

Memorandum

TO : HONOURABLE DEPUTY CHIEF JUSTICE
HONOURABLE GUVAVA JA
HONOURABLE CHIWESHE JP
HONOURABLE MHURI J
HONOURABLE MANDEYA J

CC : SECRETARY – JUDICIAL SERVICE COMMISSION
ALL REGISTRARS

FROM : HONOURABLE CHIEF JUSTICE

DATE : 21 JULY 2020

RE : DIRECTIVE ON HANDING DOWN AND DISTRIBUTION OF JUDGMENTS AND ORDERS

1. The above matter refers.
2. Following concerns raised about the manner in which judgments are handled after being handed down it is hereby directed as follows:
 - i. No judgment should be handed down when it is not yet ready to be distributed.

- ii. Once a judgment is handed down it shall not be withdrawn for any reason. Handing down of a judgment is evidence that the judgment is ready for access by the parties and members of the public.
 - iii. All judgments handed down must be immediately accessible to the Registrars, litigants and the public.
 - iv. The practice of issuing orders with the undertaking that reasons will follow is to be desisted from forthwith. Only the Constitutional Court and the Supreme Court can issue such orders as they are courts with final jurisdiction. The only exception is when a Judge will be dealing with a point *in limine*. Such an order will be appropriate as it enables the court to expeditiously finalise the main matter.
 - v. For the avoidance of doubt, it is proper for a Judge when dealing with a point *in limine* to give an order and advise that the reasons will be stated in the main judgment.
 - vi. Where a Judge decides to issue an order in an *ex tempore* judgment, he or she must ensure that the reasons given are comprehensive on the understanding that they will be accessible to the parties, the Registrar and members of the public.
3. All heads of courts are advised to bring this information to the attention of all Judges.