



**ADDRESS BY HONOURABLE UTONI NUJOMA**

**MINISTER OF JUSTICE**

**MOTIVATION OF THE HIGH COURT  
AMENDMENT ACT**

Honourable Speaker

Honourable Members of Parliament

I rise to motivate the High Court Amendment Bill which I introduced in Parliament on 5 November 2013.

1. Section 39 of the High Court Act, 1990 (Act No. 16 of 1990) empowers the Judge President, with the approval of the President, to make rules for regulating the conduct of proceedings of the High Court. It has become clear to the Judge President that the items contained in the list of subject matters in terms of s 39 of the enabling Act are not sufficient to sustain an improved, fair and expeditious delivery of justice to the greater majority of our people.
2. The amendment in subsection 1(b) of the Bill (attached, hereto, and marked 'Annex') is justified on the following grounds. At present the registrar of the High Court gives judgment by default in certain cases. At the last count the registrar gave such judgment in 1300 cases in 2011 – 2012, that is, an average of 109 per month. It has been found that the granting of judgment by default by the registrar may be unconstitutional. In order to avoid any constitutional challenge that may be in the offing, it has been decided that judges will now grant judgment by default in such cases. This change-over will indubitably bring about an exponential increase in the already unbearable workload of judges. One way of easing off this additional workload in a compensatory manner is to provide a procedure whereby after the High Court has given judgment in a case and a writ of execution has been issued by the registrar for the execution of judgment, judges of the High Court do not assume the role of debt-collectors for the judgment creditor, as is the situation presently. The financial enquiry of judgment debtors to determine their financial ability to satisfy their debts can be done by the magistrates' courts.

