



**OFFICE OF THE REGIONAL COURT PRESIDENT
LIMPOPO DIVISION**

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CURRENT 100 DAYS DIVORCE BACKLOG PROJECT

The Limpopo Regional Court Civil Seats together with the representatives of the major stakeholders had agreed to have a 100 Day Divorce Backlog Project at 16 Regional Court Civil Seats as part of the NSP End GBVF 100 Day Challenges. The project has started on the 09th of August 2023 and will end on the 16th of November 2023. Progress of the 100 Days Challenges on the NSP End GBVF website can be tracked at <https://endinggbvf.org/dashboard/100dayteams/>

The purpose of the project is:

- to fast track unopposed and settled divorces to get finalised,
 - to fast-track opposed divorces through the possibility of mediation, and
 - the assistant registrars will send out judicial pre-trial notices and /or letters to follow up on matters which have been dormant for longer than 9 months
- in order to work down the current outstanding backlog in divorce cases in the Limpopo Regional Courts.

The following initiatives are also being implemented during the 100 Days of the Divorce Backlog Project until 16th of November 2023:

- free mediation opportunities offered by mediators through the ADR Network (through Zoom or in person),
- quick dates are given by the relevant court when requested for settled matters (suitably endorsed by the Family Advocate where applicable),
- the Office of the Family Advocate has prioritised the endorsement of settlements in matters involving children, speedy finalisation of reports and filing of reports and endorsements at court,
- awareness raising initiatives about mediation, divorces and related topics through appearances on local radio stations, free virtual training and awareness raising event about divorce mediation.
- pro bono legal representation where necessary to enable fast tracking of especially long outstanding cases and


- sending notices to legal practitioners/parties to enquire about long outstanding and inactive cases directly, through the Legal Practice Council where applicable and by going through the lists of outstanding cases with Legal Aid SA in cases where Legal Aid SA is involved.

All legal practitioners appearing in divorce cases are encouraged to participate and assist with fast tracking of their outstanding divorce cases in the Regional Court.

Legal Practitioners are advised to -

- ensure that the assistant registrars at the relevant Regional Court Civil Seats where they have outstanding cases have their updated contact details, including email addresses in order for them to send set down notices through email,
- consider virtual hearings especially if it will assist their clients who might not be in the province or live near the civil seat to fast track a hearing,
- to follow up instructions with clients in matters that have been dormant for more than 6 months,
- in cases where they no longer have instructions or a mandate, to ensure that the Notice of withdrawal is filed, the said notice must be complying wholly with **Rule 52A of the Magistrate Court Rules**.
- To arrange a meeting between parties as provided for in **MC Rule 22A** to prepare for pre-trial conferences or trial to avoid unnecessary delays, to attend the judicial case management and pre-trial conferences as provided for in **MC Rule 25**, read with **section 54(1)** of the Magistrate Court Act 32 of 1944 and to take note of the consequences of refusing and /or neglecting to attend the pre-trial conference in **section 54(4)**.
- When your clients have reconciled with the husband/wife or one of the parties has passed away, may you kindly file a notice of withdrawal of action, because this is one of the major causes of backlog. Be advised that the assistant registrar/registrar is not allowed to withdraw an action without the withdrawal notice, word of mouth is not sufficient, and without the withdrawal, the action will stay active. NOTE - there is not a 'lapsing of actions' rule.
- Always encourage your clients to keep the decree safe after finalisation as they might need it when they retire, resign, re-marry and when they want to apply for old age grant from the South African Social Security Agency.
- In all divorce matters that involve minor children the legal practitioners must always serve the Office of the Family Advocate with the Notice of Set down in terms of **Rule 22(5)(b) of the magistrate rules**. Kindly forward your notice of set down to Polokwane-FA@justice.gov.za (if your summons were issued at the regional court that is served by **Polokwane Office of the Family Advocate**) or Thohoyandou-FA@justice.gov.za (if your summons were issued at the regional court that is served by **Thohoyandou Office of the Family Advocate**)
- to actively participate in the project to work down the outstanding divorce cases during the 100 Days Divorce Backlog project.

Kind Regards


 J Wessels
 Regional Court President
 Limpopo Regional Division

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