

JURISDICTION OF REGIONAL COURTS AMENDMENT ACT NO 31 OF 2008

The commencement of this act was proclaimed in Gazette No.33448 vol 542 with the date which it comes into operation being set as the 9th August 2010.

Historically the Regional Courts have dealt only with criminal matters. This new act allows certain civil matters to be heard by the Regional Courts.

One of the main driving forces behind the legislation was to regularise the Magistrate's Court divorce courts (such as the North Eastern Divorce Court situated in Durban). Further purposes of the Act are defined broadly as "increasing access to justice, decreasing litigation costs and promoting the development of judicial expertise among the ranks of magistrates."

The Civil Regional Court will be jurisdictionally limited to those matters where the quantum of the claim lies between R 100 000.00 and R 300 000.00.

There seems to be some confusion as to how the new Civil Regional Courts will operate and what infrastructure has been put in place to accommodate the formation of these new courts. Our offices have made enquiries with the courts in Durban and have been advised that the rules which will regulate the new courts are currently being considered by the Rules Board.

We can however confirm that a Registrar has been appointed and that once the rules are published the Civil Regional Court should come into operation.

In the meantime the North Eastern Divorce Court is not allowing the institution of new matters, but will continue to deal with the matters where action has already been instituted. This means that until such time as the Civil Regional Courts come into operation all new divorce actions will have to be instituted in the High Court.

We will continue to liaise with the courts and will update you of any further developments.