

*CANDIDATE: ADV REAN STRYDOM SC*

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**COURT FOR WHICH APPLICANT APPLIES: GAUTENG DIVISION OF  
THE HIGH COURT**

**1. The candidate's appropriate qualifications:**

1.1 The candidate holds the B.Comm (1977), LLB (1979), LLM in Constitutional Law (1994) and LLM in Corporate Law (2004) degrees.

1.2 The B. Comm and LLB degrees were conferred by the University of Stellenbosch and both LLM degrees by the University of Johannesburg.

1.3 The candidate possesses the requisite qualifications for the position for which he has applied. He is well-qualified academically.

**2. Whether the candidate is a fit and proper person:**

2.1 There is nothing in the application or in the candidate's judgments as an acting judge that would suggest that the candidate is not a fit and proper person to be a judge of the High Court

2.2 The candidate obtained senior status in 2010 and has acted as a judge regularly and for considerable periods of time in various divisions of the High Court.

**3. Whether the candidate's appointment would help to reflect the racial and gender composition of South Africa:**

3.1 The candidate is a white man.

3.2 The appointment of a white male candidate will not advance the cause of gender or racial representation.

**4. The candidate's knowledge of the law, including constitutional law:**

4.1 The candidate has practised as an advocate for the last 39 years (from 1980), as senior counsel since 2010.

4.2 The candidate has a vast amount of experience across the legal field (including criminal law) and has been involved in a number of high profile complex cases.

4.3 The candidate's judgments reveal a thorough understanding and knowledge of the law.

4.4 With specific regard to Constitutional Law it is to be emphasised that the candidate holds a Masters degree in Constitutional Law.

4.5 The candidate has a firm understanding of jurisprudence and the proper approach thereto.

**5. The candidate's commitment to the values of the Constitution:**

5.1 The candidate has in terms of his judgments as an acting judge demonstrated a firm commitment to the values of the Constitution and to the rule of law.

5.2 The candidate's contribution to the values of the Constitution also appears from his service to the Johannesburg Society of Advocates and his acting appointments as judge of the High Court in various divisions.

**6. Whether any judgments have been overturned on appeal:**

6.1 No judgments which have been overturned on appeal could be found.

**7. The extent and breadth of the candidate's professional experience:**

7.1 The candidate has extensive experience as a practising advocate over a period of nearly 40 years where he acted in large and complex commercial cases. He has also regularly and for long periods acted as a judge in various divisions of the High Court, in total for 130 weeks. He has delivered in excess of 100 judgments while acting as judge.

7.2 The candidate has extensive and broad professional legal experience.

**8. The candidate's linguistic and communication skills:**

8.1 From the candidate's judgments, it appears that he has excellent written linguistic skills in English.

**9. The candidate's ability to produce judgments promptly:**

9.1 14 judgments handed down by the candidate were considered.

9.2 All of these judgments were delivered promptly, some within a matter of mere days of hearing.

**10. The candidate's fairness and impartiality:**

10.1 The candidate's fairness and impartiality are evident from the judgments that he has written. Counsel who have appeared before him speak highly of his fairness and impartiality in court.

**11. The candidate's independent mindedness:**

11.1 There is nothing to suggest that the candidate is not independently minded.

**12. The candidate's ability to conduct court proceedings:**

12.1 There is nothing that the reviewers have found which suggests an inability to conduct court proceedings. From the accounts of counsel who have appeared before him it appears that the candidate conducts court proceedings efficiently and with the necessary decorum.

**13. The candidate's administrative ability:**

13.1 No adverse comments have been received in this regard. The candidate has served on the management bodies and participated in the affairs of sport clubs. He appears to possess proven administrative abilities.

**14. The candidate's reputation for integrity and ethical behaviour:**

14.1 The candidate has a good reputation for integrity and ethical behaviour. Over a period of nearly 40 years at the Johannesburg Bar the candidate has never been charged with or found guilty of any disciplinary indiscretions.

14.2 The reviewers are unaware of any aspect which may impugn the candidate's reputation. The candidate has a good reputation among fellow colleagues at the Johannesburg Bar.

**15. The candidate's judicial temperament:**

15.1 The reviewers are unaware of any matter which suggests a lack of judicial temperament on the part of the candidate. The candidate has a good reputation for having an even temperament and never being rude or impatient with colleagues or counsel who appear before him.

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**16. The candidate's commitment to human rights, and experience with regard to the values and needs of the community:**

16.1 The candidate's application reveals that he is committed to human rights.

16.2 The candidate's commitment to human rights, and experience with regard to the values and needs of the community cannot be doubted.

**17. The candidate's potential:**

17.1 The candidate has excellent potential as a High Court judge which is apparent from the high standard of the judgments that he has delivered.

**18. The message that the candidate's appointment would send to the community at large:**

18.1 The candidate's appointment would not contribute to the project to transform the judiciary.

18.2 In light of the candidate's diligence, legal insight and experience and his commitment (and perseverance) to become a judge, the candidate's appointment would send a positive message to the community at large.

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## **ANNEXURE: LIST OF JUDGMENTS CONSIDERED**

### **Unreported decisions**

*Dr Peter Skhosana v Medscheme Holdings (Pty) Ltd and 13 others* (67011/18) (25 June 2019)

The application dealt with a review in terms of the Promotion of Administrative Justice Act and a money judgment that was sought by the applicant. In a well written, well-reasoned judgment it was found that the applicant had not exhausted internal remedies available to him. The judgment shows a thorough understanding of administrative law. Matter heard on 22 May 2019, judgment granted on 25 June 2019.

*Hyprop Investments Limited v Superstrike Investments 56 (Pty) Ltd* (6828/2019) (17 June 2019)

The case relates to a contractual matter where the plaintiff sought summary judgment against the defendant based upon a lease agreement. The judgment is succinct and to the point, correctly applying the principles applicable to summary judgments. Matter heard on 5 May 2019 and judgment granted on 13 June 2019.

*South African Fruit and Vegetable Cannery Association and another v Impumelelo Agribusiness Solutions (Pty) Ltd and 2 others* (82759/2018) (3 June 2019)

Interim interdict dealing with Agricultural Product Standards Act 119 of 1990 and Sections 25 and 55 of the Constitution. It is a well reasoned judgment

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applying constitutional values and principles. Matter heard on 16 May 2019, judgment granted on 3 June 2019

*Changing Tides 17 (Pty) Ltd v Gert Petrus Rademeyer and another (1911/2019)*  
(Gauteng Division, Pretoria)

Summary judgment application for a money judgment and an order declaring property specially executable. The judgment deals with a number of procedural issues and references the relevant case law. Matter heard on 10 May 2019 and judgment granted on 31 May 2019.

*V Teq (Pty) Ltd v South African Bureau of Standards & 3 others (49933/2017)*  
(Gauteng Division, Pretoria)

Administrative Law, review in terms of Promotion of Administrative Justice Act 3 of 2000. The judgment deals with the consequences of the applicant failing to bring an application for extension of time where the review application is brought outside of the 180 day period allowed by PAJA. The judgment is well written and correctly applies the legal principles applicable to PAJA and the delay rule governing review applications. Matter heard on 30 July 2019 and judgment given on 21 August 2018.

*Lindibrite (Pty) Ltd v Nampak Products Limited and 2 others (76040/16)* (Gauteng Division, Pretoria) (21 September 2018)

Rescission of judgment and counter-application to set aside notarial bond. The judgment is well reasoned and sets out the factual matrix underlying the relationship between the parties in detail. The judgment shows the candidate's understanding and grasp of legal principles applicable to notarial bonds.

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Matter heard on 2 August 2019, judgment handed down on 21 September 2019.

*ABSA Bank Limited v Heidi van der Merwe* (19015/2015) (Gauteng Division, Pretoria) (19 May 2018)

Insolvency law, application for provisional sequestration. In the judgment the candidate carefully deals with the requirements of a provisional sequestration. The well-reasoned judgment shows the candidate's thorough grasp and understanding of insolvency law. Matter heard on 31 July 2018 and judgment granted on 9 August 2018.

*Mbombela Local Municipality v Lowveld Show Society & 2 others* (405/2017) (Mpumalanga Circuit Court)

Application for transfer of property. The matter dealt with property law and interpretation of the provisions of a title deed. The judgment is well reasoned, succinct and to the point. Matter heard on 10 May 2018, judgment granted on 25 May 2018.

*Avior Capital Markets (Pty) Ltd v Arqaams Capital South Africa (Pty) Ltd and another* (07855/2017) (Gauteng Local Division, Johannesburg)

Intellectual property matter, dealing with an interdict. The issue for decision was which party should bear the costs of the application. The judgment correctly deals with the principles applicable to the granting of costs. Matter heard on 16 March 2018, judgment granted on 20 April 2018.

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*Topaz Lake Trading 138 CC v Tradevest 401 CC (970/2017) (Mpumalanga Circuit Court, Mbombela)*

Liquidation application with a counter – application in terms of section 354 of the Companies Act for a stay of proceedings. The judgment is well reasoned and shows a good appreciation and understanding of the law relating to winding up of companies. Matter heard on 21 November 2019 and judgment given on 17 January 2019.

*Edward Elvis Ndlovu v Minister of Police & another (1354/2016) (Mpumalanga Circuit Court, Middelburg)*

Delictual action for unlawful arrest and detention. The judgment deals with section 3 of the Institution of Legal Proceedings Against Certain Organs of State Act, 40 of 2002. In the judgment the applicable test for condonation is applied with reference to the relevant case law. The judgment is succinct and to the point. Matter heard on 27 November 2017 and judgment granted on 10 January 2018.

*NJM Truck (Pty) Ltd v Eskom Holdings SOC Limited (16049/2017) (Gauteng Division, Pretoria)*

In the application the applicant sought a final interdict restraining the respondent from publishing defamatory material about the applicant. Matter argued on 25 October 2017, judgment granted on 16 November 2017.

*The State v Sihlali Banele (CC89/2017) (Mpumalanga Division)*

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Criminal trial wherein the accused was charged with murder, robbery and assault with the intent to do grievous bodily harm. The judgment deals in detail with the relevant facts in the matter. The judgment is clear and logical. Judgment granted on 27 February 2019.

*The State v Lucky Msimango (R18/2017) (Mpumalanga Circuit Court, Middelburg)*  
(15 August 2018)

This was a criminal matter which dealt with the challenges with regard to the correct implementation of section 47 of the Mental Health Care Act 17 of 2002 and sections 77,78 and 79 of the Criminal Procedure Act insofar as they relate to accused persons declared to be state patients. The judgment is well written and logical, dealing with a number of reported and unreported cases. The judgment shows an appreciation and understanding of the practical workings and implementation of the Criminal Procedure Act. Judgment was granted on 15 August 2018

### **Judgments upheld on appeal**

No judgments upheld on appeal were found.

### **Judgments overturned on appeal**

No judgments overturned on appeal were found.