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## THE PRESIDENCY

No. 1010

16 September 2008

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

**No. 14 of 2008: South African Judicial Education Institute Act, 2008.**



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*(English text signed by the President.)  
(Assented to 12 September 2008.)*

# ACT

**To establish a South African Judicial Education Institute in order to promote the independence, impartiality, dignity, accessibility and effectiveness of the courts by providing judicial education for judicial officers; to provide for the administration and management of the affairs of that Institute and for the regulation of its activities; and to provide for matters connected therewith.**

## PREAMBLE

**SINCE** the need for education and training of judicial officers, whether aspirant, newly appointed or experienced, has long been recognised and that principle is practiced and entrenched in most judicial systems around the world;

**AND SINCE** there is a need for the education and training of judicial officers in a quest for enhanced service delivery and the rapid transformation of the judiciary;

**AND SINCE** the law has become much more complex and varied, develops rapidly and is increasingly influenced by the globalisation of legal systems, trade, technology, new insights and challenges;

**AND SINCE** education and training of judicial officers are necessary to uphold judicial independence, on the one hand, and to facilitate judicial accountability, on the other, and both are indispensable requirements of a judiciary in a functioning democracy;

**AND SINCE** it is desirable that the education and training of judicial officers should primarily be directed and controlled by the judiciary;

**AND SINCE** section 180(a) of the Constitution provides that national legislation may provide for training programmes for judicial officers,

**B**E IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—

## Definitions

- 1.** In this Act, unless the context indicates otherwise—
- (i) **“Constitution”** means the Constitution of the Republic of South Africa, 1996; 5
  - (ii) **“Council”** means the Council of the Institute established by section 6;
  - (iii) **“Department”** means the Department of Justice and Constitutional Development;
  - (iv) **“Director”** means the Director appointed in terms of section 12(1);
  - (v) **“Director-General”** means the head of the Department; 10
  - (vi) **“Institute”** means the South African Judicial Education Institute established by section 3;
  - (vii) **“Minister”** means the Cabinet member responsible for the administration of justice;
  - (viii) **“this Act”** includes any guidelines issued under section 16. 15

**Objects of Act**

2. The main objects of this Act are to establish a national education and training institution for the judiciary so as to enhance judicial accountability and the transformation of the judiciary, in order to promote the implementation of the values mentioned in section 1 of the Constitution, and for that purpose to— 5
- (a) provide proper, appropriate and transformational judicial education and training, having due regard to both our inherited legacy and our new constitutional dispensation; and
  - (b) offer judicial education and training to aspiring and newly appointed judicial officers as well as continued training for experienced judicial officers. 10

**Establishment of Institute**

3. There is hereby established a body to be known as the South African Judicial Education Institute, which—
- (a) is a juristic person; and
  - (b) is responsible for the judicial education and training of judicial officers and aspiring judicial officers. 15

**Seat of Institute**

4. The seat of the Institute is at a place to be determined by the Council with the concurrence of the Minister: Provided that the Institute may, with the approval of the Minister, also conduct its activities away from its seat. 20

**Functions of Institute**

5. The functions of the Institute are—
- (a) to establish, develop, maintain and provide judicial education and professional training for judicial officers;
  - (b) to provide entry level education and training for aspiring judicial officers to enhance their suitability for appointment to judicial office; 25
  - (c) to conduct research into judicial education and professional training and to liaise with other judicial education and professional training institutions, persons and organisations in connection with the performance of its functions;
  - (d) to promote, through education and training, the quality and efficiency of services provided in the administration of justice in the Republic; 30
  - (e) to promote the independence, impartiality, dignity, accessibility and effectiveness of the courts; and
  - (f) to render such assistance to foreign judicial institutions and courts as may be agreed upon by the Council. 35

**Establishment of Council**

6. There is hereby established a Council responsible for the governance of the Institute.

**Composition of Council**

7. (1) The Council comprises the Chief Justice as chairperson, the Deputy Chief Justice as deputy chairperson and the following other members: 40
- (a) The Minister or her or his nominee;
  - (b) a judge of the Constitutional Court, designated by the Chief Justice after consultation with the judges of the Constitutional Court;
  - (c) a judge or any other person designated by the Judicial Service Commission from among its ranks; 45
  - (d) the President of the Supreme Court of Appeal;
  - (e) two judges president and two other judges, at least one of whom must be a woman, designated by the Chief Justice after consultation with the judges president; 50