
ADDITIONAL GUIDANCE NOTE FOR LEGAL PRACTITIONERS REGARDING THE RENDERING OF ESSENTIAL LEGAL SERVICES DURING THE COVID-19 LOCKDOWN PERIOD

Consequent upon the Presidential announcement of the 21 day lockdown period which commenced at 23:59 on 26 March 2020 the Legal Practice Council issued a Guidance Note on 27 March 2020 to assist legal practitioners in the rendering of essential legal services during the lockdown period.

As a result of the withdrawal of the Directions published by Government Notice No. 418 in Government Gazette No. 43167 of 26 March 2020 and its replacement by the Directions published by the Minister of Justice and Correctional Services by Government Notice No. 440 in Government Gazette No. 43191 of 31 March 2020 (“the Replacement Directions”), the Legal Practice Council issues the following additional Guidance Note to assist legal practitioners:

1. This additional Guidance Note should be read in conjunction with the Guidance Note issued on 27 March 2020. All abbreviations remain the same for ease of reference.
2. The Replacement Directions are to be read with the Regulations to:
“address, prevent and combat the spread of COVID-19 in all courts, court precincts and justice service points in the Republic of South Africa,”.
3. Having regard to the Replacement Directions as read with the amended Regulations, legal practitioners who require to move around during lockdown to gain access to courts for the categories of cases defined in Regulation 11A(B)16 (which are more fully described in the Guidance Note of 27 March 2020) are advised that:
 - 3.1 a permit from the Provincial Director of the relevant Provincial Legal Council which identifies the legal practitioner as one who is a practising legal practitioner as defined

in sections 24 and 30 of the Legal Practice Act is still a requirement in terms of the Replacement Directions;

3.2 a legal practitioner who is unable to obtain a permit from the relevant Provincial Director will be entitled to commute between her/his place of residence and the court at which she/he is required to appear for purposes of attending to urgent and essential matters, upon presentation of the following documents:

- (i) an original or certified copy of the legal practitioner's admission certificate;
- (ii) proof of identification; and
- (iii) confirmation from the Registrar or Clerk of the relevant court that the matter is on the court roll for that particular day, that the legal practitioner is on record as the official legal representative in the particular matter and that the matter is urgent or essential;

3.3 a legal practitioner will only be allowed to commute from her/his place of residence to a police station for purposes of arranging for police bail if the investigating officer of the case concerned confirms that such arrangements for police bail have been made, and the provisions of paragraph 3.1 or 3.2 (i) & (ii) above, are complied with.

4. Legal practitioners are advised that updated Regulations and Practice Directives issued by the various Heads of Courts and the Replacement Directions can also be found on the LPC website (www.lpc.org.za).

5. Legal practitioners' attention is drawn to the removal in the Replacement Directions of reference to, *inter alia*:

5.1. the suspension of time limits; and

5.2. arrangements for children to be moved between parents.

6. Legal practitioners are still urged to comply with the lockdown Directives and to take all reasonable measures to ensure that they and their staff remain in isolation at their respective homes.