

Appendix 1: 2 Code of Conduct for Magistrates

Where as

the Magistrates Act, No. 90 of 1993, seeks to maintain and promote the independence of the office of magistrate as a judicial office,

magistrates as judicial officers are required to maintain high standards of conduct in both their professional, and personal capacities: and

a need for a code of conduct has arisen,

the Magistrates Commission hereby adopts, after consultation with the Magistrates profession, the following Code of Conduct for Magistrates:

1.

A magistrate is a person of integrity and acts accordingly. There are no degrees of integrity. Integrity is absolute.

2.

A magistrate administers justice to all without fear, prejudice or favour.

3.

A magistrate executes his/her official duties objectively, competently and with dignity, courtesy and self-control.

4.

A magistrate acts at all times (also in his/her private capacity) in a manner which upholds and promotes the good name, dignity and esteem of the office of magistrate and the administration of justice.

5.

A magistrate obeys the laws of the land.

6.

A magistrate does not associate with any individual or body to the extent that he/she becomes obligated to such person or body in the execution of his/her official duties or creates the semblance thereof and does not use his/her office to further the interest of any individual or body or permit this to be done.

7.

A magistrate does not accept any gift, favour or benefit of whatsoever nature which may possibly unduly influence him/her in the execution of his/her official duties or create the impression that this is the case.

8.

A magistrate refrains from the execution of any duty in an official capacity in a matter wherein he/she has a direct or indirect interest.

9.

A magistrate refrains from discussing or remarking or commenting on matters pertaining to his/her profession with the media or in public in a manner which is detrimental to the image of the office of magistrate.

10.

A magistrate shall not divulge any confidential information which has come to his/her knowledge in his/her official capacity, except in so far as it is necessary in the execution.

11.

A magistrate executes his/her official duties diligently and thoroughly and requires his/her subordinates to do likewise.

12.

A magistrate maintains good order in his/her court and requires dignified conduct from litigants, witnesses, court staff, legal practitioners and the public.

13.

A magistrate shall not, without the permission of the Commission, permit the proceedings in his/her court to be televised or broadcast or taped for these purposes, or photographs to be taken or television cameras or similar apparatus to be used in his/her court during a court session, during recess or immediately prior to or after the court session.

14.

A magistrate shall report unprofessional conduct on the part of legal practitioners or public prosecutors of which he/she becomes aware in the course of court proceedings to the professional body concerned or, in the case of public prosecutors, to the attorney-general concerned.

15.

A magistrate shall refrain from express support for any political party or grouping.

16.

A magistrate shall not act to the detriment of the discipline or the efficiency of the administration of justice or allied activities.

17.

A magistrate shall wear official dress during court sessions (except at inspection *in loco*.)

A magistrate who acts as presiding officer in court shall wear a gown which is made from black princetta material with black embroidery of silk cord on the front and sleeves: Provided that the gown of a regional court magistrate shall be black with bell-shaped sleeves with seams and an 8-cm-wide full length lapel and shoulder piece of scarlet red.

The length of the gown shall be in proportion to the height of the magistrate and the hemline of the gown shall not be more than 20cm above the ground.

A magistrate shall wear suitable clothes with the gown.