

OFFICE OF THE CHIEF JUSTICE



PRACTICE DIRECTION 1 OF 2021

OPERATIONAL DIRECTIONS FOR THE COURTS DURING THE 30 DAY COVID-19 LEVEL IV NATIONAL LOCKDOWN

Application

- 1) This practice direction applies to the Constitutional Court, the Supreme Court, the High Court, the Labour Court, the Administrative Court and the Magistrates' Court in Zimbabwe.

General Note

- 2) In terms of section 2 (m) of the **Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) (No. 2) Order, 2020** published in Statutory Instrument 200 of 2020, Courts are an essential service and they remain as such under the Level IV National Lockdown period pronounced through the **Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) (No. 2) (Amendment) Order, 2021 (No. 9)** (published in Statutory Instrument 10 of 2021).
- 3) While Courts will remain open for the duration of the lockdown period, they are constrained to function normally due to restrictions imposed by Statutory Instrument 10 of 2021; emergencies presented by the pandemic; and the need to save lives.

- 4) In light of these current exigent circumstances, courts will therefore provide limited services.
- 5) This practice direction is issued to give guidance on court operations; filing of pleadings and process; and handling of cases before the courts for the duration of the lockdown period.

Court Operations

- 6) With effect from **5 January 2021**, the filing of new cases, process, documents, pleadings and papers shall be suspended for a period of thirty (30) days up to **3 February 2021**, unless the period is earlier extended or revoked.
- 7) The limited services that will be provided by the courts are **initial remands; urgent processes and applications; and bail applications.**
- 8) The Sheriff and the Messenger of Court will be available to attend to matters that are connected or related to those filed in terms of paragraph 7 above.
- 9) Registries shall be open for litigants and legal practitioners on week days, between **0800hrs** and **1500hrs** to accept process related to matters outlined in paragraph 7.
- 10) Admission into court premises and offices shall be subject to paragraphs 11, 12, 13 and 14 below.

Court Attendance

- 11) Litigants, legal practitioners and witnesses shall at all times:-
 - i. be subjected to temperature checks and sanitisation of hands at entry into court premises;
 - ii. wear face masks in the manner prescribed by law;
 - iii. avoid person to person contact; and
 - iv. maintain social distancing as prescribed by law.
- 12) Any person who does not comply with the requirements specified in paragraph 11 shall not be allowed entry into court premises/courthouse/courtroom; or shall be asked to leave the court premises or courtroom or courthouse.

- 13) Entry into court premises/courthouses/courtrooms shall be limited to litigants, their legal practitioners, necessary witnesses and identified members of the press.
- 14) Entry into court premises/courthouses shall strictly not be permitted to members of the public who have no business at court.
- 15) Litigants who are required to attend Court in a Province or District other than where they are normally resident shall obtain the necessary letters of clearance at the nearest police station.

Dies induciae/ Prescription

- 16) The time limited by any rule for the filing of process, pleadings, documents and or papers shall be suspended for the duration of the national lockdown.
- 17) Any act required by the Rules to have been done during the period of the lockdown within a specified period of time, shall be done within the specified limit calculated from the first business day following the last day of the lockdown period.
- 18) Any act which would have been due within the remaining period of a *dies induciae*, shall be due to be done within the same remaining period of the *dies induciae*, calculated from the first business day after the last day of the lockdown period.

Civil matters

- 19) All pending civil cases are deemed to have been postponed as follows:-
 - a. For all courts, matters shall be deemed to have been postponed to the first business day following the last day of the lockdown period.
 - b. The registrars and clerks of court of the respective courts shall reset down the matters in consultation with the parties.

Provided that the Sheriff and the Messenger of Court will not charge the costs of serving notices of re-set down for such matters.

Criminal matters

- 20) All pending criminal cases on remand shall by virtue of the practice direction, be rolled over for a period of at least **(thirty) 30 days**.

21) For the avoidance of doubt, all pending criminal cases **originally** remanded to the dates shown in Column 'A' are rolled over to the dates indicated in column 'B':-

Column 'A'	Column 'B'
Original Remand Date	New date of remand
5 January 2021	9 February 2021
6 January 2021	10 February 2021
7 January 2021	11 February 2021
8 January 2021	12 February 2021
11 January 2021	15 February 2021
12 January 2021	16 February 2021
13 January 2021	17 February 2021
14 January 2021	18 February 2021
15 January 2021	19 February 2021
18 January 2021	23 February 2021
19 January 2021	24 February 2021
20 January 2021	25 February 2021
21 January 2021	26 February 2021
22 January 2021	1 March 2021
25 January 2021	2 March 2021
26 January 2021	3 March 2021
27 January 2021	4 March 2021
28 January 2021	5 March 2021
29 January 2021	8 March 2021
1 February 2021	9 March 2021
2 February 2021	10 March 2021
3 February 2021	11 March 2021

22) All summonses, subpoenas and warnings in court issued directing accused persons and or witnesses to appear in court between **5 January 2021** and **3**

February 2021 are cancelled and shall be reissued after the expiry of the lockdown period.

23) Where an offender is required to perform community service at an institution which is closed for the duration of the lockdown period, the performance of community service shall be suspended and shall resume on the first business day following the last day of the lockdown period.

Effective date

24) This Practice Direction takes effect from **5 January 2021** and shall remain in effect until the expiry of the lockdown period, unless earlier extended or revoked.

Hon. Mr Justice L Malaba
Chief Justice of Zimbabwe

HARARE

4 January 2021