



**OFFICE OF THE JUDGE PRESIDENT
WESTERN CAPE HIGH COURT**

PRIVATE BAG X9020
CAPE TOWN
8000

Telephone number: +27 21 480 2564
Fax number: 086 6424753
Email: Epotgieter@judiciary.org.za

TO : ALL JUDGES
FROM : JUDGE PRESIDENT JM HLOPHE
SUBJECT : ACCESS TO COURT IN LIGHT OF LOCKDOWN
IMPLEMENTATION DATE : 25 MARCH 2020

DIRECTIVE

The following directives will apply with immediate effect until the 17 April 2020 (subject to further periods as may be directed by the President of the Republic of South Africa). These directives should be read together with the directives previously issued by the Chief Justice and Judge President.

1. As per the Chief Justice's directive dated 24 March 2020, only urgent motion applications will be issued (including matters relating to COVID 19), matters relating to bail, urgent maintenance, domestic violence related matters and cases involving children.
2. The issuing of all combined, provisional summons and applications other than the ones mentioned in the paragraphs above and below are suspended.

3. Issuing of new applications in terms of Rule 31(5) before the registrar will be suspended during the said period.
4. No new CIVIL matters (trials, appeals, reviews, unopposed and opposed motions) will be enrolled during the lockdown period including the 17 April 2020.
5. Civil trials, opposed motions, appeals and reviews already enrolled must be postponed to dates as arranged with the relevant 4th division clerk for dates after the lockdown period.
6. The service of summons and applications other than those mentioned above by the Sheriff should be suspended until after the lockdown, so that non compliance with dies periods during the lockdown is minimized.
7. No new civil pre-trials will be allocated during April 2020. All existing civil pre-trials will be postponed until after the lockdown period. Parties are to make contact with the relevant Judges secretaries to arrange for a postponement date in consultation with the relevant Judge.
8. No further process (including warrants of execution and subpoenas) whether civil or criminal will be issued during the "lockdown" including on the 17 April 2020. Only intention to defend, notices to oppose and pleas will at this stage be accepted at the court. It is advisable that parties consider extensions by agreement on the **dies periods** to avoid unnecessary travel during the lockdown period.
9. In light of the Legal Practice Council being unable to provide the court with the relevant certificates needed for Admissions, matters set down for Friday, 17 April 2020 will be postponed to Friday, 08 May 2020. The postponements may be done by the relevant Judges and practitioners without the applicants being present on the 17 April 2020.
10. There will be no Authentication/ Apostille services offered at the court during the lockdown period.

11. Right of appearance certificates and good standing certificates may be applied for at the Chief Registrar's office from the 20 April 2020.
12. All the motion court applications enrolled for 27 March 2020, 31 March 2020, 1 April 2020, 7 April 2020, 8 April 2020, 14 to 16 April 2020 must be postponed to a date after the lockdown in consultation with the third division clerk.
13. **Rule Nisi** matters returnable during the lockdown (which include eviction matters) should be identified and arrangements made with the Judge on motion court duty or recess duty to extend the rule nisi dates to beyond this period. Where this cannot be achieved the duty Judge concerned must be approached for appropriate directives.
14. Evictions and Rule 46A applications to declare property executable are suspended until after the lockdown period including the 17 April 2020.
15. All criminal trials, criminal appeals and criminal pre-trials will be suspended during the lockdown period. All postponements will be done in the absence of the accused person. Practitioners for the accused may appear or arrange with the DPP for the postponement of the matter in their absence.
16. Criminal pre-trials for 27 March 2020 will be dealt with on Thursday 26 March 2020 as arranged with the DPP, practitioners for the accused and the relevant Judges. Criminal pre-trials for 17 April 2020 will be moved to Tuesday, 14 April 2020
17. Criminal trials scheduled for circuit courts during the lock down period will be postponed on Thursday 26 March 2020 to date after the lockdown period.
18. No new applications for taxation dates, settled and consented to bills will be allowed during the lockdown period.
19. Heads of argument in matters already set down may be sent to the relevant Judges secretary via e-mail or relevant clerk at the Registrar's office. (List

attached of e-mail addresses of officials).

20. The High Court building will not be accessible during the lockdown period except for the duty Judge, the relevant Judges secretary, the Chief Registrar, Court Manager, relevant court staff (urgent/rotational in line with any directive issued by the OCJ), security personnel, practitioners and parties for matters identified above.

Should you wish to clarify any of the above directives, you may contact the Judge President (Lizette Potgieter – 021 480 2564), Chief Registrar (Ruanne David/ Antoinette Marinus – 021 480 2635/6), Court Manager (Valerie Noah/ Astrin Erntzen – 021- 480 2637/619 or DPP (Adv Bell 021- 487 7226) offices.



JUDGE PRESIDENT HLOPHE

To be issued to:

The Magistracy;

The National Prosecuting Authority;

Legal Aid South Africa;

Western Cape Bar Association;

Legal Practice Council;

Family Advocate;

State Attorney;

NADEL;

BLA;

South African Police Services;

Office of the Chief Justice Justice

Department of Justice and Constitutional Development;

Department of Correctional Services;

Department of Social Development;