



**MAGISTRATES' COURTS JUDICIARY  
REPUBLIC OF SOUTH AFRICA**

**Magistrate's Court House: Cnr of Provident Avenue and University Drive  
Mmabatho**

**Private Bag X 2045 Mmabatho 2735 Tel (018) 3878003 Fax (018) 3847882**

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**TO: ALL MAGISTRATES IN THE NORTH WEST CLUSTER**

**ALL LEGAL PRACTITIONERS**

**ALL STAKEHOLDERS**

**DIRECTIVES FOR COURT OPERATIONS IN LINE WITH THE  
DIRECTIONS ISSUED BY THE MINISTER OF JUSTICE AND  
CONSTITUTIONAL DEVELOPMENT ON 29 JANUARY 2021 UNDER  
GOVERNMENT GAZETTE NO. 44133 DATED 03 FEBRUARY 2021, IN  
TERMS OF REGULATION 4(2) OF REGULATIONS PUBLISHED UNDER  
GOVERNMENT GAZETTE NO. 43258, GOVERNMENT NOTICE NO. 480 OF  
29 APRIL 2020 AS AMENDED**

**As delegated by the Chief Justice in terms of Section 8(3) of the Superior Courts Act, 2013, as part of measures to curb the spread of Covid -19, I hereby issue the following directives to be applicable to all the district courts in the North West for the Adjusted Alert Level 3**

**1. CRIMINAL COURTS**

- 1.1. Apriority roll must be compiled in respect of each court by the Presiding Officer in consultation with NPA and Legal Aid South Africa and other Legal Practitioners where applicable

- 1.2. An audio visual link where it exists, must be used for:
- 1.3. Postponement of cases
- 1.4. The hearing of bail applications
- 1.5. Any other proceedings where the Presiding Officer deems it appropriate
- 1.6. Alternative audio visual links such as, teleconference, video conference or any other electronic mode may be used to postpone cases where accused persons are in custody
- 1.7. Guilty pleas, whether the accused is in custody, on bail or on warning must be proceeded with where possible
- 1.8. All criminal trials where the accused are in custody, must proceed or be brought to trial as soon as possible
- 1.9. Criminal trials where the witnesses are present at court, must be proceeded with where possible
- 1.20. All partly-heard matters of the accused persons who are in custody must be placed on the priority list and be finalized as soon as possible
- 1.21. All matters where accused faces charges of domestic violence and violations of COVID 19 Regulations must proceed on trial or be brought to trial as soon as possible. This applies to all matters, whether the accused are in custody, on bail or on warning
- 1.23. All awaiting trial criminal matters involving children in detention at Child and Youth Care centers or Correctional Centers must be brought to court to consider their continued detention. The trials in these matters must be prioritized if the accused are not released from custody.
- 1.24. Applications in terms of Section 63A of the Criminal Procedure Act, 1977(Act 51 of 1977) may be considered in deserving cases

## **2. CIVIL COURTS**

2.1. Only urgent matters, debt review applications and applications to endorse settlement agreements, will be granted a hearing.

2.2. Requests for default judgment already enrolled shall be dealt with internally in chambers by designated judicial officers, without any formal hearing or attendance by legal practitioners.

2.3. Arrangements may be made for the following civil matters to be removed from the roll: unless **urgent**.

### a. Trials

- b. Section 65's
- c. Opposed Motion Applications
- d. Equality Court Matters
- e. Pre-trials

2.4. The following civil matters will still be entertained:

- a. Rule 12 Default Judgments.
- b. Debt Reviews.
- c. Unopposed Motion Court Applications.
- d. Ex Parte Applications

2.5. Matters enrolled for hearing on dates after the lockdown period shall proceed as normal unless advised otherwise.

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 be done in March 2021.

2.8. Trials that have been certified as "Trial Ready" do not have to be certified again before a new trial date is allocated.

2.9. Where possible the hearing of applications and trials may proceed via Microsoft Teams or Zoom platforms.

### **3. FAMILY COURTS**

#### **A. Children**

1. Attendance of children in court during this period will be subject to the direction of a

Presiding Officer.

2. Extension of Foster-Care Orders to be dealt with as follows:

2.1. Social Workers must submit Affidavits as to the well-being of the Child/ren's current position.

2.2. Extensions in respect of 2.1 above are to be granted for a limited period.

2.3. Full enquiries may be considered after consultation with the Presiding Officer.

3. Cases of Children in need of care and protection who were removed without a court order be brought to the attention of a magistrate as soon as possible

4. Care and contact matters will be postponed to March 2021 or on Level 2 or lower unless motivation is made that the matter is urgent.

5. No cases will be removed or struck from the roll on the basis that the parties are absent.

#### **B. Maintenance**

1. Matters where parties are present will be dealt with.

2. Where parties are absent the clerk of the court will endeavor to contact the parties and arrange for the matter to be postponed to a later date.

3. Matters where parties could not be reached will be postponed in absentia for subpoenas to be issued.

4. Partly heard matters will continue.

5. No cases will be removed from the roll because of the absence of any party.

#### **C. Domestic Violence/Harassment**

1. All matters where parties are present will be heard.

2. Partly heard matters will continue.
3. Where parties are absent the clerk of the court will endeavor to contact them in order to postpone the matter to March 2021 or later.
4. Matters will be postponed in absentia for subpoenas to be issued where parties could not be reached.
5. No cases will be removed from the roll because of the absence of any party.

#### **4. GENERAL**

- 4.1 The Directives of the Department of Public Service and Administration on the rotation of staff have been noted
- 4.2 Magistrates will not be rotating but will be allowed to work smart
- 4.3 Magistrates are expected to be at work at all times except where there is a good reason for the absence
- 4.4 Magistrates may however leave after all their court and quasi-judicial work have been done, all the members of public have been attended to and left the subsequently left the court precinct
- 4.5 No court house must be without a magistrate between 07:45 and 16:15 on any court day
- 4.6 The Judicial Head of Office must keep a rotational list of duty magistrate/s who are expected to remain in court when other magistrates leave for urgent matters
- 4.7 Magistrates at one person stations may not leave court until 16:15, but if for one reason or another, they must leave, they must ensure that their sub cluster head is aware of their absence at court and that they will be available for urgent matters when required to do so

*[Handwritten signature]*

**Ms JJ Ikaneng**  
**Chief Magistrate**  
**Head of Administrative Region 9**  
**North West**  
**04 February 2021**

