
GUIDANCE NOTE FOR LEGAL PRACTITIONERS REGARDING THE RENDERING OF ESSENTIAL LEGAL SERVICES DURING THE COVID-19 LOCKDOWN PERIOD

Consequent upon the Presidential announcement of the 21 day lockdown period commencing at 23:59 on 26 March 2020 until 23:59 on 16 April 2020 the Legal Practice Council issues the following guidance note to assist legal practitioners:

1. In terms of Annexure B (Categorisation of Essential Goods and Services During Lockdown) to the Regulations published by Government Gazette No. 43148 of 18 March 2020, as amended on 25 March 2020 (“the Regulations”) legal practitioners fall under paragraph 16 of annexure B of the Regulations which stipulates:

“Services related to the essential functioning of the courts, judicial officers, the Master of the High Court, Sheriffs and legal practitioners required for those services.”

2. Legal practitioners are further referred to the Regulations published by Government Gazette No. 43167 of 26 March 2020 (“the Directions”), in which the Minister of Justice and Correctional Services issued directions which are to be read with the Regulations to:

“address, prevent and combat the spread of COVID-19 in all courts, court precincts and justice service points in the Republic of South Africa”

3. The Chief Justice issued a delegation of authority in terms of section 8(3) of the Superior Courts Act, 2013 on 24 March 2020, delegating his authority to all Heads of Court in the Superior Courts and Magistrates/Lower Courts to issue such Practice Directives as would enable access to courts *“in relation to any urgent matter, bail applications, Maintenance and Domestic Violence related matters and cases involving Children issues.”*

4. Legal practitioners are advised to refer to the Regulations, Directions and the Practice Directives issued by the various Heads of Courts, as have been published and which can be found on the LPC website (www.lpc.org.za). The Practice Directives issued by the Heads

of Courts provide the necessary details as to how access to each court is regulated and the necessary contact numbers. A copy of the media briefing statement by the Minister of Justice and Correctional Services Development on 25 March 2020 can also be accessed on the LPC website.

5. Having regard to the Directions as read with Regulations and the delegation letter issued by the Chief Justice and the media statement by the Chief Justice of 25 March 2020, legal practitioners will be granted access to court only in relation to:

5.1. Urgent matters which are so urgent that they cannot be heard after 21 April 2020;

5.2. Bail applications;

5.3. Maintenance and Domestic Violence related matters;

5.4. Cases involving Children's issues.

6. Other than in relation to the categories set out in paragraph 5 above, in the national interest, legal practitioners are urged to comply with the lockdown directives and to take all reasonable measures to ensure that they and their staff remain in isolation at their respective homes.

7. Legal practitioners are to conduct their practices from home via the internet and telephone as far as they are able to, and on condition that they remain isolated in accordance with the governmental directives.

8. Legal practitioners who require to move around during lockdown to gain access to courts for these categories of cases are advised :

8.1 to obtain a certificate from the Provincial Director of the relevant Provincial Legal Council which identifies the legal practitioner as one who is a practicing legal practitioner as defined in section 24 and 30 of the Legal Practice Act.

- 8.2 Such certificate constitutes a permit to perform an essential service under Regulation 11A(B)16 and can only be issued to legal practitioners who appear on the LPCs list of practicing legal practitioner.
- 8.3 The certificate must be presented in conjunction with a form of valid identification when presented as a permit.
9. Legal practitioners are further advised that, thus far, the issue of *dies non* has only been dealt with in the Practice Directive of the KZN High Court.
10. The LPC shall ensure that its website is updated with the relevant additional regulations as and when they are issued during the lockdown period.



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