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REPUBLIC OF SOUTH AFRICA  
KWAZULU-NATAL HIGH COURTS

**THE HONOURABLE JUDGE PRESIDENT MR JUSTICE A.N. JAPPIE**

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## **DIRECTIVES (Amended)**

After consultation with the Deputy Judge President and the Registrars and the following Directives will apply continue to apply in the High Court of KwaZulu-Natal for the period 27 March 2020 till the end of the lockdown.

The aforesaid period is to be regarded as *dies non* for the purposes of the Rules of Court and any directives for the filing of pleadings, affidavits or notices that may be been issued by Court.

### **CIVIL MATTERS**

1. All matters which have been settled may be brought forward by arrangement with the Registrar and where an order is required consequent upon such settlement agreement.
2. If parties require any matter to be adjourned sine die or to a date which falls after the lockdown, the parties may approach the Registrar to have such matter placed before a Judge on duty for that purpose.
3. Parties whose matters are set down for hearing during the lockdown are entitled to have such matters removed by simply filing a notice of removal.
4. Judges who have been allocated motion court must attend court and deal with such urgent matters that are on the Court roll. Judges are referred to the paragraph dealing with Urgent Applications.

### **MOTION COURT**

1. All non-urgent matters on the motion court roll are to be regarded as adjourned sine die.
2. Any Rule Nisi already issued shall remain in place until confirmed or discharged.
3. The Registrar has been directed not to enroll any new matters on the motion court roll for hearing during the lockdown period unless such matters are deemed to be urgent.
4. Any party whose matter has been adjourned or has been removed from the roll consequent upon this directive may approach the Judge President/Deputy Judge President or Senior Judge if such party deems it urgent that the matter must be disposed of.

### **URGENT APPLICATIONS**

1. The Court will entertain only those matters which are truly urgent.
2. Practitioners are urged to take care and ensure that matters brought to court as urgent applications are of utmost urgency or else an adverse cost order will be made.

### **CIVIL TRIALS**

1. The general regulations issued by the Government makes the proceedings of civil trials as scheduled difficult and onerous as it would not be possible to strictly fulfil the requirements of "social distancing". For that reason civil trials will not proceed during the period of lockdown. Practitioners are urged to inform clients and witnesses timeously.
2. Any party who deems it urgent that their trial must proceed shall communicate such fact to the Judge President/Deputy Judge President or Senior Judge.

### **APPEALS**

Appeals set down for the last week of the lockdown will adjourned for a date to be arranged with the Registrar.

## **GENERAL**

While earlier dates in the post lockdown period cannot be guaranteed in the case of matters removed for a reason associated with the lockdown, attempts will be made to grant such matters preference. In this regard consideration will be given to the establishment of a motion court in addition to the ordinary motion court to deal with these matters.

## **CRIMINAL COURTS**

No trials will be conducted during the lockdown period.

The Director of Public Prosecutions and/or Legal Practitioners are to inform witnesses timeously that their presence at court will not be required.

Cases on the roll from the 27<sup>th</sup> March 2020 until end of the lockdown are to be postponed to a date that must be arranged between the State and the accused or his/her legal representative.

## **REGISTRARS' OFFICE**

The Registrars' Office at the Durban and Pietermaritzburg High Court are to have on duty such staff necessary to comply with the above directives in line with the notice issued by the Department of Public Service and Administration under the hand of the Director General dated 25 March 2020.

## **NOTE**

These directives are in addition to those issued by the Chief Justice on the 17<sup>th</sup> March 2020 and such general directives issued by the Deputy Judge President and as a guide to the implementation the General Regulation applicable to the lockdown issued by the Government on 24 March 2020.



**JUDGE PRESIDENT – A N JAPPIE**

**KWAZULU-NATAL HIGH COURT**

14 April 2020