



OFFICE OF THE JUDGE PRESIDENT  
MR JUSTICE E.M MAKGOBA

HIGH COURT OF SOUTH AFRICA, LIMPOPO DIVISION, POLOKWANE

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Private Bag X 9693  
POLOKWANE  
0700  
36 Biccard Street  
Polokwane, 0699


Telephone number: (015) 230 4050  
Fax: 086 476 2842  
E-mail: KMoabelo@judiciary.org.za

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## **JUDGE PRESIDENT'S NOTICE**

**TO: 1. ALL LEGAL PRACTITIONERS**  
**2. THE DIRECTOR – PROVINCIAL PRACTICE COUNCIL**

### **RE: REQUESTS FOR MEDICAL REPORTS OR RECORDS FROM HOSPITALS**

1. On the 25 June 2021 I communicated with you regarding the above issue. I informed you that the Department of Health, Limpopo has agreed and undertook to put in place measures for the centralisation of the request and furnishing of medical reports or records.
  2. The Department of Health has now established a central office where legal practitioners can direct their requests for medical reports.
  3. I forward to you herewith a letter from the Head of Department of Health, Limpopo furnishing the particulars of such a central office and also setting out further requirements expected from legal practitioners.
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4. I trust that you will make use of the facilities offered to you and that in future we shall avoid the many "Applications to Compel" which are clogging our Unopposed Motion Court Roll.

Kind regards

A handwritten signature in black ink, appearing to read 'E M Makgoba', written over a horizontal line.

**E M MAKGOBA**  
**JUDGE PRESIDENT OF THE HIGH**  
**COURT, LIMPOPO DIVISION**  
**29 September 2021**





**LIMPOPO**  
PROVINCIAL GOVERNMENT  
REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF  
**HEALTH**

Ref : 6/3/3/3  
Enq : Ms Mohlaka RM  
Tel : 015 293 6018  
Email : [Mamaila.Mohlaka@dhsd.limpopo.gov.za](mailto:Mamaila.Mohlaka@dhsd.limpopo.gov.za)

JUDGE PRESIDENT MAKGOBA  
LIMPOPO DIVISION OF HIGH COURT  
POLOKWANE

**RE: DETAILS OF THE CENTRAL OFFICE MANAGING REQUESTS FOR ACCESS TO INFORMATION MADE IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000**

1. The meeting between the office of Judge President Makgoba and the representatives from Limpopo Department of Health held on 22 September 2021 has reference.
2. The Judge president requested the Department to provide the details of the central office managing the requests for information made in terms of PAIA. The Department was further requested to outline what is expected from the requester for the office of the Judge President to include in the practice directives of the Judge President to the Legal Practitioners.

3. **Centralised PAIA Office Details:**

Physical Address: Fidel Castro Ruz House  
18 College Street  
POLOKWANE  
0700

Tel no: 015 293 6050

E-mail: [Paia@dhsd.limpopo.gov.za](mailto:Paia@dhsd.limpopo.gov.za)

4. The Attorneys should be reminded about the following;
  - 4.1. The requisite PAIA Form J750 (Form "A") is duly completed and submitted to central PAIA office.

Private Bag X9302 Polokwane, 0700  
18 College Street, Fidel Castro Ruz House, Polokwane  
Tel: 015 293 6000. Fax: 015 293 6211. Website: [www.doh.limpopo.gov.za](http://www.doh.limpopo.gov.za)

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- 4.2. Proof of Consent, a completed Power of Attorney, copies of identity documents of the patient and the attorney making the request must be attached to Form A.
- 4.3. The Department shall use contact details that are provided by the Legal Practitioner and the provisions of Practice Notice 537 of 2021 issued by the Legal Practice Council shall apply to all requests received (see Annexure A).
- 4.4. Should it happen that a response was not received from the department, an Internal appeal form PAIA "FORM B" must be submitted to the PAIA office whose details are provided in paragraph 4 above. The internal processes must be exhausted before the Court is approached.
- 4.5. To avoid approaching court prematurely, the attorney must produce proof that the request FORM A, and the internal appeal FORM B, were submitted at Provincial PAIA office before any notice is given a date of set down.
- 4.6. Proof of service that the notice of motion was served at the Provincial PAIA office must be confirmed by the Sheriff's return of service.

**5. Submission of RAF1 Form.**

5.1. The Department has been inundated with applications brought by attorneys on behalf of their clients for the completion of RAF1 Forms under the PAIA.

5.2. Our view and reading of the Act is that the application to complete a blank RAF1 form is an abuse of the PAIA Act in that the Act allows for the application for an existing record and not the creation of a new record:

"record" of, or in relation to, a public or private body, means any recorded information -

(a) regardless of form or medium;

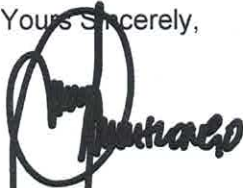
(b) in the possession or under the control of that public or private body, respectively;

5.3. The Department thus advised attorneys who file such applications at the Provincial PAIA Centre that such applications:

5.3.1. to complete a blank RAF1 Form cannot be entertained under the PAIA as they require to be created.

5.3.2. must be directed to the relevant RAF offices situated at health facilities as one of those offices' primary role is intended to assist with the same.

Yours Sincerely,



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DR. MPHONGO FT  
HEAD OF DEPARTMENT

27 September, 2021

DATE

**LEGAL PRACTICE COUNCIL****NOTICE 537 OF 2021**

NATIONAL OFFICE  
Thornhill Office Park  
Building 20  
94 Bekker Road  
Vorna Valley, Midrand  
Tel: 010 001 8500

**THE SOUTH AFRICAN LEGAL PRACTICE COUNCIL ("THE COUNCIL")****NOTICE IN TERMS OF SECTION 36(3) & 36(4) OF THE LEGAL PRACTICE ACT, 28 OF 2014 ("THE ACT")**

Notice is hereby given that the Council amends the Code of Conduct made under the authority of sections 36(1) of the Legal Practice Act, 28 of 2014 (as amended) by inclusion of the following clauses to the Code of Conduct:

**Insertion of Clause 3.17 and Clause 3.18****Legal Practitioner, candidate legal practitioners and juristic entities shall -**

3.17 Unless exempted from compliance on good cause shown, and if they have not already done so, shall within 60 days of the taking effect of the amendment to the Code of Conduct by which this paragraph was introduced, notify the Council in writing (an email to the Council's published email address shall suffice as written notice) of their present existing practice physical address, email address, landline number and cell phone number ("their contact details") on the basis that their physical address and email address shall, jointly and severally, serve as their appointed *domicilium citandi et executandi*, and they shall, in writing, within 30 days of any change to any of their contact details, notify the Council of any such change. The Council shall be entitled to send any written communication to the said *domicilium address/es*, and such communication shall be deemed (on the basis of a rebuttable presumption the onus in respect of which rests on the addressee), if sent to the physical address, to have been received within 10 days of posting and, if sent to the e-mail address, to have been received within 48 hours of transmission.

**3.18**

- 3.18.1 shall within a reasonable time reply to all communication that requires an answer;
- 3.18.2 shall respond timeously and fully to requests from the Council for information and/or documentation which he or she is able to provide;
- 3.18.3 shall comply timeously with directions from the Council; and
- 3.18.4 shall refrain from doing anything that may hamper the ability of the Council to carry out its functions.

Signed at Midrand on the 30<sup>th</sup> day of August 2021



Ms K Matolo – Dlepu

Chairperson: Legal Practice Council