



**OFFICE OF THE REGIONAL COURT PRESIDENT, REGIONAL DIVISION MPUMALANGA.**

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ENQUIRY: N A ENGELBRECHT  
05 MAY 2020

**SUBJECT: CASE FLOW MANAGEMENT DIRECTIVES / COVID19 LOCKDOWN ALERT LEVEL 4:  
01 MAY 2020 UNTIL FURTHER NOTICE /REGIONAL DIVISION MPUMALANGA**

**1. INTRODUCTION**

In light of the President's recent announcement, your attention is drawn to the following:

In terms of the Government Notice dated 12 September 1997 No 18276 Vol 387 and with specific reference to section 1 (i) the Essential Services Committee gave Notice that the services required for the functioning of Courts is an essential service.

All Regional Magistrates remain on official duty and can be called upon at any given time unless official leave has been requested, approved and recommended. At our larger seats namely: Emalahleni, Middelburg, Mbombela, Evander, Secunda, Ermelo, Piet Retief, Siyabuswa, Tonga/ Nkomazi, Mhala and Elukwatini all Regional Magistrates should be in attendance daily to ensure swift movement of litigants. The following court hours are to be maintained: 07h45 to 15h30.

Should the need arise to go out on circuit: Barberton, Delmas, Belfast, Mashishing, Graskop, Boschfontein, Bethal, Kriel, Balfour, Amsterdam, Amersfoort, Carolina, Volksrust, Mbibane, Mkobola, Kwamhlanga and Standerton, kindly arrange with the Office of the Regional Court President.

In the event that we have litigants present at court for a trial/s and they are willing to proceed, we may continue with said matter/s however, do so in light of the

Disaster Management Regulations issued in terms of Section 27(2) of the Disaster Management Act, 2002. It is imperative that we wear a mask at all times. For our own health and safety let us ensure that our court staff component adheres to the Regulations as per the Disaster Management Act.

Following a Stakeholders Meeting today the following directives are issued:

**2. CIVIL MATTERS:**

- No trials will be conducted during the lockdown period.
- Where possible new trial dates can be determined.
  
- **The following matters will be attended to:**
  - (a) Urgent applications and ex-parte applications.
  - (b) Unopposed Divorces and Unopposed Motions.
  - (c) Issue of all court process and proceedings and filing of papers relevant to pending proceedings.
  - (d) Applications for leave to appeal and reviews.
  - (e) Taxations.
  
- Herewith the list of civil Regional Magistrates and contact details:

Mr Ball	cell no: 082 563 5168
Mr Malangeni	cell no: 078 497 3634
Ms Dathoo	cell no: 084 414 4444
Ms Greyvenstein	cell no: 079 895 5379
Ms Theron	cell no: 082 377 3623
Mr Moletsane	cell no: 082 569 3992
Mr Khumalo	cell no: 082 442 5974
Mr Mphekgwane	cell no: 066 187 8416 (Registrar)
  
- 3. CRIMINAL MATTERS:**
- **NO trials will be conducted unless with prior notice by all litigants concerned and the approval and recommendation of the Regional Court President, Mpumalanga.**
  
- **The following matters (whether the accused are/is in custody or out on bail ) will be attended to:**
  
- Appeal and review applications.
  
- Bail pending appeal.
  
- Delivery of judgments and or sentences.

### **3(a) Accused on bail who do not attend court:**

- Kindly endorse the charge sheet with specific reference to this lockdown period.
- If a warrant of arrest is issued, consider holding same over for a period of 14 days. This period might be extended taking into account the duration of the lockdown.
- All trial and partly- heard trials are to be postponed to a date/s suitable to all litigants.
- Where possible Regional Magistrates must allocate trial dates and or possible available dates for postponements.
- Legal Aid South Africa will officially be available from the 06<sup>th</sup> of May 2020.

### **3(b) ACCUSED IN DETENTION:**

#### **Accused persons who are detained will not appear physically in court, unless exceptional circumstances exist e.g**

- Section 49G of the Correctional Services Act, 111 of 1998.
- Section 62 F of the Correctional Services Act, 111 of 1998.
- See also par 3 bullet 2.
  
- **Sentenced Detainees:** No sentenced detainees will be transferred from Detention Centres to Courts except for applications for appeal and or bail pending appeal. The Department of Correctional Services will arrange for the collection of J7's of said persons.
  
- **Remand detainees:**  
As per the arrangement the South African Police Services will arrange to collect the J7's and forward same to the relevant Department of Correctional Services detention centre/s.

### **4. MISCELLANEOUS**

- The office of the Chief Magistrate has agreed to avail assistance and the resident District Court Magistrates will assist with the postponement of Regional Court rolls at the respective circuit seats.
- The Department of Justice / Mr Nhlapo (Director Court Services) Maseko will avail the contact detail of all the Court Managers in Mpumalanga in order to ensure effect is given to the aforesaid.
- The permits issued by the Regional Court President on the 26<sup>th</sup> of March 2020 are still valid.

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**5. CIRCUIT COURTS:**

- Every effort will be made to obtain assistance from the resident District Court Magistrates to assist with the postponement of Regional Court matters.
- Where the District Courts are strained the relevant Regional Magistrate will attend to his/her/their own circuit court rolls.

**6. IN CONCLUSION**

The Acting Regional Head Adv. P Mthimunye has assured Stakeholders that every effort is being made to ensure that in this period, Alert-Level 4, sanitizers and cleansing materials are readily available. Alert level 4 is inclusive of thorough cleansing/ sanitizing at all courts in Mpumalanga.

Signed

  
NA ENGELBRECHT

05/05/2020

**REGIONAL COURT PRESIDENT**

**MPUMALANGA**