



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

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Reference: 1/4/25 [LCJ]

To: THE JUDICIARY PIETERMARITZBURG
and
SUB-CLUSTER HEADS / SENIOR MAGISTRATES
and
THE JUDICIARY IN ADMINISTRATIVE REGION 7
and
LEGAL AID BOARD
and
THE LEGAL PRACTICE COUNCIL

2 JUNE 2020

INTERNAL MEMORANDUM 05 OF 2020

RE: DIRECTIVES FOR COURT OPERATIONS : ALERT LEVEL 3

Whereas the President of the Republic of South Africa has declared a national state of disaster in the Republic in terms of the Disaster Management Act, 2002

And Whereas different Alert Levels have been determined by the Minister of Cooperative Governance and Traditional Affairs

And Whereas the courts being part of Essential Services are to be open and accessible during the national state of disaster

And Whereas the Chief Justice has delegated his authority in terms of section 8(3) of the Superior Courts Act, 2013 to all Heads of Court to issue such directives as

may be necessary in relation to how judicial functions are to be managed and performed during the remaining period of the national state of disaster

And Whereas section 12(1)(c) of the Magistrates' Court Act 32 of 1944 provides that a magistrate shall be subject to the administrative control of the Head of the Administrative Region in which his or her district is situated

And Whereas the Norms and Standards issued by the Chief Justice in terms of section 8 of the Superior Courts Act 10 of 2013 read with section 165(6) of the Constitution provides in paragraph 4 that the Heads of the various Courts will manage the judicial functions and ensure that all Judicial Officers perform their judicial functions efficiently and further provides in paragraph 5 that:

- (i) The Head of each Court must assign Judicial Officers for hearing of cases
- (ii) The Head of each Court must ensure that there are Judicial Officers assigned for all sittings so that cases are disposed of efficiently, effectively and expeditiously
- (viii) A Judicial Officer shall not absent him or herself without the permission of the Head of the Court or a designated Judicial Officer where applicable

Now therefore, the following Directives, after consultation with the Judge President: Kwa Zulu Natal, are issued for the Judiciary: District Courts in Administrative Region 7: Kwa-Zulu Natal: For the duration of 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.
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 Administrative support staff are available at all relevant service points including for proceedings in courts.
 - 4.2. That the National Prosecuting Authority Staff are available to conduct proceedings in courts.
 - 4.3. That the Legal Aid Board practitioners are available to conduct proceedings in courts.
 - 4.4. That the 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 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. Trials limited to :
 - (a) Corruption , Sexual offences , Gender Based Violence and Femicide (GBVF), Serious violent crimes, robbery and Violations of Covid-19 Regulations;
 - (b) Cases where a child is an accused , a witness , or a victim of crime;
 - (c) Cases where accused persons are in detention;
 - (d) Single witness trials;
 - (e) Finalisation of partly-heard matters which can be completed;
 - (f) Cases on the priority roll determined by the Sub-Cluster Head , Senior Magistrate or Head of Court concerned;
 - (g) Any other matter determined by the Presiding Officer concerned
6. Consideration of the continued detention of children awaiting trial in detention in a Child and Youth Care Centre and Correctional Centres on a case by case basis;
7. Applications for leave to appeal;
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. Postponement hearings to future dates must be conducted

where the accused are on bail or on warning at the Judicial Officer's discretion taking the principles of case flow management into account.

B. CIVIL COURTS :

1. Urgent motion applications;
2. Ex parte applications;
3. Urgent civil trials , including COVID-19 related cases;
4. Default Judgements;
5. Taxations;
6. Debt Review Applications;
7. The issuing of all court processes and proceedings and filing of papers;
8. Applications for leave to appeal.
9. Matters not falling under 1-8 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. Protection orders in terms of the Domestic Violence Act or the Protection from Harassment Act;
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;
7. Mediation and Facilitation.

D. 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.

6. All Magistrates not utilised in courts are to attend to outstanding quasi-judicial work or chamber work in chambers.
7. Once the court rolls are finalised for each day or soon thereafter Magistrates may be permitted to leave the court precinct at the discretion of the Sub-Cluster Head, Senior Magistrate or Head of Court concerned.

SAFETY MEASURES AT COURTS AND COURT HOUSES:

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


- Every Head of Court or 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 :
 - 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.

Access to the court precinct must be strictly controlled and limited to only those persons who have legitimate business in the courts on production of proof or supporting documents at the entrance point.

The COVID-19 compliance officer [security officer] for each court house must request any person to comply with the provisions of these Directives and the Regulations and shall cause any person who refuses to comply with such request to be refused entry into the premise or removed therefrom or directed to law enforcement officers .

These Directives replace all previous Directives issued under Alert Level 5 and 4.
These Directives are to be implemented with immediate effect and will remain in place until amended, extended or withdrawn.

Dated at Pietermaritzburg on this the 2nd day of June 2020 .


Ms M. MONYEMORE
CHIEF MAGISTRATE:
ADMINISTRATIVE REGION 07: CLUSTER B
KWAZULU-NATAL: PIETERMARITZBURG

