

**JSC INTERVIEW ROUND: APRIL 2022**

**CANDIDATE: MR VUSUMUZI REUBEN SINKY NGOBE NKOSI**

**COURT FOR WHICH CANDIDATE APPLIES: LIMPOPO DIVISION OF  
THE HIGH COURT LIMPOPO**

**1. The candidate's tertiary qualifications, professional admissions and honours:**

1.1. The candidate has the following qualifications:

1.1.1. B.Juris, University of Zululand, 1990;

1.1.2. LLB, University of Witwatersrand, 1993;

1.1.3. LLM, University of Pretoria, 1996; and

1.1.4. LLD, University of Atlantic International (USA) 2021.

1.2. The candidate is appropriately qualified.

**2. The candidate's integrity and ethics:**

2.1. No circumstances are known that would suggest that the candidate is not a person of integrity with a reputation for ethical behaviour or is not a fit and proper person for appointment.

**3. Whether the candidate's appointment would help to achieve an appropriate racial and gender composition on the bench:**

3.1. There are currently 8 full time judges on the Limpopo Division bench, comprising (as far as could be ascertained from the latest law reports):

3.1.1. 2 black women.

3.1.2. 5 black men.

3.1.3. 1 white man.

3.2. The candidate is a black (African) man.

**4. The candidate's personal commitment to the values of the constitution:**

4.1. The candidate has acted as a Commissioner of the Small Claims Court for a number of years which evidences the candidate's desire to improve access to justice.

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

5.1. The candidate has a Master's Degree in Fundamental Rights and Constitutional Principals.

5.2. Outside of the available judgments delivered by the candidate and his lengthy career, we were unable to find facts that point towards a conclusion that the candidate had exposure to sufficiently complex or novel cases and that has he demonstrated the exceptional ability required from a judge of the High Court efficiently to with such matters. The available judgements by the candidate are not such that exceptional

ability can be deduced from the judgements. We have reservations in this regard.

**6. Judgments of the candidate that have been overturned, upheld or commented on appeal:**

6.1. Only two judgments were available for consideration where, on each occasion a Full Court has overturned the judgment of the candidate sitting as a single judge in the court *a quo*. While the Appeal Court did not agree with the judgments of the candidate, the judgments do not appear to be overly critical of the candidate's conduct of the proceedings.

6.2. The candidate mentioned in the application (item 9.4) that his judgments, taken on appeal, were confirmed. There were no such confirmed judgments available for consideration.

6.3. It is unclear why the candidate would note that the judgments were confirmed when in fact they were overturned on appeal.

6.4. The candidate should be given the opportunity to deal with this discrepancy.

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

7.1. The candidate has experience as a practising attorney for more than 26 years, which practise appears to have incorporated a wide and general field of application.

7.2. The candidate has worked as an assistant state attorney at the office of the State Attorney.

- 7.3. Further to this, the candidate appears to have served on a wide variety of boards on both provincial and national level.
- 7.4. The candidate acted as a Small Claims Court Commissioner and Commissioner of the CCMA for a number of years which indicates experience with varying types of legal problems.
- 7.5. The candidate has served as the deputy chairperson at Transport Appeal Tribunal and as the chairperson at the consumer court, Mpumalanga;
- 7.6. The candidate has worked at TUT, Nelspruit campus and law of civil procedure tutor (part time) at Thutong, University of South Africa, Pretoria and Nelspruit
- 7.7. The candidate has acted as a judge in various provincial and local divisions as well as the Labour Court and appears to have experience in a wide range of legal problems.

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

- 8.1. It appears that the candidate's command of the English language is more than adequate.
- 8.2. The candidate also has a basic comprehension of Portuguese.

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

- 9.1. Very limited information is available in this regard, but it would appear that the candidate produces judgments relatively promptly, mention being made of judgments being produced within 10 days and 30 days.

10. **The candidate's ability to conduct court proceedings fairly, efficiently and effectively:**

10.1. No evidence was available to suggest that the candidate is not able to conduct court proceedings fairly, effectively and efficiently.

10.2. The candidate's judgements are well written

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

11.1. No evidence was available to suggest that the candidate is not independently minded.

12. **The candidate's administrative ability (other than in relation to court proceedings):**

12.1. While no direct evidence is available to assess this aspect, the mere fact that the candidate had been able to conduct a practice for so many years, while at the same time finding sufficient time to sit as a Commissioner of the Small Claims Court and be involved in the wide range of other professional engagements would suggest that the candidate is sufficiently able to manage his resources to produce at this level.

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

13.1. If the candidate is appointed, it will convey to the community at large that the judiciary:

13.1.1. consists of judges that are suitably qualified and experienced in litigation;

13.1.2. is prioritising transformation.

**ANNEXURE: LIST OF JUDGMENTS CONSIDERED****Reported judgments**

*Busamed v M du Plesiss Van der Nest SC N.O* 2020 JDR 1331 (GP)

*The Land & Agricultural Development Bank of Southern Africa v Buziba* 2020 JDR 1367 (GP)

**Unreported judgments**

*Zimoshile Magandela v Commission for Conciliation, Mediation and Arbitration*, JR 1819-16 (attached to application)

*Golf Resort Properties Estate v Prestige Auction Group*, 39725/2014 (attached to application)

*Solomons v Minister of Police*, 39112/13 (attached to application)

*Marumele v The State*, A964/2014 (attached to application)

*Ramashala v Minister of Police*, 42/2012 (attached to application)

*Custom bulk bags v Bags for Bags*, 7166/2008 (attached to application)

**Judgments upheld on appeal**

None

**Judgments overturned on appeal**

*Xaba v Mkhabela* (2019) ZAGPPHC 377

*Sentinel Trust and others v Barns N.O and others* (2019) ZAGPPHC 535