GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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Government Notice

MAGISTRATES COMMISSION

No. 190   2010

CODE OF CONDUCT FOR MAGISTRATES: MAGISTRATES ACT, 2003

The Magistrates Commission, in terms of section 4(1)(b) of the Magistrates Act, 2003 (Act No. 3 of 2003), after consultation with the Magistrates' and Judges' Association of Namibia, has compiled the Code of Conduct to be complied with by magistrates as set out in the Schedule.

S. SHANGHALA
ACTING CHAIRPERSON
MAGISTRATES COMMISSION   Windhoek, 10 August 2010

SCHEDULE

1.

In this Code a word or expression defined in the Act has the same meaning, and unless the context otherwise indicates "the Act" means the Magistrates Act, 2003 (Act No. 3 of 2003).

2.

As judicial officer a magistrate is required to maintain high standard of conduct in both professional and personal capacities, in and out of court.

3.

3.1   A magistrate must be a person of integrity and must act accordingly. Integrity is absolute and requires a magistrate to display the highest degree of honesty.

3.2   A magistrate must ensure that his or her conduct is above reproach in the view of a reasonable observer, and his or her conduct must reaffirm the faith of the public in the integrity of the judiciary.

4.

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

5.

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

6.

6.1   A magistrate acts at all times in his or her official or 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.

6.2   A magistrate must, in his or her personal relations with individual members of the legal profession who practice regularly in his or her court, avoid situations which might reasonably give rise to the suspicion or appearance of favouritism or partiality.

7.

A magistrate must obey the laws of the land.

8.

8.1   A magistrate may not associate with any individual or body to the extent that he or she becomes obligated to such person or body in the execution of his or her official duties or creates the semblance thereof.

8.2   A magistrate may not use his or her office to further the interests of any individual or body or permit this to be done.

9.

A magistrate may not, without the permission of the Magistrates Commission, accept membership of any legislative or executive authority as this may compromise the independence of the judiciary.

10.

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

10.2   A magistrate may not accept any gift without a prior written consent of the Magistrates Commission.

11.

11.1   A magistrate must refrain from the execution of any duty in an official capacity in a matter wherein he or she or his or her family member, close relative or friend has a direct or indirect interest.

11.2   A magistrate who has any doubt about the direct or indirect interest referred to in subparagraph 11.1 may approach the Magistrates Commission for guidance.

12.

A magistrate must refrain from discussing, remarking or commenting on matters pertaining to his or her profession or work in a manner which is detrimental to the image of the office of magistrate or the administration of justice.

13.

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

14.

A magistrate must execute his or her duties diligently and thoroughly, and judicial duties take precedence over all other activities.

15.

A magistrate must maintain order and decorum in his or her court and be patient, dignified and courteous in relation to all, and must require dignified conduct from litigants, accused persons, witnesses, court staff, legal practitioners and the public.

16.

A magistrate may not, without the permission of the Magistrates Commission, permit the proceedings in his or her court to be televised or broadcasted, or photographs to be taken or television cameras or similar apparatus to be used in his or her court during a court session, during recess or immediately before or after the court session.

17.

A magistrate must report unprofessional conduct by legal practitioners or public prosecutors of which he or she becomes aware in the course of court proceedings to the professional body concerned or, in the case of public prosecutors, to the Prosecutor-General, and, in both cases, to the Magistrates Commission in addition to the authority concerned.

18.

A magistrate must refrain from expressly supporting any political party or grouping.

19.

A magistrate may not act to the detriment of the discipline or the efficiency of the administration of justice.

20.

A magistrate must strive to keep abreast of judicial precedents and the current law and to improve his or her skills, knowledge and expertise relating to the administration of justice and the execution of his or her official duties.

21.

A magistrate must wear the official dress during court sessions as described in the Annexure, except at inspections in loco, and during proceedings in chamber.

22.

A magistrate who contravenes or fails to comply with any provision of this Code commits a misconduct as defined by section 24 of the Act and must be dealt with in accordance with the Act.

ANNEXURE

GOWN OF MAGISTRATE

(Item 21)

1.   A magistrate presiding in court must wear a gown designed for magistrates -

     (a)   that is made of black prinoetta material, with black embroidery of silken cord on the front and sleeves;

     (b)   whose length is in proportion to the height of the magistrate; and

     (c)   whose hemline is not more than 20 centimetres above the ground.

2.   A magistrate must wear suitable attire: the gown, a white shirt or a blouse with black trousers or skirt, and the hemline of the skirt should be below the knees.

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