



**MAGISTRATE COURTS' JUDICIARY  
REPUBLIC OF SOUTH AFRICA**

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Enquiries: Mr B Dehaloo

Reference: 1/4/25 [LCJ]

To: The Judiciary Pietermaritzburg  
Sub-Cluster Heads / Senior Magistrates  
The Judiciary Administrative Region 7  
The National Prosecuting Authority  
The Administrative Support Staff  
Legal Aid Board  
The Legal Practice Council

07 January 2021

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**INTERNAL MEMORANDUM 01 OF 2021**

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**RE: ADJUSTED ALERT LEVEL 3 and DIRECTIVES FOR COURT  
OPERATIONS:**

**INTRODUCTION:**

The Adjusted Alert Level 3 Regulations in terms of the Disaster Management Act and Regulations as per Government Notice No.R1423 of Government Gazette 44044 dated 29 December 2020 and Government Notice No.R1424 of Government Gazette 44045 dated 29 December 2020 refers. Pursuant to the Act and Regulations Internal Memorandum 06 of 2020 dated 29 December 2020 was issued to allow the early release of personnel.

The second wave of the Covid-19 pandemic with its variance is debilitating society. Our safety and lives are at great risk.

The decorum and functionality of the criminal courts are dependent on the availability of various role players: Judiciary, National Prosecuting Authority, Administrative Support Staff, Linguistic Support Staff, Legal Aid Practitioners / Private Practitioners and South African Police Services (Court Orderlies).

The rapid spread of the Covid-19 virus is affecting all in society resulting in the absence of role players due to death, direct infections, contact tracking, tracing and isolation. This situation is dire having a negative impact on the decorum, functionality and operation of the courts. We are in an abnormal situation. Business cannot be as usual in an abnormal situation.

All role players are required to have contingency measures and plans in place to mitigate and minimise the ravaging effect of the pandemic on personnel at the workplace.

**PERMITTED SERVICES:**

**The following Directives are issued for the Judiciary: District Courts in Administrative Region 7: Kwa-Zulu Natal: For the duration of Adjusted Alert Level 3:**

1. Each Sub-Cluster Head / Senior Magistrate within his area of responsibility and in conjunction with the Head of Court of each court, if applicable, is to ensure that courts are open to enable access to justice.
2. All Magistrates must report on duty unless leave is / was applied for and granted or unless leave of absence is authorised by the Sub-Cluster Head / Senior Magistrate or Head of Court.

3. Each Sub-Cluster Head / Senior Magistrate within his area of responsibility and in conjunction with the Head of Court of each court, if applicable, is to ensure that magistrates are timeously available to hold court.
4. Each Sub-Cluster Head / Senior Magistrate or Head of Court is to ensure:
  - 4.1. That sufficient Administrative support staff are available at all relevant service points including for proceedings in courts.
  - 4.2. That sufficient National Prosecuting Authority Staff are available to conduct proceedings in courts.
  - 4.3. That sufficient Legal Aid Practitioners are available to conduct proceedings in courts.
  - 4.4. That sufficient South African Police members (court orderlies) are available at all relevant service points including for proceedings in courts.

**5. The permitted services to be rendered under Adjusted Alert Level 3 are the following listed hereunder :**

**A. CRIMINAL COURTS :**

1. First court appearances , including child justice preliminary inquiries;
2. Bail applications;
3. Proceedings under section 63 A of the Criminal Procedure Act;
4. Guilty Pleas in all matters whether the accused are in custody, on bail or on warning;

5. All Trial matters are to be remanded or postponed for a period of 4 (four) months. Court rolls are to be re-set in terms of the Case Flow Management guidelines from 3 May 2021 onwards;
6. Finalisation of partly-heard trial matters which can be completed must be dealt with;
7. The continued incarceration of accused persons must be reconsidered before 5 above is given effect to;
8. Matters not falling under 1-7 above where the accused are in custody may be remanded via the AVR system, if available. Where AVR facilities are unavailable remands *in absentia* may be authorised at the Judicial Officer's discretion.

**B. CIVIL COURTS :**

1. Urgent motion applications;
2. Ex parte applications;
3. Civil trials are to be postponed for a period of 4 (four) months. Court rolls are to be re-set in terms of the Case Flow Management guidelines from 3 May 2021 onwards;
4. Default Judgements;
5. Taxations;
6. Debt Review Applications;

7. The receiving and issuing of all court processes and proceedings and filing of papers;
8. Matters not falling under 1-7 above will be removed from the roll. New dates and re-enrolment of matters will only be done after consultation with the clerk of court in conjunction with the Sub-Cluster Head, Senior Magistrate or Head of Court.

All the above must be arranged with the clerk of court and where matters can be decided on the papers, appearances for and by the litigants will not be necessary, unless decided otherwise by the allocated Judicial Officer.

### **C. FAMILY LAW COURTS :**

1. Child and spousal maintenance proceedings;
2. New applications for protection orders in terms of the Domestic Violence Act or the Protection from Harassment Act – return dates to be granted after a period of 4 (four) months from 3 May 2021 or at the discretion of the allocated Judicial Officer ;
3. Foster Care applications and hearings , as well as extension of existing orders;
4. Guardianship, care and contact , care and protection proceedings in respect of children , including removal to temporary safe care and placement in Child and Youth Care Centres;
5. International child abduction cases;
6. Adoption applications and hearings;

### **EXCLUSION :**

A Judicial Officer who presides over any matter in court, after consulting the Sub-Cluster Head, Senior Magistrate or Head of Court, may where the interests of justice so require, order that the application of any provision of these Directives be deviated from.

### **ACCESS AND ENTRY INTO THE COURT BUILDING:**

Access to the court precinct must be strictly controlled and limited to only those persons who have legitimate business in the courts for example accused only, a witness for a partly heard case, an applicant for maintenance, domestic violence or harassment order, legal practitioners.

The general public and supporters of any person having legitimate business in the courts shall not be permitted into the court precinct.

### **GENERAL:**

1. All Magistrates not utilised in courts are to attend to outstanding quasi-judicial work or chamber work in chambers;
2. Court combinations for rotation of staff in relation to all stakeholders and administrative sections at courthouses must be done to reduce the number of personnel in the court building;
3. All court rolls (criminal, civil and family) are to be finalised by 12 noon each day or soon thereafter. Provision for at least an hour must be made for the administrative support staff and SAP court orderlies to finalise their

administrative functions for the day. All business for the day must be concluded by 13h00 where after personnel must leave the court precinct.

4. The Judiciary (Sub-Cluster Heads, Senior Magistrates and Heads of Court) shall guide this phase and give directions to the Administrative Support Staff (Area Court Manager, Office Manager or Court Manager) at each courthouse.

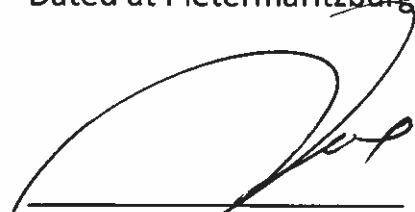
#### **SAFETY MEASURES AT COURTS AND COURT HOUSES:**

The following safety measures shall be adhered to at all times:

- Every Head of Court, Area Court Manager, Court Manager or Office Manager must ensure that there is at all times adequate supply of sanitisers / soap for people to wash and sanitise their hands ,
- Every person entering the court precinct or court house must :
  - Be screened, sanitised and also complete the access control form / register by security at the entrance point
  - At all times wear a cloth face mask or a home- made item that covers the nose and mouth
  - Observe the social distancing requirement of 1.5 meters in any queue or seating arrangement and must adhere to any demarcation at such court precinct or court house or court room.

**These Directives are to be implemented with immediate effect and remain in place for the duration of Adjusted Alert level 3 or until amended, extended or withdrawn.**

Dated at Pietermaritzburg on this the 7<sup>th</sup> day of January 2021.



**MR B DEHALOO**

**ACTING CHIEF MAGISTRATE:**

**ADMINISTRATIVE REGION 07: CLUSTER B**

**KWAZULU-NATAL: PIETERMARITZBURG**

