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 rapid rise of cases of Covid-19, especially in Gauteng. Of importance are the measures to be 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. 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. All part-heard trial matters which can be completed must proceed.
4. All matters where accused faces charges of corruption, domestic violence, robbery 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.
5. All matters not falling in the above mentioned categories where accused persons are in custody will still be postponed through the AVR system.

6. 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.
7. Where no such electronic links can be established postponements can proceed in absentia as per the Judicial Officers discretion.
8. First appearances, bail applications and matters where special arrangements have been made will proceed as before.
9. 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.
10. It is suggested that all other trials not falling in the above mentioned categories be postponed for dates in July or further.
11. 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.
12. Sect 63A applications may be considered if the correct process in terms of the Criminal Procedure Act is followed.
13. The exclusion provision in Regulation 39 must only be applied where the interest of Justice so requires.

CIVIL COURTS

1. Only urgent matters, debt review applications and applications to endorse settlement agreements, will be granted a hearing by arrangement with the clerk of the court. Proper motivation must be made why such matter should be heard during the period of the lockdown.
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. Motion Applications
    d. Equality Court Matters

e. Pre-trials

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

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 only be done when the lockdown period is over.
7. Trials that have been certified as "Trial Ready" do not have to be certified again before a new trial date is allocated.

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. Extensions to be granted for a limited period. Full enquiries may be considered on level 3 or lower.
3. Removals are urgent and will be dealt with.
4. Care and contact matters will be postponed to June 2020 or on Level 3 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 Warrants of arrests will be issued.
6. 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 June 2020 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 Warrants of arrests to be issued. Where the accused is not in court a summons will be issued after the lockdown period.
4. No cases will be removed from the roll because of the absence of any party.

Permits

1. Permits in each court will be attended to by a Magistrate/s delegated to do such by the Head of Court. Provided that all permits for the movement of children will be dealt with by the Presiding Officer in the Children's court.



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YP SIDLOVA
CHIEF MAGISTRATE
ACTING HEAD-ADMIN REG 5A
JOHANNESBURG
5 May 2020