



# **SAJEI COURSE OUTLINES**

**2018-2019**

# CIVIL COURT SKILLS

## OBJECTIVE OF THE CURRICULUM

1. To empower District Court Magistrates with knowledge and skills on the Management of the Civil Courts in terms of Constitutional imperatives, policy documents and legislation.
2. To equip District Court Magistrates with knowledge and judicial skills on adjudication of Civil actions
3. To equip District court Magistrates with knowledge and judicial skills on adjudication of Civil applications.

## 1. COURSE NAME : CASEFLOW MANAGEMENT AND CONSTIUTIONAL IMPERATIVES<sup>1</sup>

DURATION : 2 DAYS

### 1.1. PURPOSE OF THE COURSE

- 1.1.1 To equip District Court Magistrates with management skills of Civil Courts
- 1.1.2 To equip Magistrates with various policy documents and legislation in the operation of Civil Courts.
- 1.1.3 To apprise District Court Magistrates of ethics and Court protocol by engaging in self- evaluation exercises.
- 1.1.4 To empower Magistrates with judicial skills to adjudicate in Civil Courts.

### 1.2. COURSE CONTENT

- 1.2.1 Judicial Authority and Independence of Magistrates.
- 1.2.2 Necessity of appointment and oath of office before acting in a Judicial Capacity.
- 1.2.3 Judicial System.
- 1.2.4 General Ethics.
- 1.2.5 Caseflow Management in Civil Courts.
- 1.2.6 Norms and Standards applicable in Civil Courts
- 1.2.7 Management of Civil Courts.

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<sup>1</sup> Note Course 1 may be done as a stand-alone course or can be done in collaboration with course 2 and or with judgment writing.

- 1.2.8 Performance Standards and Planning.
- 1.2.9 Court Protocol in Civil Courts.
- 1.2.10 Practical: Record of Proceedings in Civil Courts.

**2. COURSE NAME : RECORD KEEPING AND DETERMINATION OF ISSUES RAISED IN PLEADINGS<sup>2</sup>**

**DURATION : 1 DAY**

**2.1 PURPOSE OF THE COURSE**

- 2.1.1 To introduce District Court Magistrates to Civil proceedings and important concepts and definitions.
- 2.1.2 To equip Magistrates with judicial skills in understanding the pre requisites in conducting Civil Court matters.
- 2.1.3 To impart management skills to the District Court Magistrates to ensure effective record keeping and time management.
- 2.1.4 To empower District Court Magistrates with judicial skills to understand the differences in the processes between action and application procedure.

**2.2 COURSE CONTENT**

- 2.2.1 Important concepts and definitions in terms of Magistrates Court the Act and Rules.
- 2.2.2 Need for legal representation.
- 2.2.3 How to compute time periods in any pleading
- 2.2.4 Understanding the difference of the concept of interest in terms of Prescribed Rate of Interest Act and contractual interest.
- 2.2.5 How to calculate distance to ensure territorial jurisdiction?
- 2.2.6 Important Rules to apply in understanding the general issues in pleadings.
- 2.2.7 Knowing what are acceptable signatures for purposes of litigation.
- 2.2.8 Understanding critical concepts of issuing, service and filing of documents.
- 2.2.9 Identifying the differences between action and application procedures.
- 2.2.10 Practical on how to keep a record of proceedings at trials and application hearings.

**3. COURSE NAME : ACTION PROCEDURE<sup>3</sup>**

**DURATION: 2 DAYS**

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<sup>2</sup> Course 2 may be done as a stand-alone course or in collaboration with course 1 or judgment writing

<sup>3</sup> Course 3 can be done as a stand-alone course or in collaboration with course 2 or 8

### **3.1 PURPOSE OF THE COURSE**

- 3.1.1 To ensure District Court Magistrates understand the process of the adjudication of action proceedings and the circumstances under which each of the four different types of summonses may be used.
- 3.1.2 To equip District Court Magistrates with judicial skills so that they can understand the content and requirements of the different types of services in terms of Rule 9 of Magistrates Court.
- 3.1.3 To provide District Court Magistrates with knowledge and skills to understand the various methods of services available in which documents and processes can be served in terms of Rule 10 of Magistrates Court such as edictal citation and substituted service.
- 3.1.4 To empower District Magistrates with pre requisites of trial procedures, pre- trial conferences and mediation.
- 3.1.5 To empower District Court Magistrates with judicial skills to adjudicate trials in Civil Courts and to visualise the actual proceedings by way of observing a mock trial.

### **3.2 COURSE CONTENT**

#### **DAY 1**

#### **3.2.1. ACTION PROCEDURE : PRE – REQUISITES FOR A TRIAL**

- 3.2.1.1 How to identify the four different types of Summons?
- 3.2.1.2 How should of various parties to an action procedure be cited and importance of locus standi (standing)?
- 3.2.1.3 How to understand and calculate territorial and monetary jurisdiction?
- 3.2.1.4 How to identify the elements for the different causes of actions that may be heard in District Court?

#### **3.2.2. ACTION PROCEDURE : SERVICE**

- 3.2.2.1 Understand the different types of service in terms of Rule 9 of Magistrates Court Act
- 3.2.2.2 Know the requirements for service by edictal citation.
- 3.2.2.3 Identify when service by substituted service can be effected.

#### **DAY 2**

### **2.3. ACTION PROCEDURE : PRE -TRIAL PROCEDURES**

3.2.3.1 Interpret pleadings and understand the legal implications of admission and denial of issues.

3.2.3.2 Know relevant rules pertaining to management of pre-trial procedures.

3.2.3.3 Process and requirements involved in conducting pre- trial conferences.

3.2.3.4 Processes and principles involved in mediation as an alternative to trial procedure.

### **3.2.4. ACTION PROCEDURE : TRIALS**

3.2.4.1 Management and adjudication of civil trial process.

3.2.4.2 Constitution of court and functions of different role players in Court.

3.2.4.3 How to deal with postponements of matters in terms of Rule 31.

3.2.4.4 Practical: Moot Court of a trial and discussion of best practices.

## **4. COURSE NAME : APPLICATION PROCEDURE<sup>4</sup>**

**DURATION: THREE (3) DAYS**

### **4.1 PURPOSE OF THE COURSE**

4.1.1 To introduce District Court Magistrates to adjudication of application proceedings in terms of Rule 55 of Magistrates Court.

4.1.2 To empower District Court Magistrates with judicial skills to know the different types of applications that can be adjudicated in the District Court.

4.1.3 To equip District Magistrates with judicial skills for adjudication of different types of applications.

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<sup>4</sup> Course 4 can be a stand-alone course or can be done in collaboration with course number 2 or 8

## DAY 1

### 4.2 COURSE CONTENT : APPLICATIONS

#### 4.2.1. APPLICATIONS : RULE 55 AND INTERDICTS

- 4.2.1.1 How to adjudicate Motion Court proceedings on the opposed and unopposed roll
- 4.2.1.2 How to adjudicate *ex parte* applications?
- 4.2.1.3 How to adjudicate urgent applications?
- 4.2.1.4 Understand the concept of Interlocutory applications in applications and trials.
- 4.2.1.5 How to adjudicate section 30 attachment applications?
- 4.2.1.6 How to adjudicate section 30 Interdict applications?
- 4.2.1.7 How to adjudicate section 30*bis* attachments to found or confirm jurisdiction applications?
- 4.2.1.8 How to adjudicate section 32 applications?
- 4.2.1.9 Practical: Draft Orders.

## DAY 2

### 4.2.2 APPLICATIONS: SPECIFIC APPLICATIONS

- 4.2.2.1 The summary judgments process in terms of Rule 14.
- 4.2.2.2 The provisional sentence summons process in terms of Rule 14(A)
- 4.2.2.3 The Spoliation process.
- 4.2.2.4 Practical: Draft Orders.

## DAY 3

### 4.2.3 APPLICATIONS: INTERLOCUTORY APPLICATIONS

- 4.2.3.1 Procedure in intervention, joinder, separation of trial applications in terms of rule 28.
- 4.2.3.2 Process of revival of superannuation in terms of section 63.
- 4.2.3.3 Understand Rules and process in applications to strike out and exceptions.
- 4.2.3.4 How to adjudicate Rule 55A applications?
- 4.2.3.5 Procedure for amendment in terms of section 111.
- 4.2.3.6 Important concepts in Rule 60 applications.

- 4.2.3.7 When and how are Rule 60A applications brought before the court?
- 4.2.3.8 Process for rescission applications in terms of Rule 49 and section 36
- 4.2.3.9 Procedure in withdrawals, dismissal and settlement (rule 27) applications.
- 4.2.3.10 Practical group work: Draft Orders.

**5. COURSE NAME : NCA : DEBT COLLECTIONS AND DEBT REVIEWS <sup>5</sup>**

**DURATION : 2 DAYS**

**5.1 PURPOSE OF THE COURSE**

- 5.1.1 To introduce District Court Magistrates to judicial skills on the NCA and the Debt Collection process.
- 5.1.2 To enhance the Magistrates' judicial skills for different debt collection applications.
- 5.1.3 To equip District Court Magistrates for adjudication of Default Judgments in motion Court.
- 5.1.4 To empower District Court Magistrates for adjudicating debt rescheduling applications.

**5.2 COURSE CONTENT : DEBT COLLECTION: NATIONAL CREDIT ACT**

**DAY 1**

**5.2.1 SECTION 57 AND 58**

- 5.2.1.1 Overview of NCA with regard to Debt Collection and Debt Rescheduling applications.
- 5.2.1.2 Management and adjudication of consents to judgement in terms of section 57 and 58 both in chambers and on the unopposed motion court roll.
- 5.2.1.3 Practical examples of section 57 and 58 applications.
- 5.2.1.4 Management and adjudication of default judgements in terms of Rule 12 in chambers.
- 5.2.1.5 Management and adjudication of Rule 12 default judgments on the unopposed Motion roll.
- 5.2.1.6 Debt Collection: Process in respect of section 65A, 65J, 72, 73 and 74 applications.

**DAY 2**

**5.2.2 DEBT REVIEW PROCESS**

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<sup>5</sup> Course 5 can be a stand-alone course

5.2.2.1 Introduction and process of debt rescheduling applications in terms of sections 86 to 89 of NCA.

5.2.2.2 Process of rescissions of debt review applications in terms of Rule 49 and section 36 of MCA.

5.2.2.3 How to conduct variation and reckless credit applications.in terms of section 80 to 85 of NCA.

5.2.2.4 Practical exercise of debt rescheduling applications: using the checklist.

**6. COURSE NAME : EVICTIONS IN TERMS OF THE PREVENTION OF ILLEGAL EVICTION FROM AND UNLAWFUL OCCUPATION OF LAND ACT, 19 OF 1998 (PIE) AND THE EXTENSION OF SECURITY OF LAND ACT 62 OF 1997 (ESTA) <sup>6</sup>**

**DURATION : 2 DAYS**

**6.1 PURPOSE OF THE COURSE**

6.1.1 To introduce District Court Magistrates to the different kinds and types of evictions such as commercial evictions, evictions in terms of PIE and evictions in terms of ESTA.

6.1.2 To empower District Court Magistrates with judicial skills in understanding the process to be followed in action and application procedures with regard to PIE in terms of section 4 of PIE.

6.1.3 To empower Magistrates with skills in understanding the process to be followed in action and application procedures in respect of ESTA in terms of section 9 of ESTA

6.1.4 To empower District Magistrates for drafting of effective and executable eviction orders.

**6.2 COURSE CONTENT : EVICTIONS**

**DAY 1**

**6.2.1. EVICTIONS : PIE**

6.2.1.1 Understand and adjudicate different types of evictions in terms of PIE and ESTA both in action and application procedures with regard to PIE.

6.2.1.2 Trial process relating to PIE and the section 4(2) notice.

6.2.1.3 Motion application process relating to PIE and section 4(2) notice.

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<sup>6</sup> Course 6 can be a stand-alone course or can be done in collaboration with any other course



6.2.1.4 Default judgment application process relating to PIE and section 4(2) notice.

6.2.1.5 Summary judgment relating to PIE and section 4(2) notice.

6.2.1.6 Practical exercise: Draft orders in respect of Evictions: PIE.

## **DAY 2**

### **6.2.2. EVICTIONS : ESTA**

6.2.2.1 Application procedure process in respect of ESTA.

6.2.2.3 Time periods in respect of various notices

6.2.2.3 Important definitions and concepts within the scope of ESTA.

6.2.2.5 Different type of occupiers in terms of ESTA.

6.2.2.6 Different types of breaches associated with different types of occupiers.

6.2.2.7 Appeal and Review Procedure.

6.2.2.8 Practical application: draft orders in respect of Evictions: ESTA.

## **7. COURSE NAME : EXECUTION PROCEDURE AND APPEALS AND REVIEWS <sup>7</sup>**

### **DURATION: 2 DAYS**

### **7.1 PURPOSE OF EXECUTION PROCEDURE**

7.1.1 To introduce District Court Magistrates to the various types of execution procedures that are available in the District Magistrates Court.

7.1.2 To empower District Court Magistrates with judicial skills and knowledge on the process that has to be followed in various types of execution procedures.

7.1.3 To enhance the Magistrates' understanding of the difference between appeals and reviews.

7.1.4 To equip Magistrates with judicial skills and knowledge on the process to be followed in appeals and reviews.

## **DAY 1**

### **7. 2.1 COURSE CONTENT: EXECUTION PROCEDURE**

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<sup>7</sup> Course 7 can be a stand-alone course or can be done in collaboration with course 8

- 7.2.1.1 Process in section 62 applications - power to grant or set aside warrants.
- 7.2.1.2 Process in section 69 applications - interpleader claims.
- 7.2.1.3 Process in section 78 applications - execution and suspension of judgements on appeal.
- 7.2.1.4 Practical: Draft Orders.

**DAY 2**

**7.2.2 COURSE CONTENT : ATTACHMENT OF IMMOVABLES, APPEALS AND REVIEWS**

- 7.1.2.1 Process in section 66 applications - attachment of immovable property.
- 7.2.2.1 Appeal Process.
- 7.2.2.2 Appeal Register.
- 7.2.2.3 Review Process.
- 7.2.2.4 Review Register.

**SMALL CLAIMS COURT**

**1. COURSE NAME : SMALL CLAIMS COURT<sup>8</sup>**

**DURATION: 2 DAYS**

**1.1 PURPOSE OF THE COURSE**

- 1.1.1 To introduce District Court Magistrates to the statutory provisions of the Small Claims Court and the role of Presiding Officers.
- 1.1.2 To equip District Court Magistrates with judicial skills and knowledge on accountability of Small Claims Court Commissioners to the Head of the Magistrates Court.
- 1.1.3 To equip Magistrates with the skills for understanding the process involved in adjudicating Small Claims Court matters.
- 1.1.4 To equip District Court Magistrates with competencies and skills on the review procedure in

<sup>8</sup> Course 9 can be done as a stand – alone course or can be done in collaboration with course 10. This can be considered as an advanced course

the Small Claims Court.

**DAY 1**

**1.2 CONTENT**

- 1.2.1 Statutory provisions.
- 1.2.2 Advisory Board composition.
- 1.2.3 Jurisdiction in respect of territory and monetary.
- 1.2.4 Types of Claims to be heard in Small Claims court.
- 1.2.5 Process to be followed in Small claims court.
- 1.2.6 Orders issued in Small Claims court.
- 1.2.7 Execution process.
- 1.2.8 Review of Small Claims Court matters.

**DAY 2**

**1.3 PRACTICAL MOOT COURT**

- 1.3.1 Presiding in the Small Claims Court.
- 1.3.2 Practical Exercises.

**MEDIATION IN DISTRICT MAGISTRATES COURTS**

**1. COURSE NAME : MEDIATION IN THE DISTRICT MAGISTRATES COURSE<sup>9</sup>**

**DURATION : 1 DAY**

**DAY 1**

**1.1 PURPOSE OF THE COURSE**

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<sup>9</sup> Course 10 can be done as a stand – alone course or can be done in collaboration with course 9. This can be considered as an advanced course.

- 1.1.1 To introduce District Court Magistrates to the statutory provisions of Mediation.
- 1.1.2 To equip District Court Magistrates with judicial skills and knowledge to identify disputes that should be determined by way of mediation.
- 1.1.3 To equip Magistrates with the skills in understanding the process involved in mediation in terms of the Magistrates Court Rules.
- 1.1.4 To equip District Court Magistrates with competencies and mediation skills for mediation in Civil Courts.

## **1.2 CONTENT**

- 1.1.1 Introduction and general overview of Mediation.
- 1.1.2 When is mediation appropriate?
- 1.1.3 Mediation Process in terms of the Rules.
- 1.1.4 Jurisdiction in District Courts.
- 1.1.5 Proceedings in Civil Courts

## **ADMINISTRATIVE JUSTICE SKILLS**

### **1. COURSE NAME : PROMOTION OF ADMINISTRATIVE JUSTICE ACT 3 OF 2000<sup>10</sup>**

**DURATION : 3 DAYS**

#### **1.1 PURPOSE OF THE COURSE**

- 1.1.1 To understand the concept of "lawful applications" in terms of administrative actions.
- 1.1.2 To understand the concept of reasonableness in administrative actions.
- 1.1.3 To understand the concept of being procedural fairness in administrative actions.
- 1.1.4 To understand the necessity for written reasons for administrative action as contemplated in section 33 of the Constitution of the Republic of South Africa, 1996.

<sup>10</sup> Course 11 can be done as a stand-alone course or can be done in collaboration with course 12. Note this course can be considered as an advanced course

1.1.5 To equip Magistrates with judicial skills to adjudicate PAJA applications.

**DAY 1**

**1. 2 CONTENT**

1.2.1 PAJA: Overview of the right to administrative justice and the Constitutional mandate in terms of section 33 of PAJA.

1.2.2 PAJA: Administrative action and procedural fairness.

1.2.3 PAJA: The right to reasons and procedurally fair administration decisions.

1.2.4 PAJA: Grounds for the review of PAJA applications.

**DAY 2**

**1.3 PROCESS , RELEVANT RULES AND POSSIBLE ORDERS**

1.3.1 PAJA: Review applications, Rules, processes and orders.

1.3.2 Practical examples

1.3.3 Plenary discussions

**DAY 3**

**1.4 PRACTICAL APPLICATION**

1.4.1 Practical application of PAJA

1.4.2 Group work

1.4.3 Plenary discussions

## **2. COURSE NAME : PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000<sup>11</sup>**

**DURATION : 3 DAYS**

### **2.1 PURPOSE OF THE COURSE**

2.1.1 To equip District Court Magistrates to understand the constitutional right of access to information in terms of section 32 of the Constitution of RSA;

2.1.2 To enable District Court magistrates to understand the role that access to information held by the state plays in fostering a culture of transparency and accountability in public and private bodies.

2.1.3 To enhance District Court Magistrates' understanding of procedural fairness.

2.1.4 To enable District Court Magistrates to adjudicate disputes relating to procedure for accessing records or information held by the state and obtaining written reasons for decisions taken.

### **DAY 1**

### **2. 2 CONTENT**

2.2.1 PAIA: Overview and of the Promotion of Access to Information Act 2 of 2000 and the Constitutional mandate of PAIA in terms of section 32 of the Constitution.

2.2.2 PAIA: procedure

2.2.3 PAIA: Grounds of refusal.

2.2.4 PAIA: Process after decision

2.2.5 PAIA: Court application and Rules

### **DAY 2**

### **2.3 PRACTICAL EXERCISE 12.3 PRACTICAL EXERCISE**

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<sup>11</sup> Course 12 can be done as a stand alone course or in collaboration with course 11. This course can be considered as an advanced course.

2.3.1 PAIA: Remedies and adjudication of applications.

2.3.1 PAIA: Applications, process and court orders

2.3.2 Plenary discussions

### **DAY 3**

#### **1.4 PRACTICAL APPLICATION**

2.4.1 Practical application of PAIA

2.4.2 Group work

2.4.3 Plenary discussions

## **JUDGMENT WRITING COURSE**

### **1. COURSE NAME : JUDGMENT WRITING<sup>12</sup>**

**DURATION : 2 DAYS**

#### **1.1 PURPOSE OF THE COURSE**

1.1.1 To equip District Court Magistrates with basic skills to write effective Judgments.

1.1.2 To enable participants to write well-structured judgments by application of the IFILARO method..

1.1.3 To equip District Court Magistrates with basic skills to deliver judgments efficiently.

#### **DAY 1**

#### **1. 2 CONTENT**

1.2.1 Introduction and overview of judgment writing including the writing process, understanding

why are Judgments are written, what is a judgment and judicial duty to give reasoned judgments

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<sup>12</sup> Course 13 can be done as a stand-alone or in collaboration with course 1 and 8

1.2.2 Constitutional mandate, policies, legislation and judicial conduct in delivering effective and efficient judgments.

1.2.3 Types, style and structure of judgments including the IFILARO, LOPP and FLOPP methods

1.2.5 Understanding the use of the template in judgment writing.

## **DAY 2**

### **1.3 PRACTICAL EXAMPLES**

1.3.1 Judgment Writing : Unlawful arrest and Detention

1.3.2 Judgment Writing : Evictions

1.3.3 Judgment Writing : Contracts



## CHILDREN'S COURT SKILLS

### A. PURPOSE OF THE CHILDREN'S COURT SKILLS CURRICULUM

1. To equip District Court Magistrates with knowledge and skills on adjudication of Children's Court Matters so that Courts can operate efficiently and effectively.
2. To demonstrate the relationship between the Children's Act and other related Legislation.
3. To equip District Court Magistrates with skills to adjudicate matters involving children and rights of children in Children's Courts and other Courts.

### 1. COURSE NAME: JUDICIAL SKILLS FOR PRESIDING OFFICERS IN THE CHILDREN'S COURT

**DURATION: 3,5 DAYS**

#### 1.1 PURPOSE OF THE COURSE

- 1.1.1 To enhance Judicial skills in order to effectively and efficiently adjudicate on matters in the Children's Court.
- 1.1.2 To equip District Court Magistrates with skills on various matters that can be heard regarding Children and to preside in Children's Courts and other Courts that deal with matters affecting the Rights of Children.
- 1.1.3 To demonstrate the relationship between the Children's Act and other related Legislation.

#### 1.2 CONTENT

##### 1.2.1 Fundamentals of the Children's Court:<sup>13</sup>

- a. Legislative Framework and Constitutional Imperatives for example the Births and Deaths Registration Act 51 of 1992; The South African Citizenship Act 88 of 1995; Social Assistance Act 13 of 2004; The South African Passports and Travel Documents Act 4 of 1994; South African Schools Act 84 of 1996; Refugee's Act 130 of 1998; Prevention and Combating of Trafficking in Persons Act 7 of 2013; Immigration Act 13 of 2002 and Child Justice Act 75 of 2008;
- b. Establishment and status of the Children's Court;

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<sup>13</sup> All reference to "Fundamentals of the Children's Court" refer to the topics listed in this Paragraph

- c. Overview of critical aspects in the Children’s Act e.g. a finding relating to Abandoned or Orphaned Children;
- d. Parties and Locus Standi to proceedings;
- e. Jurisdiction (including the various orders a Children’s Court may make);
- f. Managing the Application Process and Hearing in the Children’s Court; and
- g. Monitoring, Variation, Extension and Termination of Orders in general;

1.2.2 Parental Responsibilities and Rights – Chapter 3.

1.2.3 Children in need of Care and Protection – Chapter 9.

1.2.4 National Child Protection Register and Sexual Offences Register.

1.2.5 Unaccompanied Foreign Minors and or Trafficked Children.

1.2.6 The Births and Deaths Registration Act 51 of 1992 and other DHA Legislation.

1.2.7 Undocumented and or Stateless Children.

## **1. COURSE NAME: DHA LEGISLATION AND THE IMPACT ON FAMILY LAW FOR DISTRICT COURT MAGISTRATES**

**DURATION: 2,5 DAYS**

### **1.1 PURPOSE OF THE COURSE**

1.1.1 To equip District Court Magistrates with knowledge and skills on the fundamentals of the Children’s Act and Children’s Court related matters.

1.1.2 To provide Magistrates with Judicial skills in the adjudication of matters relating to Parental Responsibilities and Rights.

1.1.3 To equip District Court Magistrates with knowledge relating to the various DHA Legislation and how it impacts on matters dealt with in the Children’s Court and other Family Law Courts.

1.1.4 To empower Magistrates with Judicial Skills in matters relating to Unaccompanied Foreign Minors, Trafficked, Undocumented and Stateless Children.

### **2.2 CONTENT**

2.1.1 Fundamentals of the Children’s Court.

2.2.2 Parental Responsibilities and Rights (PRR) – Chapter 3 of the Children’s Act

2.2.3 Incidental applications relating to PRR that require the consent of parents or guardians OR dispensing with the required consent.

2.2.4 Birth Registration in terms of the Births and Deaths Registration Act and matters relating

to Paternity.

2.2.5 Critical consideration of DHA Legislation and the impact on Family Law.

2.2.6 Unaccompanied Foreign Minors and or Trafficked Children.

2.2.7 Undocumented and or Stateless Children.

## **2. COURSE NAME : JUDICIAL SKILLS IN THE CHILDREN'S COURT RELATING TO PARENTAL RIGHTS AND RESPONSIBILITIES**

**DURATION: 2,5 DAYS**

### **2.1 PURPOSE OF THE COURSE**

2.1.1 To equip District Court Magistrates with knowledge and skills on the fundamentals of the Children's Act and Children's Court related matters.

2.1.2 To equip District Court Magistrates with knowledge relating to the various DHA Legislation and how it impacts on matters dealt with in the Children's Court and other Family Law Courts.

2.1.3 To provide Children's Court Magistrates with Judicial skills for adjudication of matters relating to Parental Responsibilities and Rights with specific reference to:

- a. Concept of Parental Responsibilities and Rights – Chapter 3;
- b. How various Parental Responsibilities and Rights arise;
- c. Guardianship and the functions/responsibilities? of a guardian;
- d. Parenting Plans and Parental Responsibilities Agreements;
- e. Applications incidental to PRR that require the consent of parents and guardians and dispensing with the required consent;
- f. Paternity with reference to the Children's Act and Births and Deaths Registration Act;
- e. Registration of Birth and Paternity in general.

### **3.2. CONTENT**

3.2.1 Fundamentals of the Children's Court.

3.2.2 Parental Responsibilities and Rights – Chapter 3.

3.2.3 Incidental applications relating to PRR that require the consent of parents or Guardians.

3.2.4 Birth Registration in terms of the Births and Deaths Registration Act and matters relating to Paternity.

#### **4. COURSE NAME: JUDICIAL SKILLS RELATING TO CHILDREN IN NEED OF CARE AND PROTECTION**

**DURATION: 2,5 DAYS**

##### **4.1 PURPOSE OF THE COURSE**

- 4.1.1 To equip District Court Magistrates with knowledge and skills on the fundamentals of the Children's Act and Children's Court related matters.
- 4.1.2 To provide Children's Court Magistrates with Judicial skills in the adjudication of matters relating to Children in need of Care and Protection and the various orders that can be granted.
- 4.1.3 To provide Children's Court Magistrates with Judicial skills to adjudicate matters relating to the variation, extension or termination of Placement Orders.

##### **4.2. CONTENT**

- 4.2.1 Fundamentals of the Children's Court: Children in Need of Care and Protection – Chapter 9.
- 4.2.2 Extensions of Foster Care and Child and Youth Care Centre Placement Orders.
- 4.2.3 National Child Protection Register and Sexual Offences Register.

#### **5. COURSE NAME: JUDICIAL SKILLS RELATING TO ADOPTIONS**

**DURATION: 2,5 DAYS**

##### **5.1 PURPOSE OF THE COURSE**

- 5.1.1 To equip District Court Magistrates with knowledge and skills on the fundamentals of the Children's Act and Adoption related matters.
- 5.1.2 To provide Children's Court Magistrates with Judicial skills in the adjudication of matters relating to National Adoptions and Inter-Country Adoptions.
- 5.1.3 To empower Judicial Officers with knowledge to identify the various Inter-Country Adoption - applications one may encounter in the Children's Court and the International Instruments relevant thereto.

##### **5.2 CONTENT**

- 5.2.1 Fundamentals of the Children's Court.
- 5.2.2 Parental Responsibilities and Rights.

5.2.3 Brief overview on Children in need of Care and Protection *vis – a vis* adoptability of Children.

5.2.4 The National Child Protection Register and the Sexual Offences Register.

5.2.5 National Adoptions.

5.2.6 Inter-Country Adoption.

## CHILD JUSTICE SKILLS

### A. PURPOSE OF THE CHILD JUSTICE SKILLS CURRICULUM

1. To equip District Court Magistrates with knowledge and skills on the fundamentals of the Child Justice Act and Child Justice related matters.
2. To empower District Court Magistrates with knowledge and Judicial skills on the management of the Child Justice Preliminary Inquiry and Child Justice Trial.

### 1. COURSE NAME: JUDICIAL SKILLS FOR PRESIDING OFFICERS IN TERMS OF THE CHILD JUSTICE ACT

**DURATION: 2,5 DAYS**

#### 1.1 PURPOSE OF THE COURSE

- 1.1.1 To equip District Court Magistrates with knowledge and skills on the fundamentals of the Child Justice Act and Child Justice related matters.
- 1.1.2 To empower District Court Magistrates with knowledge and Judicial skills on the management of the Child Justice Preliminary Inquiry and Child Justice Trial in general.

#### 1.2 CONTENT

- 1.2.1 Fundamentals of the Child Justice Act:<sup>14</sup>
  - a. Overview, Critical Concepts and Application of the CJA.
  - b. Criminal Capacity and Age in the CJA.

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<sup>14</sup> All reference to the topic “Fundamentals of the Child Justice Act” refer to the sub-topics listed in Paragraphs a & b

1.2.2 Judicial skills relating to the Preliminary Enquiry:<sup>15</sup>

- a. Methods of Securing the Attendance of a Child at the Preliminary Inquiry;
- b. Release or Detention and Placement of Child;
- c. The Assessment of the Child before first appearance;
- d. Diversion by the Public Prosecutor in respect of Minor Offences;
- e. Diversion at the Preliminary Inquiry or Trial (Sections 52 & 67);
- f. Monitoring of Compliance with a Diversion Order & Failure to Comply with the Diversion Order;
- g. Nature and Objectives of the Preliminary Inquiry.
- h. Persons to Attend the Preliminary Inquiry & Prohibition Against the Publication of Information and Confidentiality.
- i. Managing the Preliminary Inquiry (Procedure & Proceedings).
- j. Orders at a Preliminary Inquiry.
- k. Children in need of Care and Protection.

1.2.3 Judicial skills relating to the Child Justice Court.<sup>16</sup>

- a. General Provisions in respect of the Child Justice Court.
- b. Managing the trial in the Child Justice Court.
- c. Child in need of Care and Protection.
- d. General Principles on Sentencing and Sentencing Options.
- e. Appeals and Reviews.

**2. COURSE NAME: WORKSHOP JUDICIAL SKILLS FOR PRESIDING OFFICERS AT THE PRELIMINARY INQUIRIES IN TERMS OF THE CHILD JUSTICE ACT**

**DURATION: 2,5 DAYS**

**2.1 PURPOSE OF THE COURSE**

2.1.1 To equip District Court Magistrates with knowledge and skills on the fundamentals of the Child Justice Act and Child Justice related matters.

2.2.2 To empower District Court Magistrates with knowledge and Judicial skills on the management of the Child Justice Preliminary Inquiry.

2.2.3 To provide focussed training on Preliminary Inquiries in terms of the Child Justice Act.

<sup>15</sup> All reference to the topic “Judicial skills relating to the Preliminary Enquiry” refer to the sub-topics listed in Paragraphs a - k

<sup>16</sup> All reference to “Judicial Skills relating to the Child Justice Court” refer to the sub-topics listed in Paragraphs a - e

**NB:** *This course is predominantly aimed at Judicial Officers who require in-depth training on Preliminary Inquiries.*

## **2.2 CONTENT**

- 2.2.1 Fundamentals of the Child Justice Act.
- 2.2.2 Judicial skills relating to the Preliminary Enquiry.

## **3. COURSE NAME: JUDICIAL SKILLS FOR PRESIDING OFFICERS AT THE CHILD JUSTICE TRIAL IN TERMS OF THE CHILD JUSTICE ACT**

**DURATION:** 1,5 DAYS

### **3.1 PURPOSE OF THE COURSE**

- 3.1.1 To equip District Court Magistrates with knowledge and skills on the fundamentals of the Child Justice Act and Child Justice related matters.
- 3.1.2 To empower District Court Magistrates with knowledge and Judicial skills on the management of the Child Justice Trial in terms of the Child Justice Act.
- 3.1.3 To provide Presiding Officers, dealing with children in conflict with the law, with the necessary Judicial skills to conduct a trial in terms of the Child Justice Act, including the orders that may be made at the conclusion of the trial.

**NB:** *This course can be presented as a stand-alone course of 1,5 days or a 1 day course in combination with a specific Criminal Workshop.*

### **3.2 CONTENT**

- 3.2.1 Fundamentals of the Child Justice Act.
- 3.2.2 Judicial skills relating to the Child Justice Court.

## EQUALITY COURT SKILLS

### **1. COURSE NAME: JUDICIAL SKILLS FOR PRESIDING OFFICERS IN THE EQUALITY COURT**

**DURATION: 2,5 DAYS**

#### **1.1 OBJECTIVES OF COURSE**

1.1.1 To empower District Court Magistrates with Judicial skills in the adjudication of Equality matters with specific reference to:

- a. Social and Constitutional Context and Diversity;
- b. Equality and Discrimination;
- c. Historical context and the need for the current legislations;
- d. Interlocutory and Interdict Applications;
- e. Formulating an order that addresses the relief claimed; and
- f. Application of the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 (PEPUDA).

#### **1.2 CONTENT**

- 1.2.1 Human Rights and Values Enshrined in the RSA Constitution.
- 1.2.2 Social Context and Diversity.
- 1.2.3 Application and Interpretation of PEPUDA.
- 1.2.4 Equality and Discrimination.
- 1.2.5 Harassment / Sexual Harassment
- 1.2.6 Hate Speech
- 1.2.7 Court Procedure.
- 1.2.8 Remedies, Orders and Related Options.



## CRIMINAL COURT SKILLS

### PURPOSE OF THE CURRICULUM

- a. To empower District Court Magistrates with knowledge and skills on the Management of Criminal Court in terms of the authority of the Constitution, Judicial Manual and Norms and Standards
- b. To equip District Court Magistrates with knowledge and skills on adjudication so that courts can operate efficiently and effectively.
- c. To equip District Court Magistrates with skills on dealing with various offences that can be heard in the District Court so that they are confident to adjudicate on them.

### 1. COURSE NAME : PROCEDURAL ASPECTS

**DURATION: 9,5 DAYS**

#### 1.1 PURPOSE OF THE COURSE

- 1.1.1 To introduce District Court Magistrates to trial management skills
- 1.1.2 To equip Magistrates to understand the Constitutional mandate and requirements as set out in the Judicial Manual, Magistrates Court Act and Norms and Standards applied in operation of Criminal Courts.
- 1.1.3 To create awareness for District Court Magistrates on issues of ethics and Court protocol by engaging in self-evaluation exercises.
- 1.1.4 To empower Magistrates with skills to adjudicate in Criminal Courts.

#### 1.2. CONTENT

- 1.2.1 Practical Record Keeping in a criminal court
- 1.2.2 Trial Management
  - 1.2.2.1 Offences and competent verdicts
  - 1.2.2.2 Judicial skills with regard to plea proceedings
  - 1.2.2.3 Judicial skills in conducting a criminal trial
- 1.2.3 Sentencing and relevant orders
- 1.2.4 Trial within a Trial

## **1.2.1. MODULE: RECORD KEEPING IN A CRIMINAL TRIAL**

**DURATION: 1 DAY**

### **PURPOSE OF THE MODULE**

1. To equip District Court Magistrates with skills to ensure effective record keeping and time management in court.

### **CONTENT**

- 1.2.1.1 Rule 66 of the MCA
- 1.2.1.2 Para 15 of the Judicial Manual
- 1.2.1.3 Para 66.1 of the Judicial Manual
- 1.2.1.4 The code: office and District Administration
- 1.2.1.5 J15- Charge sheet
- 1.2.1.6 Rule 65 of the MCA
- 1.2.1.7 Section 64 of the CPA Proceedings
- 1.2.1.8 Pleas
- 1.2.1.9 Explanation of rights
- 1.2.1.10 Charge
- 1.2.1.11 Interpreters
- 1.2.1.12 State
- 1.2.1.13 Section 50 CPA
- 1.2.1.14 Right to legal representation
- 1.2.1.15 Remands
- 1.2.1.16 Practical

## **1.2.2. MODULE: TRIAL MANAGEMENT**

### **1.2.2.1. TOPIC: OFFENCES AND COMPETENT VERDICTS**

**DURATION: 2 DAYS**

### **PURPOSE OF THE MODULE**

1. To equip presiding officers with the understanding of different offences adjudicated in the district court.

### **CONTENT**

1.2.2.1.1 Common law offences- See Annexure A

1.2.2.1.2 Statutory offences- See Annexure A

1.2.2.1.3 Competent verdicts

1.2.2.1.4 Practical

### **1.2.2.2 TOPIC: JUDICIAL SKILLS WITH REGARD TO PLEA PROCEEDINGS**

**DURATION: 2 DAYS**

#### **PURPOSE OF THE MODULE**

1. To enable Presiding Officers to conduct plea proceedings according to Legislation.

#### **CONTENT:**

1.2.2.2.1 SECTIONS 112, 113, 114, 115, 116, 118 AND CHAPTER 19 AND 19A OF THE CRIMINAL PROCEDURE ACT, 1977 (ACT 51 OF 1977)

1.2.2.2.2 Multiple accused

1.2.2.2.3 Stages of applications

1.2.2.2.4 Non acceptance of plea

1.2.2.2.5 Failure to apply proper section

1.2.2.2.6 Non availability of Judicial Officer after plea

1.2.2.2.7 Questioning of accused

1.2.2.2.8 Right to legal representation

1.2.2.2.9 Section 105A

1.2.2.2.10 Record keeping

1.2.2.2.11 Admission of guilt

1.2.2.2.12 Practical

### **1.2.2.3 TOPIC: JUDICIAL SKILLS IN CONDUCTING A CRIMINAL TRIAL**

**DURATION: 2 DAYS**

#### **PURPOSE OF THE MODULE**

1. To equip Presiding Officers with skills to conduct a criminal trial.

#### **CONTENT**

1.2.2.3.1 Different stages of trial proceedings

1.2.2.3.2 Explanation of rights prior to plea

- 1.2.2.3.3 Explanation of rights after plea
- 1.2.2.3.4 How to deal with state case
- 1.2.2.3.5 Section 174 of the CPA
- 1.2.2.3.6 How to deal with defence case
- 1.2.2.3.7 How to deal with certain witnesses
- 1.2.2.3.8 Recalcitrant witnesses
- 1.2.2.3.9 Requirements of admissibility of evidence
- 1.2.2.3.10 Holding a trial within a trial
- 1.2.2.3.11 Verdict
- 1.2.2.3.12 Appeals and reviews
- 1.2.2.3.13 Sections 55(2), 55(3), 56, 57, 67, 72,170(2) and 188 of the CPA.
- 1.2.2.3.14 Procedure of enquiry
- 1.2.2.3.15 The enquiry-section 35(3) of the Constitution
- 1.2.2.3.16 Burden of proof
- 1.2.2.3.17 Roneo use
- 1.2.2.3.18 Practical

### **1.2.3 MODULE: TRIAL WITHIN A TRIAL**

#### **DURATION: 1 DAY**

#### **PURPOSE**

1. To enable presiding officers to understand the procedure of conducting a trial within a trial
2. To be able to effectively and efficiently use their discretion.

#### **CONTENT**

- 1.2.4.1 Overview of trial within a trial
- 1.2.4.2 Procedural aspects
- 1.2.4.3 Evidential rules
- 1.2.4.4 Failure to hold a trial within a trial
- 1.2.4.5 Discretion of Presiding Officer
- 1.2.4.6 Exceptions
- 1.2.4.7 Effect of the ruling
- 1.2.4.8 Practical

### **2. COURSE NAME : APPLICATIONS**

**PURPOSE OF THE COURSE**

- 1. To introduce District Court Magistrates to adjudication applications that are made in a Criminal Court
- 2. To equip Magistrates with the skills in understanding the different applications and procedure to be followed.

**2.1 MODULE: JUDICIAL SKILLS IN CONDUCTING BAIL APPLICATIONS**

**DURATION: 2 DAYS**

**PURPOSE**

- 1. To help magistrates to understand different schedules and procedure to be followed.
- 2. Application for cancellation of bail

**CONTENT**

- 2.1.1 Police bail- sec 57
- 2.1.2 Prosecutors bail- sec 59
- 2.1.3 Section 60, 62(f), 63A, 67 and 68 of the CPA
- 2.1.4 Explanation of right to apply
- 2.1.5 Schedule 1 applications
- 2.1.6 Schedule 5 applications
- 2.1.7 Schedule 6 applications
- 2.1.8 Schedule 8 of the DNA Act – offences
- 2.1.9 Section 49(g) of Correctional Services Act
- 2.1.10 Practical

**2.2 MODULE: JUDICIAL SKILLS IN CONDUCTING ENQUIRIES IN TERMS OF SECTION 77 TO 79 CPA**

**DURATION: 1 ½ DAYS**

**PURPOSE**

- 1. To enable Presiding Officers to identify the applicable inquiry and procedure to be followed.

**CONTENT**

- 2.2.1 The concept of mental illness
- 2.2.2 Different inquiries

- 2.2.3 Procedure
- 2.2.4 Defences
- 2.2.5 Pathological insanity
- 2.2.6 Non pathological insanity
- 2.2.7 Practical

### **3. COURSE NAME: JUDICIAL SKILLS IN DEALING WITH EVIDENTIAL ASPECTS IN CRIMINAL TRIAL**

#### **PURPOSE OF THE COURSE**

1. To introduce District Court Magistrates to evidential aspects that will help in adjudication during the trial in the District Court in terms of the relevant Act.
2. To equip Magistrates with skills in understanding the applications/ requirements by specific sections before evidence can be admitted.
3. To familiarise District Magistrates on the procedure to be followed in interlocutory applications.

#### **3.1.MODULE: EVIDENCE**

**DURATION: 3 DAYS**

#### **COURSE CONTENT**

- 3.1.1 Expert evidence
- 3.1.2 Documentary evidence
- 3.1.3 Confessions and admissions
- 3.1.4 Electronic and documentary evidence
- 3.1.5 Hearsay
- 3.1.6 Unconstitutionally obtained evidence
- 3.1.7 Practical

### **4. COURSE NAME: SPECIALISED LEGISLATION**

#### **OVERALL PURPOSE OF THE COURSE**

1. To introduce District Court Magistrates to knowledge and skills on different Acts that creates offences.
1. To equip District Court Magistrates on the procedure to be followed and orders required by each Act
2. To empower Magistrates with skills to know and understand the sentencing jurisdiction for the applicable Act.

## **4.1 COURSE NAME: INQUESTS**

**DURATION: 1 ½ DAYS**

### **D1.1 PURPOSE OF THE COURSE**

1. To equip the Presiding Officers with the skills to differentiate between formal and informal Inquests.
2. To understand the relevant sections that apply
3. To have knowledge of whether the court has jurisdiction or not.
4. To be able to know which orders can be made in terms of the Act.
5. To enable Magistrates to understand how to conduct trials in Inquest Courts and related challenges.

### **CONTENT**

- 4.1.1 Overview of Act 75/2008
- 4.1.2 Formal and informal inquests
- 4.1.3 Jurisdiction
- 4.1.4 Medical inquest
- 4.1.5 Medical reports
- 4.1.6 Time frames
- 4.1.7 Duties of the Prosecutor
- 4.1.8 Orders to be made.
- 4.1.9 Practical

## **4.2 COURSE NAME: EXTRADITION**

**DURATION: 1 DAY**

### **PURPOSE OF THE COURSE**

1. To enable presiding officers to know the procedure to be followed in an extradition application and affording assistance to the country requesting same.

### **CONTENT**

- 4.2.1 Extradition procedure
- 4.2.2 Treaties
- 4.2.3 State obligations

4.2.4 Enforceability issues

4.2.5 Practical

### **4.3 COURSE NAME: IMMIGRATION**

**DURATION: 1 ½ DAYS**

**PURPOSE OF THE COURSE:**

1. To familiarise magistrates with the following acts and how to deal with immigration matters brought to court.

**CONTENT:**

- 4.3.1 International instruments and The Constitution of SA
- 4.3.2 Arrests and detentions
- 4.3.3 Section 41 and 49 of the Immigration Act
- 4.3.4 Bail
- 4.3.5 Sentence
- 4.3.6 Permits
- 4.3.7 Refugee status and asylum
- 4.3.8 Deportations.
- 4.3.9 Practical

### **4.4 COURSE NAME: MUTUAL ASSISTANCE LEGISLATION**

**DURATION: 1 DAY**

**PURPOSE OF THE COURSE**

To enable Presiding Officers to know about the procedure to be followed in an application and affording mutual legal assistance to the country requesting same.

**CONTENT**

- 4.4.1 The South African perspective on Mutual Legal Assistance and Extradition.
- 4.4.2 International Co-operation in Criminal Matters Act 75 of 1996 read with Prevention of Organized Crime Act 121 of 1998

### **4.5 COURSE NAME: TRAFFICKING IN PERSONS**



**DURATION: 2 ½ DAYS**

**PURPOSE OF THE COURSE**

To enable Magistrates to be able to adjudicate in matters where the Act is applicable.

**COURSE CONTENT**

- 4.5.1 Overview of the trafficking Act.
- 4.5.2 Directives
- 4.5.3 Regulations
- 4.5.4 Bail issues
- 4.5.5 Sentencing
- 4.5.6 Practical

**4.6 COURSE NAME: DNA AND FINGERPRINTING**

**DURATION: 1 ½ DAYS**

**D6.1 PURPOSE OF THE COURSE:**

To enable Magistrates to understand the admissibility requirements of this evidence.

**CONTENT:**

- 4.6.1 Overview of DNA in judicial setting
- 4.6.2 Legislative provisions of DNA and fingerprints
- 4.6.3 Constitutional aspects related to privacy
- 4.6.4 Constitutional objections
- 4.6.5 Evidential value
- 4.6.6 Chain of custody
- 4.6.6 Immigration and DNA testing
- 4.6.7 Practical

**4.7 COURSE NAME: CYBERCRIME**

**DURATION: 2 DAYS**

**PURPOSE OF THE COURSE:**

To be able to apply the provisions in evaluating evidence and the provisions applicable. Apply the legislative knowledge in dealing with cybercrime.

**CONTENT**

- 4.7.1 Overview of the Act
- 4.7.2 Obligations on institutions
- 4.7.3 Offences created by the Act
- 4.7.4 Importance of Cybersecurity Management

## ANNEXURE A

A. Common Law Offences	1. Assault
	2. Theft
	3. Housebreaking
	4. Robbery
	5. Fraud
B. Statutory Offences	1. Road Traffic Offences
	2. Section 36 and 37 of the General Amendment Act
	3. Substance Abuse Offences
	4. Stock theft

## **FAMILY COURT SKILLS**

### **PURPOSE OF THE CURRICULUM**

- a. To empower magistrates with the skill to adjudicate in family court matters.
- b. To determine and implement the best remedy suitable for the applicants in family court matters.

### **1. COURSE NAME : JUDICIAL SKILLS WITH REGARD TO APPLICATIONS IN TERMS OF THE MAINTENANCE ACT 99 OF 1998**

#### **DURATION : 2 DAYS**

#### **1.1. PURPOSE OF THE COURSE**

- 1.1.1 To empower District Magistrates with knowledge and skills on the Management of maintenance matters and proceedings;
- 1.1.2 To understand the principles of the common, customary and statutory law with regard to maintenance and the legal duty to maintain and how it arises;
- 1.1.3 To understand the importance of making a finding of paternity in disputed cases;
- 1.1.4 To be able to deal with maintenance defaulters and enforce future maintenance;
- 1.1.5 To be able to deal with reciprocal maintenance.

#### **1.2. CONTENT**

- 1.2.1 Common law and customary law duty to maintain including paternity test
- 1.2.2 Regulation 3 (pre-judiciary intervention)
- 1.2.3 Maintenance enquiry(procedures)
- 1.2.4 Maintenance orders and forms to be used
- 1.2.5 Maintenance Quantum
- 1.2.6 Jurisdiction
- 1.2.7 Civil execution of orders (sections 26-30 and 40)
- 1.2.8 Offences in terms of Maintenance Act (section 31-39)
- 1.2.9 Other orders(section 20 cost order)
- 1.2.10 Section 19, 21, 16(3) & (4). Section 41
- 1.2.11 Appeals
- 1.2.12 Practical exercise
- 1.2.13 Anti-dissipation orders (Future Maintenance)

1.2.14 Reciprocal enforcement of maintenance and orders

**2. COURSE NAME : JUDICIAL SKILLS WITH REGARD TO APPLICATIONS IN TERMS OF THE DOMESTIC VIOLENCE ACT 116 of 1998**

**(Recommended that it be combined with Protection from Harassment Act and Older Persons Act)**

**DURATION : 2 DAYS**

**2.1 PURPOSE OF THE COURSE**

2.1.1 To equip the magistrates with the competencies to assist families affected by domestic violence and related matters

2.1.2 To recognize the background and reasons for the existence of the Act

2.1.3 To identify significant definitions contained in the Act

2.1.4 To determine whether the court has jurisdiction in any application for a protection order

**2.2 CONTENT**

2.2.1 Introduction – Domestic violence, Nature of domestic violence; forms orders Jurisdiction

2.2.2 Consideration of the application

2.2.3 Orders, structures and forms: eviction, emergency monetary relief orders and seizure of weapons

2.2.4 Service of documents

2.2.5 Setting aside or variation of orders and offences

**3. COURSE NAME : JUDICIAL SKILLS WITH REGARD TO APPLICATIONS IN TERMS OF THE PROTECTION FROM HARASSMENT ACT 17 of 2011**

**(See note on Domestic Violence Act above)**

**DURATION:2 DAYS**

**3.1 PURPOSE OF THE COURSE**

3.1.1 To equip Magistrates with the skills to adjudicate in harassment matters;

3.1.2 To identify the difference between harassment and domestic violence.

**3.2 CONTENT**

3.2.1 Overview to harassment

3.2.2 Jurisdiction

3.2.3 Consideration of the application

- 3.2.4 Orders and forms
- 3.2.5 Service of documents
- 3.2.6 Electronic orders(section 4)
- 3.2.7 Order by Court to ascertain name and address of respondent (section 5)
- 3.2.8 SAPS powers (section 6)
- 3.2.9 Offences
- 3.2.10 Appeals and Reviews

**4. COURSE NAME : JUDICIAL SKILLS WITH REGARD TO THE OLDER PERSONS ACT 13 of 2006 (OPA)**

**DURATION: 1 DAY**

**4.1 PURPOSE OF THE COURSE**

4.1.1 To enhance the knowledge of the Magistrates in dealing with older persons in need of care and protection.

**4.2 CONTENT**

- 4.2.1 Overview of Older Persons Act
- 4.2.2 The application
- 4.2.3 Jurisdiction
- 4.2.4 Consideration of the application, enquiry and orders
- 4.2.5 Offences

**5. COURSE NAME<sup>17</sup> : JUDICIAL SKILLS WITH REGARD TO ENQUIRIES IN TERMS OF THE PREVENTION AND TREATMENT OF SUBSTANCE ABUSE ACT 70 OF 2008 (PATSA)**

**DURATION : 1 DAY**

**5.1 PURPOSE OF THE COURSE**

- 5.1.1 To impart the skills to Magistrates on how to adjudicate on matters relating to substance abuse;
- 5.2.2 To alleviate the plight of families living with people addicted to drugs.

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<sup>17</sup> The course is a combination of various modules and participants can have a choice of which modules to take.

## **5.2 CONTENT**

5.2.1 Overview of PATSAA

5.2.2 Jurisdiction

5.2.3 Application

5.2.4 Consideration of the application

5.2.5 Orders

5.2.6 Offences

**6. COURSE NAME : JUDICIAL SKILLS IN THE FAMILY COURT (INTEGRATING DOMESTIC VIOLENCE ACT; HARASSMENT ACT; OLDER PERSONS ACT AND PREVENTION AND TREATMENT OF SUBSTANCE ABUSE ACT)**

**DURATION: 3 DAYS**

### **PURPOSE OF THE COURSE:**

6.1 To equip Magistrates with the competencies to deal with vulnerable and enable presiding officers to apply the three Acts cumulatively.

## **CONTENT**

### **6.1.1 DOMESTIC VIOLENCE ACT 116 OF 1998**

6.1.1.1 Jurisdiction

6.1.1.2 Consideration of the application

6.1.1.3 Orders, structures and forms: eviction, emergency monetary relief orders and seizure of weapons

6.1.1.4 Service of documents

6.1.1.5 Setting aside and variation of orders

6.1.1.6 Offences

### **6.2.2 OLDER PERSONS ACT 13 OF 2006**

6.2.2.1 The application

6.2.2.2 Jurisdiction

6.2.2.3 Consideration of application

6.2.2.4 Orders

6.2.2.5 Offences

### **6.3.1 PROTECTION FROM HARASSMENT ACT 17 2011**

6.3.1.1 Introduction to harassment.

6.3.1.2 Jurisdiction

6.3.1.3 Consideration of the application

6.3.1.4 Orders and forms

6.3.1.5 Service of documents

6.3.1.6 Electronic orders(section 4)

6.3.1.7 Order by Court to ascertain name and address of respondent (section 5)

### **6.4.1 PREVENTION AND TREATMENT OF SUBSTANCE ABUSE ACT 70 OF 2008**

6.4.1.1 Overview and contextualising PATSAA

6.4.1.2 Application, the court enquiry and orders

6.4.1.3 Offences

## **7. JUDICIAL SKILLS IN FAMILY COURT: (INTEGRATING DOMESTIC VIOLENCE ACT; HARASSMENT ACT; OLDER PERSONS'ACT AND MAINTENANCE ACT (ADVANCED COURSE)**

**DURATION: 3 DAYS**

**PURPOSE OF THE COURSE:**

7.1 To enhance the skill of judicial officers dealing with family law

7.2 To identify the best remedy for the vulnerable groups

**CONTENT**

### **7.1 1 MAINTENANCE ACT 99 OF 1998**

7.1.1.1 Civil attachment

7.1.1.2 Future maintenance

### **7.2 2 DOMESTIC VIOLENCE ACT AND HARASSMENT ACT**

7.2.2.1 Comparison between the two acts



7.2.2.2 Orders in terms of the two acts

7.2.2.3 Service of documents

**7.3.3 OLDER PERSONS ACT 13 OF 2006**

7.3.3.1 The court enquiry

7.3.3.2 Orders