



**OFFICE OF THE CHIEF MAGISTRATE
FREE STATE "A" CLUSTER**

Private Bag X20583, Cnr President Brand & St Georges street, Bloemfontein 9300
Tel: (051) 506 1377/1379 Fax: (051) 447 6854 Fax2Email: 086 507 8094 Email: NRolisisu@justice.gov.za

25 March 2020

**DIRECTIVES FOR LOWER COURTS: ADMINISTRATIVE REGION 3
FREE STATE CLUSTER A**

Having been duly delegated by the Chief Justice of the Republic of South-Africa in terms of Section 8(3) of the Superior Courts Act, 2013, I hereby issue the following directives in relation to Criminal, Civil and Family related matters.

These directives shall apply with effect from midnight; 26 March 2020 and will remain in force until 16 April 2020 (lockdown period)

1. Criminal matters

- ❖ All criminal courts in the Cluster shall be open during the lockdown period.
- ❖ The courts shall only deal with new matters and bail applications.
- ❖ All previously enrolled/postponed matters shall be postponed to later dates. Witnesses will not be required to attend.
- ❖ In cases where the accused person is on warning or released on bail and is not in attendance as a result of the lockdown, a warrant for his/her

arrest may be authorised and stayed until the next court date. NPA and SAPS to notify the accused persons accordingly.

- ❖ Remand of persons in Correctional Centres awaiting trial or whose matters have been enrolled for trial including unopposed schedule 1, 5 and 6 bail applications, the AVR system may be utilised (Bloemfontein). For this purpose the court equipped with this system shall commence from 8h15 until the entire roll is finalised.
- ❖ **In courts where there are no AVR facilities, the Awaiting Trial Detainees in Correctional Centres shall be remanded in absentia and the warrants (J7) are endorsed accordingly and emailed to the respective Correctional Centres.**
- ❖ All persons arrested in respect of offences listed under schedule 7 may be released on warning (SAPS 496) and be ordered to appear in court on a date after the lockdown period.

2. Undocumented persons

- ❖ These matters will be heard as and when they would have been brought to court for extensions and/or confirmation of their detention orders.
- ❖ All criminal matters relating to the above will be heard in the criminal courts.

3. Civil matters

- ❖ No matters should be placed on the default judgment court roll during the lockdown period.
- ❖ A magistrate will be available to deal with requests for the default judgment already enrolled.
- ❖ No new trials or applications shall be enrolled during the lockdown period.
- ❖ All trials and applications set down for hearing during this lockdown period shall be postponed. This shall be done in consultation with the attorneys/parties involved.
- ❖ The notice of the postponement of those matters may be done personally, telephonically or by e-mail to the magistrate seized with these matters or the Senior Magistrate in the civil section.
- ❖ In the event of urgent applications a magistrate will be available.

4. Domestic violence/Harassment matters

- ❖ This court will be open to deal with new applications and previously enrolled matters.
- ❖ In the event that one or both of the parties are absent on their return date the matter will be postponed in their absence.
- ❖ Social distance of one metre should be observed at all times in the waiting areas.
- ❖ SAPS/Court Manager should ensure strict compliance with the above.

5. Maintenance court

- ❖ This court shall be open to deal with new and enrolled matters.
- ❖ No warrants of arrest or default orders will be granted in the absence of parties.

6. Children's court

- ❖ All foster care extensions on the roll must be dealt with in the absence of the concerned children and/or parents provided the social worker is present and/or a detailed report is provided prior to due date and social workers contact details are available.
- ❖ All pending matters enrolled during lockdown period will be postponed to a date available to the social worker and attorneys involved in the matter.
- ❖ All urgent removals or placements of children will be dealt with during the lockdown period.

Dated on this 25th day of March 2020



MC Mokgobo
Acting Chief Magistrate: Bloemfontein

ADMINISTRATIVE REGION 3 (FREE STATE A)