

Transkei

Contributed by Mathobela Sishuba, Umtata Bar

The last year turned out to be an interesting period at our Bar.

The Bench

In the last year three of our members were elevated to the Bench. They are: Judges CN Jafta (Transkei), ZS Peko (Ciskei), and M Maya (Transkei).

Acting appointments

The following members acted as judges in the various divisions: LP Pakade (Ciskei), SM Mbenenge (Transkei and Durban), PHS Zilwa (Transkei and Ciskei), and NK Dukada (Transkei).

New members

New members who joined our Bar after completing pupillage are: FS Gagela, AM Jozana, NM Hinana.

Bar Council

The new Bar Council consists of SM Mbenenge (chairman), PHS Zilwa (deputy chairman), MH Sishuba (honorary secretary), NR Mtshabe (treasurer), KD Qitsi (administrative secretary), SD Majokweni and PV Msiwa (additional members).

General

Our society congratulates our acting Judge President R Madlanga who has acted in the Supreme Court of Appeal and the Constitutional Court. A word of welcome is also extended to Judge Irma Schoeman who was permanently appointed to our division from the Bloemfontein Bar. We welcome back our current acting Judge President Selwyn Miller from the Truth and Reconciliation Commission.

Bar news

North-West

Contributed by John Stander, North-West Bar

End of year function

Our end of year function was held during November 2000 at the Mmabatho Tusk Hotel. The management and staff of that hotel excelled in both the setting and menu for the occasion. The guest speaker was Judge JH Hugo from Kwa Zulu Natal Bench (Pietermaritzburg). He gave a stimulating speech incorporating his ideas for streamlining the criminal justice system in our country. In attendance were members of the Bar and also members of the local Bench. These included Judge President MW Friedman, Judges J Khumalo, N Hendler, B Nkabinde and M Leeuw. Judges Nkabinde and Leeuw (both women) are former members of this Bar.

The judiciary

Judge Khumalo is at present on long leave whilst Judge Nkabinde has been seconded to the Labour Court.

Membership

Denis Kneen has resigned from our association and is going into business. We wish him well with his future venture. Ronnie Hendricks and his wife, Nonnie, were blessed with the arrival of Ronald Deon (Junior) on 25 January 2001. We congratulate them both.

Pupils

Currently there are no pupils. Although we received several inquiries regarding pupilage at our Bar, no formal

applications have been received. This is particularly worrying because there seems to be a lack of newcomers to the profession in this area.

New Bar Council

The Bar Council for the 2001 is as follows: LCJ Maree SC (chairman), OK Chwaro (vice-chairman), and JS Stander (honorary secretary).

Chambers

As in the bigger centres, we have also experienced increased violent crime in our area. This has involved personal attacks on members of our Bar, and also theft from within our chambers. As a result a move from central Mafikeng may be considered. One of the premises proposed has been to relocate to the business section of the Leopard Park Golf Estate. Not only would this be closer to the High Court and the magistrate's court, but it is also situated on the secured golf estate. It is also in close proximity to the Mmabatho Tusk Hotel and other conference facilities. As you may have guessed, these premises have been suggested by the golfing sector at our Bar who advance the argument that the ability to consult with clients while playing nine holes of golf, and thereafter enjoying refreshments at the fully appointed club house on the estate would enhance our practices,

Downturn in work

We notice with some disquiet the shrinkage of the North Cape Bar, and also "Sarah Raal's" suggestions on what

to do while waiting for briefs as published in 2000(4) *Advocate* 32. It is unfortunate to report that we also are experiencing a downturn in the number of briefs received, perhaps as a result of attorneys taking over more of the motion court work. We believe however that the failure on the part of the Department of Justice to extend properly the jurisdiction of the so-called Bophuthatswana Provincial Division to cover the entire North-West Province is mostly to blame.

Pretoria

Bygedra deur Henk Havenga, Pretoria Balie

Sedert die vorige uitgawe is drie van ons voormalige lede ingehuldig as regters, nl Nico Coetzee, Anna-Marié de Vos en Dion Basson. Veels geluk, die Pretoria Balie is trots op u!

Waarnemende regters

Die volgende lede het die afgelepe termyn waargeneem as regters: EG Preller SC, FJ Jooste SC, E Jordaan SC, RD Claassen SC, WPN Scales SC, MNS Sithole SC, WRC Prinsloo SC, H Goosen SC, B van den Heever SC en Q Pelsers SC.

Pupille

Elf van die vorige inname se suksesvolle kandidate het begin praktiseer as advokate by die Pretoria Balie. Gedurende die Februarie 2001 inname het 'n verdere 33 kandidate met hulle pupilskap begin.

Bedankings

Die volgende lede het die afgelepe kwartaal bedank: O Salmon, JHP Hattingh,

FA Saint (NHK), D van Wyk (NHK), LG Nkosi-Thomas, J Ehlers, VY Ramdass, RMSE Mulder.

Lindi Nkosi-Thomas and Owen Salmon have, however, only moved to Sandton Chambers and have joined the Johannesburg Bar where we are confident they will soon make their mark.

25 years at the Pretoria Bar

Three of our colleagues celebrated their 25th year of practice at the Pretoria Bar at the end of 2000.

HJ (Hans) Fabricius SC is in 1946 in Duitsland gebore en het in 1955 na Suid-Afrika verhuis. Na die voltooiing van sy regstudies by Unisa het hy vir 'n jaar lank by die Max Planck Instituut in Duitsland studeer en 'n regsvergelykende studie gedoen oor sensuur. Hy het op 23 Junie 1975 aangesluit by die Pretoria Balie.

During his successful career at the Pretoria Bar he, inter alia, during the 1980's accepted many briefs from the SA Bishops Conference in its efforts to obtain the release of political detainees in Namibia and South Africa. He was also a member of the Goldstone Commission appointed to investigate third force activities.

Hy het senior status in 1988 verwerf en vind die reg steeds stimulerend. Hy is wyd berese en daar is min wêrelddele wat hy nog nie besoek het nie.

P (Philip) Ginsburg SC comes from a family background of lawyers and his interest in the law was therefore not surprising. He enrolled for a BCom LLB at Wits in 1966, a turbulent time with high-political drama. During those years he worked in his spare-time

for the Johannesburg Legal Aid Bureau, which assisted indigent litigants, and also at the Riverlea Law Clinic under the leadership of Felicia Kentridge. He joined the Pretoria Bar after doing his articles at Werkmans in Johannesburg. Philip served as a member of the Bar Council for a number of years and his practice has developed mainly in the field of commercial law with special emphasis on intellectual property law. According to him, this happened quite by accident when (now Judge) Neville Page walked into his office and whether he was interested in trademarks, to which Philip replied "What are trademarks?" Philip took silk during 1990. His family moved to Johannesburg six years ago and since then he has been (happily) commuting between Pretoria and Johannesburg

HB (Manie) Smalberger SC het die LLB-graad aan die Universiteit van Pretoria behaal. Daarna werk hy by die Prokureur-Generaal se kantoor vir 'n kort tydperk. Sy pupilskap voltooi hy onder (tans regter) Brian Galgut en hy sluit in 1975 aan by die Pretoria Balie.

Hy het spoedig 'n siviele praktyk ontwikkel met spesiale belangstelling in die delikte- en kontraktereg. Na 25 jaar vind hy verhoorwerk steeds stimulerend en is hy onder sy kollegas bekend as 'n gedugte en gerespekteerde teenstander. Hy het senior status verwerf in 1989. Manie se buitemuurse belangstellings sluit skubaduik en seiljag in. Hy is ook 'n gekwalifiseerde skipper. Hy is besig om sedert 1993 'n pragtige wildsplaas in die Messina-distrik te ontwikkel.

Personalia

Ons is dankbaar om te berig

dat Trevor Hopff en André Prinsen, wat albei ernstig siek was, goed herstel het en hulle praktyke kon hervat.

Ons onthou

Wyle regter Henk van Dyk

Bygedra deur Henk Havenga, Pretoria Balie

Daar is op 5 Februarie 2001 op gepaste wyse afskeid geneem van regter Henk van Dyk wat op 28 Januarie 2001 onverwags na 'n kort siekbed oorlede is. Die seremonie in die Hooggeregshof van Pretoria is benewens die voltydse regters van die TPA-regbank, ook bygewoon deur onder meer die Minister van Justisie, dr Penuell Maduna, die President van die Konstitusionele hof, regter Arthur Chaskalson, regter Johann Krieger en verskeie afgetrede regters van die afdeling. Regter-president Ngoepe het namens die regbank die huldeblyk voorgedra en hierop is geantwoord deur Julian Dreyer SC wat die rede, voorberei deur die voorsitter, Johan Louw SC, wat weens ongesteldheid nie daar kon wees nie, namens die Balie voorgedra het. Die onderstaande is 'n samevatting van die twee redes:

Hendrik Petrus van Dyk is op 3 Desember 1926 op Leeudrift in die distrik Waterberg gebore. Na matriek in Potgietersrus het hy die BA- en LLB-grade aan die Universiteit van Pretoria, en daarna 'n doktorsgraad in die regte by die Rijksuniversiteit Leiden in 1954 behaal. Na 'n kort tydperk by die regs fakulteit van

die Universiteit van Suid-Afrika het hy op 1 Maart 1955 by die Pretoria Balie aangesluit. Hy het op 11 Augustus 1977 senior status verwerf. Hy was bekend as 'n advokaat van integriteit op wie 'n kollega kon staatmaak. Hy was 'n privaatsmens, maar sy vriende het deur die jare sy vriende gebly.

Henk van Dyk het 'n lewendige belangstelling gehad in jag, bewaring, beesboerdery en het ook 'n belangrike plek gevul in die jagtersbedryf en georganiseerde natuurbewaring. Hy was vir tien jaar of langer die president van die SA Jagtersvereniging en was ten tye van sy dood 'n lewenslange erelid van die vereniging. Hy het ook in verskeie nasionale en internasionale natuurbewaringsorganisasies gedien. Tydens sy jare as advokaat het hy hom ook as vlieënier bekwaam – nog 'n bewys van sy veelsydige belangstellings wat van hom 'n afgeronde mens gemaak het.

Regter Van Dyk is gedurende Desember 1977 permanent as regter in die Transvaalse Provinsiale Afdeling aangestel nadat hy ook as regter in die destydse Suidwes-Afrika waargeneem het. Hy was 'n persoon wat sy werk met erns en toewyding benader het en, soos uitgewys deur regter-president Ngoepe, het hy sy pligte as regter, sy 74 jaar ten spyte, toegewyd en getrou uitgevoer.

Die regbank, die Pretoria Balie en die Direkteur van Openbare Vervolgings het hulle meegevoel betuig aan regter Van Dyk se vrou Johanna, sy dogter, prof Annali Basson, skoonseun, regter Dion Basson, skoonogter Hannelie en sy kleinkinders.