



CONSTITUTIONAL COURT OF SOUTH AFRICA

Case CCT 245/21

In the matter between:

In the matter between:

ELECTORAL COMMISSION OF SOUTH AFRICA

Applicant

and

**MINISTER OF COOPERATIVE GOVERNANCE
AND TRADITIONAL AFFAIRS**

First Respondent

**MEC RESPONSIBLE FOR LOCAL GOVERNMENT
IN THE PROVINCIAL GOVERNMENT OF
THE EASTERN CAPE**

Second Respondent

**MEC RESPONSIBLE FOR LOCAL GOVERNMENT
IN THE PROVINCIAL GOVERNMENT OF
THE FREE STATE**

Third Respondent

**MEC RESPONSIBLE FOR LOCAL GOVERNMENT
IN THE PROVINCIAL GOVERNMENT OF
GAUTENG**

Fourth Respondent

**MEC RESPONSIBLE FOR LOCAL GOVERNMENT
IN THE PROVINCIAL GOVERNMENT OF
KWAZULU NATAL**

Fifth Respondent

**MEC RESPONSIBLE FOR LOCAL GOVERNMENT
IN THE PROVINCIAL GOVERNMENT OF
LIMPOPO**

Sixth Respondent

**MEC RESPONSIBLE FOR LOCAL GOVERNMENT
IN THE PROVINCIAL GOVERNMENT OF
MPUMALANGA**

Seventh Respondent

**MEC RESPONSIBLE FOR LOCAL GOVERNMENT
IN THE PROVINCIAL GOVERNMENT OF
THE NORTHERN CAPE**

Eighth Respondent

**MEC RESPONSIBLE FOR LOCAL GOVERNMENT
IN THE PROVINCIAL GOVERNMENT OF
THE NORTH WEST**

Ninth Respondent

**MEC RESPONSIBLE FOR LOCAL GOVERNMENT
IN THE PROVINCIAL GOVERNMENT OF
THE WESTERN CAPE**

Tenth Respondent

**SOUTH AFRICAN LOCAL GOVERNMENT
ASSOCIATION**

Eleventh Respondent

and

AFRICAN NATIONAL CONGRESS

First Intervening Party

INKATHA FREEDOM PARTY

Second Intervening Party

DEMOCRATIC ALLIANCE

Third Intervening Party

MAKANA INDEPENDENT NEW DEAL

Fourth Intervening Party

AFRICAN TRANSFORMATION MOVEMENT

Fifth Intervening Party

FORUM 4 SERVICE DELIVERY

Sixth Intervening Party

ONE SOUTH AFRICA MOVEMENT

Seventh Intervening Party

ECONOMIC FREEDOM FIGHTERS

Eighth Intervening Party

and

**COUNCIL FOR THE ADVANCEMENT OF THE
SOUTH AFRICAN CONSTITUTION**

First Amicus Curiae

FREEDOM UNDER LAW (RF) NPC

Second Amicus Curiae

**SOUTH AFRICAN INSTITUTE OF RACE
RELATIONS**

Third Amicus Curiae

AFRIFORUM NPC

Fourth Amicus Curiae

DIRECTIONS DATED 18 AUGUST 2021

The Acting Chief Justice has issued the following directions:

1. The hearing of this matter at 09h00 on Friday, 20 August 2021 will take place on a virtual platform.
2. General proceedings
 - a. Online hearings will be conducted on the Zoom platform.
 - b. All counsel must be robed and may remain seated throughout the duration of the online proceedings.
 - c. A link will be sent to all participants prior to the hearing. The legal representatives for each party to the proceedings are requested to email the Court Registrar (generaloffice@concourt.org.za) and provide him, no later than Thursday, 19 August 2021 at 14h00, with two or three email addresses to which links can be sent.
 - d. Save for where a special request is made and granted, each party will be provided with a maximum of three email links, in order to avoid a multiplicity of connections to the hearing. Please note that, as explained below, the hearing will also be live-streamed and that attorneys, clients and interested parties will be able to view the live-stream on YouTube.
 - e. Other than counsel addressing the Court, the microphones of all participants must be muted and videos switched off throughout the hearing. It is very important that the counsel addressing the Court is not disturbed by background sound from other participants and that the Justices are properly able to hear and focus on the presenting counsel. During the hearing, only the Justices and the presenting counsel will be visible on screen.
 - f. In the event of a loss of connection, an adjournment or recess, parties may switch off videos and mute microphones, or leave the hearing and use the same link to re-join the hearing.
 - g. In the event that any party experiences connectivity or technical difficulties, please contact Zunaid Naidoo on 082 800 2568.
3. Prior to the hearing

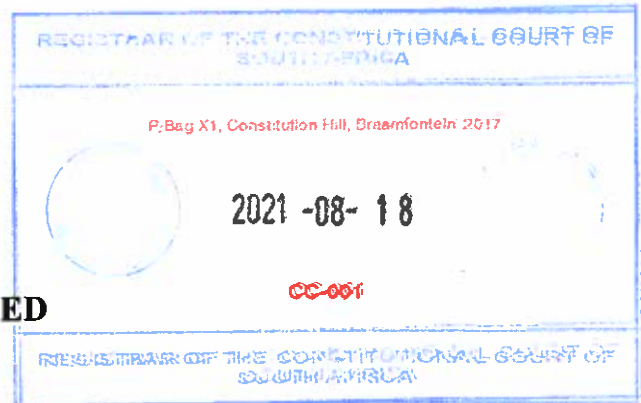
- a. All counsel are to join the hearing promptly at 08h15, in order to meet with the Acting Chief Justice. This process will be overseen and managed by the Court technician.
 - b. All Justices will join the hearing at approximately 08h30 and be placed in a breakaway room until the hearing commences. Parties may join the hearing at 08h45.
4. The hearing
- a. The hearing will commence at 09h00. The Acting Chief Justice, Justices and counsel will all be moved out of the breakaway rooms and into the “main” room. This process will again be overseen and managed by the Court technician. The case caller will notify the Acting Chief Justice once all Justices and parties are present and proceed to call the case.
 - b. After the case is called, counsel for each of the parties will place themselves on record and, where applicable, their co-counsel, after which the first counsel will be directed to commence oral submissions. Presenting argument at a slightly slower pace than usual will assist in ensuring that everyone can follow the proceedings comfortably.
 - c. As in an open hearing in Court, the Acting Chief Justice will direct the proceedings. Only the counsel who is actively addressing the Court should have their microphone and video on.
5. Instructions for counsel
- a. All counsel should endeavour to ensure that they have a back-up electricity and data source in the event of load-shedding or any other electrical or connectivity issue. Their laptops should be fully charged before the hearing and be kept on charge during the hearings so as to allow the hearing to proceed in the event of load-shedding.
 - b. Insofar as possible, counsel should arrange the room from which they are appearing so that there is nothing distracting in the background, for example, furniture, ornaments and paintings. If possible, they should be positioned so that a blank wall appears behind them. A light source should not be behind the presenting counsel, as this makes it difficult for the Justices and viewers to see the faces of counsel addressing the Court: a lighting source from the front is preferable.
 - c. Counsel must ensure that their camera is level with their faces and that their screens are upright so that they do not appear to be looking up or down, or leaning back and away from the screen, which then shows the ceiling or the upper part of the wall. Counsel should position

themselves so that viewers will see at least a head and shoulders picture filling the centre of the screen.

- d. Counsel must ensure that their authorities and references are placed in a reasonably accessible place to the side of the screen and that they are able to refer to them without obstructing the view that the Court has of them. In the event that counsel is viewing materials on a separate screen, position the screen so that it is not necessary to turn away from the camera. Counsel should also place anything that they may need to pick up during the hearing, for example, a book, document or glass in such a position that they do not have to lean forward or reach in front of their faces in order to obtain the item in question.
 - e. Counsel should place a glass of water where it can be readily obtained and refrain from drinking or eating anything during the hearing. Plastic water bottles are particularly intrusive in an online hearing and should be avoided.
 - f. The room from which counsel will appear must so far as possible be private and closed. No other person (or animal, if counsel have pets) should enter the room during the course of the hearing. As far as possible external sources of noise should be excluded. This is best achieved by closing windows and doors and wearing headphones or ear pods.
 - g. Where counsel will be using computers and have tablets or phones on which they receive emails, SMS messages or WhatsApp messages, they must ensure that the notification sounds on all of these devices are switched to silent, so that the hearing is not disturbed.
6. Additional information
- a. The hearing will be livestreamed via the Constitutional Court YouTube channel. A link to this channel will be available on the Constitutional Court website homepage and will be tweeted prior to the hearing by the Constitutional Court Twitter account.
 - b. In the event that any of the presenting counsel for one of the parties loses connectivity, the online hearing will be adjourned while counsel is reconnected.
7. Further directions may be issued.



**MR DUNISANI MATHIBA
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CONSTITUTIONAL COURT**



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