

**NORTH WEST CIRCLE COUNCIL: INITIAL SUBMISSION
SUPERIOR COURTS BILL**

A copy of the abovementioned Bill and the press statement issued by Adv. Johnny de Lange MP came to the attention of this Council only on the afternoon of the 18th instant.

It is regrettable that written representations have to be made by the 20th instant, considering the importance of the intended legislation and for that reason the North West Circle Council records its wish to amplify its representations by giving oral evidence to the Portfolio Committee.

The North West Circle Council, like the Circle Councils of the Northern Province, Gauteng, and Mpumalanga, was delegated by the Law Society of the Transvaal to perform certain of its functions and in general to represent the organised attorneys' profession in the North West Province (excluding those practising in the former Bophuthatswana).

The representations of this Council are aimed at the provisions of Section 4(1)(h) of the Bill in terms of which the seat of the North West High Court shall be in Mmabatho. For various reasons it is the respectful submission of this Council that Mmabatho is less than ideally suitable as the seat of the North West High Court. Those reasons are the following:

1. Geographically Mmabatho is situated on the western border of the North West Province in a relatively sparsely populated area.
2. The bulk of the provincial population, mining and other industries and commerce are concentrated in the urban areas in and surrounding Potchefstroom, Klerksdorp and Rustenburg, all of which are centrally situated and ideally suitable to serve the interests of the vast majority of the population.
3. The aforementioned three urban areas are interconnected with acceptable and even higher quality roadways whilst most routes leading to Mmabatho are of inferior quality and notorious for their high rate of accidents.
4. It has been argued in favour of Mmabatho that the infra structure for a High Court was already in place, that it was already served by a Master's Offices, Deeds Office and a Company Registration Office. The function of the registration of companies has in the meantime been taken over by the Registrar of Companies in Pretoria, the Deeds office moved to Vryburg and this Council is made to believe that the Master's Office is about to be closed down or moved.
5. The Council draws your attention to submissions made by the cities of Potchefstroom and Klerksdorp to become the seat of a Local or Provincial Division of the High Court. It is this Council's submission that both the aforementioned cities are equally (or better) equipped to serve as the seat of such Court. In this regard we refer you to the recommendations of the majority of the members of the Commission of Enquiry into the rationalisation of the Local and Provincial Divisions of the Supreme Court regarding the suitability of Potchefstroom as either a local division or a provincial division.
6. Government has stated its intentions to bring justice to the people and make legal services more accessible. It is this Council's considered opinion that Government's ideals and intentions, the public interest and the interest of justice, will be better served if the provisions of the Bill regarding Section 4(1)(h) be reconsidered.

The North West Circle Council will hold its next meeting on the 2nd March, 1999 and it is anticipated that it may resolve to make further submissions in reply to your Committee's invitation. It is therefore of the utmost importance to receive confirmation from your Office that submissions made after that date will receive due consideration, notwithstanding the cut off date of the 20th instant. Efforts to reach Mr. Ben Kali of Mr. Elliot Molefe or Advocate Johnny de Lange MP telephonically on the 19th instant have been unsuccessful.

Yours faithfully,
CHAIRPERSON