

# OFFICE OF THE CHIEF JUSTICE



## PRACTICE DIRECTION 4 OF 2021

### OPERATIONAL DIRECTIONS FOR THE COURTS DURING THE EXTENDED COVID-19 INDUCED LEVEL IV NATIONAL LOCKDOWN PERIOD

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#### *Application*

- 1) Following the pronouncement by His Excellency on **15 February 2021** and the issuance of Statutory Instrument 42 of 2021 (**Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) (No.2) (Amendment) Order, 2021 (No. 13)**) extending the Level IV National Lockdown period by a further two weeks, this practice direction is issued to guide on court operations for the period from **16 February 2021** up to the expiry of the extended Level IV National Lockdown.
- 2) 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.

#### *Court Operations*

- 3) The filing of new cases, process, documents, pleadings and papers shall remain suspended for the period up to **1 March 2021**, unless the period is earlier extended or revoked.

- 4) Registries will only accept **initial remands; urgent processes and applications;** and **bail applications.**
- 5) Registries shall be open for litigants and legal practitioners on week days, between **0800hrs** and **1600hrs** to accept process related to matters outlined in paragraph 4 above.
- 6) 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 4 above.
- 7) Admission into court premises and offices shall be subject to paragraphs 8-11 below.

### **Court Attendance**

- 8) All persons who attend Court will be tested and shall at all times:-
  - i. be required to sanitise their 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.
- 9) Any person who does not comply with the requirements specified in paragraph 8 shall not be allowed entry into court premises/courthouse/courtroom; or shall be asked to leave the court premises or courtroom or courthouse.
- 10) Entry into court premises/courthouses/courtrooms shall be limited to litigants, their legal practitioners, necessary witnesses and identified members of the press.
- 11) Entry into court premises/courthouses shall strictly not be permitted to members of the public who have no business at court.
- 12) 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***

- 13) The time limited by any Rule for the filing of process, pleadings, documents and or papers shall remain suspended for the duration of the extended national lockdown period.
- 14) 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.
- 15) 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***

- 16) 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***

- 17) All pending criminal cases on remand shall, by virtue of this practice direction, be automatically rolled over for the period of the extended Level IV National Lockdown.

- 18) 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**':-

<b>Column 'A'</b>	<b>Column 'B'</b>
<b>Original Remand Date</b>	<b>New date of remand</b>
<b>5 January 2021</b>	3 March 2021
<b>6 January 2021</b>	4 March 2021
<b>7 January 2021</b>	5 March 2021
<b>8 January 2021</b>	8 March 2021
<b>11 January 2021</b>	9 March 2021
<b>12 January 2021</b>	10 March 2021
<b>13 January 2021</b>	11 March 2021
<b>14 January 2021</b>	12 March 2021
<b>15 January 2021</b>	15 March 2021
<b>18 January 2021</b>	16 March 2021
<b>19 January 2021</b>	17 March 2021
<b>20 January 2021</b>	18 March 2021
<b>21 January 2021</b>	19 March 2021
<b>22 January 2021</b>	22 March 2021
<b>25 January 2021</b>	23 March 2021
<b>26 January 2021</b>	24 March 2021
<b>27 January 2021</b>	25 March 2021
<b>28 January 2021</b>	26 March 2021
<b>29 January 2021</b>	29 March 2021
<b>1 February 2021</b>	30 March 2021
<b>2 February 2021</b>	31 March 2021

Column 'A'	Column 'B'
Original Remand Date	New date of remand
3 February 2021	1 April 2021
4 February 2021	6 April 2021
5 February 2021	7 April 2021
8 February 2021	8 April 2021
9 February 2021	9 April 2021
10 February 2021	12 April 2021
11 February 2021	13 April 2021
12 February 2021	14 April 2021
15 February 2021	15 April 2021
16 February 2021	16 April 2021
17 February 2021	20 April 2021
18 February 2021	21 April 2021
19 February 2021	22 April 2021
23 February 2021	23 April 2021
24 February 2021	26 April 2021
25 February 2021	27 April 2021
26 February 2021	28 April 2021
28 February 2021	29 April 2021
1 March 2021	30 April 2021

- 19) All summonses, subpoenas and warnings in court issued directing accused persons and or witnesses to appear in court between **5 January 2021** and **1 March 2021** are cancelled and shall be reissued after the expiry of the lockdown period.
- 20) 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***

21) This Practice Direction takes effect from **16 February 2021** and shall remain in effect until the expiry of the extended lockdown period.

Hon. Mr Justice L Malaba  
**Chief Justice of Zimbabwe**

**HARARE**  
**16 February 2021**