MAGISTRATES' COURTS JUDICIARY
REPUBLIC OF SOUTH AFRICA

Private Bag 1 JOHANNESBURG 2001 – Tel [011] 491 5031 Fax [011] 834 9768
Magistrates' Court House - Cnr. Fox and West Streets – Johannesburg

---

TO: ALL MAGISTRATES IN THE JOHANESBURG CLUSTER

ALL LEGAL PRACTITIONERS

ALL STAKEHOLDERS

DIRECTIVES FOR COURT OPERATIONS IN LINE WITH THE DIRECTIVES ISSUED BY THE CHIEF JUSTICE ON 2 MAY 2020 IN LIGHT OF COVID – 19

This office is aware of the rapid rise of Covid-19 cases, especially in Gauteng, and the increase in deaths due to the pandemic. Of importance are the measures to be taken to avoid the spread of this virus. Having taken cognizance of the Regulations and the Directives issued by the Chief Justice, the following Directives are issued for the Johannesburg Cluster.

Criminal Courts

1. Guilty pleas to proceed in all matters, whether the accused are in custody, on bail or on warning.
2. All criminal trials where the accused are in custody, must proceed or be brought to trial as soon as possible.

3. Criminal trials where the witnesses have been warned by court, and witnesses are present at court, must also proceed - especially if marked final or preferent.
4. All part-heard trial matters which can be completed must proceed.
5. 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.
6. All matters not falling in the above mentioned categories where accused persons are in custody will be postponed and efforts made to set it for trial as soon as possible.
7. The AVR system may be used for unopposed schedule 1, 5 and 6 bail applications. Where there are no AVR systems postponements through alternative audio visual links as contemplated in the Regulations must be done.
8. Where no such electronic links can be established postponements can proceed in absentia as per the Judicial Officers discretion.
9. First appearances, bail applications and matters where special arrangements have been made will proceed as before.
10. All awaiting trial criminal matters involving children in detention at Child and Youth Care centres or Correctional Centres must be brought to court to consider their continued detention. The trials in these matters must be prioritised if the accused are not released from custody.
11. It is suggested that all other trials not falling in the above mentioned categories be postponed for dates in APRIL 2021 or further.
12. Legal Practitioners are encouraged to communicate with the Heads of the various courts/sections and Magistrates in court to agree on ways to speedily deal with matters and clear the courts of congestion.

13. Sect 63A applications may be considered if the correct process in terms of the Criminal Procedure Act is followed.

CIVIL COURTS

1. Only urgent matters, debt review applications and applications to endorse settlement agreements, will be granted a hearing.
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.
3. The following civil matters, unless URGENT, will be removed from the roll:

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

    Parties and Legal Practitioners are not required to attend court on the designated dates.

    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

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

5. Civil processes of pending matters including debt reviews may be filed at court.
6. Allocation of new dates and re-enrolment of matters will be done in March 2021.
7. Trials that have been certified as "Trial Ready" do not have to be certified again before a new trial date is allocated.
8. Where possible the hearing of applications and trials may proceed via Microsoft Teams or Zoom platforms.

FAMILY COURTS

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 - Social Workers to submit Affidavits as to the well-being of the Children's current position. Extensions to be granted for a limited period. Full enquiries may be considered after consultation with the Presiding Officer.
3. Removals are urgent and will be dealt with.
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.

Maintenance

1. Matters where parties are present will be dealt with.
2. Where parties are absent the clerk of the court will endeavour 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.

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 endeavour 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.

Section 31 Court

1. Matters where all parties are present will be heard.
2. Part heard matters will continue.
3. No cases will be removed from the roll because of the absence of any party.

The Directives are applicable with immediate effect.



_____

YP SIDLOVA
CHIEF MAGISTRATE
ACTING HEAD-ADMIN REG 5A
JOHANNESBURG
13 January 2021