



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

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Enquiries: Mr B Dehaloo

Reference: 1/4/25 [LCJ]

To: THE JUDICIARY PIETERMARITZBURG  
and  
SUB-CLUSTER HEADS / SENIOR MAGISTRATES  
and  
THE JUDICIARY IN REGION 7

25 MARCH 2020

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**INTERNAL MEMORANDUM 04 OF 2020**

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**RE: DIRECTIVES FOR COURT OPERATIONS : LOCKDOWN PERIOD 27<sup>TH</sup>  
MARCH 2020 TO 16<sup>TH</sup> APRIL 2020**

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

And Whereas the President has ordered a lockdown for the period from midnight Thursday, 26<sup>th</sup> March 2020 until midnight Thursday 16<sup>th</sup> April 2020 to combat the spread of Coronavirus 2019

And Whereas the courts being part of Essential Services are to be open and accessible during the period of lockdown

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 in the Superior Courts and Magistrates / Lower Courts to issue such directives so as to enable access to

courts in relation to any urgent matter, bail application, maintenance and domestic violence related matters and cases involving children

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 situate

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

(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 :**

- 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 during the period of lockdown 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 available to hold court during the lockdown period.
- 4) Each Sub-Cluster Head / Senior Magistrate or Head of Court is to ensure that sufficient support staff is available for the proceedings in court.
- 5) All new and enrolled criminal, civil and family law matters must either be postponed, remanded (via AVR or as the case may be remanded in *absentia* with orders that requisitions be issued ) or adjourned ( in civil cases even adjourned *sine die* –not more than 3 months ) to dates after the lockdown period. Warrants of arrest may be authorised and stayed in respect of accused persons on bail or on warning who fail to attend court.
- 6) No pleas, trials or partly heard matters are to be proceeded with without the authority of the Sub-Cluster Head, Senior Magistrate or Head of Court concerned.
- 7) Only bail applications in respect of first appearances or first applications of bail must be dealt with.
- 8) All other **urgent matters** ( criminal, civil and family law matters ) dependant on the availability of the litigants / parties must be dealt with in terms of 6 above.
- 9) The principles of case flow management must be taken into account when postponing, remanding or adjourning matters.

10 ) All Magistrates not utilised in the courts are to attend to outstanding quasi-judicial work or chamber work in chambers during the period of lockdown.

11 ) 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.

**These Directives apply from 27 March 2020 until 16 April 2020 unless amended, withdrawn or extended .**

Dated at Pietermaritzburg on this the 25<sup>th</sup> day of March 2020



**Ms ME MONYEMORE**  
**CHIEF MAGISTRATE :**

**ADMINISTRATIVE REGION 07: CLUSTER B**  
**KWAZULU-NATAL: PIETERMARITZBURG**

