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

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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 real threat of Covid-19 cases, especially in Gauteng. It remains important that measures are taken to avoid the spread of this virus. Having taken cognizance of the Regulations, Directives issued by the Chief Justice, Judge President and the Minister, the following Directives are issued for the Johannesburg Cluster.

Criminal Courts

1. All criminal trials including part heard matters whether the accused are in custody, on bail or on warning must proceed or be brought to trial as soon as possible.
2. Effective case flow management must be applied to ensure older cases and cases where accused are in custody get preference. Cases older than 6 months must be attended to as priority and reported upon monthly as required
3. All matters where accused face charges of domestic violence and violations of COVID 19 Regulations must remain prioritised.
4. The AVR system must still be utilised as per directives of the Heads of Offices.
5. Legal Practitioners are encouraged to assist Magistrates in court to ensure effective case flow management, in that cases prioritised, proceed and get finalised.

6. Sect 63A applications may be considered if the correct process in terms of the Criminal Procedure Act is followed.
7. The exclusion provision in Regulation 39 (removal of masks in court) must only be applied where the interest of Justice so requires.
8. All confessions / warrants and other Criminal Judicial Functions proceed in the normal course
9. All safety protocols in Court and Chambers **MUST** be adhered to as per the Regulations.

CIVIL COURTS

1. The civil court rolls will return to normal. All matters will proceed.
    a. Trials.
    b. Pre-trials
    c. Rule 12 Default Judgments.
    d. Opposed Motion Court Applications.
    e. Unopposed Motion Court Applications.
    f. Debt Reviews
    g. Section 65's.
    h. *Ex Parte* Applications
    i. Equality Court matters.
2. Parties who do not appear before the court run the risk that a default judgment may be granted in their absence.
3. All safety protocols in Court and Chambers MUST be adhered to as per the Regulations.

FAMILY COURTS

Children

1. No children are required to attend court during the lockdown period.
2. Extension of Foster-Care orders - Social Workers to submit Affidavits as to the well-being of the Children's current position. – if it is inconvenient to bring the children to court. Extensions to be granted. Full enquiries will be considered.
3. Removals are urgent and will be dealt with.
4. Care and contact matters will be attended to.

Maintenance

1. Matters where parties are present will be dealt with.
2. Partly heard matters will continue.

Domestic Violence/Harassment

1. All matters where parties are present will be heard.
2. Partly heard matters will continue.

Section 31 Court

1. Matters where all parties are present will be heard.
2. Part heard matters will continue.



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PJ DU PLESSIS
ACTING CHIEF MAGISTRATE: JOHANNESBURG
Signed OBO Act Cluster Head
Mrs YP SIDLOVA
4 MARCH 2021