

## **Magistrates can now act as commissioners**

The Department of Justice and Constitutional Development's initiative of establishing a small claims court (SCC) in each of the 393 magisterial districts is well on track. The department's chief director of court services, advocate Pieter du Rand, told *De Rebus* that only 117 new SCCs still needed to be established.

At the time of going to print, the Justice Department was finalising the establishment of SCCs in three locations, namely Atteridgeville in Pretoria, Dzanani in Limpopo and Secunda in Mpumalanga.

Mr Du Rand said that there are currently 277 SCCs. Of these courts –

- 23 were established between 1 April 2011 and 31 March 2012;
- 16 were established between 1 April 2012 and 31 March 2013; and
- 14 new courts have been established since 1 April 2013.

Mr Du Rand said that the breakdown of the SCCs was as follows:

- Eastern Cape – 79 districts and 47 courts.
- Free State – 56 districts and 37 courts.
- Gauteng – 31 districts and 28 courts.
- KwaZulu-Natal – 53 districts and 37 courts.
- Limpopo – 36 districts and 31 courts.
- Mpumalanga – 33 districts and 32 courts.
- Northern Cape – 32 districts and 19 courts.
- North West – 29 districts and 20 courts.
- Western Cape – 44 districts and 26 courts.

Mr Du Rand said that, although there were 277 SCCs, there were also 70 additional places of sitting, which brought the total number of functional SCCs to 333. He added that in total, there were 77 districts in which people had no access to a SCC.

According to Mr Du Rand, there were currently 1 561 commissioners (1 328 male and 233 female). He said: 'There is mainly a shortage of commissioners in the more rural areas (about 117 districts), which do not have SCCs yet, which is the main reason why the [department] has not been able to establish SCCs in these areas'. Mr Du Rand added that a new innovation was that the Magistrate's Commission had approved that magistrates may also become commissioners of SCCs, which he said would assist in areas where the department experienced challenges in appointing new commissioners and establishing SCCs.

Mr Du Rand said that the Limpopo High Court was envisaged to be completed after June 2014, adding that the construction of the Mpumalanga High Court was expected to start this month.

In terms of magistrates' courts, Mr Du Rand said that 43 new courts had been built since 1994. He said that besides the 43 new courts, the Justice Department had revamped and equipped a further 24 branch courts and elevated the courts into full-service courts. Mr Du Rand added that the remaining 65 branch courts and 230 periodical courts have been lined-up for rehabilitation, consistent with the National Development Plan. There are also six new courts planned for construction in the next three-year budget cycle'.

- See 2012 (April) *DR* 15.

**Nomfundo Manyathi-Jele,**  
nomfundo@derebus.org.za