



**OFFICE OF THE JUDGE PRESIDENT  
WESTERN CAPE HIGH COURT**

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TO : ALL JUDGES  
FROM : JUDGE PRESIDENT JM HLOPHE  
SUBJECT : ACCESS TO COURT IN LIGHT OF COVID-19  
IMPLEMENTATION DATE : 17 MARCH 2020

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**DIRECTIVE**

**The following directives will apply with immediate effect until the commencement of Term 2 (14 April 2020).**

1. Save for urgent court matters, Judges will deal only with matters that are already set down/ enrolled for hearing. Postponements should preferably be from June 2020.
2. As from Term 2 (14 April 2020), the unopposed motion roll will be reduced to seventy five (75) matters per day. Parties are to approach the 3<sup>rd</sup> division Registrar for the availability of dates for set down and postponements (similar to the process currently utilised for 4<sup>th</sup>). Categories of matters will be allocated only a certain number of spaces per day. (See breakdown of case allocation attached marked "A").

3. No member of the public is permitted to enter the Court building, or attend any hearing, whether Civil or Criminal, as a **spectator**. Only practitioners, in-person litigants, witnesses and accused persons are permitted to attend.
4. Prosecutors are requested to inform DCS in advance of all accused persons not required to attend court.
5. Postponement of criminal trials will be done without the accused being brought to court, only Prosecutors and practitioners will be permitted to attend.
6. Counsel are advised not to attend Judges' chambers for purposes of introductions or consultations unless expressly requested by the Judge President or relevant Judge (proof of such invitation must be presented to security before access will be allowed). All personal introductions are suspended. Judges will preferably not shake hands with any Practitioners.
7. Judges who are not scheduled for sittings in Court are encouraged to work from home.
8. When a Judge is working from home, he/she should make a determination, based on the nature of the work to be done, whether his/her Secretary may also work from home. In that event the Judge President and Court Manager must be advised accordingly, and Judges' secretaries must remain available and accessible to carry out whatever duties may be required from home, including monitoring and responding to e-mails, maintaining telephone contact with practitioners etc.
9. Case Management (Pre-trials) whether civil or criminal will proceed with only practitioners in attendance and will be limited to 20 cases per day. Civil postponements are at the discretion of the presiding Judge and may be communicated to parties via e-mail or fax. Parties wishing to postpone case management matters by agreement may notify the relevant Judges' Secretary as a matter of urgency. The relevant Judges' Secretary may on instruction of the Judge confirm the postponement via return e-mail.

10. Judgments may also be delivered via e-mail.
11. Admissions – only practitioners appearing on behalf of applicants and applicants themselves will be allowed to be present in court.
12. To minimise foot traffic in the general office, ALL new summons, notices of motion and applications **other than urgent applications** may be dropped off at the security desk at the entrance to the Court building in Keerom Street. All issued documents will be available for collection from the security desk on the following day. **No other document other than a notice of intention to defend/oppose and a plea will be issued at the general office. The filing of any other document not expressly required by the rules will not be permitted.**
13. The upliftment of files from the general office will be suspended other than for urgent applications and enrolled matters.
14. Default judgment applications in terms of Rule 31(5) must be dropped off at the security entrance of the court. Orders will be made available for collection at the security desk at the entrance of the court building.
15. The authentication / Apostille of documents will be managed by the Registrar of the Civil division and should only be attended to in exceptional circumstances. These may be dropped off at the security desk and uplifted within 2 hours.
16. As regards Court staff, the Regional Head: OCJ-WC in consultation with the Chief Registrar and Court Manager and in conjunction with any circular issued by the Secretary General of the OCJ will determine the minimum number of staff (rotational or otherwise) who must continue to report for work to ensure that the general work of the Court is not compromised.

  
**JUDGE PRESIDENT HLOPHE**

To be issued to:

The Magistracy;

The National Prosecuting Authority;

Legal Aid South Africa;

Western Cape Bar Association;

Legal Practice Council;

Family Advocate;

State Attorney;

NADEL;

BLA;

South African Police Services;

Office of the Chief Justice Justice

Department of Justice and Constitutional Development;

Department of Correctional Services;

Department of Social Development;

Department of Health;

Any other Court Official not mentioned above

## Annexure A - Motion Court Allocation Schedule

Type of application	Quantity
Applications (other than evictions & liquidations)	20
Evictions	5
Liquidations / Sequestrations/ Voluntary Surrender	5
Default Judgments	20
Rule 46A	3
Divorces	10
Rule 43	2
Postponements/ Rule Nisi	10