

JUDICIAL SERVICE COMMISSION ACT

OFFICE OF THE PRESIDENT

No. 1235 13 July 1994

NO. 9 OF 1994: JUDICIAL SERVICE COMMISSION ACT, 1994.

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:

ACT

To regulate matters incidental to the establishment of the Judicial Service Commission by the Constitution of the Republic of South Africa, 1993; and to provide for matters connected therewith.

(Afrikaans text signed by the President.) (Assented to 5 July 1994.)

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:-

Definitions

1. In this Act, unless the context otherwise indicates-

(i) "chairperson" means the Chief Justice; (ii) and

(ii) "Commission" means the Judicial Service Commission established by section 105 of the Constitution.
(i)

Term of office of certain members of Commission, designation of deputy chairperson, and vacancies

2. (1) The members of the Commission designated as such in terms of section 105(1)(c), (e), (f), (g), (h) and (i) of the Constitution shall hold office for a term not exceeding five years: Provided that-

(a) the President shall remove any such member from office at any time if the designator who or which designated such member, so requests; or

(b) any such member may resign from office by giving at least one month's written notice thereof to the chairperson.

(2) A member of the Commission designated as such in terms of section 105(1)(e), (f), (g), (h) or (i) of the Constitution shall vacate his or her office automatically if he or she ceases to be qualified to be so designated.

(3) Subject to section 105(1) of the Constitution, any person whose term of office as a member of the Commission has expired, may be redesignated.

(4) The Commission shall designate one of the members holding office in terms of section 105(1)(b), (c), (e), (f), (g) or (i) of the Constitution as deputy chairperson of the Commission, and when the chairperson is not available, the deputy chairperson shall act as chairperson.

(5) A vacancy in the Commission shall-

(a) not affect the validity of the proceedings or decisions of the Commission; and

(b) be filled in accordance with section 105(1) of the Constitution, and any member so designated shall, where applicable, hold office for the unexpired portion of his or her predecessor's term of office.

Remuneration and expenses of members of Commission

3. (1) Any member of the Commission who is a judge, a member of Parliament or a Premier of a province may be paid such allowances for travelling and subsistence expenses incurred by him or her in the performance of his or her functions as a member of the Commission as the Minister of Justice may determine with the concurrence of the Minister of Finance.

(2) Any member of the Commission who is not-

(a) a judge;

(b) a member of Parliament;

(c) a Premier of a province; or

(d) in the employ of the State and subject to the laws governing the public service, may be paid such remuneration, including allowances for travelling and subsistence expenses incurred by him or her in the performance of his or her functions as a member of the Commission, as the Minister of Justice may determine with the concurrence of the Minister of Finance.

Secretary and staff of Commission

4. The work incidental to the performance by the Commission of its functions shall be performed by officers of the Department of Justice designated by the Director-General: Justice, in consultation with the Commission, of whom one shall be designated by him or her as secretary of the Commission.

Publication of procedure of Commission

5. The Minister of Justice shall by notice in the Gazette, make known the particulars of the procedure which the Commission has determined in terms of section 105(4) of the Constitution.

Annual report

6. The Commission shall within six months after the end of every year submit to Parliament a report in writing regarding its activities during that year.

Short title

7. This Act shall be called the Judicial Service Commission Act, 1994.