

COURTS V COVID - 19

Category: Commercial Law, Privacy Law, Infosec, and POPIA, Technology Law
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In 2010 the notion of the use of electronic communication by courts was a rumour in South Africa's judicial system. It's interesting to note that, because of an unprecedented consequence of the global pandemic, the courts, like the other branches of state power, have taken drastic measures to reduce the local transmission of Covid - 19. The courts are hoping that the successful implementation of these measures will safeguard the well-being of all affected.

Comprehensive measures have been put in place, mainly by Chief Justice Mogoeng Mogoeng, in an effort to curb the spread of Covid - 19. These measures include but are not limited to:

- promoting the use of electronic means of communication by directing that practitioners correspond with the Registrar's Office via email for matters that have already been initiated by way of a paper file (rather than Caselines);
- permitting the enrolment of new matters only via Caselines (an evidence management platform);
- encouraging legal practitioners to use video conferencing or telephone conferencing, where possible;
- restricting physical access to the courts;
- allowing only persons with a material interest in a case, such as legal practitioners, litigants, accused persons, witnesses, or those who may be needed to provide support to children, victims of domestic violence and/or sexual abuse, elderly and people with disabilities, or representatives of special interest or support groups and members of the media to enter the court precinct;
- enforcing social distancing measures that dictate that a distance of one (1) meter shall be maintained between people seated in a courtroom; and
- encouraging judges to use electronic means for the handing down of judgements etc.

The court system, as an essential service, shall remain open for the filing of papers and hearing of urgent applications, bail applications and appeals or matters relating to violations of liberty, domestic violence, maintenance and other matters involving children.

The goal being to ensure that court services and hearings remain available and uninterrupted as far as possible while reducing the level of person-to-person contact.

For more information you can find the [rules and practice notes of the superior courts here](#). The information will be updated from time to time.