

**Circle Council of Limpopo. Sirkelraad van Limpopo e Sedikadikwa Sa Lekgotla La Limpopo**

28/08/2003

**REPRESENTATION: SUPERIOR COURT BILL 2003: CIRCLE COUNCIL OF LIMPOPO PROVINCE**

The Circle Council of Limpopo Province was thankful to note that in terms of Section 4(d) the Limpopo Division for the High Court will be created and we will thus not repeat any arguments in favor of a High Court for the Limpopo Province as that is a *fait accompli*.

We however regret that Thohoyandou has been named as the seat of the Limpopo Division in terms of Section 45 (1)(1).

Thohoyandou is situated in the North Eastern corner of the Limpopo Province and is in fact 60 kilometers from the Eastern Border (Kruger National Park) and 70 kilometers from the Northern Border (Zimbabwe). Thohoyandou is more or less 150 kilometers further from Lephalale (Ellisras) and Thabazimbi or even Musina (Messina) is from Pretoria (for example Lephalale (Ellisras)/ Thohoyandou 510 kilometers - Thabazimbi Thohoyandou 509 kilometers -Thohoyandou Pretoria 364 kilometers - Musina (Messina)/Pretoria 366 kilometers)

The logical seat for the High Court of the Limpopo is Polokwane (Pietersburg) which is situated 200 kilometers from either Thohoyandou or Musina (Messina) and Thabazimbi 297 kilometers. Polokwane is the capital of the Limpopo Province and also the seat of the Provincial Government and is much more in the centre of the Province than Thohoyandou.

Witness fees in terms of Section 34 of the Bill for witnesses travelling to Thohoyandou will in most cases increase the cost of litigation in Civil as well as Criminal matters where the State has to foot the bill for witnesses.

Polokwane, being a City with a very good infrastructure including various Medical Care Centres will also make it easier for Judges and Advocates to move there.

We suggest that the Minister in terms of Section 4(a) (ii) create a second seat for the Limpopo Division, the main seat being Polokwane and the second seat (or circuit court) at Thohoyandou. In this way Justice will really have been brought to the people. As the infrastructure of buildings already exist, there will be no cost in that regard for having a second seat for this Court.

We were actually very surprised that Thohoyandou was nominated the main seat, as we were given to understand during the past 18 months, that the old Magistrate's Court in Polokwane was in the process of being renovated to serve as High Court in Polokwane.

Our formal recommendation would thus be:

a).That Section 45(1) be amended to read Polokwane instead of Thohoyandou.

b).That Section 45(2) be amended to read: Notwithstanding Section 4(1), the

Northern Gauteng Division shall also function as the Limpopo Division.

(The Notice in terms of Section 4(4) in respect of the Northern Province

should then be published in such a manner that the High Court of

Polokwane and Pretoria, have **concurrent jurisdiction** and that at least

the Southern towns of the Limpopo Province for example South of Mokopane (Potgietersrus) will have a choice.

c).That the Minister consider creating a second seat for the Limpopo Division in terms of Section 4(a)(2), alternatively a circuit court, at Thohoyandou.

Yours faithfully

P C SCHEEPERS

CHAIRPERSON: COURT PRACTICE COMMITTEE