

VACANCY: JUDGE OF THE NORTHERN CAPE DIVISION OF THE HIGH COURT

Candidate: Thandisa Tyuthuza

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

1.1. The candidate holds the following tertiary qualifications:

- LLB, Stellenbosch University (2011)

1.2. The candidate holds the following professional admissions and honours:

- admitted as an advocate on 15 May 2015

1.3. The candidate has acted in the following roles:

- Acting Judge, Northern Cape Division, 10 April 2023 to 18 June 2023
- Acting Judge, Northern Cape Division, 22 January 2024 to 14 March 2024
- Acting Judge, Northern Cape Division, 22 January 2025 to 14 March 2025
- Acting Judge, Northern Cape Division, 1 September 2025 to 12 December 2025
- Acting Judge, Northern Cape Division, 1 January 2026 to 31 March 2026
- Acting Judge, Northern Cape Division, 13 April 2026 to 20 September 2026

2. The candidate's integrity and ethics
--

2.1. No circumstances are known to the reviewers 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.

2.2. The candidate served as a member of the Northern Cape LPC's Professional Affairs Committee.

3. The racial and gender composition of the bench
--

3.1. As far as could be ascertained, there are currently 7 permanent judges of the Northern Cape Division of the High Court, Kimberley:

- 3 black women (2 African, 1 Coloured)

- 2 black men (2 African)
- 1 white woman
- 1 white man

3.2. According to the questionnaire, the candidate is an African woman.

4. The maximum period the candidate could serve if appointed

4.1. At the time of the interviews, the candidate will be approximately 39 years and 8 months old. If appointed, the candidate would be eligible to complete a period of up to 30 years and 3 months' of active service as a judge, if her cumulative acting stints of approximately 3 years are not taken into account.

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

5.1. The candidate has served as a member of the Northern Cape Consumer Court for approximately eight years.

5.2. The candidate's personal commitment to transformation is illustrated by her membership of both the Black Lawyers Association and the South African Woman Lawyers Association.

5.3. The candidate played an active role in ensuring that young black women were selected to undergo pupillage at the Northern Cape Society of Advocates and always assisted such pupils and members in a mentor role.

5.4. She also served as Chairperson of the Northern Cape Society of Advocates' Transformation Committee and participated in outreach programmes bringing awareness to the community regarding legal issues.

6. The candidate's knowledge of the law, including constitutional law¹

6.1. The candidate has a very broad range of knowledge of the law, as a result of her background, which includes her experience as a research assistant at Stellenbosch University and her practice as an advocate since 2015 to date and her exposure to numerous areas of the law as detailed in her completed questionnaire and curriculum vitae, including Constitutional law.

¹ Note from the editor: Sections 6, 8, and 13 of the comments for all three candidates shortlisted for appointment to the Northern Cape Division contained/contain near identical, formulaic responses. It does not appear that the candidates' judgments were critically analysed by the reviewers.

- 6.2. The candidate has held six acting appointments in the Northern Cape Division from April 2023 to date hereof.
- 6.3. The candidate included 35 judgments penned by her in the nomination pack.

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

- 7.1. Two of the candidate's judgments have been taken on appeal, one of the judgments has been overturned on appeal, and in one judgment leave to appeal to the full bench has been granted, which appeal has not yet been heard.
- 7.2. The judgment of the candidate overturned on appeal is:
- *Briedenhann v Nordien N.O.* (2115/2021) [2025] ZANHC 52 (6 June 2025). The appeal court found that the court *a quo* did in fact apply too strict a test in the matter and that the court *a quo* did not appraise itself with the applicable legal principles when it had refused the rescission application.
- 7.3. The one judgment of the candidate in which leave to appeal to the full bench has been granted, and which appeal is still pending:
- *Road Accident Fund v Boughan* (Northern Cape High Court, case number 2955/2018) [2025]

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

- 8.1. The candidate has practiced as an advocate for more than 10 years.
- 8.2. The candidate's curriculum vitae indicates experience across wide-ranging fields, including labour law, all aspects of High Court litigation, and administrative law, property law, consumer law, contract law.
- 8.3. The candidate has acted in the Northern Cape Division for 6 terms, and as a member of the Northern Cape Consumer Court for approximately 8 years.

9. The candidate's linguistic and communication skills

- 9.1. Nothing in the judgments considered by the reviewers indicates that the candidate's linguistic and communication skills are not adequate.

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

- 10.1. The candidate indicated that 5 judgments were outstanding at the time of completing

the questionnaire.

- 10.2. The reviewers did not independently verify the candidate's ability to produce judgments promptly.

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

- 11.1. The reviewers received no adverse comments from colleagues relating to the candidate's ability to conduct court proceedings fairly, efficiently, and effectively.

12. The candidate's independent-mindedness

- 12.1. There is no reason to believe that the candidate, if appointed, would not bring an independent mind to bear on issues presented for judicial determination, nor that the candidate would be unduly influenced in any way, including by the executive or legislative branches of government.

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

- 13.1. The candidate has served in a number of positions, for example, as the Branch Secretary of the Black Lawyers Association, Northern Cape, as a member of the South African Woman Lawyers Association, as an elected member of the Legal Practice Council: Northern Cape, and member of the Professional Affairs Committee of the Legal Practice Council: Northern Cape and as a member and Secretary of the Executive Committee, as well as Deputy Chairperson of the Northern Cape Society of Advocates.

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

- 14.1. In view of the facts as set out above, the candidate is not only a fit and proper candidate to be appointed to the bench, but her appointment would also be an asset to the bench. The reviewers believe that her appointment to the Northern Cape Division of the High Court would convey a message to the public that the judiciary is committed to transformation and representativity on the bench.

ANNEXURE: LIST OF JUDGMENTS CONSIDERED

Reported judgments

1. None.

Unreported judgments

2. *Briedenhann v Nordien N.O.* (2115/2021) [2023] ZANCH 97 (4 August 2023)
3. *Van Niekerk v Road Accident Fund* (1034/2013) [2024] ZANCHC 23 (2 February 2024)
4. *Van Wyk v Lambrechts* (CA & R 12/2021) [2024] ZACNHC 12 (9 February 2024)
5. *S v Baster* (K/S29/2023)[2024] ZANCHC 24 (15 February 2024)
6. *S v Baster* (Sentence) (K/S29/2023)[2024] ZANCHC 25 (16 February 2024)
7. *MEC: Department of Agriculture, Land Reform and Rural Development: Northern Cape v Civil Tech Construction CC* (828/2019) [2024] ZANCHC 31 (12 March 2024)
8. *Karsten and Another v Road Accident Fund and Others* (1962/2012)[2024] ZANCHC 29 (22 March 2024)
9. *Vundisa v Kimberley Correctional Supervision and Parole Board* (1969/2022)[2024] ZANCHC 28 (28 March 2024)
10. *Moore and Others v National Director of Public Prosecutions* (CA & R 59/2022)[2024] ZANCHC 30 (28 March 2024)
11. *Moribe Tombstones (Pty) Ltd v Balju (Kuruman) and Others* (610/2024)[2024] ZANCHC 32 (5 April 2024)
12. *Briedenhann v Nordien N.O.* (2115/2021)[2024] ZANCHC 40 (26 April 2024)
13. *S.H.D.P. V P.S. & Others* (Reasons)(338/2024)[2024] ZANCHC 126 (9 May 2024)
14. *Dipheko v Ditse and Another* (CA & R50/2021)[2024] ZANCHC 49 (24 May 2024)
15. *S.H.D.P. V P.S. & Others* (338/2024)[2024] ZANCHC 51 (24 May 2024)
16. *Minister of Police v Mvelo* (CA & R3/2023)[2024] ZANCHC 59 (21 June 2024)
17. *Boughan v Road Accident Fund* (2955/2018)[2024] ZANCHC 77 (16 August 2024)
18. *Steenkamp & Another v Du Preez* (Leave to Appeal)(388/2024)[2024] ZANCHC (4 October 2024)
19. *Damon v Minister of Police* (308/2015)[2025] ZANCHC 10 (7 February 2025)
20. *Road Accident Fund v Boughan* (Leave to Appeal)(2955/2018)[2025] ZANCHC 11 (14 February 2025)
21. *Henderson v S* (Bail Appeal) (CA & R 62/2024)[2025] ZANCHC 27 (5 March 2025)
22. *Briedenhann v Nordien N.O.* (Appeal) (2115/2021)[2025] ZANCHC 52 (6 June 2025)

23. *Road Accident Fund v Karsten and Others* (Leave to Appeal) (1962/2012)[2025] ZANCHC 79 (15 August 2025)
24. *Arends v S* (Bail on Appeal) (CA & R8/2025)[2025] ZANCHC 115 (21 November 2025)
25. *Malambi v S* (Bail on Appeal) (CA & R 9/2025)[2025] ZANCHC 116 (28 November 2025)
26. *Peters v S* (Bail on Appeal) (CA & R 14/2025)[2025] ZANCHC 118 (28 November 2025)
27. *Charles Maruping Phuri v Gamagara Local Municipality and Others* (2025-146665)[2026] ZANCHC 4 (16 January 2026)
28. *Matlala v Sol Plaatje Municipality & Others* (Reasons)(2026-004539)[2026] ZANCHC 7 (28 January 2026)
29. *Mooi Plaats Solar Power (RF) (Pty) Ltd v Bokvlei Boerdery Trust and Another* (2025-164852)[2026] ZANCHC 9 (30 January 2026)
30. *Matlala v Sol Plaatje Municipality & Others* (2026-011073)[2026] ZANCHC 12 (6 February 2026)
31. *Kleinkie v S* (Bail Appeal) (A2026-016507)[2026] ZANCHC 22 (27 February 2026)
32. *Oreways Mining SA (Pty) Ltd v Magoma Attorneys and Another* (Reasons) (2625/2024)[2026] ZANCHC 28 (24 March 2026)
33. *Corner and Another v Meyer* (20/2023)[2026] ZANCHC 35 (24 March 2026)
34. *Van Wyk v S* (CA & R 54/2024)[2026] ZANCHC 38 (8 May 2026)
35. *Nagel and Others v S* (Bail Appeal) (A2026-013849)[2026] ZANCHC 40 (8 May 2026)
36. *Msane v S* (CA & R 43/2025)[2026] ZANCHC 43 (15 May 2026)

Judgments upheld on appeal

37. *Briedenhann v Nordien N.O.* (Full Court Appeal) (2115/2021) [2025] ZANCHC 52 (6 June 2025).

Judgments overturned on appeal

38. None

Academic writings

39. None.