

**MAGISTERIAL DISTRICT OF TSHWANE
HELD AT
PRETORIA**

Republic of South Africa

Magistrates' Court – Cnr Francis Baard and Sophie de Bruyn Streets
Private Bag X61, **PRETORIA**, 0001 – Tel: 012 319 4004 – Fax: 086 617 5780

Ref: 1/4/3 – Directives (amended)
Enq: Mr IP du Preez
E-mail: idupreez@justice.gov.za
Date: 15 April 2020

TO: All Sub Cluster Heads and Judicial Officers

All Stakeholders in the Tshwane Cluster

**RE: COURT SERVICES DIRECTIVE (AMENDED – CIVIL) DURING THE
LOCKDOWN PERIOD – LOWER DISTRICT COURTS, TSHWANE CLUSTER,
PRETORIA**

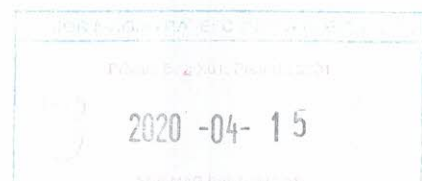
In view of the *extended period* of 'lockdown' announced by the president of the Republic of South Africa following the outbreak of the Covid-19 pandemic, the following (amended) directives and resolutions taken to regulate court services within the Tshwane Cluster, Pretoria:

1. *Criminal Courts:* Addendum 1 as read with the Regulations published in Government Gazette Notice R.418 dated 26 March 2020;
2. *Civil Courts:* Addendum 2 as read with the Regulations published in the Government Gazette Notice R.418 dated 26 March 2020 - **AMENDED**;
3. *Family Courts:* Addendum 3 as read with the Regulations published in the Government Gazette Notice R.418 dated 26 March 2020;

These directives and resolutions are to be implemented with immediate effect from 08:00am on Friday 27 March 2020 for the period of the National lockdown.

Dated this **15th** day of **April 2020** at **PRETORIA**.


Mr IP du Preez
Acting Chief Magistrate
PRETORIA





OFFICE OF THE JUDGE PRESIDENT

GAUTENG DIVISION OF THE HIGH COURT OF SOUTH AFRICA

P O Box 442, PRETORIA 0001 - Tel 012- 314-9003 - Fax 012-326-4940

Palace of Justice, Church Square, Room 13, First Floor, Pretoria

Private Bag X7, JOHANNESBURG 2001 - Tel 011- 335-0479 - Fax 086-207-1291

c/o Pritchard and Von Brandis Streets, Room 510, Fifth Floor, Johannesburg

E-mail: NWalkinshaw@judiciary.org.za

ADDENDUM 1

20 March 2020

To:-

1. All Judges in the Gauteng Division of the High Court (Pretoria and Johannesburg) and all Judicial Officers in the Magistrates Courts in Gauteng
2. All Judiciary Heads of the Regional and District Courts, Gauteng Division
3. All Stakeholders of the Gauteng Provincial Efficiency Enhancement Committee
4. All Stakeholders in the Gauteng Justice Cluster

RESOLUTION OF THE GAUTENG PROVINCIAL EFFICIENCY ENHANCEMENT COMMITTEE IN LIGHT OF COVID-19

The Provincial Efficiency Enhancement Committee (PEEC) is conscious of the the gravity of the risks associated with the Covid-19 pandemic and its effect on access to justice in the High Courts of the Gauteng Division, Regional and Magistrates Courts.

The PEEC is committed and determined to adopt and provide durable solutions aimed at restricting and preventing the spread and devastating effects that this pandemic can cause.


Mindful of the inadequate availability of products and processes as outlined in the Directive issued by the Chief Justice on 17 March 2020, which are to ensure health and safety precautions in the Courts, the following resolution was adopted by the Gauteng Provincial Efficiency Enhancement Committee at its special meeting held on 20 March 2020:

1. In both seats of the High Court, all criminal trials enrolled from Monday, 23 March 2020 until 09 April 2020, including matters on the recess roll, are to be brought forward and postponed,

using the AVR system, for hearing/continuation of those matters from 14 April 2020 onwards, save for matters where special arrangements have been made for their hearing/continuation during this period.

2. All criminal trials held in the Regional and District Courts in Gauteng, which are enrolled between the period 23 March 2020 and 09 April 2020 are to be postponed for hearing/continuation from 14 April 2020 onwards, save for matters relating to first appearances and bail applications, which are to be dealt with in the normal course. This shall include matters where special arrangements have been made. The AVR system will be used for purposes of this paragraph.
3. No awaiting trial detainee held in Correctional Services facilities and Police holding cells, are to be brought to any Court house in Gauteng, unless for first appearances, bail applications and matters where special arrangements have been made with the Judicial Officers involved in the matters.
4. In respect of matters on the Civil roll of the Courts, the PEEC encouraged Heads of the Gauteng Regional and District Courts to adopt and/or implement measures that will alleviate congestion in their Court houses. This shall include but is not limited to teleconferencing and other available means. In respect of the High Courts of the Division, the PEEC encouraged the representatives of the legal fraternity to embrace the Directive issued by the Office of the Judge President on 18 March 2020.
5. These measures are implemented in view of the partial and in some instances lack of adequate provisioning of health and safety materials in the Court houses as mentioned in the Directive issued by the Chief Justice on 17 March 2020.
6. The Gauteng Division Provincial Efficiency Enhancement Committee will reconvene on Friday, 27 March 2020 to review the situation mentioned in paragraph 5 above and take further measures if necessary.

Sincerely



D MLAMBO

CHAIRPERSON: GAUTENG PROVINCIAL EFFICIENCY ENHANCEMENT COMMITTEE

TSHWANE CLUSTER: PRETORIA
PRACTICE DIRECTIVE
CIVIL COURT
(AS AMENDED)

ADDENDUM 2

1. THIS DIRECTIVE IS RELEVANT TO COURT OPERATIONS IN RESPECT OF ALL CIVIL COURTS WITHIN THE TSHWANE CLUSTER DURING THE NATIONAL LOCKDOWN PERIOD. IT WILL REMAIN EFFECTIVE UNTIL 08H00 ON MONDAY 4 MAY 2020.
2. DURING THE ABOVE PERIOD, ALL MATTERS ALREADY ENROLLED ON ANY AND ALL OF THE CIVIL COURT ROLLS, INCLUDING BUT NOT LIMITED TO TRIALS, MOTIONS, DEBT REVIEWS, DEFAULT JUDGMENTS, SECTION 65 AND SECTION 74, PRE-TRIALS, INTERPLEADERS, WILL NOT BE HEARD ON THE DESIGNATED DATES BUT MUST BE RE-SCHEDULED WITH THE RESPECTIVE CLERK OF THE COURT AFTER THE 4TH DAY OF MAY 2020;
3. PARTIES AND REPRESENTATIVES ARE NOT REQUIRED TO ATTEND COURT ON THE DESIGNATED DATES. ALL MATTERS ENROLLED FROM 27 MARCH TO 30 APRIL 2020 ARE HEREBY *IPSO FACTO* REMOVED FROM THE ROLL WITHOUT ANY FORMALITIES BEING REQUIRED FROM OR BY THE PARTIES OR THEIR REPRESENTATIVES. MATTERS ENROLLED FOR HEARING ON AND FROM MONDAY 4 MAY 2020 ONWARDS SHALL PROCEED AS NORMAL.
4. ONLY URGENT MATTERS WILL BE GRANTED A HEARING BY ARRANGEMENT WITH THE MOTION COURT CLERK. ALL URGENT MATTERS MUST SPECIFICALLY MOTIVATE WHY IT SHOULD BE HEARD DURING THE PERIOD OF THE LOCKDOWN;
5. CLERKS OF THE COURT WILL NOT ISSUE OR ACCEPT ANY DOCUMENTS EXCEPT FOR URGENT MATTERS DULY MOTIVATED AND MATTERS WHERE THERE IS A RISK OF PRESCRIPTION, OR FOR OTHER REASON PROPERLY MOTIVATED. MATTERS OF THIS NATURE MUST BE SUBMITTED TO THE CLERK OF THE CIVIL COURT BETWEEN 08:00AM AND 11:00AM;
6. CLERKS WILL ONLY BE AVAILABLE FROM THE 4 MAY 2020 FOR ALLOCATION OF NEW DATES AND FOR RE-SCHEDULING OF MATTERS.
7. EXCEPT AS STATED ABOVE, THERE WILL BE NO FILING OF DOCUMENTS. ALL DOCUMENTS MUST BE RETAINED FOR FILING FROM 4 MAY 2020 ONWARDS. MESSENGERS AND OTHERS WILL NOT BE ALLOWED INTO THE BUILDING FOR SUCH PURPOSE.
8. FOR ANY ENQUIRY, THE CLERK OF THE COURT MAY BE CONTACTED AT 012 3194248 OR 012 3194039.

IP DU PREEZ
ACTING CHIEF MAGISTRATE





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ADDENDUM 3 - FAMILY COURT SERVICES

A. MAINTENANCE AND CHILDRENS COURT LITIGATION, INCLUDING ADOPTIONS:

IN INSTANCES THAT ONE OR MORE PARTIES (LITIGANTS) ARE NOT AVAILABLE TO ATTEND COURT FOR APPEARANCE ON AN ENROLLED MATTER AS A RESULT OF THE NATIONAL LOCKDOWN, SUCH MATTERS WILL BE POSTPONED TO A DATE AFTER 20 APRIL 2020;

LITIGANTS / PARTIES THAT ARE NOT ABLE TO ATTEND COURT AS A RESULT OF THE LOCKDOWN MAY CONTACT THE CLERK OF THE COURT AT (012) 3194242/4036/4041/4372 IN ORDER TO ESTABLISH THE OUTCOME OF THEIR MATTER, ARRANGE AN ALTERNATIVE DATE OR REQUEST AN UPDATE OF THE ALLOCATED NEW DATE TO WHICH A MATTER WAS POSTPONED;

FORM 36 APPLICATIONS AND ALL OTHER URGENT MATTERS MAY BE ENROLLED FOR HEARING FOLLOWING A MOTIVATION REFLECTING THE URGENCY AND IN CONSULTATION WITH THE RELEVANT ADMINISTRATION OFFICER WHO MAY BE REACHED AT (012)3194164/0730792663/0681340686;

NEW APPLICATIONS FOR MAINTENANCE RELIEF WILL ONLY BE PROCESSED AFTER TELEPHONIC CONSULTATION BY THE APPLICANT WITH THE RELEVANT ADMINISTRATION OFFICER WHO MAY BE REACHED AT (012) 3194242/4036/4041/4372;

B. DOMESTIC VIOLENCE AND HARASSMENT MATTERS:

ALL NEW APPLICATIONS WILL BE RECEIVED AND PROCESSED IN LINE WITH STANDARD SERVICE DELIVERY PROCESSES;

RETURN DATES OF GRANTED APPLICATIONS WILL BE ALLOCATED A DATE NO LESS THAN SIXTY (60) DAYS, WITH DUE REGARD TO THE RIGHT TO ANTICIPATE AN INTERIM ORDER;

2.

MATTERS CURRENTLY ENROLLED WILL BE POSTPONED IN ABSENTIA OF PARTIES / LITIGANTS. THE CLERK OF THE COURT MAY BE REACHED AT 0681733684 OR 0825344331 OR (012)3582990 FOR CLARITY ON THE OUTCOME OF MATTERS POSTPONED IN ABSENTIA;

C. GENERAL

FAMILY LAW SERVICES SHALL BE LIMITED TO URGENT AND ESSENTIAL SERVICES SUBJECT TO A JUDICIAL OFFICER EXERCISING A DISCRETION IN THE INTERESTS OF JUSTICE OR BEST INTERESTS OF CHILDREN; AGED; DISABILITY OR ANY OTHER VULNERABLE GROUP OF PERSONS