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NORTH WEST DIVISION OF THE HIGH COURT OF SOUTH AFRICA

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Date: 4 MAY 2020

**PRACTICE DIRECTIVE – NORTH WEST DIVISION OF
THE HIGH COURT VIDEO OR AUDIO HEARING
DURING COVID-19 PANDEMIC – READ WITH THE
DIRECTIVES ISSUED BY THE CHIEF JUSTICE ON 2
MAY 2020.**

INTRODUCTION

- [1] This Practice Directive repeals the Practice Directives issued on 26 March and 15 April 2020. It is made under the powers delegated by the Chief Justice in his directives issued on 2 May 2020 and by virtue of the authority vested in the Heads of Court in terms of section 8(4)(b) of the Superior Courts Act, 2013 (Act No. 10 of 2013). The primary aim is to ensure ongoing access to justice by all parties to cases before the court and safety from infection whilst facilitating hearings that allow parties to participate as fully as possible.

FILING

- [2] Filing of court process should be done manually in the records office.

HEARING OF MATTERS

- [3] Currently, this court has **Skype** installed for the Judiciary and the court.

Unopposed applications and unopposed admissions as Legal Practitioner

- [4] Virtual hearings will be conducted in respect of unopposed motion court applications. An entry should be made explicitly in the Practice Note stating that the application will proceed by way of Skype. Unopposed admissions as Legal Practitioner will also be conducted via audio visual hearing and the oath of office will be administered and signed during the virtual hearing. The signed oath will be filed with the Registrar on upliftment of the admission certificate.

Criminal Trials

- [5] Pending the installation of the audio visual system, all criminal trials will be postponed to a date to be arranged with the Director of Public Prosecutions.

Civil Trials

- [6] Pending the installation of the audio visual system, all civil trials will be postponed to a future date.

Opposed Motion applications, opposed admissions as Legal Practitioner, applications for leave to appeal and appeals

- [7] Opposed applications including opposed admissions as Legal Practitioner, applications for leave to appeal and appeals will be decided on the papers filed, provided that both parties have agreed to this in writing. Where parties cannot reach consensus on the matter being decided on the papers filed, the hearing may be conducted via audio

visual hearing, provided that:

- The parties who wish to conduct proceedings by way of a virtual hearing shall inform the office of the Registrar by notice given 5 (five) court days before the hearing;
- all parties have access to virtual hearing facilities; and
- where it is not possible to conduct hearings as aforesaid, the matter shall be postponed.

[8] An in-person hearing will be permitted at the discretion of the presiding Judge and only in exceptional circumstances. In-person hearings in open court will be subject to strict adherence to the preventative measures that have been put in place to prevent the spread of the Covid-19.

[9] The procedures set out in [7] and [8] above must be agreed at the onset of each case. The parties are to provide the registrar with the individual skype and e-mail address and contact details for each of the participants including attorneys and client representatives.

GUIDELINES FOR AUDIO VISUAL HEARINGS

[10] All video and audio enabled virtual hearings will be recorded.

[11] Virtual hearings are court hearings and the decorum of the court proceedings should be observed as closely as it is in a courtroom, notwithstanding the location of some or all of the participants.

[12] Hearings will start promptly at the scheduled time and the Judges will aim to be present from that time. Testing of the video and audio feed of each party and counsel must be done before the allotted hearing time. The matter will be called by the Judge's Secretary/assistant and the Judge will ask for appearances.

[13] Background noises should be avoided by all participants. Counsel and

other participants are encouraged to be in an enclosed room.

[14] Representatives of the media wishing to attend a virtual hearing shall contact the Registrar to indicate their wish to do so, and arrangements will be made accordingly through the presiding Judge's Secretary.

[15] In the event of unforeseen or unavoidable technological glitches, the hearing will be stopped to address those glitches.


MM Leeuw
Judge President
North West Division