2013, and any word or expression to which a meaning has been assigned in the Act bears the meaning so assigned to it, unless the context otherwise indicates.

2. Judicial establishment of Supreme Court of Appeal

Any determination of the number of judges of the Supreme Court of Appeal, as envisaged in section 5(1)(a)(iii) of the Act, must be considered with due regard to—

- (a) the number of appeals, petitions and reviews dealt with by that Court;
- (b) any discernible change in the workload of the Court in the three years preceding such determination;
- (c) the need for the Court to hold a sitting for the hearing of any matter at a place elsewhere than at the seat of the Court;
- (d) the resource implications that would arise from any increase in the number of judges of the Court; and
- (e) any other factor that, in the opinion of the President of the Court, might be relevant to consider in order to ensure the accessibility and effectiveness of the Court.

3. Judicial establishment of Divisions of High Court of South Africa

The determination of the number of judges of any Division, as envisaged in section 6(2)(b) of the Act, must be considered with due regard to—

- (a) the number of the local seats established under a Division;
- (b) the caseload of that Division;
- (c) if applicable, any discernible change in the workload of the Division in the three years preceding such determination;
- (d) the number of appeals and reviews emanating from the Magistrates' Courts within the area of jurisdiction of that Division;
- (e) the population residing within the area of jurisdiction of the Division;

- (f) the scale of economic activity within the area of jurisdiction of the Division;
- (g) the outcome and impact of the rationalisation of areas of jurisdiction of courts aimed at enhancing access to courts;
- (h) the resource implications that would arise from any increase in the number of judges of a Division;
- (i) the need for the Court to hold a sitting for the hearing of any matter at a place elsewhere than at the seat of the Division; and
- (j) any other factor that, in the opinion of the Judge President of the Division, might be relevant to consider in order to ensure the accessibility and effectiveness of the Division.

4. Short title

These regulations are called the Regulations on the Criteria for the Determination of the Judicial Establishment of the Supreme Court of Appeal and Divisions of the High Court of South Africa, 2015.