



**DIRECTIVE FOR MEASURES TO BE IMPLEMENTED TO CURB THE SPREAD OF  
THE COVID-19 PANDEMIC IN THE DISTRICT COURTS IN ADMINISTRATIVE  
REGION 10 (NORTHERN CAPE)**

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Pursuant to the announcement by the Honourable President Ramaphosa of the National Lockdown for 21 days, from the 26 March 2020 to 16 April 2020, and

Pursuant to resolutions of a Cluster meeting (attended by the Chief Magistrate, Senior Magistrates and Sub Cluster Heads) of Administrative Region 10 (Northern Cape) on 24 March 2020; and

In order to curb the spread of the COVID-19 pandemic, and

In order to ensure efficient and effective management of all cases during this National Lockdown period in the District Courts in the Northern Cape, and

In order to provide guidance to stakeholders in our District Courts in the Northern Cape during this National Lockdown period,

THEREFORE in terms of the delegated authority in Section 8(3) of the Superior Courts Act, 2013 the following directive is issued:

1. This pandemic has an impact on the efficient and effective functioning of our courts and the conditions under which Magistrates and other role holders exercise their constitutional duties. The Northern Cape Regional Office of the Department of Justice and Constitutional Development must speed up the provision of

Preventative and Protective Equipment (PPE) to all role players in all the court rooms in our Province.

### **Criminal matters**

2. The Audio Visual Remand (AVR) systems in Kimberley, Upington and Springbok courts shall be used for the remand of all cases where the accused persons are in custody. At all other courts, cases of such accused persons will be remanded ***in absentia*** until 17 April 2020. This will also be applicable in respect of cases of ***minor*** accused that are in custody at a Correctional Center – remands only for 14 days at a time.
3. Magistrates will only attend to bail applications and first appearances of accused persons in custody. All other matters will be postponed to a date after 16 April 2020.
4. At the non-appearance of any accused and/or witness (es), no warrant of arrest will be authorized, including traffic matters. Matters will be postponed ***in absentia*** to a date after 16 April 2020 and notice to the accused and/or witness (es) must be given in respect of the subsequent postponement date.

### **Civil matters**

5. All civil matters on the court roll will be postponed to any date after 16 April 2020.
6. At the non-appearance of any party and/ or litigant, no warrant of arrest will be authorized and/ or removed from the court roll. The matter will be remanded ***in absentia*** to a date after 16 April 2020 and notice to the respective party and/ or litigant must be given in respect of the subsequent remand date.
7. No new matters will be enrolled until 16 April 2020, except urgent applications.

### **Family matters**

8. All trials in the family courts will be postponed to a date after the 16 April 2020, except when exceptional circumstances in the discretion of the presiding Magistrate, exist. No orders will be made in the absence of any party.
9. All new applications in terms of the Domestic Violence Act, 116 of 1998 and the Protection from Harassment Act, 17 of 2011 will be dealt with, but return dates after 16 April 2020 will be provided.
10. All enquires in terms of section 10 and Chapter 5 of the Maintenance Act, as well as anti-dissipation orders will be postponed to any date after the 16 April 2020, except when exceptional circumstances in the discretion of the presiding Magistrate, exist. No orders will be made in the absence of any party.
11. In children's court matters, no children and parties will be brought to court. Matters will be postponed *in absentia* to a date after 16 April 2020 and notice to social workers and/ or parties must be given in respect of the subsequent postponement date.
12. All family court matters must be dealt with in a court room and not in the chambers of Magistrates.

### **General**

13. Partly heard matters will be postponed to any date after 16 April 2020, except when exceptional circumstances in the discretion of the presiding Magistrate, exist.
14. All attempts must be made to inform and stop parties in respect of matters that will not proceed as soon as possible and preferable before the date already allocated.
15. All offences in terms of the Disaster Management Act Regulations will, as far as possible, be prioritized.

**16.**Magistrates will be excused after arrangements have been made with the Senior Magistrate/ Sub cluster head in respect of urgent matters and/or new applications.

**Dated at Kimberley on 25 March 2020**

**CHIEF MAGISTRATE OM KRIELING**

**JUDICIAL HEAD: ADMINISTRATIVE REGION 10 (NORTHERN CAPE)**