



**OFFICE OF THE CHIEF MAGISTRATE  
NORTH WEST ADMINISTRATIVE REGION  
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**05 MAY 2020**

**DIRECTIVES ISSUED BY THE CHIEF MAGISTRATE AS DELEGATED BY THE CHIEF JUSTICE ON 02 MAY 2020, FOR THE MANAGEMENT OF DISTRICT COURTS DURING THE NATIONAL STATE OF DISASTER PERIOD**

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**The following directives shall apply to the District Courts in the North West for the remainder of the National State of Disaster period in line with the Regulations, Directives issued by the Chief Justice, Judge President and the Minister,**

**A. ACCESS TO THE COURTS**

1. Judicial Officers will be at court to preside over all criminal, civil, family and quasi-judicial matters
2. Heads of District Courts will compile and keep daily rotational rosters with the contact details of all the Judicial Officers and support staff members on duty to deal with what is on the roll
3. Measures to ensure compliance with Reg. 16(6) of the Risk Adjusted Regulations of 29 April 2020 must be put in place at work places for purposes of phasing in return of support staff members to work;
4. A plan of action to be developed by all stake holders including but not limited to Judiciary; NPA, Admin Personnel, Legal Aid SA - Legal Professionals, DSD by the 8<sup>th</sup> May 2020 to alleviate court rolls

5. The staff roster system must be maintained taking into account the vulnerable groups such as the elderly Colleagues and those suffering from chronic medical conditions

## **1. CRIMINAL CASES**

- 1.1** All bail applications, old and new shall be proceeded with
- 1.2** All guilty pleas shall be proceeded with
- 1.3** Trials where the accused are in custody, have been brought to court and witnesses are available will be proceed with or be brought to trial as soon as possible.
- 1.4** All partly heard trials which can be proceeded with will proceed
- 1.5** All matters involving charges of corruption, gender based violence, and violations of COVID 19 Regulations in respect of which a decision has been taken to prosecute, will be prioritised
- 1.6** In respect of awaiting trial detainees who have not been brought to court, their cases will be postponed in absentia or through the Audio Virtual Remand system where available
- 1.7** Cases of all other accused persons and witnesses who are not in attendance during the lock down period will be postponed in their absence to dates in the future which dates will be communicated to them
- 1.8** All awaiting trial criminal matters involving children in detention at Child and Youth Care centres or Correctional Centres must be brought to court to consider their continued detention. The trials in these matters must be prioritised if the accused are not released from custody.
- 1.9** Applications in terms of Section 63A of the Criminal Procedure Act 51 of 1977 as amended will be considered

## **2. CIVIL CASES**

- 2.1** Civil trials will be removed from the roll in line with the Directives by the Chief Justice
- 2.2** Unopposed applications already enrolled for hearing during the lockdown period will be dealt with
- 2.3** Where a civil case is on the roll for the delivery of judgment during the lock down period, a magistrate will email copies of a judgment to legal representatives/parties and to the clerk of the court
- 2.4** Unopposed applications for Debt Review will be dealt with
- 2.5** Arrangements for postponement of civil cases will be made with the magistrate assigned to that court
- 2.6** Civil processes of pending matters including debt reviews may be filed at court
- 2.7** Allocation of new dates and re-enrolment of matters will only be done after the lockdown period
- 2.8** Requests for default judgment already enrolled shall be dealt with internally in chambers by designated judicial officers, without any formal hearing
- 2.9** Applications for endorsement settlement agreement will be considered to be made

## **3. FAMILY CASES**

- 3.1** Family cases and related matters are urgent in nature and will therefore be prioritized
- 3.2** Family courts will be available to preside over all matters in terms of the Domestic Violence Act, Protection from Harassment Act, Older Persons Act and the Children's Act
- 3.3** Interim orders with return dates that fall within the lock down period, and which was granted prior thereto will be extended to dates beyond the lock down period

**3.4** Regulations regarding the movement of children does not prevent magistrates from considering any application in terms of the Children's Act and making an order in the best interest of the child

**B. OTHER APPLICATIONS**

1. Applications for Search and Seizure Warrants will be considered only if failure to attend to same may be prejudicial to the administration of justice
2. Applications for the extension of detention orders under the Immigration Act, 13 of 2002 will be considered in the absence of detainees



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**Ms JJ Ikaneng**

**Chief Magistrate**

**Head of Administrative Region 9**

**North West**