



**OFFICE OF THE CHIEF MAGISTRATE  
FREE STATE "A" CLUSTER**

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**25 March 2020**

**DIRECTIVES FOR LOWER COURTS: ADMINISTRATIVE REGION 3  
FREE STATE CLUSTER A**

Having been duly delegated by the Chief Justice of the Republic of South-Africa in terms of Section 8(3) of the Superior Courts Act, 2013, I hereby issue the following directives in relation to Criminal, Civil and Family related matters.

These directives shall apply with effect from midnight; 26 March 2020 and will remain in force until 16 April 2020 (lockdown period)

**1. Criminal matters**

- ❖ All criminal courts in the Cluster shall be open during the lockdown period.
- ❖ The courts shall only deal with new matters and bail applications.
  
- ❖ All previously enrolled/postponed matters shall be postponed to later dates. Witnesses will not be required to attend.

- ❖ In cases where the accused person is on warning or released on bail and is not in attendance as a result of the lockdown, a warrant for his/her arrest may be authorised and stayed until the next court date. NPA and SAPS to notify the accused persons accordingly.
- ❖ Remand of persons in Correctional Centres awaiting trial or whose matters have been enrolled for trial including unopposed schedule 1, 5 and 6 bail applications, the AVR system may be utilised (Bloemfontein). For this purpose the court equipped with this system shall commence from 8h15 until the entire roll is finalised.
- ❖ In courts where there are no AVR facilities, the Awaiting Trial Detainees in Correctional Centres shall be brought to court and dealt with accordingly
- ❖ All persons arrested in respect of offences listed under schedule 7 may be released on warning (SAPS 496) and be ordered to appear in court on a date after the lockdown period.

## **2. Undocumented persons**

- ❖ These matters will be heard as and when they would have been brought to court for extensions and/or confirmation of their detention orders.
- ❖ All criminal matters relating to the above will be heard in the criminal courts.

## **3. Civil matters**

- ❖ No matters should be placed on the default judgment court roll during the lockdown period.

- ❖ A magistrate will be available to deal with requests for the default judgment already enrolled.
- ❖ No new trials or applications shall be enrolled during the lockdown period.
- ❖ All trials and applications set down for hearing during this lockdown period shall be postponed. This shall be done in consultation with the attorneys/parties involved.
- ❖ The notice of the postponement of those matters may be done personally, telephonically or by e-mail to the magistrate seized with these matters or the Senior Magistrate in the civil section.
- ❖ In the event of urgent applications a magistrate will be available.

#### **4. Domestic violence/Harassment matters**

- ❖ This court will be open to deal with new applications and previously enrolled matters.
- ❖ In the event that one or both of the parties are absent on their return date the matter will be postponed in their absence.
- ❖ Social distance of one metre should be observed at all times in the waiting areas.
- ❖ SAPS/Court Manager should ensure strict compliance with the above.

## **5. Maintenance court**

- ❖ This court shall be open to deal with new and enrolled matters.
- ❖ No warrants of arrest or default orders will be granted in the absence of parties.

## **6. Children's court**

- ❖ All foster care extensions on the roll must be dealt with in the absence of the concerned children and/or parents provided the social worker is present and/or a detailed report is provided prior to due date and social workers contact details are available.
- ❖ All pending matters enrolled during lockdown period will be postponed to a date available to the social worker and attorneys involved in the matter.
- ❖ All urgent removals or placements of children will be dealt with during the lockdown period.

Dated on this 25<sup>th</sup> day of March 2020

***MC Mokgobo  
Acting Chief Magistrate: Bloemfontein  
ADMINISTRATIVE REGION 3 (FREE STATE A)***