SOCIETY OF ADVOCATES OF SOUTH AFRICA
DRAFT BILL: SUPERIOR COURTS

1. The draft bill in respect of the above has come to attention of the Society of Advocates (Witwatersrand Local Division), also known as the Johannesburg Bar.

2. We note that the respective areas of jurisdiction of the Southern Gauteng High Court and the Northern Gauteng High Court have been circumscribed in schedule 1, and that the magisterial district of Randburg which, as you know, includes the municipal area of Sandton, is now being allocated to the Northern Gauteng High Court.

3. The Johannesburg Bar made submissions in regard hereto both to the Gauteng Legislature at an all-party sub-committee hearing, as well as to he Justice Department: Parliamentary Sub-Committee in Cape Town. The thrust of the submission was that it would be inappropriate to exclude Sandton from the area of jurisdiction of the Southern Gauteng High Court by carving it out and allocating it to the area of jurisdiction of the Northern Gauteng High Court.

4. In making that submission, the Johannesburg Bar was fully supported by the Johannesburg Attorneys Association.

5. For ease of reference we enclose herewith a copy of the submissions made by the Johannesburg Bar, as well as a copy of the submissions by the Johannesburg Attorneys Association.

6. We are under the impression that the allocation of the Randburg magisterial district to the area of jurisdiction of the Northern Gauteng High Court merely mirrored the recommendation of the Hoexter Commission, without taking account of the cogency of the submissions made by the Johannesburg Bar, as supported by the Johannesburg attorneys.

7. In the event that this is in fact the position, we would implore upon you to reconsider that jurisdictional division, having regard especially to the submissions which are contained in the memoranda that are annexed.

Yours faithfully,
WHG VAN DER LINDE SC
JOHANNESBURG BAR