



**LOWER COURTS JUDICIARY  
REPUBLIC OF SOUTH AFRICA**

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**DIRECTIVES ISSUED BY THE JUDICIAL HEAD OF ADMINISTRATIVE REGION 6,  
KWAZULU-NATAL AS DELEGATED BY THE CHIEF JUSTICE IN TERMS OF  
SECTION 8(3) OF THE SUPERIOR COURTS ACT, 2013.**

**WHEREAS** the Chief Justice of the Republic of South Africa issued Directives on 17 March 2020, pertaining to exercising of judicial functions and court services during the COVID-19 outbreak;

**AND WHEREAS** the Chief Justice has delegated his authority in terms of section 8(3) of the Superior Court Act, 2013 to Heads of Court to issue Directives;

**NOW THEREFORE** I have decided, in consultation, with the Judge President, KwaZulu-Natal, Regional Court President, KwaZulu-Natal and Heads of other role players, decided to adopt the following measures to uphold the Rule of Law during the period of lockdown:

- 1. The Directives issued by the Chief Justice are the primary and overriding authority for regulating access to and use of courts during this period;**
- 2. The district courts, being part of essential services, shall remain open and accessible. Access to court buildings will however, be restricted to those whose presence are strictly required;**

3. All district magistrates, being part of essential services, shall report for duty unless approval has been granted to them to be on leave;
4. All criminal cases scheduled for trial for the period 27 March 2020 until 16 April 2020 shall be postponed to provisional dates after 4 May 2020;
5. All civil cases scheduled for trial and opposed motions scheduled for hearing during the period 27 March 2020 until 16 April 2020, shall be removed from the roll;
6. All family court matters scheduled for hearing during the period 27 March 2020 until 16 April 2020, shall be postponed to any date after 4 May 2020.

The only proviso to the above, are matters deemed to be urgent, which determination shall be the prerogative of the relevant Head of Court. Matters deemed to be urgent shall generally include but not be limited to cases involving children, maintenance where no order (interim or otherwise) is in place, applications for protection orders, first appearances of accused in criminal cases including informal bail applications, formal bail applications and urgent motions.

The Prosecution and/ or Legal Practitioners and/ or Clerks of Court must timeously inform witnesses, and where applicable, foreign language interpreters, that their presence in court will not be required during this period.

7. Court users are encouraged to join our collective efforts to minimize congestion at our courts and only attend courts if absolutely necessary;
8. In view of the postponement of trials, it is envisaged to scale down on the number of courts that will be operational during this period and such information will be communicated to the Judge President, Director of Public Prosecutions, Provincial Executive KwaZulu-Natal and the Regional Head, KwaZulu-Natal;

9. Litigants and legal representatives are encouraged to arrange dates and to ensure that this is communicated to the relevant magistrate in criminal matters. The use of electronic communication is encouraged during this period;
10. The audio visual remand system (AVR), where available, must be used for purposes of postponement of cases where accused persons are in custody in correctional centres;
11. Remand detainees whose cases are not dealt with via AVR, will ordinarily be brought to court, unless circumstances dictate otherwise or the court directs otherwise. Where cases are adjourned in absentia, this may not be for a period exceeding twenty (20) days at a time.

The above Directives will apply with effect from 27 March 2020 and persist until 16 April 2020 or until withdrawn, amended or extended.

Given under my hand in Durban on this 25<sup>th</sup> day of March 2020.



**EB NGUBANE**

**CHIEF MAGISTRATE: DURBAN &**

**JUDICIAL HEAD: ADMINISTRATIVE REGION 6**

**KWAZULU-NATAL**

