

THE HIGH COURT OF SWAZILAND

PRACTICE DIRECTIVE NO. 2/2011

TO: The Principal Judge

 All Judges of the High Court

 The Honourable Attorney General

 The Director of Public Prosecutions

Registrar of the High Court

 The Deputy Registrar of the High Court

 Assistant Registrars

 The Law Society of Swaziland

 All Magistrates

 All Legal Practitioners

 All Members of Staff

DATE: 25 May 2011

Following the enhanced jurisdiction of the Magistrates Courts in terms of the Magistrates Court (Amendment) Act 2011 the Chief Justice hereby issues the following Practice Directive which shall operate with immediate effect:-

1. All civil cases falling within the jurisdiction of the Magistrates Courts shall be filed in those courts and not in the High Court.

1. Similarly, all cases falling within the jurisdiction of the Swazi National Courts shall be filed in those Courts and not in the High Court.

1. The Chief Justice draws attention to section 16 of the Act which reads as follows:-

“16. (1) Subject to section 16 bis and any other provision of this Act or other law the jurisdiction of magistrate’s courts in civil matters shall be –

(a) in the case of principal magistrate’s courts, all actions permitted by law or practice and actions where the claim or value of the matter in dispute does not exceed thirty (30) thousand Emalangen;

1. *in the case of senior magistrate’s courts, all actions permitted by law or practice and actions where the claim or value of the matter in dispute does not exceed twenty (20) thousand Emalangen.*

1. *in the case of any magistrate’s courts (lower than a senior magistrate’s court), all actions permitted by law or practice and actions where the claim or value of the matter in dispute does not exceed ten (10) thousand Emalangen.*

1. *Where both parties are Swazis, and the cause of action is, in the opinion of the clerk of the court, one suitable to be heard in a Swazi Court of appropriate jurisdiction established or recognized under the Swazi Courts Act, 1950 or the Swazi Administration Act, 1950 or its successor and permissible under the Constitution, the clerk may refuse to issue summons, and may order the plaintiff to commence the action in such Swazi court or other court;*

1. *At any time after the issue of summons commencing action in any case where both parties are Swazis, the court may order that the action be transferred to a Swazi court of appropriate jurisdiction or to such other court as specified in this section."*

M.M. RAMODIBEDI

CHIEF JUSTICE

Date:

25 May 2011