

JSC INTERVIEW ROUND: APRIL 2024

CANDIDATE: MR ANDREW REDDY

**COURT FOR WHICH CANDIDATE APPLIES: THE NORTH WEST
DIVISION OF THE HIGH COURT**

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

1.1. The candidate holds the following qualifications:

1.1.1. B Juris, University of Durban Westville (now the University
of KwaZulu-Natal) (1991);

1.1.2. LLB, University of Durban Westville (now the University of
KwaZulu-Natal) (1998);

1.1.3. LLM, University of South Africa (2003); and

1.1.4. Diploma in Criminal Justice and Forensic Investigations,
University of Johannesburg (2017).

1.2. The candidate has also held the following positions:

1.2.1. Public Prosecutor / Clerk of Court (1991 – 1993);

1.2.2. Senior Prosecutor Magistrate's Court, Estcourt, KZN (1993
– 1995);

1.2.3. Regional Court Magistrate Criminal Court, Protea / Lenasia
Gauteng (2007 – 2013);

1.2.4. Regional Court Magistrate Civil Court, Johannesburg
(Gauteng) (2013 to date).

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 5 full time Judges on the North West bench comprising (as far as could be ascertained):

3.1.1. 2 black women;

3.1.2. 2 Coloured men; and

3.1.3. 1 white woman.

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

4. The maximum time period the candidate could serve if appointed:

4.1. Section 176(2) of the Constitution provides that all Judges other than Constitutional Court Judges "*hold office until they are discharged from active service in terms of an Act of Parliament.*"

The Act in question is the Judges Remuneration and Conditions of Employment Act 47 of 2001.

4.2. Section 3(2)(a) of the Act provides that, subject to section 4(4), a Judge will ordinarily be discharged from active service upon reaching the age of 70 if, by that date, they have completed a

period of active service of not less than ten years. If not, they will be discharged from active service after having completed ten years of active service.

- 4.3. Section 4(4) allows for a Judge who reaches the age of 70 to continue serving until the age of 75 if, at the time of turning 70, they have not yet served 15 years' active service.
- 4.4. At the time of the interviews, the candidate will be approximately 54 years and 10 months old.
- 4.5. If appointed, the candidate would be eligible to complete a period of up to 15 years and 1 month's active service as a judge.

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

- 5.1. The candidate has indicated in his questionnaire that he is not a member of any community organisation. The candidate has indicated to the Bar Council of the North West Bar that he is available to assist in pupillage training for pupils of the North West Bar. This offer has been accepted by the Bar Council and the candidate is expected to assist with training of pupils soon.
- 5.2. The candidate has indicated at paragraph 7 of his questionnaire that he has presented lectures to members of SAPS, Kranskop and Estcourt on correct investigative methods and court preparations.
- 5.3. The candidate lectured relief Magistrates on bail and case flow management.
- 5.4. The candidate further indicates that he has been a commissioner in the Small Claims Court from 2014 to date.

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

6.1. The candidate submitted 7 judgments for consideration. The judgments deal with diverse areas of the law.

6.1.1. The judgments of the candidate are well reasoned and demonstrate that the candidate has been exposed to diverse areas of law, both criminal and civil.

6.1.2. The reviewing team noted from the questionnaire, that the candidate has had little contact with constitutional and administrative law.

6.1.3. The reviewing team, however, noted the *Ditsobotla Local Municipality vs Carewell Holdings 5 (PTY) Ltd and Another (Case No 1396/22) North West High Court* judgment which demonstrates the candidate has a proper understanding of Constitutional and Administrative law.

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

7.1. The reviewing team did not find any judgments of the candidate that fall in this category.

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

8.1. The candidate has a lengthy legal work history. The candidate was a Prosecutor, Senior Prosecutor, Relief Magistrate, Regional Magistrate and is currently an Acting Judge. The candidate has over 30 years legal work experience.

9. The candidate's linguistic and communication skills:

9.1. The candidate seems to have a sufficient command of the English language and his judgments are well reasoned.

10. The candidate's ability to produce judgments promptly:

10.1. The reviewing team noted that the candidate delivers his judgments within a period of 3 months. The reviewing team noted only one matter, the matter of: *Member of the Executive Council for Rural Development and Agricultural Development North West Province vs WJ Botha NO and Another (Case no M325/2019) North West High Court*. The judgment in this matter has been reserved for a period of nearly 12 months, which is a matter of concern.

10.2. The reviewing team did not find any other judgments which the candidate reserved for a period exceeding 3 months.

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

11.1. No circumstances are known that would suggest that the candidate does not conduct court proceedings fairly, efficiently and effectively.

11.2. The reviewing team noted that the candidate starts his court promptly at 10h00 and uses the court time efficiently.

11.3. The reviewing team noted that the candidate is prepared to start court earlier than 10h00 on occasion having started court at 08h30 and having heard a matter virtually to avoid load shedding. This was in the *Mahura v The Premier of the North West Province and 4 others (Case no M66/2022) North West High Court*.

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

12.1. There is nothing to suggest in the judgments which have been put up by the candidate, that he did not act with impartiality.

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

13.1. The candidate's administrative ability is borne out by his prompt and efficient delivery of judgments.

13.2. The reviewing team also noted the willingness of the candidate to sit outside of normal court hours to avoid load shedding, demonstrating good administrative abilities in the candidate.

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

14.1. The candidate has an extensive legal career spanning over 30 years. The candidate has a relatively wide breadth of legal knowledge and experience. The judgments of the candidate are evenly spread out between criminal law and civil litigation. The judgments of the candidate reveal a sophisticated understanding of the essential legal principles in the fields of criminal law and civil litigation. The candidate has the potential to be an exceptional Judge.

14.2. The candidate's appointment would send the message to the public at large that the bench is not an elitist institution but is made up of individuals from a diverse array of legal professional backgrounds and is constituted by persons who demonstrate competency, humility and wisdom.

ANNEXURE: LIST OF JUDGMENTS CONSIDERED

1. Reported judgments:

- 1.1. *Ditsobotla Local Municipality vs Carewell Holdings 5 (PTY) Ltd and Another* (Case No 1396/22) North West High Court

1. Unreported judgments:

- 1.1. *Member of the Executive Council for Rural Development and Agricultural Development North West Province vs WJ Botha NO and Another* (Case no M325/2019) North West High Court
- 1.2. *Mahura vs The Premier of the North West Province and 4 others* (Case no M66/2022) North West High Court

2. Judgments upheld on appeal:

- 2.1. None

3. Judgments overturned on appeal:

- 3.1. None