



the doj & cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA

OFFICE OF THE CHIEF MASTER

PROPOSED PROTOCOL TO BE ADOPTED BY THE BRANCH: MASTER TO ADDRESS THE NATIONAL DISASTER REGARDING THE SPREAD OF THE COVID-19 (CORONA) VIRUS

1. INTRODUCTION

- 1.1 The Masters are creature of statutes and therefore have an obligation in terms of legislation to serve the public regarding the different spheres of duties performed by the Masters.
- 1.2 On 15 March 2020, the Honourable President Ramaphosa declared a National State of Disaster pertaining to the Covid-19 (Corona) virus, in South Africa.
- 1.3 The Department of Public Service and Administration has further issued a State of Disaster Guideline for all Government Departments to manage the impact of the State of Disaster on Government Departments.

http://www.dpsa.gov.za/dpsa2g/17_6_r_16_03_2020.pdf

2. BACKGROUND

Various members of the public, including our stakeholders, visit the 15 Master's offices on a daily basis. This poses a real risk for the disease to be transmitted, especially by infected individuals that visit the offices. The safety of our own officials are therefore also at risk.

3. MEASURES

3.1 General Hygiene:

All officials, users and stakeholders are advised to follow and adhere to guidelines that been issued by the Minister of Health to minimise the spread of the virus. These measures advocate for, amongst others, the following safety precautions

- a) Washing of hands (all staff and public)
- b) Avoid shaking of hands (everyone in society at this stage)
- c) Use of natural ventilation by opening windows and doors
- d) Deep cleaning and sanitizing public spaces (DoJ staff in conjunction with the cleaning staff, will address)
- e) Monitoring flu-like symptoms and consulting health practitioners (all staff on site)
- f) Offices to procure latex/latex free gloves and hand-sanitizers/hand soap urgently if not

available officials should be made aware of the DOH guidelines on personal hygiene. Staff that have specific allergies may make use of their own sanitizers.

- g) The usage of latex gloves are not encouraged as it does not guarantee safety from contracting the virus. According to scientific evidence and the World Health Organisation (WHO) gloves may increase the risk of infection. Gloves will be made available upon request.
- h) Wearing of masks is not necessary unless taking care of an infected person. It is recommended that only infected people wear masks to prevent the spread of the virus.
- i) Awareness to be created in offices on hygiene and protocols through the Employee Health and Wellness Programme within the Department.
- j) To strengthen communication and to discourage the spreading of fake news, the National Department of Health (NDoH) has also developed a service via WhatsApp where the latest information on COVID-19 can be obtained and accessed on **+27 600 123 456**. Offices are encourage to communicate this service to their employees to ensure they are in receipt of the latest information and combat the spreading of fake news that has the potential to disrupt service delivery, unto containment measures and lead to panic.
- k) An employee or employees refuse to report for duty based on the fear of being infected by COVID-19
 - The employment relationship is the legal link between employers and employees and stipulate that a person (employee) will perform work or a service under certain conditions in return for remuneration (employer)
 - The onus is on the employee/s to demonstrate that the workplace is a risk and unsafe in relation to the virus.
 - Refusal to report for duty, contrary to the instructions of the supervisor or HoD means that such absence is unpaid and should be dealt with in terms of the Disciplinary Code.

3.2 Access to Master's Offices

The Covid-19 (Corona) virus has created conditions that have compelled the Masters in the country to adopt steps which are exceptional, but that are necessary in the best interest of public safety and health, to minimize the spread of the virus in the offices and to limit the public's rights to have access to the offices. These powers are derived from the Disaster Management Act, Act 57 of 2002 and the Regulations issued in this regard. Given the dangers posed by exposure to the virus, these measures are temporary and for a limited period and will be reviewed by the Masters on an ongoing basis, and do not purport to create a blanket denial of access to the offices. The offices will still remain open for normal and urgent matters to be brought before them subject to precautionary measures and standards.

4. MEASURES TO LIMIT CONTACT WITH THE OFFICES

4.1 General access to Master's offices

- 4.1.1 In terms of the DMA and regulations no gatherings of more than 100 people shall be allowed. For this reason each office, depending on their capacity, will determine the number of public granted access to the office/building but shall not exceed 100. This is to ensure the well-being and safety of both the officials and the public.

4.2 Meeting of creditors

- 4.2.1 All meetings of creditors and/or interrogations will all be cancelled and up until 15 April 2020. Thereafter new protocols will be issued on how, by whom and where such meetings are to be convened. In respect of all other meetings that have already been convened and postponed those meetings should be further postponed by way of e-mail communication until such time as further protocols have been put on place.

4.3 Reporting of Deceased Estates

- 4.3.1 For all new matters where there are any disputes, family meetings will not be convened until 15 April 2020. Thereafter new protocols will be issued on how, by whom and where such meetings are to be convened.
- 4.3.2 In matters where an appointment has already been made and a dispute arises between family members, such meetings will be postponed up until 15 April 2020. Thereafter new protocols will be issued on how, by whom and where such meetings are to be convened.
- 4.3.3 In all new matters where there are no disputes, only the nominated representatives shall be allowed access to the office to report the estate.

4.4 Accept electronic documents

The following documents may be submitted electronically for the interim if it is accompanied by an affidavit confirming the correctness thereof, it is authenticated and that originals will be lodged when called so by the Master:

- a) Bonds of security (see annexure A);
- b) Requisitions in respect of insolvencies (see annexure B);
- c) All hand delivered post to be placed in the postal boxes of each office this will include requests for applications for copies. Postal boxes to be placed at the main entrances of the buildings so as to limit the access to the building, wherein original documents can be deposited together with a copy to be stamped. A register shall be placed next to each box where lodgement of documents shall be recorded. These boxes to be opened every 12 hours, as the virus only survive on paper for 5 – 11 hours. The decision on the number of boxes to be place will reside with each HOO.
- d) Issuing of appointment letters shall be managed on the following basis:

- a. To e-mail letters of appointment to Agents and place originals in the respective pigeon holes in the offices for collection
- b. Where appointees do not have access to email, such letters shall be made available at the offices for collection
- e) Only urgent walk-in clients to be assisted with appointment letters, including Guardian's Fund clients that need physically to be confirmed by way of MOVIT.
- f) In all other matters only clients to be seen that have made an appointment and in the discretion of the respective official.
- g) Queries by the public or stakeholders encouraged to communicate by e-mail and followed up telephonically if necessary with 7 working days. (To ensure this is a viable option, the Acting Chief Mater directs that officials should as far as possible be office bound. Any complaint regarding non-responsiveness to e-mails or calls without valid reason, will result in disciplinary steps.
- h) Limit access to the building on an urgency basis in line with current guidelines issues by the President, referred to in par 1.2 above.

5. General

The above interim measures will be revised from time to time as and when needed. The Branch: Masters is committed to safeguard members of the public visiting the Master's offices as well as employees against this outbreak.



Mrs T Bezuidenhout
Acting Chief Master

Date: 20/3/2020

"A"

AFFIDAVIT

I, _____, on behalf of the insurer being _____ hereby verify the authenticity of the attached copy of the surety with policy number: _____.

In the estate of: _____

I confirm that the copy of the surety as submitted to the Master of the High Court under this affidavit will be legally binding to the same extent as the original document.

The attached document have not been tampered with in any way and I will ensure that the original surety be submitted at the relevant Master's Office as soon as I am advised to do so by notice from the Office of the Chief Master.

Deponent: Name and Surname

I certify that the deponent has acknowledged that he is aware of the contents of this Affidavit, and that it has been signed and sworn to in my presence.

Signed and sworn to before me at _____ on this the _____ day of _____.

COMMISSIONER OF OATHS

"B"

AFFIDAVIT

I, _____, hereby verify the authenticity of the attached requisition/s from the following creditors, in the said amounts:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

In the estate of: _____

The attached document/s has/have not been tampered with in any way and I will ensure that the original requisitions be submitted at the relevant Master's Office as soon as I am advised to do so by notice from the Office of the Chief Master.

Deponent: Name and Surname

I certify that the deponent has acknowledged that he is aware of the contents of this Affidavit, and that it has been signed and sworn to in my presence.

Signed and sworn to before me at _____ on this the _____ day of _____

COMMISSIONER OF OATHS