



## **COVID – 19 NOTICE TO ALL STAKEHOLDERS**

Dear All

### **NOTICE IN RESPONSE TO THE COVID – 19 PANDEMIC AND SUBSEQUENT ANNOUNCEMENT OF A NATIONAL LOCKDOWN BY PRESIDENT CYRIL RAMAPHOSA**

1. In response to the Covid-19 pandemic and the National Lockdown announced by the President, notice is hereby given to all parties concerned regarding the process the department proposes to put in place in respect of appeal hearings, which are normally held in public.
2. The proposed process is as follows:
  - 2.1 Subject to the provisions set out below, in order to limit the spread of the coronavirus:
    - 2.1.1 there will be no physical, in-person hearings for any appeal hearings currently set down for the month of May, and for the remainder of risk level 4 of the National Lockdown;
    - 2.1.2 all such appeal hearings will accordingly be held remotely (through MS Teams or any other suitable electronic platform).
  - 2.2 Notwithstanding paragraph 2.1 above, parties will be afforded an opportunity to indicate whether their appeal set down during the aforesaid period may be disposed of on the papers, without the need for an oral hearing (either a remote or an in-person hearing).

- 2.3 Where parties have agreed that the appeal may be disposed of on the papers:
- 2.3.1 they will be afforded the opportunity to indicate whether they wish to supplement their papers with heads of argument, or supplementary heads of argument;
  - 2.3.2 they may in any event be required by the tribunal to deliver a full set of heads of arguments or supplementary heads of argument (notwithstanding having indicated that they do not wish to file such documents);
  - 2.3.3 the tribunal will, by notice to the parties, stipulate the time periods within which heads of argument or supplementary heads of argument are to be delivered;
  - 2.3.4 the tribunal will thereafter consider all the papers filed of record, including any such heads of argument or supplementary heads of argument, and make its ruling.
- 2.4 Where parties have not agreed that the appeal may be disposed of on the papers, the appeal will be dealt with remotely. In such cases:
- 2.4.1 in order to facilitate the remote hearing, the tribunal may, by notice to the parties, direct that they deliver a full set of heads of arguments or supplementary heads within timeframes set out in the notice;
  - 2.4.2 the tribunal will consider all the papers filed of record, including any such heads of argument or supplementary heads of argument, together with the oral arguments presented at the remote hearing, before it makes its ruling.
- 2.5 Notwithstanding paragraph 2.1 above, any party who is of the view that their appeal cannot be disposed of without an in-person hearing, will be directed to make written representations (marked for the attention of the tribunal chairperson, c/o the tribunal secretariat) as to

why the matter requires an in-person hearing, where after the tribunal chairperson will issue a directive regarding the manner in which the appeal should be disposed of, including if necessary, an order that the matter be adjourned *sine die*.

3. Comments on the above must reach the office of the secretariat, adv. Michael Petersen via email [Michael.Petersen@westerncape.gov.za](mailto:Michael.Petersen@westerncape.gov.za) on or before close of business on Wednesday, 13 May 2020. Adv. M. Petersen can be reached on his cell 0822166577.
4. In addition, the parties must indicate by close of business on Friday, 15 May 2020 whether they elect to have their matter disposed of in terms of sub-paragraph 2.2 or sub-paragraph 2.4.
5. I trust you find the above in order.

Regards



**ADVOCATE MICHAEL PETERSEN**

**HERITAGE APPEALS CO-ORDINATOR: MINISTRY FOR CULTURAL  
AFFAIRS AND SPORT, WESTERN CAPE**

Date: 8/5/2020

