

Mbombela High Court ordered to evacuate immediately

By Omie Chester - 05/11/2024



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Mbombela High Court ordered to evacuate immediately! The Mpumalanga High Court in South Africa has been ordered to immediately vacate its offices following a prohibition order issued by the Department of Labour (DoL).

This decision comes after an inspection revealed several structural and [health issues](#) that violate the Occupational Health and Safety Act, raising questions about the building's safety and

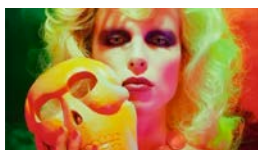
compliance with legal occupancy requirements.

Urgent Order Issued Over Safety Violations

Last week, the DoL issued a prohibition order to the Department of Justice (DoJ), requiring the Mpumalanga High Court to vacate its premises.

The decision was based on serious health and structural issues, including leaking roofs and toilets, non-functioning air conditioning, and broken elevators. Perhaps most concerning is that the DoJ has been occupying the building without a valid occupancy certificate.

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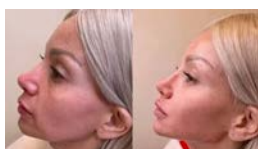
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A previous temporary certificate issued by the City of Mbombela in November 2019 expired within 30 days, making the occupation technically illegal.

Emergency Meeting and Suspension Plea

An emergency meeting was held on Saturday to discuss the order, attended by Judge Segopotje Sheila Mphahlele, the Judge President of the Mpumalanga High Court, along with representatives from the DoJ, DoL, Department of Public Works, Independent Development Trust, and the Public Servants Association.

During hours of intense negotiation, the DoJ requested a seven-day suspension of the prohibition order to allow for additional preparations.

The DoL initially agreed to review this request over the weekend but ultimately denied the suspension in a letter sent to the DoJ on November 4.

This refusal to delay enforcement leaves the court with no choice but to evacuate, as the **safety** risks have been deemed too critical to ignore.

Structural Concerns and Health Hazards

Beyond the building's structural integrity, other health and safety concerns have been raised. Leaking toilets and roofs create a risk of mold and other sanitation issues, while the lack of adequate air conditioning and broken lifts are significant problems in such a high-traffic environment.

These issues are compounded by the uncertainty surrounding the building's structural soundness, as an engineer has not yet confirmed whether the building meets essential safety and performance standards.



The DoL noted that an engineering assessment is still pending, but the current risks necessitate immediate evacuation to avoid potential harm to staff and visitors. Given these factors, the DoL maintained that enforcing the evacuation is in the best interest of all occupants until full compliance with safety standards is ensured.

DoJ's Plan for Resolving Building Issues

In response to the prohibition order, DoJ spokesperson Kgalalelo Masibi released a statement confirming that the court must close and adding that the department will submit a detailed report outlining their strategy to address these health and structural issues.

The department faces pressure to develop a sustainable solution, given the long-standing nature of some of these issues and the court's crucial role in serving the local community.

Masibi assured that the DoJ is committed to resolving the matter expediently and ensuring that a safe and compliant workspace is provided.

However, the timeline for implementing these measures remains uncertain, leaving questions about where court proceedings will be conducted in the interim.

Occupancy Certificate Expiry Compounds Challenges

An additional issue complicating the situation is the absence of a valid occupancy certificate. In November 2019, the City of Mbombela issued a temporary occupancy certificate that was only valid for 30 days.

Since the certificate's expiration, the DoJ has occupied the building without legal authorization, effectively rendering the usage of the building illegal under local regulations.

This lack of valid certification exacerbates the current situation, as it reflects a deeper issue within the department's management of the property. Now that the matter has escalated to a full prohibition order, securing legal occupancy will likely involve a rigorous assessment to bring the building up to code.

Implications for the Justice System and Next Steps

The forced evacuation of the Mpumalanga High Court is a significant disruption to the justice system, affecting both legal professionals and the public who rely on the court for judicial services.

In the short term, the DoJ must identify an alternative venue to continue operations. Court cases may face delays, and logistical adjustments will be necessary to manage the overflow of legal proceedings.

The DoL's stance emphasizes the importance of safety and compliance, particularly in government institutions. This situation serves as a reminder of the importance of regular inspections and timely building upgrades to prevent disruptions to essential services.

Moving forward, the DoJ must take swift action to secure an engineer's report confirming the building's structural soundness and address all issues identified by the DoL. Meanwhile, the court will need to communicate with the public about where and how proceedings will continue until a permanent solution is found.

Conclusion

The prohibition order and immediate evacuation of the Mpumalanga High Court reflect serious lapses in building safety and administrative oversight.

As the DoJ works to address these concerns, the situation underscores the need for improved infrastructure management in public facilities to ensure the safety and continuity of essential services.

While the DoJ's efforts to rectify these issues are critical, the challenges presented by the lack of a valid occupancy certificate and the ongoing safety concerns mean that the court's operations will

remain in a state of uncertainty until all issues are fully resolved.

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