



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

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TO : ALL JUDGES  
FROM : JUDGE PRESIDENT JM HLOPHE  
SUBJECT : ACCESS TO COURT IN LIGHT OF COVID -19  
LOCKDOWN  
IMPLEMENTATION DATE : 06 APRIL 2020

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**SUPPLEMENTED DIRECTIVES**

**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 (on 24 March 2020) and the Judge President (17 March 2020). The Directive issued on 25 March 2020 by the Judge President is hereby withdrawn and replaced herewith.**

1. As per the Chief Justice's directive dated 24 March 2020, only urgent motion applications will be issued and /or heard 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.
- 2A. The issuing of applications and summonses will be allowed in civil matters where the debt claimed by such process will prescribe during the lockdown period or there is a reasonable apprehension that the debt will prescribe.
3. Issuing of new applications in terms of Rule 31(5) before the registrar will be suspended during the said period.

4. Subject to 1 above, 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 4<sup>th</sup> division clerk for dates after the lockdown period.
6. The service of summonses 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: provided that the issuing and service of subpoenas and the granting and execution of warrants where a judicial officer orders that it is necessary to ensure effective justice in urgent matters, will proceed during the "lockdown".
- 8A. In instances where the Uniform Rules require a document to be "delivered", it will not be necessary to file such document at Court. It will be sufficient to serve such document via e-mail communication to all parties to the dispute. In respect of intention to defend, notices to oppose and pleas the Chief Registrar is to be included in the e-mail communication (RDavid@judiciary.org.za). It will be incumbent on the plaintiff(s)/applicant(s) to ensure that the court file is updated with all the documents served by all parties prior to the hearing.
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 20 April 2020.

12. All the motion court applications enrolled for hearing on 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 for matters identified above and persons with a material interest in such matters: provided that such access will be subject to and governed by paragraph 2 of the amended Directions to address, prevent and combat the spread of COVID 19 in all courts, court precincts and justice service points in South Africa issued in terms of the Disaster Management Act 57 of 2002 by the Minister of Justice and Correctional Services (Government Notice R.440 in Government Gazette 43191 of 31 March 2020 ("the Minister's amended Directions").

21. If and to the extent there is conflict between a provision of the Minister's amended Directions and a provision of this Directive dealing expressly with the matter, the provision of this Directive prevails.

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



**JUDGE PRESIDENT HLOPHE**

To be issued to:

The Magistracy;

The National Prosecuting Authority;

Legal Aid South Africa;

Cape Bar Council;

Western Cape Bar Association;

Legal Practice Council;

Family Advocate;

State Attorney;

NADEL;

BLA;

South African Police Services;

Office of the Chief Justice

Department of Justice and Constitutional Development;

Department of Correctional Services;

Department of Social Development;

Department of Health;

Any other Court Official not mentioned above.