



REPUBLIC OF SOUTH AFRICA
MAGISTRATE'S COURT JUDICIARY
PRETORIA

Pretoria Magistrates' Court, Corner Francis Baard & Sophie de Bruyn Street,
Private bag X61, Pretoria, 0001
Tel. No. (012) 319 4000

***COURT OPERATIONAL DIRECTIVES FOR THE TSHWANE CLUSTER - DISTRICT COURTS
ADJUSTED LEVEL 4 – WITH EFFECT 01 JULY 2021***

The President of the Republic of South Africa has placed the Country under an Adjusted Level 4 in terms of the Disaster Management Act, Act 57 of 2002, with effect 28 June 2021.

The Office of the Chief Magistrate (Acting), Pretoria, hereby amends the directives for Court Operations that were issued on 15 March 2021, in respect of the Magistrates' Court, Pretoria.

DISTRICT CRIMINAL COURTS

1. The following matters should continue on trial (if trial ready) and given preference by the District Criminal courts:
 - (i) First appearances;
 - (ii) Bail applications;
 - (iii) *Partly heard matters;
 - (iv) Section 63A (Act 51 of 1977) Applications;
 - (v) Matters identified as or with an element of Gender-based violence, inclusive of those involving children and the elderly;
 - (vi) Trial-ready matters of persons who are in custody / detention, especially those that have been in custody for extended periods;
 - (vii) Matters falling within the ambit of Child Justice, especially minors / children that are in detention centres.

[Please note that this list does not reflect any order of preference]

2. *Magistrates are urged to be pro-active and engage the prosecutor(s) of their courts in order to have weekly planning in advance in respect of matters to proceed with hearing etc., with due regard to the control and placement of cases per each court day with the objective to adhere to social-distancing within the court room(s) / - building;
3. Matters on the district criminal court rolls that do not fall within the priority list under 1 (i) – vii *supra*, may be postponed to a date in August 2021 or thereafter after consultation between stakeholders.

FAMILY DISTRICT COURTS

1. Children's Courts

- (i) Judicial Officers are urged to excuse the attendance of children at Court hearings unless the nature of the proceedings do not permit, as provided for in section 57 of the Children's Act;
- (ii) Section 151/152 - Urgent applications must be given preference;
- (iii) In applications for Care and Contact Orders, Judicial Officers are urged to consider postponements, even in absentia, in instances that a matter is not considered urgent;
- (iv) Attendance at Children's' court during this period will be subject to the direction / discretion of a Presiding officer;
- (v) All urgent removals will be heard subject to a social worker informing court officials timeously of a pending urgent application in order that suitable arrangements may be made to facilitate the matter;
- (vi) Extension of Foster Care orders: Social Workers are to submit affidavits as to the current position of child. Extensions may be granted to a limited period or until a full enquiry may be considered in the best interests of a child.
- (vii) Use of electronic communication is encouraged where possible;
- (viii) Care and contact matters will be dealt with in the normal course of service delivery. In instances where there is motivation for urgent contact same will be considered in line with prescripts of an urgent application;
- (ix) No Matters will be removed or struck from roll on the basis that parties are absent;

- (x) All new application will be received on the ground floor of the establishment / court house, for purpose of processing at the information desk;
- (xi) Parties to litigation will be allocated appointment confirmation tags which will reflect the next court appearance.

2. Maintenance Courts

- (i) In first applications where both parties are present a Judicial Officer may consider issuing a Section 10 (5) Interim Maintenance Orders, then postpone the matter to another date for evidence, which date must be determined with due regard to relevant concerns of social distancing, risk exposure under the 'Third-wave', etc.;
- (ii) Where either or both parties are absent, the approach should be to consider allocating a new date and seek to notify the party or parties;
- (iii) Part heard Maintenance matters where there was no Interim order issued and both parties are present, may be proceeded with. Where there is an existing Maintenance order, such matter may be postponed, subject to the Court's consideration of other relevant factors;
- (iv) All new applications will be received and processed in line with standard service delivery processes;
- (v) All matters where parties are present will be heard;
- (vi) Part heard matters will proceed;
- (vii) In instances where parties are absent the Clerk of the Court will endeavour to contact them in order to arrange a postponement date to at least end of August 2021 or later;
- (viii) Matters will be postponed in absentia of parties for subpoenas to be issued where parties could not be reached;

- (ix) No cases will be removed from the roll because of absence of any party;
- (x) All new application will be received on ground floor for processing at information desk;
- (xi) Parties to litigation will be allocated appointment confirmation tags which will reflect the next court appearance.

DOMESTIC VIOLENCE / PROTECTION FROM HARASSMENT – VISAGIE STREET

- (i) First applications must be considered. In the event that a Form 4 (Interim order) is granted, the return date should be projected for a period beyond the peak of the current wave (currently estimated August 2021). Such projection will also apply to matters where no interim order was granted;
- (ii) Anticipated matters should be dealt with unless the parties are amenable to a postponement;
- (iii) Enrolled matters where there are interim protection orders issued, may be postponed; in instances where practical the parties can be reached, particularly by email, prior to the court date, the matters should be postponed in absentia, with the email copy serving as notice of postponement;
- (iv) In the event that the parties are absent and still could not be reached, such matters must be postponed in absentia and attempts be made to inform the parties of the next court date. This duty rests with the clerk of the court as one of the person designated to serve the notice in terms of the Acts under consideration;
- (v) All new applications will be received, considered and processed in line with standard service delivery processes;
- (vi) All matters where parties are present will be heard;
- (vii) Part heard matters will proceed;

- (viii) If parties are absent the Clerk of the court will endeavour to contact them in order to postpone the matter to August 2021 or later;
- (ix) Matters will be postponed in absentia for subpoenas to be issued where parties could not be reached;
- (x) No cases will be removed from the roll because of absence of any party;
- (xi) Parties to litigation will be allocated appointment confirmation tags which will reflect the next court appearance.

SECTION 31 ACT 99 OF 1998 (CRIMINAL MAINTENANCE MATTERS)

- (i) These matters must continue when set down for trial and the parties are present;
- (ii) Part heard matters will proceed;
- (iii) Part heard matter will proceed;
- (iv) No cases will be removed from the roll because of the absence of a party.

NOTE: In view of the sensitive nature of Family Court related matters, the Head of the Family Courts Pretoria may be engaged on any matter in order to assist and / or direct that a particular matter may be dealt with though not falling within the directives set out *supra*.

CIVIL DISTRICT COURT

1. The following matters will be dealt with:
 - (i) Endorsement of settlement agreements (Rule 27);
 - (ii) Urgent applications;
 - (iii) All unopposed motion court matters / applications;
 - (iv) Referrals to Alternative Dispute Resolution;
 - (v) All ex-parte applications;
 - (vi) Default judgments;
 - (vii) Section 57 & 58 Requests for Judgement;
 - (viii) Debt Reviews;


2. The issuing of all civil court processes, filing of documents with the Clerk of the Civil Court, requests for written reasons for judgment, applications for leave to appeal, appeals and reviews will be dealt with / attended;

3. The following services may be kept in abeyance and only enrolled with the permission of the Senior Magistrate as Head of the Civil Section:
 - (i) Small Claims Court hearings;
 - (ii) Section 65A(1) hearings;
 - (iii) Pre-Trial Conferences
 - (iv) Taxations;
 - (v) Section 74 administration hearings;

(vi) Default judgements as contemplated in Rule 32.

4. All partly heard matters (action and motion proceedings) may in the discretion of a judicial officer seized with a matter, be proceeded with / postponed after consultation with the relevant litigants.

DATED THIS 30th DAY OF JUNE 2021 AT PRETORIA.

A handwritten signature in black ink, appearing to read 'Ip Du Preez', is written over a horizontal line. The signature is stylized and extends above and below the line.

MR IP DU PREEZ

ACTING CHIEF MAGISTRATE: PRETORIA