



**THE MAGISTRATE'S COURT FOR THE REGIONAL DIVISION OF THE NORTHERN CAPE
REPUBLIC OF SOUTH AFRICA**

**SUGGESTED MEASURES TO BE EMPLOYED IN THE NORTHERN CAPE
REGIONAL COURTS IN RESPONSE TO COVID19**

A. Introduction

The speed at which the world pandemic Corona virus, COVID19, is spreading in our country has reached alarming proportions and has called for concerted drastic efforts from the President of the country and other relevant authorities charged and/or authorised to deal with or issue directives or measures aimed at and/or designed to contain and put an end to the spread of this scourge in terms of the Disaster Management Act, 2002 or any other legislation or power the implementation of which would have the desired effect.

B. Column C hereunder :-

1. Regional Courts are to remain open during the lockdown period.

C. Postponement and Adjudication of Cases

2. All Regional Court matters, both criminal and civil, should generally be postponed. Applications for the hearing of any matter in spite of the prevailing circumstances should be entertained and ruled upon as to whether they would be tried or not. Provided that requirements for any such urgent hearing or adjudication is set out in writing and in detail for consideration and the other party is first afforded opportunity to submit written response thereto. Such written application and response thereto would then be submitted in court for the court to further adjudicate or rule thereon. This will ensure that the least possible and necessary time and contact by the affected court officials is made.

- i. The Audio-Visual Remand (AVR) systems in Kimberley, Upington and Springbok shall be used for the remand of all cases where the accused persons are in custody. The relevant Regional Magistrate for the day should liaise with District AVR Magistrate as regards the time that Regional Court AVR's will be dealt with on that day, unless there is a (standing) arrangement between whether RCP/Coordinating Magistrate and the Chief Magistrate or head of that District Court.
 - ii. Bail applications/Sect 49G's in which accused are in custody should be treated as urgent matter.
 - iii. DCS/SAPS in relation to all centers that do not have AVR or instances in which section 159(4) of CPA does not apply must bring/or still has to bring the awaiting detainees to court for postponement and further remand warrant.
 - iv. Where a person is on bail, warning or summoned fails to appear the Court may consider authorizing a warrant but stay same until the date/ the provisional cancellation of bail money until any day after the lockdown period.
 - v. The District Courts are requested not to transfer cases to the Regional Court during the lockdown period .
3. The discretion of any court adjudicating any such application is not restricted by these measures but would definitely be taken with due consideration to the current state of disaster and its effect to everyone, including the court's personnel. The RM ruling that the adjudication of the matter should proceed should ensure that all measures necessary to avoid or prevent spread or infection with COVID19 are in place in such court.
 4. Written applications and responses should as much as possible preferably be via electronic communication so as to further reduce infection.
 5. Where assistance of a District Magistrate is required in relation to our outside court, telephonic or other request should first be made to the relevant District Magistrate, after which the necessary acting appointment arrangements will be finalized. Regional Magistrates must immediately liaise with the District Magistrate of the court where postponement are required, and immediately submit the dates and names of the District Magistrate to the office of the RCP so as the Acting appointment to be processed.

D. General Measures

6. The number of persons in attendance in court should ensure that adequate space as at least defined in both the Regulations by COGTA Minister in terms of the Disaster *Management* Act as well as by the CJ in terms of his recent Directives (i.e. there should at least be one meter space in between any two persons whether they be officials or members of the public).
7. Only persons whose presence in court is absolutely necessary or are accompanying or present to give support to the witness or accused person(s) should be allowed in court so as to reduce the risk of infection. Any person objecting to so being disallowed should be referred to the Court Manager to attend to his or her objection and if he or she continues to object his/her objection should be referred to the RM concerned for final determination. The persons giving company should generally be reduced to one per witness or accused. The court must be sanitized after each case as to reduce the spreading of the infections. Regional Magistrates must not call the next case if the court is not sanitized
8. Ideally, one case should be dealt with per time, unless attention on the next case will not entail another person occupying space previously occupied by another. Before the calling of any case that will necessitate the occupation of space by another person, the court shall be cleared and sanitized, especially on the areas that were occupied by a different person.
9. The Court Manager is requested to ask the Court Clerks or another official to assist with the responsibilities stated in paragraphs 8-10 & 13.
 - a) The Regional Court Clerks should immediately withdraw all the files and identify the cases where accused are remanded in custody for appearance during the period effective from 26 March 2020 to 16 April 2020 and submit the list to AVR Clerk for transmission to Correctional Services.
 - b) Lindiwe/Portia to come and assist for emergencies as requested by RCP.
10. A no touch, no cough, no sneeze nor talk over any surface other on a tissue or flexed inside of the elbow should be adhered to so as to prevent on droplets falling on any surface and posing threat to further infection or spread of the virus.

11. A register of the court's occupants during any actual sitting and before each clearance so as to facilitate easy and prompt tracing should it be necessary. The Register shall reflect the names, address and telephone/cellphone numbers of all such occupants and/or their home references. Register must be maintained by 1 person to prevent contamination. Court Clerk to take particulars of those attending court on the day and keep the register.
12. These directives are valid for the duration of the period to which the President's declared Lockdown applies, and may be amended from time to time as the circumstances may otherwise dictate.
13. Our Regional Office is requested to provide the human, financial, resource and any other assistance necessary to realise these measures.
14. These Directives/Measures will be communicated to all stakeholders and posted on the various notice boards of the Regional Court.
15. Registrar should not enrol any civil matters for the month of April except the urgent applications which will be dealt with paragraph C above.

E. Complaints and Enquiries

16. Any complaints or enquiries on the implementation of these measures or on any Regional Court matter relating to or affected/affecting by the this Corona virus or disaster management relating thereto should be communicated or referred to the RCP or his representative or delegates on the contact details provided hereunder.

These are being issued in consultation with all the Regional Magistrates in the Northern Cape Regional Division.

DATED IN KIMBERLEY, THIS 25th Day of March 2020.

KMNQADALA
REGIONAL COURT PRESIDENT/NORTHERN CAPE