

Government Notice

No.

2020

DIRECTIONS ISSUED IN TERMS OF REGULATION 10(1) OF THE REGULATIONS UNDER THE DISASTER MANAGEMENT ACT, 2002

I, Ronald Ozzy Lamola, Minister of Justice and Correctional Services has, in terms regulation 10 of the Regulations issued in terms of section 27(2) of the Disaster Management Act, 2002 (Act No. 57 of 2002) hereby, after consultation with the Chief Justice, issue the Directions in the Schedule to address, prevent and curb the spread of the COVID 19 in all court precincts and justice service points in the Republic of South Africa.

The Directions shall be in force for a period of ninety (90) days from the date of publication.

Issued on this the day of 2020

R.O. Lamola
Minister of Justice and Correctional Services

Schedule

1. Definitions

“**court**” means a court room or an office in which court proceedings are conducted and include Judges’ chambers, Magistrates’ chambers and Audio Visual Remand centre.

“**Court precinct**” refers to an area of court house demarcated by a fence or wall.

“**Justice service points**” refer to the centres and offices of the Masters, Offices of the Family Advocates

“**Emergency and essential cases**” means any court application, hearing including bail application in case of first appearance of an accused person, which, if not enrolled will result to substantial injustice.

“**Vulnerable person**” means a person in need of special care or support or protection due to age, disability or risk of abuse or neglect (e.g. persons with disabilities, children, pregnant women, persons older than 55 years of age)

2. Restricted access to the court precinct and all justice offices

2.1 No member of public except accused persons, witnesses and persons accompanying children who are accused persons or witnesses are will be allowed access into a court or court precinct for purposes of attending a trial.

2.2 Non-essential court visits such as excursions, mock trials, etc. will not be allowed into the courts or court precinct for a period of ninety (90) days from the date of publication of the Directions.

2.3 Access into the courts and court precinct shall only be allowed in respect of emergency or essential services.

2.4 The number of persons coming into courts, court precincts or justice service points will limited by management and the security officials for

purposes of enforcing acceptable social distancing.

- 2.5 People from high risk countries shall not be allowed to enter the court precinct or justice service point.
- 2.6 People who have been in contact or exposed to persons who are from high risk countries will not be allowed to enter a court precinct or justice service point.
- 2.7 People who have been in contact or exposed to persons who have tested positive for Covid-19 will not be allowed to enter the court precinct or justice service point.
- 2.8 No witness from a foreign country, save in the case of urgent and essential cases shall be summoned to attend court and cases involving such witnesses will be postponed for a period of three (3) months or proceed with evidence through electronic media e.g. audio visual technology.
- 2.9 Where a witness from a foreign country is required in respect of an urgent and essential case summonses for such a witness shall be issued and served subject to applicable international travel policy by a competent authority.
- 2.10 Foreign Language interpreters should only be sourced within the magisterial district and Province in which the case is heard.

3. Postponements of Criminal Cases

- 3.1 All Audio Visual Remand centres in Correctional Centres linked to Magistrates Court must be used for purposes of the postponement of cases where accused persons are in custody.
- 3.2 All matters where accused are kept at Correctional Facilities must be remanded in absentia for the period of 14 days at a time until the lapse of the State of disaster as declared by the President.
- 3.3 An accused arrested on a Schedule 1 offence must be released and warned to appear in court on a date 3 months from the date of arrest.
- 3.4 Only bail application in respect of first appearances will be heard.
- 3.5 All criminal court cases where accused persons are not incarcerated shall not be placed on the roll for a period of sixty (60) days from and summonses shall be issued for new trial dates.

4. Attendance of Trials

- 4.1 The number of trials will be limited to only cases that are regarded as emergency and essential to be heard as their further postponement may result in gross injustice to the affected parties.
- 4.2 The Court Manager or his/her designee shall ensure that social distance standard of at least one (1) meter is maintained in all court rooms.

5. Civil Cases

- 5.1 Cases that are not identified as emergency and essential services shall not be placed on the court roll for a period of three (3) months from the date of publication of this Direction.
- 5.2 The Clerk of the Court must inform the parties and their legal representatives of the new court date in writing.
- 5.3 The requirements for prescription and *dies non* will be suspended save in respect of cases which are deemed urgent and essential.
- 5.4 Service of process and execution of writs by sheriffs shall be limited to cases which urgent and essential.

6. Legal Aid

- 6.1 Legal aid shall, for a period of sixty (60) days be limited to emergency and essential services.

7. Services of Offices of the Master

7.1 Letters authority shall only be issued in relation to urgent financial need e.g. burial, applications for maintenance out of guardian's funds, urgent appointment of curators;

8. Family Law Services

7.1 Only applications for protection orders may be enrolled for a period of sixty days from publication of these Directions.

7.2 Family law services shall be limited to urgent and essential services.

9. Exclusion

9.1 A Judicial Officer who presides in any matter brought before court may, by the order of the court, exclude the application of any provision in these Directions where the interest of justice so require.