



CHAMBERS OF THE JUDGE PRESIDENT: NORTHERN CAPE HIGH COURT
MR. JUSTICE L.P TLALETSI

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DIRECTIVE 1 OF 2020: ISSUED BY THE JUDGE PRESIDENT

1. This Urgent Directive is issued in terms of section 165 of the Constitution Act, 1996 read with section 8(4)(b) of the Superior Courts Act, 2013 and the Delegation by the Chief Justice dated 24 March 2020 issued in terms of section 8(3) of the Superior Courts Act, 2013.
2. The Directive is in respect of the operations and Judicial functions of the Northern Cape Division during the Nation-wide Lockdown for the period of twenty one (21) days with effect from midnight of Thursday 26 March 2020 declared in terms of the Disaster Management Act, 2002, in order to, *inter alia*, prevent and curb the spread of the COVID-19 throughout the Republic, and it will also apply during any extended Lockdown period that may be declared in terms of the said Act.
3. The Northern Cape Division shall remain open during the period of the Lockdown, subject to the restrictions provided for hereunder:
 - 3.1 There shall be no Motion Court sitting during the period of the Lockdown.
 - 3.2 There shall not be any sitting of the Circuit Courts during the period of the Lockdown.
 - 3.3 Only matters that are urgent will be entertained by the Court during the period of the operation of the Lockdown, in which case the following shall apply:

3.3.1 Any party intending to place a matter before court on an urgent basis shall submit to the Registrar short written submissions, motivating why the matter should be regarded as urgent and why it cannot be entertained on any other day outside the Lockdown period.

3.3.2 The Registrar shall place the said short written submissions before the Judge on duty for consideration and further directions.

4. All matters already enrolled on the days on which the Motion Court would have been held shall be postponed to a date beyond the period of the Lockdown and further:

4.1 Postponements shall be done in chambers by the Judge on duty or any other Judge designated by the Judge President for that purpose.

4.2 The parties involved in such matters shall not be required to attend court on those days.

4.3 Where applicable the *rule nisi* issued in the matter shall be extended to the postponed date.

4.4 No order as to costs shall be made, unless the Judge deems otherwise.

5. There shall be no civil trials, opposed applications, appeals and reviews conducted during the period of the Lockdown. Matters already placed on the roll shall be postponed by the Judge on duty or a Judge designated by the Judge President for such purpose, with no order as to costs, unless the Judge deems otherwise.

6. The postponement of civil trials, opposed applications, appeals and reviews shall be *sine die* and the parties may approach the Judge President for an allocation of a new date after the Lockdown period.

7. No criminal trials and appeals shall be conducted during the period of the Lockdown, and the following will apply:
- 7.1 Criminal trials and appeals that are already on the roll shall be remanded by the Judge on duty or a Judge designated by the Judge President for that purpose to a date arranged with the Director of Public Prosecutions (DPP).
- 7.2 Unless otherwise arranged with the said Judge the remands shall be made in absentia of the accused persons and the witnesses.
- 7.3 The Registrar in consultation with the DPP's office shall take all steps necessary to ensure that the dates to which the cases have been remanded, and necessary arrangements, are communicated to the accused persons, where applicable places of detention and witnesses.
8. Only urgent court processes shall be entertained by the Registrar. The parties wishing to issue process on urgent basis shall contact the Registrar on the following numbers: 053 807 2762/0672032815; Email: SBasson@judiciary.org.za
9. These Directives shall apply in addition to the Directives issued by the Chief Justice under Government Notice 187 of 20 March 2020 as well as the "Measures Adopted by Heads of Court to Curb the spreading of COVID-19 in all Courts" on 17 March 2020.

Issued on 25 March 2020.



L P TLALETSI

JUDGE PRESIDENT

Northern Cape Division, Kimberley