



**OFFICE OF THE ACTING JUDGE PRESIDENT
HIGH COURT OF SOUTH AFRICA, GAUTENG PROVINCIAL DIVISION, PRETORIA**

Gauteng High Court Building, Cnr. Madiba & Paul Kruger Strs, Room 7.15, Seventh Floor
Tel. (012) 315 7572/(012) 492 6811– E-mail: AMbelani@judiciary.org.za

08 July 2022

To:

- 1. All Judges of the Gauteng Division of the High Court, Pretoria and Johannesburg**
- 2. All Judiciary Heads of the Regional and District Courts, Gauteng Division**
- 3. Court staff, Professional Bodies, Practitioners and members of the public**

EXPLANATORY NOTE ABOUT THE REVISED DIRECTIVES

- 1. DIRECTIVE 2 OF 2022 - THE CONSOLIDATED DIRECTIVE ON COURT OPERATIONS; AND**
- 2. REVISED DIRECTIVE 1 OF 2021 - REGULATING THE CASE MANAGEMENT AND ENROLMENT OF CIVIL TRIALS**

1. The revisions to the two revised Directives circulated today have been made to cater for the substantial changed operational circumstances of the Gauteng Division with effect from the beginning of the third term of 2022 (i.e., 18 July 2022). A great deal

remains the same and your attention is directed to the substantive changes which have been effected.

Directive 2 of 2022: The Consolidated Directive on Court operations

2. PART A, Paras 1-17 deal with the regulation of the default position regarding physical hearing and video-link hearings, and optional flexibility in those arrangements.
3. The COURT ONLINE System becomes the exclusive portal for the issue of process and replaces CASELINES at the initial stages whereafter the documentation for hearings are automatically transposed from COURT ONLINE into CASELINES in format already familiar to everyone.
4. The Directives regulating the Family Court in the Johannesburg seat were previously circulated and are now incorporated herein (Paras 169 -197)
5. The Civil Trial Roll procedure (para 76) is refined to make clear that the practice notice which is an absolute precondition for an allocation must be filed with the office of the DJP not earlier than 7 days and not later than 5 days before the set-down date.

Revised Directive 1 of 2021

6. Chapter 8 dealing with the Special Interlocutory Court has been revised to achieve clarity about its scope, especially regarding cases that belong in this court and those

which belong in the ordinary unopposed court. The Court is available to hear matters in trials applications and appeals where an adversary fails to comply with a procedural requirement and thereby delays the progress of a matter to a hearing. Also, this court will hear both unopposed and opposed matters.

7. Otherwise, the substantive provisions remain the same, save for the elimination of superannuated topics.

Yours Faithfully

A.P. LEDWABA
ACTING JUDGE PRESIDENT
GAUTENG DIVISION OF THE HIGH COURT
OF SOUTH AFRICA
Digitally transmitted therefore unsigned



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To:-

- 1. Judges - Gauteng Division of the High Court, Pretoria and Johannesburg**
- 2. Chief Registrar - Gauteng Division of the High Court, Pretoria and Johannesburg**
- 3. Secretariat – Judicial Case Flow Management, Office of the Chief Justice**
- 4. Registrars - Gauteng Division of the High Court, Johannesburg and Pretoria**
- 5. Legal Practice Council – Gauteng**
- 6. Law Society of South Africa**
- 7. Gauteng Family Law Forum**
- 8. Gauteng Attorneys Association**
- 9. Pretoria Attorneys Association**
- 10. Johannesburg Attorneys Association**
- 11. West Rand Attorneys Association**
- 12. South African Black Women in Law**
- 13. National Association of Democratic Lawyers**
- 14. Black Lawyers Association**
- 15. South African Women Lawyers Association**
- 16. South African Medical Malpractice Lawyers Association**
- 17. Personal Injury Plaintiff Lawyers Association**
- 18. South African Medico-Legal Association**
- 19. Office of the Director of Public Prosecutions, Pretoria and Johannesburg**
- 20. Office of the State Attorneys, Pretoria and Johannesburg**



21. **Solicitor General**
22. **Office of the Family Advocate, Pretoria and Johannesburg**
23. **Legal Aid South Africa**
24. **Johannesburg Society of Advocates**
25. **Pretoria Society of Advocates**
26. **Gauteng Society of Advocates**
27. **Tshwane Society of Advocates**
28. **Pan African Bar Association of South Africa**
29. **General Council of the Bar of South Africa**
30. **National Bar Council of South Africa**
31. **South African Bar Association**
32. **National Forum of Advocates**
33. **North Gauteng Association of Advocates**
34. **Church Square Association of Advocates**
35. **Advocates for Transformation**
36. **Legal Division of the Department of Health: Gauteng**
37. **Legal Division of the Department of Sport, Arts, Culture and Recreation**
38. **Gauteng Department of Agriculture and Rural Development**
39. **Legal Services - Gauteng Provincial Department of Education**
40. **South African Board for Sheriffs**
41. **South African Sheriff Society**

08 July 2022

JUDGE PRESIDENT’S REVISED PRACTICE DIRECTIVE 1 of 2021

This Directive is a revision and amplification of Judge President’s Practice Directive 1 of 2021, issued on 11 June 2021. The prescribed forms referred to throughout this Directive are enclosed herein.

This Revised Directive is effective immediately upon publication on 08 July 2021.



This Directive refers to two Parts, i.e., Part A and Part B. Part A relates to the Case Management, Trial Allocation and Enrolment of Civil Trial matters and Part B relates to the Issuing of Process, electronic service and filing of Practice notes and Heads of Argument.

PART A:- TO REGULATE THE CASE MANAGEMENT, TRIAL ALLOCATION AND ENROLMENT OF TRIAL MATTERS WITH EFFECT FROM 11 JUNE 2021 IN THE GAUTENG DIVISION OF THE HIGH COURT, PRETORIA AND JOHANNESBURG.

CHAPTER 1: THE SCOPE OF APPLICATION OF THIS DIRECTIVE

1. This directive, amended as at 08 July 2022 is to be read with Uniform Rules of Court 36, 37 and 37A, as amended and published in Government Gazette Notice 42497, which are in force from 1 July 2019 as well as the Revised Consolidated Directive of 18 September 2020 (issued on 08 July 2022) relating to court operations for as long as the Consolidated Directive remains in force and effect.
2. The scope of the directive is as follows:
 - 2.1. This directive applies to both the Pretoria High Court seat and to the Johannesburg High Court seat of the Gauteng Division.
 - 2.2. The provisions of this directive prevail over any provision in the practice manuals of either seat of the Division.
 - 2.3. Different parts of this directive apply to different categories of cases.
 - 2.4. All trial matters in which the Defendant is the Road Accident Fund or PRASA or the MEC for Health, Gauteng, are classified “Y” and are subject to the prescribed Judicial Case Management procedure set out herein.
 - 2.5. All other trial matters constitute the categories - Commercial “C”, Family “F”, Delictual “D,” and Public Law “P” in respect of which chapter 7 shall apply.



CHAPTER 2: INTERPRETATION OF THIS DIRECTIVE

3. This directive shall be construed and applied in accordance with the principle that notwithstanding the provisions herein providing for judicial case management, the primary responsibility remains with the parties and their legal representatives to prepare properly, to comply with all Rules of Court, the practice manual and this directive and to act professionally in expediting the matter towards trial and adjudication. The objectives of judicial case management in the interests of justice are to alleviate congested trial rolls and to address the problems which cause delays in the finalisation of cases. The principle underpinning judicial case management in this division is that trial dates will be allocated to matters that have a clearly identified triable issue(s). Any failure by a party to adhere to the principles in this directive may be penalised by way of an adverse costs order on a punitive scale, *de bonis propriis*, and may further include an order disallowing fees to be charged to a litigant by that litigant's own legal practitioners.
4. A process flow chart in relation to the practical compliance and implementation of this Directive is included at the end of this Directive.

CHAPTER 3: PROCEDURE AT COMMENCEMENT OF AN ACTION APPLICABLE TO ALL TRIAL MATTERS WITH EFFECT FROM 18 FEBRUARY 2021.

5. At the time a summons is issued:
 - 5.1. The Plaintiff shall, together with the summons, present to the Registrar, in the prescribed form:
 - 5.1.1. a statement that the matter is one in which the Defendant is the **RAF, or the MEC Health, Gauteng or PRASA** whereupon the Registrar shall add to the case number the letter "Y", or
 - 5.1.2. a statement that the matter does not involve any of the above-named Defendants, and further, shall classify the matter as:
 - (1) a Commercial matter "C", or



- (2) a Family law matter “F”, or
- (3) a Delictual matter “D”, or
- (4) a Public law matter “P”. (A constitutional or administrative law matter)

5.1.3. the details of an email address and contact person to whom all communications in terms of this paragraph shall be sent.

5.1.4. the Registrar shall maintain a record and schedule of the different categories of cases, and routinely report such statistical information as the Judge President directs.

5.2. The Plaintiff shall, upon filing the return of service of the summons, in the prescribed form, state:

5.2.1. the date, in terms of the Rules of Court, upon which the notice of intention to defend is due.

5.2.2. the date, in terms of the Rules of Court, upon which a plea is due if notice of intention to defend was given on the date mentioned in paragraph 5.2.1.

5.3. A Defendant shall, upon delivering a notice of intention to defend, in the prescribed form, furnish details of an email address and contact person to whom all communications in terms of this paragraph shall be sent.

5.4. A Plaintiff is generally entitled, in terms of the Rules of Court, to proceed to seek a default judgment where a Defendant fails or refuses to file a notice of intention to defend or fails or refuses to file a plea. All cases except for cases in which the RAF is a Defendant shall comply with the rules of court. Cases in which the RAF is a defendant must instead comply with paragraph 5.5.

5.5. Where the **Defendant is the RAF and** fails or refuses to file a notice of intention to defend, a plaintiff must apply to the registrar for a date in the **Special Interlocutory Court** in terms of chapter 8 of this directive, to make **application** to obtain **a referral by that court to seek** Judgment by default as contemplated in Chapter 6 of this directive.



- 5.6. **The Registrar**, upon being satisfied that the **application by a Plaintiff for a date to seek a default judgment** is compliant, having regard to a written declaration by the attorney of record that service was effective, a copy of the return of service being attached, and that the prescribed dies expired on a stipulated date before the request for a set-down date, the Registrar must allocate a date in the Trials Court and notify the parties accordingly.
- 5.7. Where the Defendant in category “Y” has filed a notice of intention to defend but has failed or refused to file a plea, and the Plaintiff has served and filed a notice of bar in terms of the Rules of Court, the Plaintiff must follow the procedure set out in paragraphs 5.5 and 5.6 above.
- 5.8. In the matters referred to in this paragraph, strict compliance with paragraphs 29, 30 and 31 shall be enforced.

CHAPTER 4: PROCEDURE TO PREPARE FOR A CASE MANAGEMENT CONFERENCE FOR MATTERS IN WHICH THE DEFENDANT IS THE RAF OR THE MEC HEALTH, GAUTENG OR PRASA - CATEGORY “Y”.

6. The underlying principle that governs the Judicial Case Management regime is that the procedure applies to matters where both parties have engaged each other thus far regarding the requisite pre-trial procedures. A matter in which only one party has been active in this regard shall be dealt with in terms of Chapter 6 below.
7. A party who contends that any matter in which the Defendant is the **RAF, or the MEC Health, Gauteng or PRASA**, (category “Y”) is ripe to be allocated a trial date, excluding the matters dealt with as referred to in paragraphs 5.4, 5.5 and 5.6, shall:
- 7.1. apply, in the prescribed form to the designated Registrar for a case management conference, and
- 7.2. together with such application, deliver to the Registrar a practice note by the attorney or Counsel dealing fully with these issues:



- 7.2.1. the issues in the case that are not in dispute, and in respect of which by reason thereof no evidence shall be allowed at the trial.
- 7.2.2. the issues in the case that are in dispute, describing:
 - 7.2.2.1. the exact nature of the disputes of fact and disputes of law,
 - 7.2.2.2. the exact contentions of each party in respect of that issue.
- 7.3. The descriptions required in paragraphs 7.2.2.1 and 7.2.2.2 shall not be vague generalities, but shall be concrete and facilitate a clear grasp of the decisions a court shall be required to decide.
8. Upon such application being lodged in terms of paragraph 7.1, the Registrar shall notify all parties, by email:
 - 8.1. of the date, time and place of a case management conference,
 - 8.2. of the identity of the designated Judge, if known at that time,
 - 8.3. that the parties must, if not already having done so, hold a pre-trial conference before the date fixed for the conference, which conference shall address all the questions identified in paragraph 12-13 of this directive,
 - 8.4. that the Plaintiff shall not later than the Thursday before the date fixed for the conference, invite the relevant office profile:
 - 8.4.1. to the Court file as uploaded on CaseLines in accordance with the prescribed format as set out in Part B, paragraph 7. The Court file must be suitably sectioned, ordered, and bundled in a logical chronological order, containing legible copies of every document (uploaded as an individual document, appropriately described and without duplication) as follows:
 - 8.4.1.1. under "01 Master bundle" with separate sections:



- 8.4.1.1.1. for pleadings - a full set of the pleadings,
- 8.4.1.1.2. for pre-amended pleadings – a full set of pre-amended pleadings,
- 8.4.1.1.3. for notices - all notices,
- 8.4.1.1.4. for discovery - the discovery affidavits of all parties with a statement that discovery is complete, alternatively if not complete, a full explanation why not, and what steps are necessary to achieve completion,
- 8.4.1.1.5. for expert reports - a set of the expert reports, as contemplated in Uniform Rule 36(9)(b), which reports conform to the following:
 - (a) expert reports must be drafted in a format designated for lucidity, brevity, and convenient cross-referencing. To this end, it must be in numbered paragraphs. When referring to other expert reports, refer to the numbered paragraphs therein.
 - (b) where more than one expert has reported on a given aspect, joint minutes of experts must identify precisely what is agreed and what is not agreed, with reasons stated why an agreement could not be achieved, especially as to whether the disagreement relates to a fact clinically observed or an interpretation of the facts.
 - (c) the attorney responsible for the reports' procurement is accountable for compliance in this regard, and failure to adhere hereto may imperil certification.
- 8.4.1.1.6. for pre-trial minutes – the signed pre-trial minutes subject to paragraph 8.4.2 below,



8.4.1.1.7. for practice notes - all required practice notes,

8.4.1.1.8. for trial bundle - all documents that the parties intend to use at the trial:

There must be a single bundle of legible copies, without duplication, in logical order, whether chronological or thematic, as needs be, and indexed in accordance with CaseLines indexing page numbering. Disagreement, if any, about the contents of the bundle must be raised with the allocated Judge at the hearing.

Before the trial, the parties must agree upon the documents' evidential status and which documents form part of the record in the instance of an appeal. The pre-trial minute must include this agreement.

Where a party includes unnecessary documents in the bundle, the Court may, on the application of any party to the trial, or *mero motu*, make a punitive costs Order in respect thereof.

8.4.1.2 Parties must not create separate sections for every document. They must upload the individual document to the appropriate group/section to which the document belongs and fully describe such document.

8.4.2. The signed, agreed, minute of the pre-trial conference which has addressed all the questions identified in paragraph 9; alternatively, in the event that the parties have not reached agreement on the contents of the minute, a minute signed by the party filing the document together with an explanation why agreement on its content was not obtained. (In this regard attention is drawn to paragraphs 20 and 43 to 51 dealing with the utilisation of the Trials Interlocutory Court to procure compliance and cooperation from an adversary).



9. The minute referred to in paragraph 8.4.2 shall:

9.1. particularise the parties' agreement or respective positions on each of the following questions:

9.1.1. the matters mentioned in Rule of Court 37(6);

9.1.2. the soliciting of admissions and the making of enquiries from and by the parties with a view to narrowing the issues or curtailing the need for oral evidence.

9.1.3. In respect of expert witnesses:

9.1.3.1. the feasibility and reasonableness, in the circumstances of the case, that a single joint expert be appointed by the parties in respect of any issue.

9.1.3.2. if a single joint expert witness is not appointed, why a single expert on a given aspect is inappropriate.

9.1.4. the identity of the witnesses the parties intend to call and in broad terms the nature of such evidence to be given by each witness.

9.1.5. whether a separation of issues within the contemplation of Uniform Rule 33 is appropriate, and if so, why that is so.

9.1.6. any other matter germane to expediting the trial readiness of the case.

9.2. in the event that further steps are necessary to render the matter trial ready, explicitly:

9.2.1. identify those steps, and

9.2.2. set out a proposed time table according to which the parties commit to achieving readiness.



CHAPTER 5: PROCEDURE AT A JUDICIAL CASE MANAGEMENT CONFERENCE IN MATTERS IN WHICH THE DEFENDANT IS THE RAF OR THE MEC, HEALTH GAUTENG OR PRASA. (CATEGORY “Y”)

10. The Judge who presides over a case management conference:

10.1. shall not preside over the trial unless the parties agreed thereto;

10.2. however, such Judge may make a final Order in a settled matter if such Order is by consent of all parties.

11. At a conference, without limiting the scope of judicial engagement, the Judge shall:

11.1. explore settlement, on all or some of the issues, including, if appropriate, enquiring whether the parties have considered voluntary mediation, irrespective of whatever prior responses may have been given by any party in terms of Rule 41A, and may in this regard, if deemed appropriate, elicit information from the parties on matters such as the existence and content of settlement offers that would ordinarily be without prejudice and not disclosable to a trial Judge.

11.2. endeavour to promote agreement on limiting the number of witnesses that will be called at the trial eliminating pointless repetition or evidence covering facts already admitted.

11.3. identify and record the issues as adequately defined to be tried in the action and be satisfied that all issues amenable to be resolved without a trial have been dealt with.

11.4. address any potential causes of delay in the commencement of the trial and be satisfied that such potential causes have been pre-empted to the extent practically possible.

11.5. address the sufficiency of expert witness reports and joint minutes and be satisfied that in form and substance there has been compliance with the provisions of this directive.

12. At a conference, without limiting the scope of judicial engagement and the powers of the Judge, the Judge may:



- 12.1. order, in terms of Rule 33(4), a separation of issues in appropriate cases notwithstanding the absence of agreement by the parties thereto.
- 12.2. in exceptional circumstances, and on good cause shown, put the parties on such terms as are appropriate to achieve trial readiness, and direct them to report to that Judge at a further conference to be convened on a fixed date.
- 12.3. give directions for the hearing of opposed interlocutory applications by a Motion Court on an expedited basis.
- 12.4. strike the matter from the case management roll and direct that it be re-enrolled only after any non-compliance with the Rules of Court or the Practice Manual or this directive, have been purged, including, when appropriate in respect of RAF matters, a direction to comply with this Directive.
- 12.5. refuse certification; in which case the parties must again apply *ab initio* for certification.
- 12.6. certify a matter trial ready:
 - 12.6.1. including a directive whether to hear oral evidence or to hear as a stated case on specified issues, as contemplated in Rule 33(1) – (3), in which case an Order in the prescribed form shall be issued for presentation to the Registrar who shall allocate a trial date.
 - 12.6.2. including an indication of the duration thereof and whether it requires to be referred to the DJP for a directive owing to it being a trial of long duration.
 - 12.6.3. If a matter is of long duration, i.e., more than 5 days, the Plaintiff must not approach the Registrar for a set down date before approaching the office of the DJP for a directive as to the date.
- 12.7. make any Order as to costs against the parties' legal representatives or any other person whose conduct unreasonably frustrated the objectives of the judicial case management process, which Order may include costs on the attorney and client scale, *de bonis propriis* and the disallowance of a fee to be charged by a legal practitioner to the client.



12.8. at the conclusion of the conference, summarise the decisions made in the certificate of readiness, and, if deemed necessary, direct the Plaintiff to file a minute thereof to the Judge who issued the certificate for approval. No party may seek to amend its pleadings after a certificate has been issued without the leave of the Court and any such application may cause the certificate of readiness to lapse.

13. The record of the case management conference, including:

13.1. the minutes submitted by the parties to the Judge, and

13.2. any directives issued by the Judge **ON FORM 10** and the Judge's record of the issues to be tried in the action,

13.3. but excluding any settlement discussions and offers,

shall be included in the court file placed before the trial Judge, who shall be entitled to have regard thereto in relation to the conduct of the trial including:

- (i) the determination of any applications for postponement, and
- (ii) issues of costs.

14. Parties who have been allocated a Trial Court date shall not later than 6 weeks before that Court date:

14.1. file a statement, signed by one or both attorneys, verifying that the matter remains ready to proceed to trial, or,

14.2. file a statement that the matter has become unready, setting out full particulars, including the parties' proposals for the future, which may include a referral to mediation, and request the assignment of a Judge to case manage the case or request time to finalise any proposed mediation, or

14.3. file a statement that the matter has become settled and enrol the matter in the settlements court in terms of Chapter 9.



14.4. Parties who have complied with paragraph 14.1 above are obliged to file a further practice note not earlier than 7 days and not later than 5 days before the allocated trial date confirming that the matter remains trial ready requiring judicial attention and setting out the following:

14.4.1 issues in dispute and requiring resolution;

14.4.2 estimated duration of the trial.

14.4.3 the names, email addresses and cell numbers of all Counsel. Counsel must hold themselves ready to receive a communication from a Judge or Judge's Secretary, during the four days until the set down date.

15. Upon receipt thereof, the DJP shall direct the further course of the matter.

CHAPTER 6: SPECIAL PROCEDURE IN RESPECT OF RAF MATTERS WHERE THE RAF AS DEFENDANT HAS –

A: FAILED AND/OR REFUSED TO FILE A NOTICE OF INTENTION TO DEFEND;

B: HAS FILED SUCH A NOTICE BUT HAS FAILED AND/OR REFUSED TO FILE A PLEA AND HAS BEEN BARRED;

C: WHERE THE DEFENDANT HAS NOT EFFECTIVELY ENGAGED WITH THE PLAINTIFF REGARDING PRE-TRIAL PROCESSES, AND

D: WHERE THE DEFENDANT HAS WITHDRAWN LEGAL REPRESENTATION BEFORE THE TRIAL DATE

General

16. The provisions of this chapter must be read together with the provisions of Chapter 3, 4 and 5. These provisions have been introduced especially to address the habitual failure of the RAF,



qua Defendant, in particular, to engage constructively with Plaintiffs, but is equally applicable to any other Defendant in the category “Y” who fails to constructively engage with Plaintiffs.

17. This chapter requires, from a Plaintiff, full compliance with the duty of disclosure as would be expected in an *ex parte* application and any failure shall imperil an Order being granted and may also result in punitive costs Orders against practitioners, a referral of the infraction to the Legal Practice Council and the professional representative Societies/Associations.
18. A Plaintiff must not apply for a case management conference to obtain a certificate of trial readiness in a matter that is not ready as a result of the non-engagement in any respect by the Defendant, and in particular the RAF. Whenever the Defendant is in default of any obligation, whether in terms of the Law, the Rules of Court, the Practice Manual or this Directive, the Plaintiff must, save in the instances mentioned in paragraphs 5.4, 5.5 and 5.6, seek compelling Orders in the Trials Interlocutory Court to secure compliance by the Defendant. For this purpose a dedicated Special Interlocutory Court has been initiated as provided in Chapter 8.
19. In applications for such compelling Orders in the Special Interlocutory Court, a Plaintiff must:
 - 19.1 describe succinctly the material facts relevant to the efforts of the Plaintiff to secure compliance.
 - 19.2 in respect of matters where the RAF is a Defendant, identify the claims handlers or other officials of the RAF, where their identity is known, who are ostensibly responsible for the conduct of the specific matter, or the supervision of the claims handlers, and such persons may be cited in their personal capacity in relation to any allegations of dereliction of a duty to deal with a specific matter where appropriate.
20. Where a Plaintiff has sought a response three times without an appropriate reaction from a Defendant, especially the RAF, the Court may, in an appropriate case, infer a wilful refusal to engage with the Plaintiff, and in respect of such wilfulness, make an Order appropriate to such circumstances, including a punitive costs Order.
21. If the Defendant fails to comply with any compelling Order, the Plaintiff must apply in the **Special Interlocutory Court** for a referral to the Registrar to obtain a date for Default Judgment.



The Plaintiff shall also apply in the Trials Interlocutory Court for a referral to the Registrar to allocate a date to obtain default judgement in matters where:

- (a) a judicial case management conference has not yet been convened, or
- (b) a trial readiness certificate has been issued but no trial date allocated;
where in both categories the Defendant, especially the RAF, has not engaged or complied with the requirements of Rule 36, 37 and 37A.

22. If a referral as described in paragraph 21 is granted, the Plaintiff must properly prefix the file with DJ Trial and then approach the Civil Trials Registrar, with a copy of that Order, to allocate a set-down date, unless trial date has already been allocated, for the relevant evidence to be presented in the Default Judgment Trial Court. With regard to the matters referred to in paragraphs 5.4, 5.5 and 5.6, the Plaintiff must only seek a set down date in the Special Interlocutory Court for a referral to the Registrar to obtain Judgement by default in the Default Judgment Trial Court when all necessary preparation to present the relevant evidence is accomplished.

23. Upon being granted such date, the Plaintiff shall serve a notice of such set-down on the Defendant which shall include copies of the Orders granted in the Trials Interlocutory Court, where applicable.

24. If the matter becomes settled prior to the set-down date, the matter must be withdrawn from the default trial roll and re-enrolled in the Settlements Court.

25. If the matter remains unsettled and it is therefore necessary to proceed with the application for default judgment, a hearing in the Default Judgment Trial Court shall take place.

26. The Plaintiff shall, notwithstanding the non-engagement of the Defendant in whatever respect, be required to have complied with whatever prescripts in Chapter 4 of this directive which can unilaterally be performed by the Plaintiff, and further, the Plaintiff must be ready to present, fully, all the evidence necessary to justify the Orders that are sought at the hearing for a default judgment.



Procedure at the Default Judgment Trial Court

27. In the standard practice note filed by the Plaintiff for the purpose of the Trial Roll Call, the Plaintiff must give a full account of the status *quo* of the matter, referred to in paragraphs 5.4, 5.5, 5.6 and 21, and of any engagement with the Defendant since the matter was before the Trials Interlocutory Court, where applicable. In respect of matters against the RAF, the claims handlers or other officials of the RAF must be named, where known, and the attempts made to make contact must be stated, with specific reference to:
- 27.1. efforts to settle and offers, if any, made.
 - 27.2. the prospects of settling.
 - 27.3. Proposals to mediate in terms of Rule 41A.
 - 27.4. the reasons why settlement is unlikely.
28. Until further notice, it is assumed that all trials, including matters in which it is necessary to present evidence to obtain a default judgment shall be conducted by video link. In the event that a physical hearing is deemed necessary by the trial Judge, which ought to be the exception, evidence from one or more witnesses may nevertheless still be adduced via video link to the court room, subject to the discretion of the trial Judge.
29. In all such matters in which default judgment is sought, evidence may be tendered on affidavit and the trial Judge may, in the exercise of a discretion, accept such evidence or call for oral evidence.
30. In all such matters in which default judgment is sought, medical reports should generally be confirmed under oath by the expert and be tendered as evidence, subject to the discretion of the Trial Judge to interrogate such reports and call for oral evidence to amplify or clarify the reports, should this be deemed necessary. All expert reports must comply fully with the prescripts set out in chapter 4 of this directive.
31. In all such matters in which default judgment is sought, argument as to the computation of damages must be presented in written format to the Trial Judge with full references to the relevant case law, which should be uploaded to the electronic file on CaseLines.



CHAPTER 7: PROCEDURE TO APPLY FOR A TRIAL DATE IN A MATTER IN WHICH THE DEFENDANT IS NOT THE RAF, THE MEC HEALTH, GAUTENG OR PRASA; I.E, IS A MATTER IN CATEGORIES C, F, D, OR P.

32. Paragraph 8.4.1 shall apply *mutatis mutandis* to this Chapter of the directive.

33. A party who contends that a matter categorised C, F, D or P, is ripe to be allocated a trial date shall apply in the prescribed form, to the Registrar for a certificate of trial readiness and together with such application, shall further provide the following in a statement, signed by the attorney for the party applying for the certificate, confirming that:

33.1. he or she has personally verified full compliance with the prescripts of this directive, in particular, paragraph 8.4.1 herein.

33.2. that no interlocutory applications are outstanding or anticipated.

33.3. a copy of a pre-trial minute signed by all parties, which was held not earlier than 30 calendar days before the date the application is made, accompanies the statement and is compliant with the provisions of this directive.

33.4. all documentation has been uploaded to the electronic file on CaseLines and is compliant with the prescribed format as set out in Part B, paragraphs 8 to 22.

34. Upon receipt of an application that is fully compliant with these prescripts the Registrar shall issue a certificate in the prescribed form.

35. The application form and accompanying documents shall be made available to the trial Judge in due course, and the attorney applying for the certificate must ensure that a copy of the application and the accompanying documents is retained in his or her safekeeping, and that the documents are available at trial.

36. In the event that any misrepresentation is made in such application, whether intentional or negligently, the certificate shall automatically be invalid, and the attorney and/or Counsel responsible for the application shall be referred to the DJP for an investigation into the



misrepresentation and may be referred to the Legal Practice Council, for a further investigation into whether or not professional misconduct has been committed.

CHAPTER 8: THE SPECIAL INTERLOCUTORY COURT: ROLE AND FUNCTIONS, APPLICABLE TO ALL CATEGORIES OF MATTERS

37. A motion court, the Special Interlocutory Court, to address issues of non-compliance with this Directive or of the practice manual of the court or of any rule of court, whether opposed or unopposed, in all cases, ie trials, applications and appeals, will sit Mondays to Thursdays every week, except during the period of dies non, between 16 December and 15 January. Matters where the RAF is the defendant and in terms of chapter 6 of this Directive, qualify to apply in the Special Interlocutory court for a referral for adjudication of the case by default, shall include cases in which set down dates have not been allocated as well as cases in which set down dates have been allocated.
38. Save as provided in paragraph 37, cases shall be set down on notice filed before noon 7 clear Court days before the hearing date; be succinct and, where appropriate, brief heads of argument shall be submitted at the hearing.
39. Ordinary opposed or unopposed interlocutory matters relating to matters other than those described in paragraph 37 must not be enrolled in this Court and must instead be enrolled in the general opposed or unopposed motion court, whichever is applicable.
40. Draft Orders in the Special Interlocutory Court, in addition to being uploaded to the files on CaseLines, must also be sent in word format by email to the secretary of the presiding Judge to enable revisions, if required, at the discretion of the Judge. The Draft Orders must bear the name of Counsel, the Attorney and their respective email addresses. Upon an Order being granted, the Registrar shall prepare the Order and upload it to the electronic file on CaseLines by no later than the day following the date of the Order. Copies shall be emailed to the attorney at the email address stated on the Draft.
41. Any party who, having reason to be aggrieved by the other party's neglect, dilatoriness, failure or refusal to comply with any Rule of Court, provision of the Practice Manual or provision of



this Directive must utilise the Interlocutory Court to compel compliance from the delinquent party: further,

41.1. if a party, other than the RAF, fails to comply with a complying order, served on that party, and a rule of court provides that such non-compliance may entitle an aggrieved party to apply to strike out the claim or defence, such application to strike out shall again be enrolled in the Special Interlocutory Court for final relief,

41.2. where the defendant is the RAF, chapter 6 of this Directive shall apply in relation to final relief.

42. Furthermore, any breach by a Legal Practitioner to promote and advance the efficacy of the Legal Process as stipulated in paragraph 60.1 of the Code of Conduct for Legal Practitioners may be referred to the Legal Practice Council for investigation into possible professional misconduct.

43. In particular, Plaintiffs in category “Y” matters who allege that the Defendant is culpable in any way for an unnecessary delay, must not hesitate to utilize this court.

44. Among the matters which this court will deal with will be:

- 44.1. the failure to deliver timeously any practice note or Heads of Argument that are due,
- 44.2. a failure to comply with Rule 36,
- 44.3. a failure to sign a Rule 37 minute promptly,
- 44.4. a failure to comply timeously with any undertaking given in a Rule 37 conference,
- 44.5. a failure to secure an expert timeously for an interview with a patient,
- 44.6. a failure to secure a meeting of experts for the purpose of preparing joint minutes,
- 44.7. non-compliance with any provision of this directive,
- 44.8. any other act of non-compliance in respect of an obligation that rests upon a party which may imperil expeditious progress of a matter may be the subject matter of an application to compel; the list is not limited.

45. In a proper case, punitive costs (including an Order disallowing legal practitioners from charging a fee to their clients) may be awarded where recalcitrance or obfuscation is apparent and is the cause of inappropriately delaying the progress of any matter.



CHAPTER 9: INTERROGATION OF SETTLEMENT/CONSENT DRAFT ORDERS RELATING TO ALL “Y” MATTERS

46. No Settlement/Consent draft Order shall be considered by a Judge unless this chapter of the directive has been fully complied with.
47. Every Settlement/Consent draft Order presented shall be interrogated by a Judge who is requested to make the settlement/consent Order to determine whether or not the circumstances upon which order is premised are justified in relation to the law, the facts, and the expert reports upon which they are based.
48. Because no evidence is adduced under Oath, as might have been presented on the trial, the Court may further require that the submissions relied upon should be confirmed by affidavit or oral evidence as more fully stipulated hereunder.
49. In order to facilitate a swift but nevertheless substantive consideration of the Settlement/Consent draft Order and justification:
- 49.1. Plaintiffs’ and Defendants’ ***legal practitioners*** or in the case of a Defendant who has no legal representative; any official of the Defendant authorized to represent it shall, jointly, prepare and sign a document, styled ***Submissions in support of settlement/consent Draft Order***. The Submissions should be in appropriate detail, indexed and paginated where necessary and in which the facts and opinions upon which the agreements are premised should be set out and further appropriately cross-referenced to the source documentation relied upon, and lastly wherein the connection is demonstrated between the facts and the conclusions in the opinions/reports.
- 49.2. The submissions document shall, together with the draft consent order, and FORM 9 be presented to the Registrar, whereupon the Registrar shall set the matter down on the Roll of the Court dealing with Consent Orders, a fortnight hence.
- 49.3. Note that matters which have been left on the Trial Roll, which ought to have been removed from that roll and re-enrolled in the Settlements Court shall be summarily struck off the Trial Roll and no costs may be charged in respect thereof.



49.4. Such a matter left on the trial Roll, which is at that time settled, shall not be dealt with at the trial Roll, but shall be struck off, whereupon the parties may seek to have the consent order considered in accordance with this directive in the Settlements Court.

49.5. Not more than 20 matters shall be enrolled per Judge per day on the Settlement Roll.

50. All factual material relied upon by the Plaintiff and Defendant to reach agreement on –

50.1. The liability of the Defendant for the accident.

50.2. The apportionment of liability for the accident, if any.

50.3. The causal connection between the accident and injuries.

50.4. The causal connection between the injuries and the medical sequelae.

50.5. The causal connection between the sequelae and a Plaintiff's inability to be economically active on the same basis as that Plaintiff was prior to the accident.

50.6. The amount of the vouched for medical expenses.

50.7. The base-line data to provide a basis to compute:

50.7.1. past and future loss of earnings or earning capacity.

50.7.2. the quantum of support actually received from a deceased in respect of a dependant's claim.

shall be set out in the submission document or affidavit as the Court may require.

51. Factual, material and legal submissions made should be supported by the admissible and relevant document which is part of the court file.

52. Where disputes of fact have been resolved by agreement, these disputes must be pertinently recorded.



53. Regarding General Damages where a sum is agreed as general damages, both legal practitioners shall sign a submissions document in which the figure agreed upon is motivated by reference to the case law, which must be referred to and, where appropriate, copies attached.
54. **Special attention is required** in matters where the total agreed quantum exceeds R5 million, **in which cases** the RAF legal officer and/or claims handler or any person duly authorized to give instructions shall in addition sign an affidavit stating that “he/she has personally applied his/her mind to the facts, records and circumstances of the case and is satisfied that the offer or settlement amount is rational and appropriate”.
55. As a general rule, trial costs shall not be awarded in respect of a matter that is settled and only costs on the presentation of a settlement agreement shall be allowed.
56. Where the issue of liability for the collision and the issue of the quantum of damages have been separated, and one or other issue, but not both, has been settled, trial costs shall not be allowed in respect of the settled issue, even though trial costs are appropriate in respect of the issue that went to trial.
57. In the event that a party is of the view that the particular circumstances of a matter, or an aspect of it, warrants a deviation from paragraphs 55 and 56 to allow trial costs, a full motivation must be set out in the submissions document to facilitate a consideration thereof by the Judge.
58. The costs of experts fall into two categories:
- 58.1. the costs of a report shall only be allowed if the report was properly filed on time or if the parties make written submissions that the costs are justifiable.
- 58.2. the expert costs of reserving time to attend court to testify (a reservation fee shall only be allowed, and only to the extent expressly authorized by a Judge,) if an affidavit is presented, which affidavit shall contain the prescribed information and contain this declaration:
- “I declare that I have held myself ready and available to give evidence on [date/s] in the following matters [a list setting out case numbers, parties’ names, attorneys’ names and



counsel's names] and the charge I intent to debit for the day in respect of each matter is [R_____]”.

CHAPTER 10: MANAGEMENT OF THIS DIRECTIVE

59. This directive may be amended from time to time on notice to the Legal Profession.
60. Legal Practitioners should ensure that they comply fully.
61. Personnel of the RAF who are held to be culpable for non-compliance shall be reported to the CEO of the RAF for consideration of disciplinary action.
62. Conduct which is held to be obstructive to the speedy resolution of the matter may attract punitive costs orders and also may result in a referral of the persons *prima facie* responsible therefore, to the appropriate regulatory bodies.
63. This Directive takes precedence over the Practice Manual, but nothing in this directive detracts from any provision of the Practice Manual, unless superseded, and, in particular, the efforts that should be made at the certification stage to settle matters and avoid them being enrolled on the trial roll.

PART B: ISSUING OF PROCESS, ELECTRONIC SERVICE AND FILING OF PRACTICE NOTES and HEADS OF ARGUMENT. [THIS PART OF THE DIRECTIVE MUST BE READ WITH THE JUDGE PRESIDENT'S CONSOLIDATED DIRECTIVE ABOUT COURT OPERATIONS OF 11 JUNE 2021(AS REVISED AS AT 08 JULY 2022)]

1. This Directive is intended to regulate the issuing of process, the filing of practice notes and heads of argument electronically at both High Courts of the Division.
2. For as long as the Revised Consolidated Directive of 18 September 2020 (issued on 08 July 2022) is in force and effect, the provisions of this Directive must be read with that Consolidated Directive. In particular, attention especially in as far- as uploading of practice notes and heads of argument on the electronic files CaseLines and invitation of the relevant office profiles instead of submission of practice notes by email are concerned.



3. The Directive applies to all Civil Trials; Full Bench and Full Court appeals; Opposed Motions; Special Motions, 3rd Court applications and Unopposed Motions.
4. The service and filing of Practice Notes and Heads of argument shall comply with the applicable time periods contained in the Practice Manual of the respective Court in which the matter is/was initiated.

5. PRACTICE NOTES AND HEADS OF ARGUMENT:

- 5.1. All practice notes and Heads of Argument must be uploaded to the electronic file(s) on CaseLines, followed by inviting the relevant Judge's Secretary and the relevant Registrar Office profile as published from time to time. This directive does not abolish the provisions and timelines for the filing of practice notes and heads of argument as provided for in the Revised 18 September 2020 Consolidated Directive (Directive 2 of 2022_issued on 08 July 2022).
- 5.2. All documents filed electronically and uploaded must be in PDF format and proof of the electronic delivery thereof must be produced as directed by the Judge(s) presiding in the respective matters.

6. EMAIL ADDRESSES:

- 6.1. No pleading, notice or process will be accepted unless the email address of the attorney(s) and/or party issuing same is provided.
- 6.2. Email addresses of the attorneys involved in a matter must be provided at the bottom of each draft order sought and the onus of providing same shall vest in the party enrolling the matter.
- 6.3. In instances where a draft order is not a precursor for the matter to be disposed of, the email address of the attorneys involved must be provided on their respective practice notes.



7. PRESCRIBED FORMAT FOR UPLOADING AND INDEXING DOCUMENTS ON CASELINES

- 7.1. The presentation of documents on CaseLines must be in a format that makes it reader-friendly. It must be possible to use the automatic index to identify every document uploaded. An additional index may be included that cross-references both CaseLines page numbers and another page number sequence; where this is done, such index must be in a single document.
- 7.2. Heads of Argument must, when referring to the uploaded documents, cross reference the CaseLines page number and the paragraph, where applicable.
- 7.3. If caselaw is uploaded, the automatic index must be capable of identifying the case name.
- 7.4. The uploaded file must be suitably sectioned, ordered, and bundled in a logical chronological order, containing legible copies of every document uploaded as an individual document.
- 7.5. Every document uploaded must be fully described. Where an annexure to an affidavit or other document is uploaded it is insufficient to merely describe it as, e.g., FA 1 or R13.
- 7.6. The file as uploaded must be in separate named sections.
- 7.7. The sections, unless sound reasons exist to present them differently, shall include the following:
 - 7.7.1. Pleadings – a full set of pleadings applicable as at the date of trial.
 - 7.7.2. Pre-amendment pleadings, if any: a full set.
 - 7.7.3. Notices.
 - 7.7.4. Discovery: the discovery affidavits of all parties, the Plaintiffs first, the Defendants thereafter. A statement that discovery is complete must be filed, alternatively if not complete, a full explanation why not, and what steps were taken and which remain necessary to achieve competition.



- 7.7.5. Expert reports: a set of the expert reports, as contemplated in Uniform Rule 36(9)(b), which reports conform to the following:
- 7.7.5.1. Expert reports must be drafted in a format designated for lucidity, brevity, and convenient cross-referencing. To this end, it must be in numbered paragraphs. When referring to other expert reports, refer to the numbered paragraphs therein.
 - 7.7.5.2. Where more than one expert has reported on a given aspect, joint minutes of experts must identify precisely what is agreed and what is not agreed, with reasons stated why an agreement could not be achieved, especially as to whether the disagreement relates to a fact clinically observed or an interpretation of the facts.
- 7.7.6. Pre-trial-conference minutes: a signed, agreed minute of the pre-trial conference that addresses all the questions in paragraph 8 of the Directive must be filed. Alternatively, if the parties do not agree to the minute's contents, a minute signed by the party filing the document must be filed together with an explanation why the parties cannot agree, including an explanation as to the utilisation of the trials interlocutory court to endeavour to procure compliance and cooperation from an adversary.
- 7.7.7. Practice notes, in chronological sequence.
- 7.7.8. Trial bundle: a single bundle of all documents that the parties intend to use at the trial, together with, a statement as to the agreed or disputed evidential status. Where a party includes unnecessary documents in the bundle, the court may, on the application of any party to the trial, or *mero motu*, make a punitive costs order in respect thereof.
- 7.8. Parties must not create separate sections for every *document* unless sound reasons exist to do so; the individual document must be uploaded to the appropriate section to which the document belongs.



7.9. A Judge may request certain documentation to be provided in word format and parties must retain documents such as pleadings, affidavits and heads of argument in that format to be able to respond to such a request.

A.P. LEDWABA
ACTING JUDGE PRESIDENT
GAUTENG DIVISION OF THE HIGH COURT
OF SOUTH AFRICA
Digitally transmitted therefore unsigned





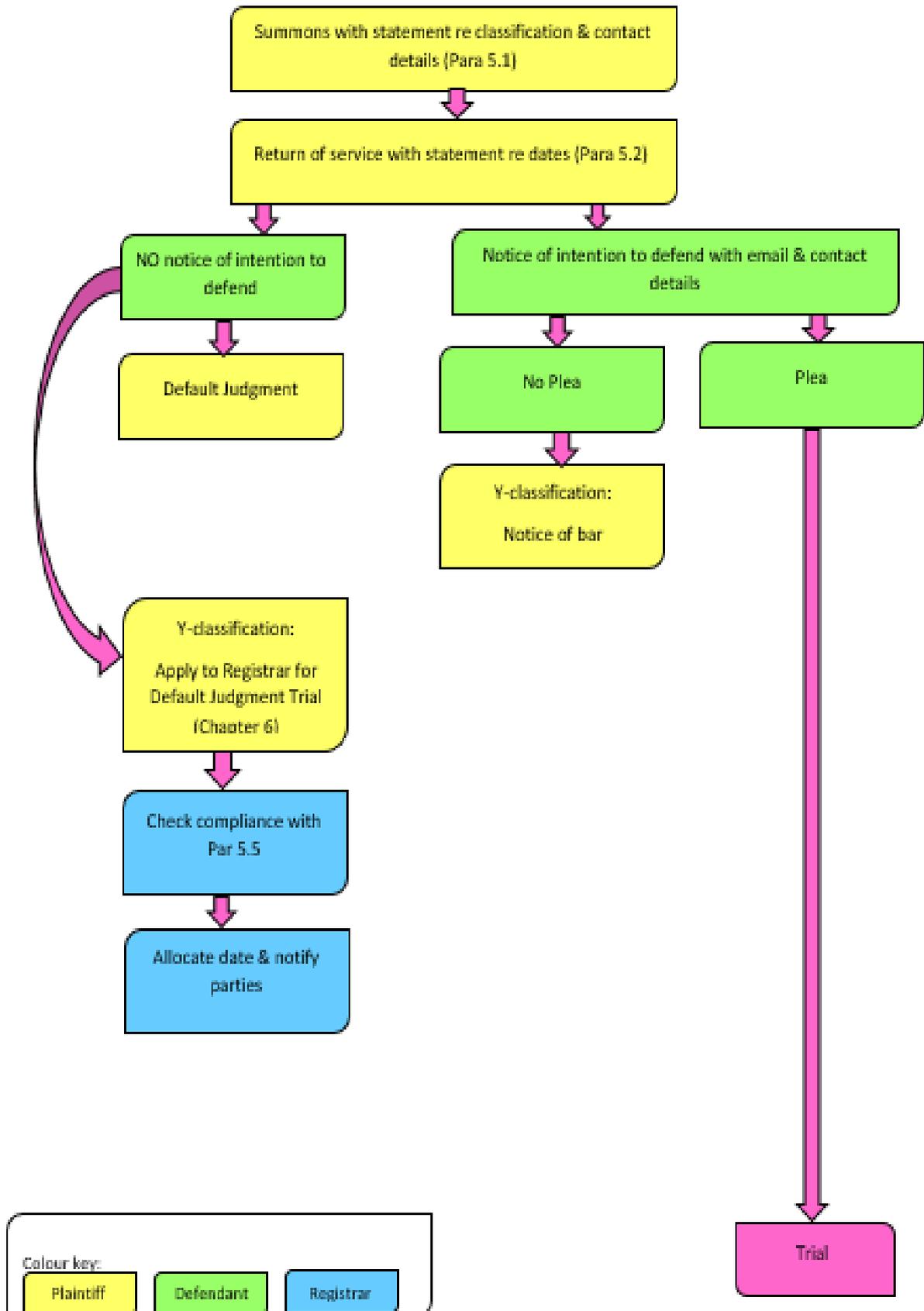
Gauteng Division of the High Court of South Africa

Judge President's Practice Directive 1 of 2021

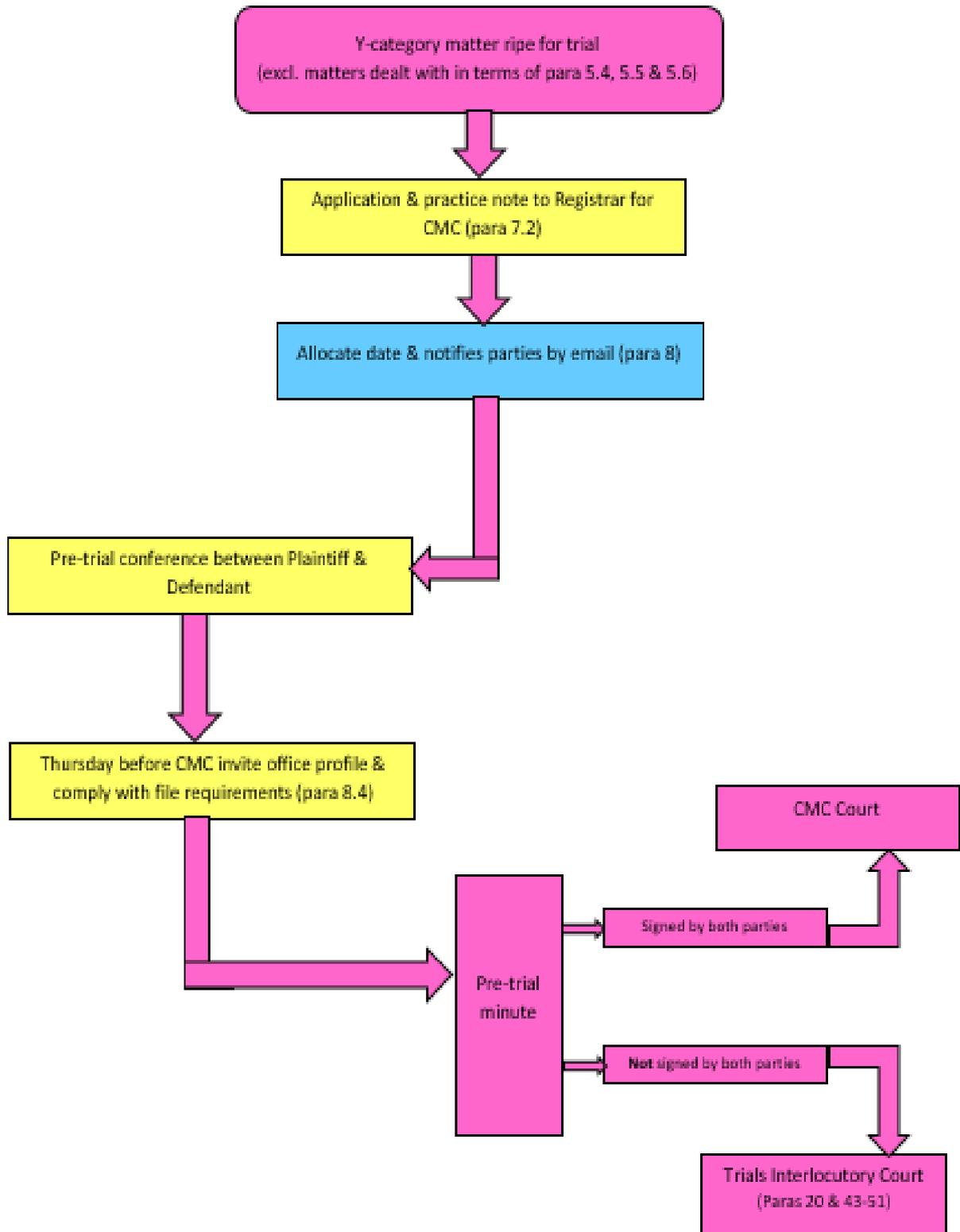
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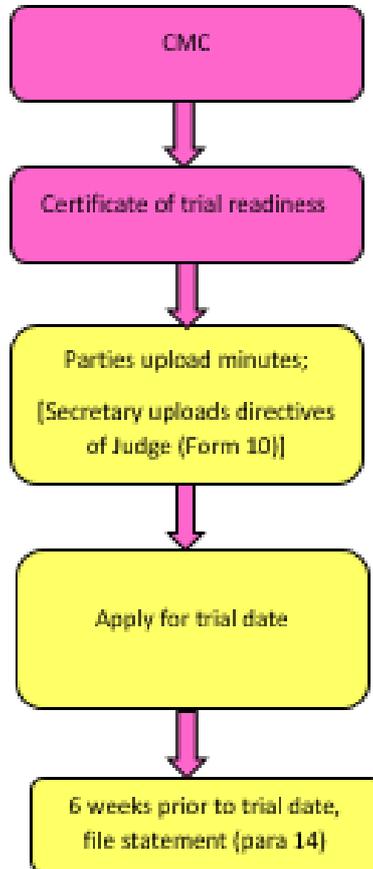
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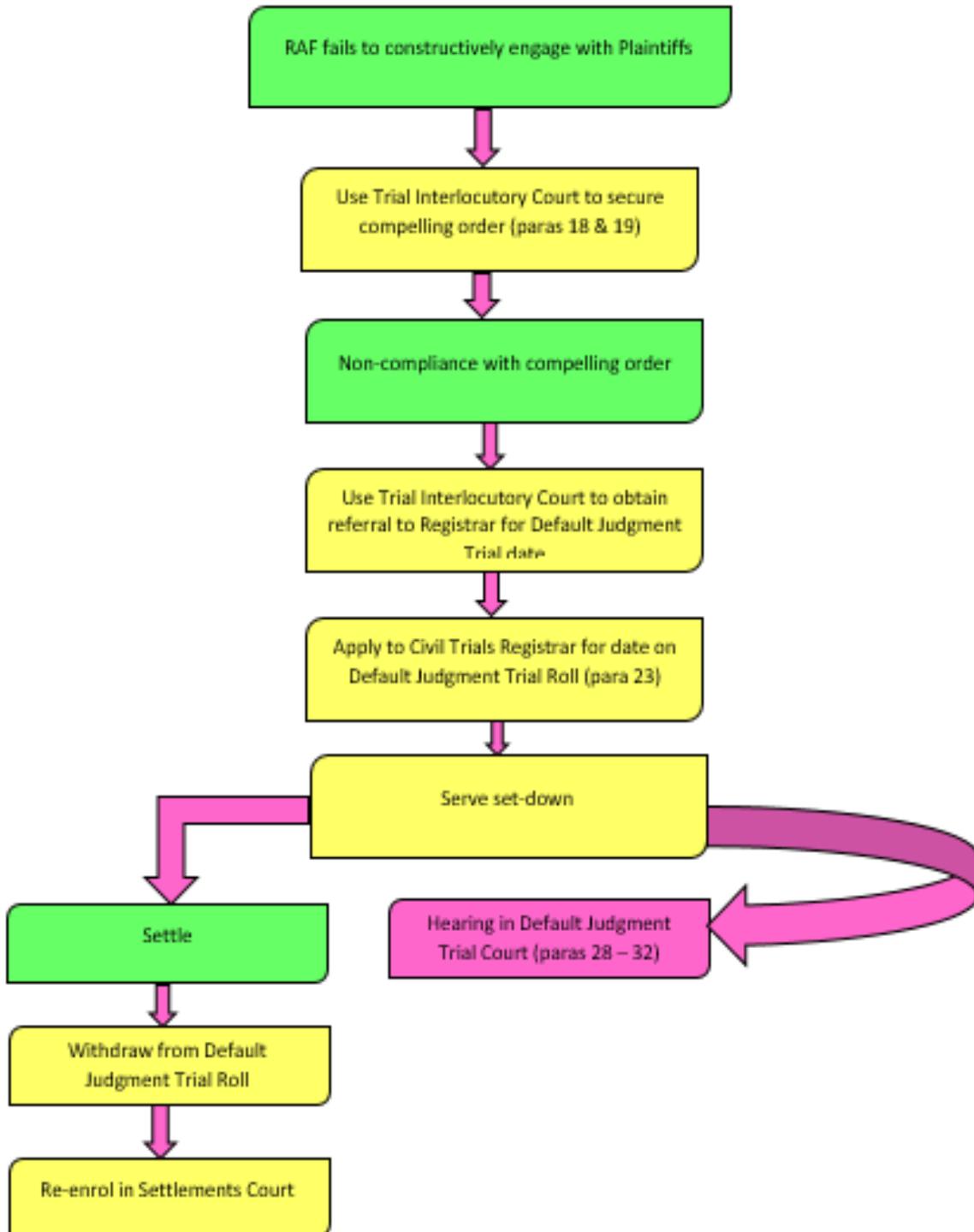
Chapter 4



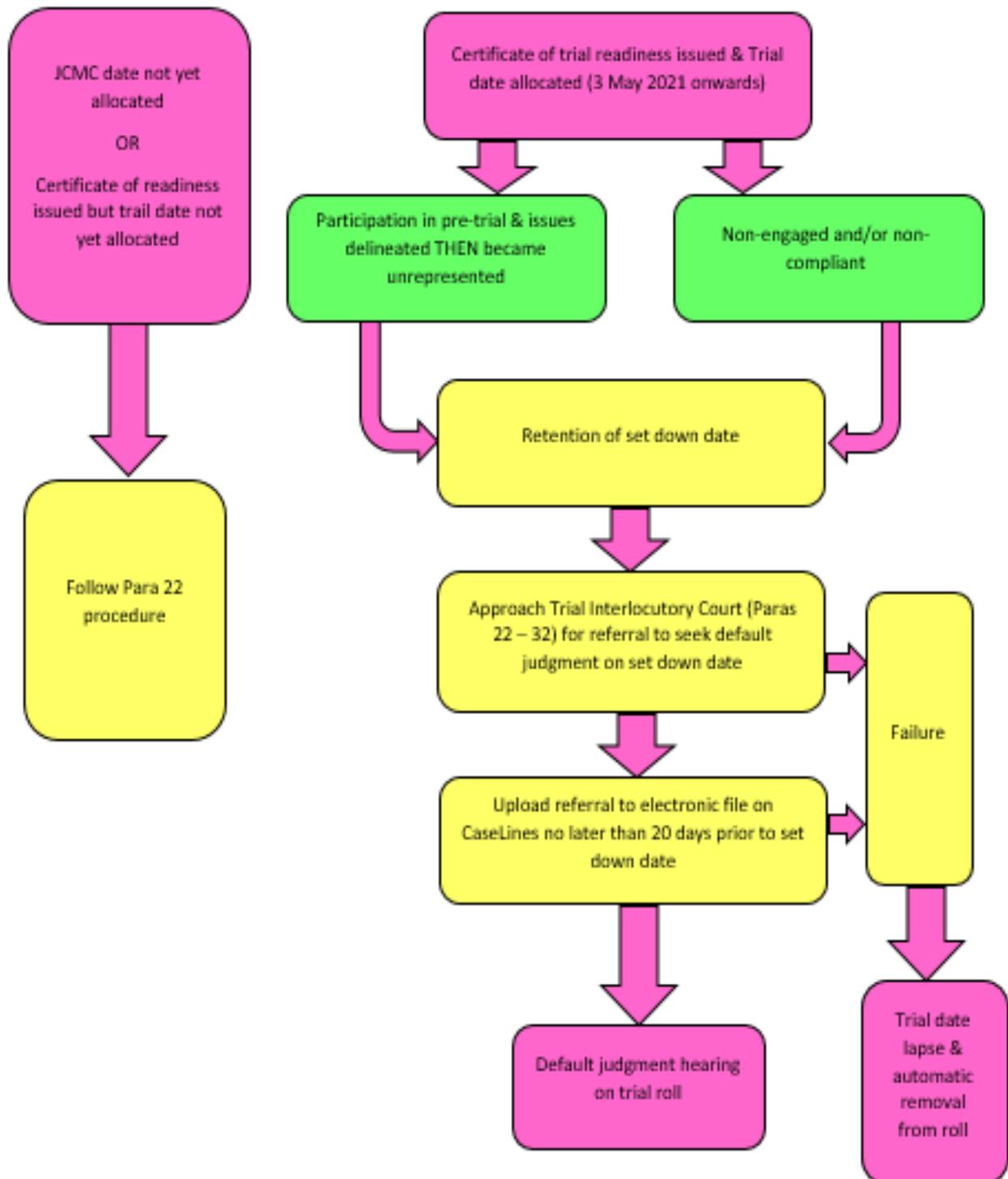
Chapter 5



Chapter 6



Transitional arrangements



FORM 1

TRIAL MATTERS

APPLICATION FOR A CASE NUMBER IN TRIAL ACTION AND CLASSIFICATION OF A MATTER IN TERMS OF PARAGRAPH 5.1 OF CHAPTER 3 OF REVISED DIRECTIVE 1 OF 2021; TO REGULATE THE CASE MANAGEMENT, TRIAL ALLOCATION AND ENROLMENT OF TRIAL MATTERS IN THE GAUTENG DIVISION OF THE HIGH COURT, PRETORIA AND THE GAUTENG LOCAL DIVISION OF THE HIGH COURT, JOHANNESBURG

PLAINTIFF: _____

DEFENDANT: _____

I, the undersigned _____ am the attorney dealing with this matter and I declare that this is a matter in the category marked below:

Defendant is the Road Accident Fund or the MEC of Health in Gauteng or PRASA (Category "Y")

Commercial (Category "C")

Family (Category "F")

Delictual (Category "D")

Public Law (Category "P")

Attorney's email

address: _____

Firm's name and contact

details: _____



FORM 2

ALL TRIAL MATTERS

CASE NUMBER: _____

ATTACHMENT TO RETURN OF SERVICE

(PARAGRAPH 5.2 OF CHAPTER 3 OF REVISED DIRECTIVE 1 OF 2021)

NOTE: If this form is not attached to the return, the Registrar will not accept the return.

PLAINTIFF

IS: _____

DEFENDANT

IS: _____

DATE THAT NOTICE OF INTENTION TO DEFEND IS

DUE: _____

DATE THAT PLEA IS DUE IF NOTICE TO DEFEND IS GIVEN ON

DUE: _____

Signed on behalf of Defendant's attorney by

(name) _____

Date: _____ Signature: _____



FORM 3

ALL TRIAL MATTERS

CASE NUMBER: _____

ATTACHMENT TO NOTICE OF INTENTION TO DEFEND

(PARAGRAPH 5.3 OF CHAPTER 3 OF REVISED DIRECTIVE 1 OF 2021)

NOTE: If this form is not attached to the Notice of intention to defend, the Registrar will not accept the Notice.

PLAINTIFF

IS: _____

DEFENDANT

IS: _____

DEFENDANT'S ATTORNEY

IS: _____ (FIRM'S NAME)

THE PERSON RESPONSIBLE FOR THE DEFENDANT'S FILE IS (block letters or print):

THE EMAIL ADDRESS TO WHICH ALL COMMUNICATION MUST BE SENT:

(Block letters or print): _____

Signed on behalf of the Defendant's attorney by

(name) _____

Date: _____

Signature: _____



FORM 4

TRIAL MATTERS CLASSIFIED C, F, D, AND P

CASE NUMBER: _____

APPLICATION TO THE REGISTRAR FOR A TRIAL DATE

(PARAGRAPH 33 OF CHAPTER 7 OF REVISED DIRECTIVE 1 OF 2021)

NOTE: In the event that any misrepresentation is made in this application, whether intentional or negligently, the certificate of readiness shall automatically be invalid and the Attorney and/or Counsel responsible for the application shall be referred to the DJP for an investigation into the misrepresentation and may be referred to the Legal Practice Council, for further investigation into whether or not professional misconduct has been committed.

STATEMENT BY ATTORNEY APPLYING FOR THE TRIAL DATE

I, _____ the attorney for the party applying for this certificate have personally verified that there has been full compliance with the prescripts of this Directive and that this statement is both correct and accurate, as set out as follows:

1. The pleadings have closed,
2. A compliant indexed and paginated set of the pleadings has been filed,
3. All discovery is complete.
4. A single, indexed and paginated, legible bundle of the documents, in which each document is described in the index, has been prepared.
5. The parties have considered whether a single expert on a given aspect is appropriate in the circumstances, and
 - 5.1 decided to appoint a single expert, or
 - 5.2 decided not to appoint a single expert witness for the following

reasons: _____



6. All experts' witnesses' reports have been filed,
7. Joint minutes of contending experts have been filed,
8. The reports and the joint minutes comply in all respects with the provisions of this Directive,
9. No interlocutory applications are outstanding or anticipated,
10. A copy of a pre-trial conference minute has been signed by all parties, which conference was held not earlier than 30 calendar days before the date this application is being made and which is compliant with the provisions of this Directive, a copy whereof is attached.
11. A practice note by the attorney/counsel is attached, in which is state:
 - 11.1 which of the issues in the case that are not in dispute, and in respect of which by reason thereof, no evidence shall be allowed at the trial,
 - 11.2 which of the issues in the case that are in dispute, describing:
 - 11.2.1 the exact nature of the disputes of fact and disputes of law,
 - 11.2.2 and the exact contentions of each party in respect of that issue.

Signed _____ (Attorney applying for the trial date)

REGISTRAR'S CERTIFICATE OF TRIAL READINESS

(PARAGRAPH 34 OF CHAPTER 7 OF REVISED DIRECTIVE 1 OF 2021)

I, _____ (the Registrar)

having received this statement and the attachments, certify that the matter is trial ready and it may be allocated a trial date.

Signed: _____

Date: _____



FORM 6

TRIAL MATTERS CLASSIFIED “Y”

(WHERE THE DEFENDANT IS THE RAF, MEC HEALTH OR PRASA)

CASE NUMBER: _____

**APPLICATION FOR A JUDICIAL CASE MANAGEMENT CONFERENCE,
FOR A CERTIFICATE OF TRIAL READINESS
(PARAGRAPH 7.1 OF CHAPTER 4 OF REVISED DIRECTIVE 1 OF 2021)**

PLAINTIFF

IS: _____

ATTORNEY: _____

EMAIL: _____

COUNSEL: _____

EMAIL: _____

DEFENDANT

IS: _____

ATTORNEY: _____

EMAIL: _____

COUNSEL: _____

EMAIL: _____

STATEMENT BY ATTORNEY

I, _____, declare that this matter is trial ready and is appropriate to be enrolled for a case management conference to obtain a certificate of readiness to obtain a trial date.

1. A practice note as prescribed in paragraph 7.2 of Chapter 4 of revised Directive 1 of 2021, is attached.



2. A pre-trial conference minute as contemplated in paragraph 8.4.2 of Chapter 4 of revised Directive 1 of 2021, has already been completed, and a copy is attached/will be completed before the case management conference.

Signed _____ Date: _____

REGISTRAR'S ACTION:

This matter has been enrolled for a case management conference
on _____

FORM 7

TRIAL MATTERS CLASSIFIED "Y"

CASE NUMBER: _____

COVER SHEET

FOR DOCUMENTATION PRESENTED AT A CASE MANAGEMENT CONFERENCE

(PARAGRAPH 8.4 OF CHAPTER 4 OF REVISED DIRECTIVE 1 OF 2021)

PLAINTIFF _____

DEFENDANT _____

I, _____ the attorney applying for the case management conference, declare that paragraph 8.4 of Chapter 4 of the revised Directive 1 of 2021 have been complied with, and present the following documentation:

The court file, suitably ordered, secured, paginated and indexed, containing legible copies of every document; more particularly:

1. A full set of the pleadings,



2. The discovery affidavits of all the parties in a single bundle, with a statement that discovery is complete; alternatively, if not complete, a full explanation why not, and what steps are necessary to achieve completion.
3. A single indexed legible bundle of documents to be used, in a logical order, which contains no duplications, and each document being properly described.
4. A set of the expert reports, as contemplated in Uniform Rule 36 (9)(b) which reports conform to the following:
 - 4.1 Expert reports must be drafted in a format designed for lucidity, brevity, and convenient cross referencing, and to this end, must be in numbered paragraphs, and when referring to other expert reports, refer to the numbered paragraphs therein.
 - 4.2 Where more than one expert has given a report on a given aspect, joint minutes of experts must identify exactly what is agreed and what is not agreed, with reasons stated why agreement cannot be achieved, especially as to whether the disagreement relates to a fact clinically observed or an interpretation of the facts.
5. A signed, agreed, minute of the pre-trial conference which has addressed all the questions identified in paragraph 9 of Chapter 4 of the Directive; alternatively, in the event that the parties have not reached agreement on the contents of the minute, a minute signed by the party filing the document together with an explanation why agreement on its content was not obtained. (In this regard attention is drawn to paragraph 20 in Chapter 6 and paragraph 43 to 51 of Chapter 8 of the Directive dealing with the utilisation of the Trials Interlocutory Court to procure compliance and cooperation from an adversary)

Signed:_____ Date:_____



FORM 8

TRIAL MATTERS CLASSIFIED “Y” WITH TRIAL DATES

CASE NUMBER: _____

NOTICE TO THE REGISTRAR

THAT A MATTER IS REMOVED FROM THE ROLL

(PARAGRAPH 49.3 OF CHAPTER 9 OF REVISED DIRECTIVE 1 OF 2021)

Plaintiff: _____

Defendant: _____

Trial date allocated: _____

Please take notice that this matter has been removed from the roll and the trial date allocated is no longer required.

Signed _____

Date: _____

Attorney for the Plaintiff/Defendant

REGISTRAR’S ACTION:

This matter is deleted from the trial roll of _____ (date)

Signed _____ Date: _____



FORM 9

TRIAL MATTERS CLASSIFIED “Y” WITH TRIAL DATES

CASE NUMBER: _____

NOTICE TO THE REGISTRAR

**THAT A MATTER HAS SETTLED, IS REMOVED FROM THE ROLL AND REQUIRES
TO BE PUT BEFORE A JUDGE TO CONSIDER A CONSENT ORDER**

(PARAGRAPH 49.2 OF CHAPTER 9 OF REVISED DIRECTIVE 1 OF 2021)

Plaintiff: _____

Defendant: _____

Trial date allocated: _____

Please take notice that this matter has settled and has been removed from the roll and requires to be put before a Judge to consider a consent order.

Signed _____ Date: _____

Attorney for the Plaintiff/Defendant

REGISTRAR’S ACTION:

This matter is set down before a Judge to consider a consent order on
_____ (date)

Signed _____ Date: _____



FORM 10

TRIAL MATTERS CLASSIFIED “Y”

CASE NUMBER: _____

**JUDGE’S CERTIFICATE OF TRIAL READINESS
(PARAGRAPHS 10 to 12 OF CHAPTER 5 OF REVISED DIRECTIVE 1 OF 2021)**

Plaintiff: _____

Defendant: _____

At a case management conference to determine trial readiness before

Judge _____ held on _____ (date)

The matter was:

1. Certified/not certified ready:
2. Conditions imposed (if any):
 - a. _____
 - b. _____
 - c. _____
3. The matter is/is not of long duration.
4. A minute of the conference shall be composed
by _____, the Plaintiff’s attorney.
5. The parties agree/do not agree to the Judge presiding in this conference to hear the trial.

Signed by JUDGE

This matter has been allocated a trial date on _____

Signed by Registrar _____

Date: _____





OFFICE OF THE ACTING JUDGE PRESIDENT
HIGH COURT OF SOUTH AFRICA, GAUTENG DIVISION, PRETORIA
Gauteng High Court Building, Cnr. Madiba & Paul Kruger Streets,
Room 7.15, Seventh Floor
Tel. (012) 315 7572/(012) 492 6811– E-mail: AMbelani@judiciary.org.za

08 July 2022

To:

- 1. All Judges of the Gauteng Division of the High Court, Pretoria and Johannesburg**
- 2. All Judiciary Heads of the Regional and District Courts, Gauteng Division**
- 3. Court staff, Professional Bodies, Practitioners and members of the public**

DIRECTIVE 2 OF 2022

JUDGE PRESIDENT'S REVISED CONSOLIDATED DIRECTIVE

IN RE: COURT OPERATIONS IN THE PRETORIA AND JOHANNESBURG HIGH COURTS OF THE GAUTENG DIVISION, WITH EFFECT FROM 18 JULY 2022

- i. This Directive replaces the Judge President's Consolidated Directive of 11 June 2021 which it amends substantially. Attention is drawn to the substantive amendments in paragraphs 1 to 17 regarding the modes of court hearings and other amendments throughout this Directive in as far as it relates to the designated Family Court in the Johannesburg seat of the High Court and the Court Online and CaseLines (where applicable) platforms used for the processing and adjudication of cases.



- ii. This Directive should be read with the Revised Directive 1 of 2021 (issued on 08 July 2022) in as far as it relates to Civil Trials in both seats of the Gauteng Division. This Directive should further be read in conjunction with Directive 1 of 2022 (issued on 27 June 2022) in as far as it relates to the issuing of new cases during the piloting of Court Online in both High Courts of the Gauteng Division. The provisions of the Uniform Rules of Court shall continue to apply and will be strictly enforced.
- ii. These directives set out how, and under what conditions, matters are to be issued and how all matters enrolled and pending in the Gauteng Divisions shall be dealt with.
- iii. Where timeframes for submission of notices/legal process and roll closure differ from those in the Practice Manual or existing Practice Directives, the time frames in this Directive shall prevail.

PART A: REGULATION OF MODES OF COURT HEARINGS IN PHYSICAL COURTROOMS AND BY VIDEO-LINK WITH EFFECT FROM 18 JULY 2022

- 1. The following policy considerations inform the Directives about modes of court hearings set out hereunder:
 - 1.1. The general principle is that all courts shall conduct physical hearings in public as the default mode and that the conduct of video-link hearings are appropriate only when sound policy reasons exist to deviate from this default position.
 - 1.2. Where appropriate, hybrid hearings may be held in which a measure of physical hearings and video-link hearings co-exist.
 - 1.3. Where significant advantages exist in some types of cases to use video-link hearings it is appropriate that such types of cases be heard by video-link as the default model.
 - 1.4. Whether physical or video-link hearings are held in any particular case, considerations relevant to the achievement of an effective hearing and the reasonable needs and convenience of the Judges, the Legal Practitioners and witnesses are to be taken into account. This includes:



- 1.4.1. Courtroom recording equipment which is effective, that electrical connection points are conveniently located in courtrooms to facilitate Judges and Legal Practitioners' reasonable needs to power laptops, and Wi-Fi connectivity is optimally effective to sustain multiple online access to Court Online, CaseLines, and in hybrid hearings, to video-links.
- 1.4.2. In a video-linked hearing, effective internet connectivity exists for all participants and, in particular, where poor connectivity is experienced in a video-link hearing, the Judge shall exercise a discretion to direct a physical hearing for the continuation of the case or abandon or postpone the hearing until the parties can secure effective connectivity. In this regard it is the duty of all Legal Practitioners to secure effective connectivity for hearings in which they appear, both for themselves and for any witness.
- 1.4.3. The threat of infection from covid, although diminished, remains in existence and appropriate measures to arrest the risk of spreading infections must be maintained. Therefore, where physical hearings are held, people shall observe social distancing and wear masks indoors unless excused from so doing by the Judge. The court administration must ensure that courtrooms are properly cleaned every day and that air conditioning works effectively.

TYPES OF CASES THAT SHALL BE HEARD PHYSICALLY BY DEFAULT:

2. All criminal trials.
3. All civil trials and all cases where the matter has been referred for oral evidence -
 - 3.1. At the discretion of the Judge, such cases may be heard in part physically and in part by video-link or wholly on video-link where sound reasons to do so are present. Such arrangements may be at the request of one or all parties or on the initiative of the Judge. Where the Judge takes the initiative, reasonable notice must be given to the parties.



- 3.2. Where evidence is given by video-link from a remote location, the physical arrangements for the witness to testify must be such that the integrity of the evidence given cannot fall under suspicion of being coached, aided, or in any way directed by a third party by any means. Practitioners must take responsibility for the organisation of “witness rooms” where the whole space is visible and third-party interference is impossible. The Judge may permit deviations from this type of arrangement if deemed appropriate.
- 3.3. Appropriate examples of the hybrid or total use of video-link participation in a case may include:
 - 3.3.1. An expert witness who is at a remote location.
 - 3.3.2. Counsel who is not domiciled in Gauteng.
 - 3.3.3. A witness whose credibility is not an issue in the case.
 - 3.3.4. A witness whose credibility is an issue and in respect of whom the judge is satisfied that the value of the evidence is unlikely to be diminished on account of testifying remotely and the efficacy of a cross-examination of the witness will not be impaired.
4. The Unopposed Motion Court, the Special Interlocutory Court and the Settlements Court hearings during term times. As a general rule, exceptional circumstances must be shown to deviate from the default position.
5. Applications for admission as Legal Practitioners.

TYPES OF CASES THAT SHALL BE HEARD BY VIDEO LINK BY DEFAULT

6. Unopposed divorce cases.
7. Applications for leave to appeal.
8. Urgent cases brought after court-hours or over week-ends.



9. Urgent cases brought during all recesses.
10. Cases in the unopposed motion courts and Special Interlocutory court brought during any recesses.
11. Judicial Case Management Court.
12. In these types of matters, a party may request a physical hearing and the Judge shall exercise a discretion whether it is necessary to deviate from the default position. Such a request must be given prior to the hearing, in a practice note which shall stipulate whether all parties are in agreement or not. Ideally, such a request should be made immediately after the publication of the court roll.

TYPES OF CASES THAT MAY BE HEARD EITHER IN PHYSICAL COURT OR BY VIDEO LINK BY AGREEMENT AMONG THE PARTIES

13. All appeals.
14. All opposed motions.
15. Family Court motion cases.
16. In respect of these types of cases the following considerations shall be relevant to the choice of model:
 - 16.1. The default position is a physical hearing and therefore a deliberate choice to use video-link must be made.
 - 16.2. In the absence of agreement among all parties about the mode of hearing, the Judge shall exercise a discretion as to what mode is appropriate having regard to the reasonable needs of all parties' representatives and witnesses.
 - 16.3. If one or more counsel who are to address the court are not domiciled in Gauteng, in the absence of a material reason not to accommodate such counsel on video-link, if counsel requests a hearing by video-link, the matter shall proceed on video-link.



16.4. Counsel who are domiciled in Gauteng and who would prefer not to travel to the seat where the hearing would take place physically, may request to be accommodated by resort to a video-link hearing. In the absence of agreement between the parties, the Judge shall decide which mode of hearing is appropriate, having regard to the reasonable needs of all parties' representatives.

16.5. A request for any such accommodation must be made to all interested persons as early as possible before the set down date.

MODE OF ROLL CALL IN THE CIVIL TRIAL COURT

17. The allocation of judges to cases shall proceed in accordance with the delivery of a joint practice note via email to the office of the DJP as prescribed in paragraphs 75 to 77 of this Directive.

PART B: REGULATION OF PROCESS AND CONDUCT OF PROCEEDINGS

CREATION OF ELECTRONIC FILES FOR ISSUED (PENDING) CASES

18. In terms of this Directive, where no electronic file is in existence on CaseLines for already issued and pending cases, Legal Practitioners must create those existing cases on the CaseLines system and thereafter invite Parties and/or their Legal Representatives to each created case they are involved in. Upon invitation to a case on the CaseLines system, the Legal Representatives may invite all their respective Counsel to the case, where Counsel is briefed. A file must be created only once and if a file has already been created by the Registrar, no new/additional file must be created. Legal Representatives should therefore search through their individual case lists to establish if an electronic file is already in existence for a particular matter prior to creating a file. Where duplicate files have been created, the Legal Representatives are to ensure that:

18.1. a Prefix titled "Duplicate" is added at the beginning of the case name;

18.2. their Counsel and opponent attorneys and Counsel as well as the relevant and correct Registrar Office profile is invited to the correct file;



- 18.3. the Judge's Secretary must be alerted to determine the file that will be used and to close and archive the duplicate file(s).
19. Prior to the enrolment of any matter or the allocation of a hearing date, the litigating party or its representative is to upload a Directive Compliance declaration OR certificate. The declaration or certificate must state "I, (name of attorney) hereby certify that I am in compliance with this Consolidated Directive in that I have done the following:..." and must set out exactly what (and how) the attorney complied with; including to confirm that no duplicate file for the matter exists on CaseLines and that all the Parties/their representatives have been invited to the matter on CaseLines. The names of all Parties/their representatives and their telephone numbers and email addresses should reflect on the declaration. Where no statement/declaration is filed, the Registrar cannot allocate a hearing date.
20. In terms of paragraph 2.1 of Directive 1 of 2022 (the Court Online Pilot Directive), with effect from 18 July 2022, **all new cases** must be initiated on the Court Online Portal for issuing and enrolment. No new cases will be issued in person or should be created on CaseLines. In existing pending matters on CaseLines where interlocutory proceedings are brought in respect of such cases such process is to be uploaded to the electronic file. Matters pending on CaseLines including applications for leave to appeal in such matters (if any) will effectively be finalised on CaseLines. The directions to follow in respect of both digital platforms are set out hereinbelow.

COURT ONLINE:

Issuing:

21. In preparation for the processing of any matter on the Court Online system Practitioners/Litigants are required to register beforehand and initiate all cases on Court Online per <https://www.courtonline.judiciary.org.za>. Further -
- 21.1.1 Foreign nationals who are registered with the Legal Practice Council (LPC) but who do not possess a South African identity number should contact the Court Online Support helpdesk per email to CourtOnlineSupport@judiciary.org.za for assistance with registration details required by the system. The practitioner's LPC number should be included in the email communication.



22. The number of Summonses/Applications that each Law Firm shall be permitted to issue per day shall be fifteen (15). The effect of this provision is that each Law Firm can issue a maximum of fifteen (15) case initiating documents a day excluding Rule 6 (12) urgent applications.
23. All new cases initiated by **litigants in person** must be initiated on Court Online. The in-person litigants must be referred to the Court Online Service Desk where designated court staff members can assist with the case initiation. A record of all these cases must be kept by the Registrar responsible for the management of the Court Online Service Desk.
24. When initiating an urgent application for issuing, the case must be marked as “urgent” when creating the case on Court Online. Cases that are not marked as urgent cannot be prioritized for issuing. Cases that are not intended to be enrolled on the urgent court roll may not be marked as urgent.
25. Cases wherein minor children are involved, surrogacy matters and Anton Piller Applications must be marked as “restricted access”. Cases that do not fall in these categories may not be marked as restricted access.
26. The reference number generated upon submission of a new case for issuing is not the case number. The case number is automatically generated upon issuing by the Registrar. The reference number may not be recorded on any papers filed in the case file – only the case number must be used.
27. Only the Summons or Notice of Motion is to be uploaded when a case is initiated for issuing. The documents that follow should be uploaded once the case is issued.

Uploading of documents to court file (case bundle):

28. All documents must be uploaded in pdf format to the Court Online case file.
29. Once the bundle is created for a particular hearing date (“scheduled event”), the documents relevant to the hearing must be included in (“added to”) the bundle from the Court Online case file.



30. The correct document type is to be selected when a particular document is uploaded to the case file. Practitioners often select “other” when uploading documents on Court Online. The Presiding Judge will not be able to identify the document in this manner.
31. Practitioners MUST refrain from selecting “other” from the document type selection list when documents are uploaded.
32. In the event that the document type selection list does not make provision for a specific document type, an email is to be sent to the Court Online Support helpdesk per CourtOnlineSupport@judiciary.org.za under the subject heading “Request to add a new document type on Court Online” with a description of the document type to be added to the document upload selection list.
33. No documents may be uploaded directly to the bundle in CaseLines as such documents will not be visible to the Judge.
34. Court files (case bundles) created on the Court Online Portal can only be accessed through the Court Online Portal.

Enrolment:

35. Uploading a date request form and selecting the document type “application for hearing or trial date” when submitting the form to the Registrar, is the equivalent of applying for a hearing date. The date request form for use during the pilot phase is annexed hereto as Annexure 1.
36. There is no need to “invite” any office profile as the application for a hearing or trial date is automatically routed to the Registrar or Clerk responsible for enrolment.
37. Enrolment of cases on Court Online during the pilot phase are subject to the general requirements for enrolment as set out in this Directive.

Notices of withdrawal/removal :

38. Should a litigating party wish to remove a matter from the roll on Court Online, the party is to upload the Notice of removal and select the appropriate document type from the document upload selection list. The Notice of removal shall be uploaded least 5 clear court days before the hearing



of the matter and the litigating party shall simultaneously notify the Secretary of the Judge hearing the matter, per email, of the withdrawal of the matter. The Secretary shall on the hearing date remove the matter from the roll.

Case outcomes and Court Orders:

39. Case Outcomes are recorded on the Court Online system. The outcomes are not visible to Court Online Portal users. Once an order is generated, uploaded and published to the court file, the order will appear in the Court Online Portal under “my case documents”.

39.1. Signed Written Judgments and Draft Orders which are made Orders of Court –

39.1.1 The Judge’s Secretary shall endorse the case file on Court Online, upload the Order or Judgment and publish the documents to the litigant portal for it to appear under “my case documents” on that portal.

39.1.2 Ex tempore Orders and Orders from written Judgments (including Orders from Judgments in applications for leave to appeal) –

39.1.3 The Judge’s Secretary shall endorse the case file on Court Online and assign the matter to the relevant typist team for the Order to be generated, uploaded and published to the case file on the litigant portal under “my case documents”.

40 Sheriffs can access the cases to verify court orders by selecting “access a case” on the Court Online Portal.

Taxation:

41 Once a case reaches the post-hearing stage, taxation becomes available. The Judge’s Secretary shall ensure that the taxation avenue becomes available after endorsing the case outcome.

42 All bills of costs must be uploaded together with the notice of intention to tax a bill of costs. Settled bills must be uploaded as settled bills and must be accompanied by the acceptance of offer. The provisions of the Notice In Re: Taxation of bills of cost where a matter is settled inter partes issued on 17 February 2021 remains in effect.



Writs and Warrants:

- 43 Writs and warrants in pilot cases may be uploaded to the case file and submitted to the Registrar for approval. The issued writ will appear in the Court Online Portal under “my case documents”. **It is important to note** that when a Writ is filed in a case file on Court Online, it bears the Registrar’s signature and court stamp. This does not constitute the issuing of a Writ. The Registrar shall upon approval upload the duly issued Writ of Excecution.

Urgent applications: (These directions should be read with paragraphs 228 to 237 of this Directive)

- 44 Practitioners/Litigants who initiate urgent applications on Court Online during the pilot period must, when they serve such applications on the opponent party and if such a party is not a participant in the Pilot, provide the party with all information and documents related to the Court Online system.

44.1 After hours Urgent Court applications:

- i. The Practitioner(s)/Litigant(s) must initiate the case for issuing in line with paragraphs 21 to 26 whereafter it will be issued with a case number on Court Online by the Urgent Court Judge’s Secretary.
- ii. Once a case number is issued the Practitioner(s)/Litigant(s) must create the case bundle in line with the provisions set out in paragraphs 27 to 32 above.
- iii. Judges’ Secretaries doing Urgent Court duty shall, at least a week before commencing such duty, notify the respective Chief Registrar who shall assign the appropriate role to the Secretaries which will enable them to issue applications on Court Online. The Secretaries are required to provide their contact details which will enable them to receive notifications during after hours when any matter requires attention during that period is brought.
- iv. The Urgent Court Judge’s Secretary shall upon recevng the directions of the Presiding Judge, set the matter down for hearing by creating an EVENT for the hearing of the matter on the allocated date and appropriate urgent court roll.



- v. Urgent applications during after hours by in person/self representing litigants:
- v.i. Self representing litigants do not have the means to initiate their matters on Court Online shall be processed through email to the Urgent Court Judge's Secretary who shall issue a case number manually and liaise with the Presiding Judge to adjudicate such applications.
 - v.ii. On the court day after the hearing the Judge's Secretary shall refer all such applications and related documents with the contact details of the parties, to the Court Online Service helpdesk whereafter the designated official shall create a case file on Court Online which is to be linked with the manually issued case number and upload the relevant documents to the file.
 - v.iii. The Judge's Secretary shall thereafter ensure that the case file is endorsed, the Order uploaded and published to the case file or in the instance where an Order is given *ex tempore*, have the endorsed case file assigned to the relevant typist team for further handling.

44.2 Finalisation of urgent court matters:

At the conclusion of an urgent application and in addition to paragraph v.iii above, the Judge's Secretary shall unmark the matter as urgent for it to be removed from the urgent court dashboard.

CASELINES:

45 To create a existing (issued) case on CaseLines:

45.1 The Plaintiff's/Applicant's legal representative creates the case on CaseLines using the correct template for the relevant Court, the **case name** being that of the Parties to the case recorded in full, e.g. DLAMINI, GIDEON vs DLAMINI, SARAH; and **reference** being the case number, recorded with the year in full and without any 0 preceding the case number, e.g. 2005/44; 2012/123; 2019/93222; etc.



45.2 It should be emphasised that when a case is created on CaseLines, the creator should ensure that he/she selects the template as referred to in paragraphs 45.1, 45.4 and 53 of this Directive as this ensures that the pre-requisite front page is created for the use of Court Officials. There are often delays associated with the allocation of hearing dates and the typing of Court Orders in matters where a template or the correct one is not selected in the creation of electronic files.

45.3 The Applicant's legal representative must enter a prefix for the case type before the case name. When the case or application type changes, the prefix must be amended accordingly. Where applicable, the classification in terms of revised Practice Directive 1 of 2021 should be included in the prefix.

45.3.1 Examples of proper prefixing of cases:

Unopposed Motion (Rule 43 Application) Venter S vs Venter E

Unopposed Motion (Summary Judgment) Killian L vs Pillay R

Unopposed Motion (Rule 31(2)) Body Corporate of Hunt Estates vs Fisher A

Unopposed Motion (Interlocutory Application) Venter S vs Venter E

Unopposed Motion (Divorce Application) Venter S vs Venter E

Unopposed Motion (Rule Nisi) XYZ Cc vs ABC Pty Ltd

Opposed Motion (Eviction Application) City of Ekurhuleni vs City of Johannesburg

Opposed Motion (Rule 43 Application) Mdluli P vs Mdluli G

Opposed Motion (Interlocutory Application) Essex L vs Esquires Sport Pty (Ltd)

JCMC (F category) Van Lill R vs Van Lill F

JCMC (Y category) Kunene X vs MEC of Health, Gauteng

JCMC (C category) Filter Coffee South Africa vs Krispy Kreme

Civil Trial (Y category) Dlamini M vs PRASA

Civil Trial (D category) Tsamai S vs Nkosi D

Civil Trial (F category) Rosenberg Z vs Rossenberg J

Civil Trial (C category) Filter Coffee South Africa vs Starbucks

Civil Trial (P category) Essa K vs Minister of Home Affairs

Trial Interlocutory (Compel compliance) Zakatha T vs RAF

Settlements Court (Y category) Pillay V vs RAF

Default Judgment (Rule 31(5)) SA Taxi vs Burger J

**This list is not exhaustive*



45.4 The Plaintiff's/Applicant's legal representative must click **Get from Template** to populate the **Front Page**. No Party may add or modify any information except by adding the case number and Parties' details on the Front Page. **For all other intents and purposes, i.e., date allocations and Court Order endorsements, the Front Page is for the Court Officials' Use Only!**

45.5 The front page must be completed by the designated court official with the correct citation of the respective Court in terms of Section 6 of the Superior Courts Act no 10 of 2013 as per Government Gazette No. 37390 dated 28 February 2014:

45.4.1 In Pretoria: "IN THE HIGH COURT OF SOUTH AFRICA"
GAUTENG DIVISION, PRETORIA

45.4.2 In Johannesburg: "IN THE HIGH COURT OF SOUTH AFRICA"
GAUTENG LOCAL DIVISION, JOHANNESBURG

45.4.3 In the Tax Court: "IN THE TAX COURT OF SOUTH AFRICA"
GAUTENG DIVISION

45.5 The Applicant's legal representative selects and creates the correct and necessary sections for uploading documents in the case file. The Applicant's legal representative must upload ALL relevant documents under the respective and correct sections. Documents must be properly named and must contain the date of upload; e.g. "*Unopposed motion_date application_18 September 2020*".

46 Legal Practitioners representing the Plaintiff(s)/Applicant(s) in each case are directed to create all issued and pending cases on CaseLines where no electronic file already exists and upload all pleadings and relevant documents.

47 Required Sections:

47.1 Upon case creation, practitioners must create two additional mandatory sections:



47.1.1 Judicial Remarks – this section is for use by Judges and practitioners must not upload any documents in this section.

47.1.2 Invitation List – a list of all attorneys, advocates and clients or other persons who were invited to the case by legal representatives together with the contact details (email addresses and where applicable, telephone numbers) for such invited persons must be uploaded. *Do not list court staff members or CaseLines Support personnel.

48 Where a matter is ripe for enrolment on any roll, and no file exists on CaseLines, the case must be created as directed above and all documents must be uploaded by the Applicant/Plaintiff before the application for an enrolment date.

49 The responsibility to timeously upload pleadings, notices and legal process under the respective Sections in all cases created by Legal Representatives, save for cases initiated in the Urgent Court roll, shall be as provided in paragraphs 45 to 48 above.

49.1 In matters where the case has been created on CaseLines but pleadings have not closed as pleadings are still being exchanged, the responsibility to upload the relevant pleading or document lies with the Party responsible for each particular pleading/ notice/ legal process and in line with the Rules of Court.

49.2 The Judge's Secretary shall "freeze" the case bundle and amend the Parties' case permissions to prohibit the late filing of pleadings, notices and any legal process in line with the rules of Court and in particular three (3) days before the enrolment date.

49.2.1 Upon freezing the case bundle, Judges' Secretaries are instructed to remove the "change the case" permissions of attorneys, advocates, litigants and other persons invited to the case by legal representatives (the court user group), i.e. all persons other than court staff members, Judges and CaseLines Support personnel.

49.2.2 No person other than the Judge's Secretary who had set the Bundle Freeze date may change the date.



49.2.3 The “change the case” permissions of the court user group must not be restored. Practitioners should therefore ensure that provision is made for all anticipated court processes that the case may follow by creating all necessary sections before the matter is enrolled for the first time.

49.3 In each instance where a draft order is uploaded to the electronic file, it must be uploaded both in pdf **and in an editable ‘word’** version in the correct section.

50 Service of process in terms of the Uniform Rules of Court remains strictly enforceable. Practitioners are referred to paragraphs 267 to 271 below. Electronic uploading of properly served pleadings/ notices/ legal process shall be regarded as compliant filing as contemplated in the Rules of Court. Such filing by uploading of served pleadings/documents/process must strictly comply with the Rules of Court as to time limit and time of day on that Court day. NO filing of hardcopy pleadings and other documents shall be allowed. The exception shall be where the Party(s) is unrepresented or in respect of urgent applications, as more fully set out herein below or in the Tax Court wherein the provisions of the Tax Administration Act (TAA) read with the Uniform Rules of Court apply.

51 Upon inviting Registrar’s Office profiles to cases:

51.1 Parties are directed to only invite the relevant Registrars’ Office profile for specific types of matters as set out in this Directive and **not** to invite more than one or unrelated or irrelevant Registrar’s Office profiles to their matters. Where this practice is noticed, the Registrar’s Office is permitted to un-invite all the Registrars’ Office profiles invited to a case.

51.2 Parties are directed to only invite the relevant Registrars’ Office profile between 09:00 and 15:00. The Registrar is to un-invite the designated profile from the CaseLines file if invitations are done outside of the prescribed hours to enforce compliance with Rule 3 of the Uniform Rules of Court.

51.3 **Parties are directed to give the Registrars’ Office profile all case permissions.**



51.4 Registrars and Registrar Clerks are to manage the designated CaseLines profiles diligently to ensure that matters are attended to timeously. CaseLines has a 'refresh' function to assist in noticing and attending to all developments and activities taking place in CaseLines files.

51.5 Emails may not be sent to the various CaseLines Registrar Office Profiles referred to throughout this Directive. These CaseLines profiles do not exist as email addresses and are for CaseLines invitation purposes only. Reference should be made to the contact details contained in paragraph 294 of this Directive for purposes of enquiries and/or complaints in respect of various matters.

52 When applying for a hearing date, the litigating party or legal representative shall complete and upload a date application form (as per the example annexed to this Directive) together with the Directive Compliance declaration in terms of paragraph 19 above prior to inviting the relevant Registrar's Office profile. The Registrar shall in turn record the date allocated to the matter on the date application form wherafter it will be uploaded to the electronic case file on CaseLines. The hearing date of the matter shall also be noted on the electronic case file on the platform and where the hearing date differs from the date recorded on the date application form, the allocated date recorded on the date application form shall be confirmed as the date of set down. The setting down of matters shall be done as set out further in this Directive. Under no circumstances are legal practitioners and litigants permitted to record dates of hearing on the forms, this is strictly a Registrar function and where legal practitioners and litigants are found to have done this they will be reported for gross professional misconduct and the matters involved being struck off or removed with costs.

53 The Office of the Registrar is specifically mandated to disregard matters that are non-compliant with this Directive and is instructed in the Directive not to allocate dates for matters that are non-compliant. Furthermore, where attorneys fail to use the COURT USER template, the Registrar is instructed to un-invite the case creator from the case, to prefix the case with "NO TEMPLATE" and to mark the case as complete in order to archive the case. The case creator must then create the case afresh, using the COURT USER template as described in the Directive before the case can proceed.

54 Attorneys and litigants may not un-invite (remove) any person from the PEOPLE list unless the person to be removed from the case was erroneously invited by him-/herself.



55 Attorneys and litigants may not alter or delete endorsements or remove documents from any case on CaseLines. Where an attorney is found to have tampered with endorsements or removed documents, such attorney will be reported to the Legal Practice Council for investigation of unprofessional conduct or unethical conduct as the case may be.

SETTING DOWN OF CIVIL TRIALS AND RELATED CASE TYPES

56 In category Y-matters, upon compliance with the Revised Practice Directive 1 of 2021, the relevant Form 5 application for a certificate of trial readiness or Form 6 application for Judicial Case Management Conference hearing date must be uploaded to the electronic file in a Section named after the form uploaded. The invitation to the electronic case file on CaseLines must be dealt with as set out herein.

57 The Plaintiff's legal representative must invite the Judicial Case Management Conference office to the electronic case file:

57.1 In Pretoria: JCMform5PTA@judiciary.org.za for Form 5 applications for a certificate of trial readiness; and JCMform6PTA@judiciary.org.za for Form 6 application for Judicial Case Management Conference hearing date.

57.2 In Johannesburg: JHBpretrial@judiciary.org.za for Form 5 and Form 6 Applications.

57.3 In the Tax Court: registrartaxcourt@sars.gov.za.

58 Upon receipt of this invitation, the Registrar will review the application for compliance and shall insert the Case Management Conference (judicial pre-trial) hearing date on the electronic case file. The Registrar may communicate non-compliance with Practice Directive 1 of 2021 and/or other defects and/or discrepancies by email or on the case file using CaseLines Notes.

59 The Registrar shall place the Form 5 and Form 6 category Y-matters on the Court roll and invite both the Judge's Secretary and the allocated Judge to the electronic case file, where after the Registrar shall un-invite the office profile from the case.



- 60 Upon the certificate of trial readiness being issued in Form 5 and Form 6 category Y-matters, the Judge's Secretary shall upload the certificate, endorse the case file cover (front page) and uninvite the Judge and the Judge's Secretary.
- 61 Upon the certificate being uploaded, the Plaintiff's legal representative may apply for a trial date by uploading the said application with a blank space for the Registrar to include a date in the correct section and invite the civil trials office to the electronic file. In the Tax Court, an application of a trial date will be sent to the office of the Registrar of the Tax Court. The Registrar of the Tax Court will confirm the date by sending a Notice of set down to all Parties by email as prescribed by the rules of the Tax Administration Act. The Registrar will upload the Notice of set down to the electronic case file on CaseLines.
- 62 The date application must be dealt with as set out herein. This CaseLines invitation to the civil trials office must be sent to:
- 62.1 In Pretoria: CivilTrialApplicationsPTA@judiciary.org.za
- 62.2 In Johannesburg: JHBciviltrials@judiciary.org.za
- 62.3 In the Tax Court: registrartaxcourt@sars.gov.za
- 63 A law firm may submit a maximum of five (5) applications for a trial date per Court day subject to the provisions of paragraphs 22 and 225 to 226 herein, keeping in mind the possibility that all applications for a trial date submitted on a particular day are likely to be enrolled for trial on one date.
- 64 Once the application for a trial date is received, the Registrar will allocate the trial date, upload the Form reflecting the allocated date and insert the date on the electronic file. The date appearing on the Form shall be deemed to be the correct date in the instance of a difference or dispute.
- 65 The Registrar shall simultaneously place the matter on the Court roll and invite both the roll-call Judge and the Judge's Secretary to the electronic case file where after the Registrar shall uninvite the office profile.



66 In non-Y matters, Form 4 applications for certification by the Registrar must be uploaded to the electronic file in the correct section, and the civil trials office invited to the case.

67 The Registrar's Office profiles for the CaseLines invitations are as follows:

67.1 In Pretoria: CivilTrialApplicationsPTA@judiciary.org.za

67.2 In Johannesburg: JHBciviltrials@judiciary.org.za

68 Upon receipt of this invitation, the Registrar will review the application for compliance and will issue of a certification of trial readiness, if compliant. The Registrar shall thereafter upload the Registrar's certificate in the correct section. Thereafter, the Plaintiff's legal representative may apply for a trial date by following the process set out in paragraphs 56 to 62 above.

JUDICIAL CASE MANAGEMENT MEETINGS (PRETORIA)

CASE MANAGEMENT CONFERENCES (JOHANNESBURG)

69 The provisions set out in Chapter 4 and Chapter 5 of revised Directive 1 of 2021 apply herein.

70 The name of the Judge allocated to hear specific cases and an email address as stipulated by that Judge shall be published to the Legal Practitioner(s) by the Judge's Secretary. Thereafter, all communication between the Parties and the Judge shall take place by email, with all communication copied to all Parties, or as otherwise directed by the Judge.

71 Upon establishing access to the files, on Court Online or CaseLines (whichever the case may be), the Judge who is allocated to hear the matters shall exercise a discretion as to the manner in which the matters shall be dealt with, which may include one or more of the following options:

71.1 Publish a schedule of times during the day at intervals as determined at the Judge's discretion, at which a video-conference shall be convened;

71.2 Publish a list of times at which the Judge proposes to convene a video conference which the Judge shall host and shall send a link to the email addresses of the Counsel for each



Party. Counsel must hold themselves ready to join such meetings at the stipulated time or as soon thereafter as the meeting may be convened;

71.3 Any other procedure that, at the discretion of the Judge, is deemed appropriate;

72 Furthermore, in category Y matters where the Parties have been unable to engage substantively about the matter and for that reason the Judicial Case Management Meeting/Case Management Conference cannot be effectively conducted, the Parties shall comply with Chapter 6 and Chapter 8 of Revised Directive 1 of 2021.

73 The Plaintiff remains *dominus litis* and is responsible for ensuring the efficient disposal of the matter.

THE CIVIL TRIAL ROLL CALL

74 There shall be no physical roll call.

Practice Note required

75 The Parties shall upload, in the correct section, a joint practice note after a special pre-trial conference, at which the logistics of conducting the trial are addressed, was convened. If a Plaintiff cannot obtain cooperation from a Defendant, the Plaintiff must upload its own practice note and explain why a joint practice note was impossible to be composed. A Defendant may in this instance elect to upload its own practice note and explain why a joint practice note was impossible to be composed. Lack of co-operation by either Party shall attract punitive orders by the Court.

76 **The practice note must be uploaded by not earlier than 7 days and not later than 5 court days before the set-down date.** If no practice note is timeously uploaded, the matter shall automatically be removed, and the date forfeited. If the practice note is non-compliant with the practice manual or this directive, the matter shall be automatically removed and similarly the date forfeited. This directive shall be strictly applied.

76.1 In **Pretoria** this practice note shall be uploaded in the correct section and the correct office profile invited being PTAPracticenotes@judiciary.org.za.



76.2 In **Johannesburg** this practice note shall be uploaded in the correct section and the correct office profile invited being SecretaryDJP@judiciary.org.za.

76.3 In the Tax Court this practice note shall be uploaded in the correct section and correct office profile invited being registrartaxcourt@sars.gov.za.

77 The practice note must, in addition to the information required in terms of the practice manual, address these issues: The names, email addresses and cell numbers of all Counsel. Counsel must hold themselves ready to receive a communication from a Judge or Judge's Secretary, during the four days until set down date.

Settled matters:

78 All matters that are enrolled on the Trial roll which become settled should be removed from the trial roll. These matters should be set down on the Settlement Roll and are subject to the provisions of Chapter 9 of Revised Directive 1 of 2021.

Pretoria

79 In Pretoria, settlements shall not be made orders of Court as part of the Civil Roll Call.

80 All settled RAF matters must be referred to the Settlement Roll by uploading the relevant documents in the correct section and inviting the relevant office profile PTASettlementsRAF@judiciary.org.za to the electronic file on CaseLines. The settlement agreement must be accompanied by the deed of settlement and the joint memorandum of settlement. An order in respect thereof will then be made and thereafter uploaded to CaseLines.

81 All non-RAF matters that are settled must be uploaded to the correct section with an invite to the relevant office profile being PTASettlements@judiciary.org.za and must include the settlement agreement, a draft order in PDF and word format, and a practice note. The order will be transmitted by e-mail to the Parties.

82 In respect of any other matters which have become settled, and in which it is necessary to adduce evidence, e.g. to establish quantum of damages, the relevant evidence must be contained in an



affidavit and annexed together with a draft order in word format, to the practice note. Any submissions that Counsel believes are necessary to advance must be contained in the practice note. If the Judge deems it necessary, Counsel shall be contacted to make further submissions in the event this is required. These can also be uploaded to the relevant section and the office profile to be invited being PTASettlements@judiciary.org.za. Any order made or granted will be uploaded to the electronic case file on CaseLines.

Johannesburg

- 83 In Johannesburg, in respect of “Y” matters, a statement must be made that the matter is settled, or settlement negotiations are ongoing, and the matter is therefore to be removed from the Trial roll so that the Plaintiff can apply to enrol the matter in the Settlements Court. Settlements shall not be made orders of Court as part of the civil roll call and no costs orders shall be made for the enrolment and appearances in such a matter on the civil trials court roll.
- 84 Category “C” “D” “P” and “F” matters that are settled before the set down date, must:
- 84.1 be removed from the trial roll and set down for disposal in the Settlements Court;
- 84.2 and any such matter that is removed from the civil trial roll for not being ready on that set-down date (as described in paragraph 92 hereof,) and where subsequent thereto the matter becomes settled, the matter shall be enrolled in the Settlements Court for disposal.
- 85 The practice note must be uploaded in the correct section with an invitation to the relevant office profile being JHBpretial@judiciary.org.za accompanied by the deed of settlement and a draft order in word format. An order in respect thereof shall be made and uploaded to the matter’s profile on CaseLines.
- 86 In respect of any matter which has become settled, and in which it is necessary to adduce evidence:
- 86.1 e.g., to establish the quantum of damages, the relevant evidence must be contained in an affidavit and annexed, together with a draft order in word format, to the practice note.



86.2 any submission that Counsel believes is necessary to advance must be contained in the practice note. If the Judge deems it necessary, Counsel shall be contacted to procure further submissions.

87 In settled divorce matters, the directives set out in paragraphs 198 to 214 of this Directive shall apply.

88 An order in respect of a settled matter shall be made and uploaded to the electronic case file on CaseLines.

Tax Court

89 The settlement agreements will be dealt with in terms of the provisions of Tax Administrative Act read with the Uniform Rules of Court.

Matters ready to go to trial

90 All matters in which the Parties are ready and wish to proceed to trial, the Parties must indicate in the practice note:

90.1 what arrangements they have put in place for the disposal of the matter; and

90.2 what evidence can be adduced on affidavit.

91 The Judge allocated to deal with the matter shall communicate via email, or otherwise, with the Counsel. In this regard Counsel must keep themselves available to be contacted.

Matters not ripe to go to trial

92 No matter of any kind will be stood down until later in the day. Where matters are not ready for trial, they shall be removed from the roll. Should a matter later become settled, it may be enrolled:

92.1 in Pretoria on the Settlements Roll; and

92.2 in Johannesburg, in the Settlements Court,



and should not be re-enrolled on the civil trial roll.

- 93 Where the sole controversy between the Parties is liability for costs, such question shall be reserved for decision at a later date and shall not be dealt with as part of the civil trial roll process.
- 94 Civil Trial allocations shall be published by the Secretary of the DJP as soon as possible before the trial set-down date, by email to the professional bodies and to the Parties' Attorneys at the email address given in the practice note.

Matters crowded out

- 95 If any matters ripe for trial cannot be allocated to a Judge, the matter shall stand over until the next Court-day. It will not be necessary to replicate the practice note except where the Parties no longer require a Judge to be allocated, in which case the Secretary of the DJP shall be notified by email thereof.

Litigants in person in video-link cases

- 96 In those cases where a Party appears in person:
- 96.1 and goes to the Court building, that litigant shall approach the designated official at the Court building who shall render assistance to that litigant through the use of the virtual Courtroom, or otherwise assist as directed by the Judge seized with the matter. A notice to this effect shall be posted in the foyer of the Court by the Judge's Secretary.
- 96.2 and if such litigant's contact details are known, the Secretary of the Judge to whom the matter is allocated or the Registrar of the Tax Court, shall endeavour to make contact to communicate the relevant information. Where such litigant has personal access to teleconferencing facilities the necessary link may be set up accordingly, if the Judge so directs.
- 97 Upon conclusion of a civil trial matter, the Judge's Secretary shall endorse the case file cover (front page) and notify the Chief Typist in order to generate the typed Court Order. Once the



order is typed, the Chief Typist shall provide the typed Order to the scanning section in the Registrar's office and, if applicable, invite the scanning section to the case.

98 The typed order shall be signed by the Registrar where after it shall be uploaded to the electronic case file.

99 This uploaded Order shall be the original Order and no signed orders will be provided on paper.

SPECIAL INTERLOCUTORY COURT

100 All matters on the Special Interlocutory Court Roll shall be dealt with in accordance with Chapter 8 of the revised Directive 1 of 2021. The office profiles to be invited to enrol special interlocutory applications are:

In Pretoria:

100.1 PTAUTrialsInterlocutory@Judiciary.org.za for Interlocutory applications in respect to "Y" matters (RAF, PRASA, or MEC Health, Gauteng) where a trial date has been allocated. A trial Set-Down must be uploaded in a properly titled section on CaseLines.

100.2 PTAYInterlocutory@Judiciary.org.za for Interlocutory applications in respect to "Y" matters (RAF, PRASA, or MEC Health, Gauteng) where no trial date has been allocated.

100.3 In Johannesburg: JHBtrialinterlocutory@judiciary.org.za.

In the Tax Court:

101 All Interlocutory matters shall be dealt with in the Tax Court Roll.

DEFAULT JUDGMENT IN "Y" MATTERS IN THE CIVIL TRIAL COURT

102 All applications for Default Judgment on the Trial roll shall be dealt with in accordance with Chapter 6 of the Revised Directive 1 of 2021. The matter should be properly prefixed in line



with paragraph 5 of Revised Directive 1 of 2021. The office profiles to be invited to enrol the application for Default Judgment are:

102.1 Pretoria: PTATrialdefaults@judiciary.org.za.

102.2 Johannesburg: JHBciviltrials@judiciary.org.za.

CIVIL TRIALS OF LONG DURATION (6 TO 9 DAYS), SPECIAL CIVIL TRIALS (10 DAYS OR LONGER), COMMERCIAL COURT CASES, TAX COURT MATTERS, SPECIAL MOTIONS AND SURROGACY MATTERS:

103 After pleadings have closed the legal representative of the Applicant / Plaintiff must invite the designated email address for the Office of the Deputy Judge President / the Registrar of the Tax Court (where applicable) to the electronic case file:

103.1 In Pretoria: PTASpecialtrials@judiciary.org.za

103.2 In Johannesburg: SecretaryDJP@judiciary.org.za

103.3 In the Tax Court: registrartaxcourt@sars.gov.za

104 The Office of the Deputy Judge President / the dedicated Registrar of the Tax Court (where applicable) must upload the designation or certification of the matter as a special civil trial or Commercial Court case or Tax Court matter to the electronic file, invite the Judge seized with the matter, update the hearing date if applicable and un-invite the Office of the Deputy Judge President.

105 Surrogacy applications

105.1 The Applicant/its representative must follow the normal procedure as set out herein with regards to the issuing of the application;



105.2 The Applicant must create the electronic case file on CaseLines using only the case number and Parties' initials and must NOT upload any documents pertaining to the matter on the case file until directed to do so;

105.3 The Applicant must thereafter contact the Office of the Deputy Judge President via email for directions on the the further handling of the matter.

LEAVE TO APPEAL AND CIVIL APPEALS

106 Once the Application for Leave to Appeal or Notice of Appeal together with the proof of service has been uploaded in the correct section, the Applicant's legal representative must invite the Registrar of Appeals to the case file:

106.1 In Pretoria: LTApTA@judiciary.org.za for leave to appeal

CivilAppealsPTA@judiciary.org.za for appeal

106.2 In Johannesburg: JHBAppeals@judiciary.org.za

106.3 In the Tax Court: registrartaxcourt@sars.gov.za for leave to appeal as prescribed by the Tax Administration Act read with the Uniform Rules of Court.

107 All applications for leave to appeal of matters heard in the Gauteng Division of the High Court, Pretoria and Johannesburg; in which Acting Judges presided, should in addition to the process referred to in paragraph 106 be filed per email to JP.Gauteng@judiciary.org.za.

108 The Registrar of Appeals shall review the documents for compliance and completeness. The Registrar may communicate non-compliance and/or other defects and/or discrepancies by email or on the case file using CaseLines Notes.

109 The Registrar shall thereafter invite the Judge who presided over the matter and the Judge's Secretary to the electronic case file and un-invite the office profile.

110 The Judge's Secretary shall insert the hearing date on the electronic file.



- 111 The Presiding Judge shall exercise a discretion regarding the appropriate mode of hearing to address the application.
- 112 Upon disposal of the leave to appeal, the Judge's Secretary shall endorse the case file cover (front page) and notify the Chief Typist in order to generate the typed Court Order. Once the order is typed, the Chief Typist shall notify the appeals office to the case.
- 113 The typed Order shall be signed by the Registrar where after it shall be uploaded to the case file. The uploaded order shall be the original Order and no signed orders will be provided on paper.
- 114 Should leave to appeal be granted, the legal representative for the Appellant must amend the case number to reflect the letter A, e.g. A2005/44; A2012/123; A2019/93222; etc. For appeals emanating from the lower Court, the generic case number for appeals should be used:
- 114.1 In Pretoria: A000PTA
- 114.2 In Johannesburg: A000JHB
- 115 The Registrar of Appeals shall allocate an appeal case number and change the case number on the electronic case file for matters emanating from the Lower Court or add the Appeal case number to the existing case number of matters emanating from the High Court.
- 116 The legal representatives must each upload all necessary documents, including proof of service, Heads of Argument and Practice Note.
- 117 The Registrar shall review the documents for compliance and completeness. The Registrar may communicate non-compliance and/or other defects and/or discrepancies by email or on the case file using CaseLines Notes.
- 118 Upon allocation of an appeal date, the Registrar shall record the date on the electronic file. Notices and correspondence issued by the Registrar may be sent by email or uploaded to the electronic case file.
- 119 As soon as the Judges to whom the appeal is allocated are known, the Registrar must notify the Judges' Secretaries of the case and may un-invite the office profile. of the case.



BAIL APPEALS

120 A bail appeal shall, after consultation with the Director of Public Prosecutions, be initiated by email to the Registrar:

120.1 In Pretoria: TShirilele@judiciary.org.za

120.2 In Johannesburg: JMahlaule@judiciary.org.za

121 The Registrar shall create the matter on CaseLines and invite the Clerk of the Magistrate's Court to the matter. The Clerk of the Court shall ensure that the record and all relevant documents are uploaded to CaseLines.

122 The Director of Public Prosecutions shall liaise with the Registrar and the Senior Judge responsible for Criminal Trial matters and/or the DJP concerning the allocation of a Judge to hear the matter.

123 The allocated Judge shall exercise a discretion about an appropriate mode of hearing to address the application.

APPEALS GENERALLY

124 All enrolled appeals shall be disposed of without an oral hearing in open Court, pursuant to section 19(a) of the Superior Courts, and the Court shall rely only on the heads of argument filed; subject to the following:

124.1 If both Parties agree, an appeal may be removed from the roll. There shall be no costs order.

124.2 If the Counsel for any Party wishes to supplement the papers with additional submissions, the submissions must be made in a practice note uploaded in the correct section and sent by email to the Secretary of the presiding Judge if so directed by the



presiding Judge, with all other Parties copied into all email correspondence, at least two Court days before the date of the set down.

- 124.3 If the Counsel for any Party wishes to make oral submissions, that wish must be stated in the practice note and the broad ambit thereof be stated.
- 125 Any queries by any Party must be made by email only and addressed to the presiding Judge via the Judge's Secretary and copies sent to the other Parties.
- 126 The Appellant remains *dominus litis* and is ultimately responsible for the efficient disposal of the appeal.
- 127 Upon disposal of the appeal, the Judge's Secretary to the Judge who is assigned writing of the judgment, shall endorse the case file cover (front page). Once the judgment is handed down, the same Judge's Secretary shall endorse the case file cover (front page), upload the judgment and invite both the appeals office and the Chief Typist in order to generate the typed Court Order.
- 128 The typed order shall be signed by the Registrar where after it shall be uploaded to the electronic case file. The uploaded order shall be the original Order and no signed orders will be provided on paper.
- 129 The transcribed records of criminal Appeals, save for appeals emanating from the Magistrates Court, are exempt from uploading to CaseLines to enjoy judicial attention until further notice. With regards to appeals from the lower Court, the Registrar shall create the matter on CaseLines and the Clerk of the Magistrate's Court shall ensure that a soft copy of the transcribed record and all relevant documents are forwarded to the Registrar for uploading to the electronic files on CaseLines

SETTING DOWN OF APPLICATIONS

- 130 A notice for a request for a hearing date/provisional hearing date, containing the correct case information e.g. case number and Parties' details, must be done per the Rules of Court, only on Court days and between the hours of 09:00 to 15:00. A request for a hearing date/provisional hearing date is done by uploading a properly completed notice of set down with the blank space



for a date and by specifying the case type where “other” is selected. Thereafter **only** the relevant Registrar Office CaseLines profile **must** be invited to the electronic file to the case. The relevant Registrar Office CaseLines profiles to be invited to particular cases are as follows:

130.1 In Pretoria:

PTAUdivorceapplications@judiciary.org.za for unopposed divorce, opposed or unopposed Rule 43, guardianship and summary judgment applications;

PTAUdefaultapplications@judiciary.org.za for Rule 31(2) default judgment applications;

PTAUinsolvencyapplications@judiciary.org.za for liquidation rehabilitation, sequestration and surrender of estates;

PTAUotherapplications@judiciary.org.za for all other unopposed applications, including ex-parte, interlocutory applications not related to a trial, Rule 46, applications to compel;

PTAUinterlocutory@judiciary.org.za applications related to trial and for interlocutory applications in terms of Rule 46(11), 46A(9)(d), variation of Court Orders, applications to compel Heads of Argument, Transfer of Matters, consent to Judgment, confirmation of Settlement Agreements, Substituted Service, Edictal Citations, applications for Curatorship, Interim Payment, applications to compel the HPCSA to make a decision on the RAF 4 forms and other non - Y Interlocutory applications. With regards to a Non-Y category trial matter that has a trial date, the Trial set down Notice must be uploaded.

AdmissionsPTA@judiciary.org.za for admission of legal practitioners; and

PTAOEnrolment@judiciary.org.za for opposed applications.

130.2 In Johannesburg:

JHBUprovisional@judiciary.org.za for unopposed applications, unopposed divorce, unopposed Summary Judgment, *ex parte* applications, unopposed interlocutory applications.



JHBOEnrolment@judiciary.org.za for opposed applications, opposed Summary Judgments and opposed interlocutory applications.

JHBFamilycourt@judiciary.org.za for family related matters as referred to in paragraphs 169 to 197 of this Directive.

JHBadmissions@judiciary.org.za for trial interlocutory applications and admission of legal practitioners.

130.3 In the Tax Court:

registrartaxcourt@sars.gov.za for all Tax Court Appeals, Unopposed and Opposed matters and Interlocutory applications.

131 **Requests for specific dates:**

131.1 In instances where attorneys require specific dates to be allocated due to Counsel's availability/non-availability or another valid reason, a CaseLines Note to that effect may be made for the Registrar's consideration.

131.2 Such date requests should be for a date range (e.g. 'last week of June') and NOT for a specific date; and should be sufficiently motivated.

132 **Requests for Return Dates**

132.1 Practitioners should undertake their requests for return dates, in particular return dates in Rule Nisi applications, in the same format as directed in paragraph 130 hereof and prior to the hearing of the matter in court.

132.2 Should it be that a return date request had not been made prior to the hearing of the matter or that the need for a return date becomes apparent during a hearing, the Judge's Secretary must request such return date directly from the Motions Registrar.

132.3 The return date obtained as described in paragraph 130 hereof must be confirmed in the same manner and form as a provisional date application in order for the matter to be



added to the provisional roll and the date to be entered by the Registrar's office to the file on CaseLines. Failure to attend to provisional enrolment will result in the return date being forfeited.

132.4 The confirmation of the date must be accompanied by the postponement order and a note to the Registrar on/utilising CaseLines Notes requesting the date reflected in the order to be updated on the file and the case to be included on the Registrar's provisional roll.

132.5 Attorneys are not to seek return dates in any manner other than described in 132.1 to 132.4 above.

133 Compliance with paragraphs 130 to 132 of this Directive is mandatory to ensure successful enrolment CaseLines matters on the final roll.

134 Should the request/application for a hearing date/provisional hearing date be in order and approved, the respective Court official must enter the hearing date and where applicable, clearly marked as "provisional" date on the electronic file.

135 The Registrar of the Motions' Office is instructed to allocate and enrol matters for hearing before the Motion Court as follows:

135.1 Opposed Motion Court

Forty (40) Ordinary opposed applications per week, five (5) opposed interlocutory applications and five (5) opposed summary judgements. In effect the opposed motion court will adjudicate on fifty (50) applications, divided between 4 Judges allocated to the opposed motion roll.

135.2 Unopposed Motion

In Pretoria, forty (40,) and in Johannesburg, fifty (50) ordinary unopposed applications per day per Judge allocated to the unopposed motion roll daily from Monday to Thursday.

135.3 Rule 43 Court in Pretoria: Five (5) ordinary unopposed/opposed Rule 43 applications



135.4 Family Court in Johannesburg:

There is no cap on the number of matters to be set down and the 4-week cycle shall regulate the set-downs in accordance with the Directives for the Family Court.

135.5 Divorce

Thirty (30) unopposed divorce applications per Judge, with 2 Judges allocated to the divorce roll every Friday.

135.6 Special Interlocutory Court (Directive 1 of 2021)

Pretoria – Thirty (30) applications per day from Monday to Thursday.

Johannesburg - Forty (40) applications per day from Monday to Thursday.

136 Opposed Motion Court date application requirements:

136.1 The following documents must be uploaded in properly titled sections in the electronic court file on CaseLines before the opposed motion office profile is invited to the case:

- (i) Consolidated index
- (ii) Both parties' heads of arguments and/or court order obtained by way of application to compel
- (iii) Both parties' practice notes
- (iv) Chronology table (date, events and references)
- (v) List of authorities
- (vi) Date application form
- (vii) Directive compliance certificate/affidavit

137

137.1 In Pretoria, except for opposed Rule 43 applications which are enrolled in the Rule 43 Court and opposed Special interlocutory applications which are enrolled in the Special Interlocutory Court, ALL opposed applications must be enrolled in the Opposed Motion Court.



137.2 In Johannesburg, except for all opposed Family Law matters which are enrolled in the Family Court, and opposed special motions which are enrolled as special motions ad hoc, all opposed motions are enrolled in the Opposed Motion Court.

138 Hearing dates are not completed on date application forms by the Office of the Registrar; instead the dates are completed on CaseLines together with the enrolment number of each matter.

139 Upon compliance with the Uniform Rules of Court and applicable Practice Directives, the Applicant's legal representative must no later than the time periods stipulated in paragraphs 141 or 142 below, as the case may be, upload the computerized set down notice (J118 form), which must correspond with the Registrar's Provisional Roll, in the correct section titled "Final notice of set down" on the case file and invite the enrolment office to the case:

139.1 In Pretoria:

PTAUEnrolment@judiciary.org.za for unopposed applications; and

PTAOEnrolment@judiciary.org.za for opposed applications

139.2 In Johannesburg:

JHBUEnrolment@judiciary.org.za for unopposed applications;

JHBOEnrolment@judiciary.org.za for opposed applications; and

JHBadmissions@judiciary.org.za for trial interlocutory applications and admission of legal practitioners.

140 The Registrar will review the computerized set down notice for compliance with the relevant timeframes in the Uniform Rules of Court and applicable Practice Directives; and confirm the final enrolment and Hearing Date by noting the description of the roll whereon the matter is enrolled. The Registrar may communicate defects and/or discrepancies by email or on the case file using CaseLines Notes.



- 141 The unopposed motion roll shall close at noon seven (7) clear court days preceding the hearing date. Each law firm may enrol a maximum of five (5) matters on the unopposed motion roll per day subject to the limitation in paragraphs 22 and 225 to 226 hereof. Provisionally enrolled unopposed motions shall be finally enrolled, by inviting the relevant unopposed enrolment office profile referred to in paragraph 139 above, from the 15th court day prior to the date of hearing, but no later than noon, seven (7) clear court days preceding the hearing date thereof.
- 142 The opposed motion roll shall close at noon twenty (20) clear court days preceding the hearing date save for opposed applications for Summary Judgment which are enrolled in the Opposed Motion Court in terms of paragraph 135.1 The Respondent's opposing affidavit in opposed summary judgement applications in terms of sub rule 3 of the Rules of Court shall be filed and uploaded to the electronic file on CaseLines by no later than (5) clear court days before the hearing of the matter. Any matter that is not uploaded to CaseLines shall not be placed on the Opposed Motion roll. Matters in which an opposed motion date hearing date is sought must contain a full set of all relevant pleadings and documents in the uploaded case file. Each law firm may enrol a maximum of five (5) matters on the opposed motion roll per day subject to the limitation in paragraphs 22 and 225 to 226 hereof.
- 143 The Registrar shall place the matter on the Court roll and invite the Judge's Secretary to the electronic file. The Registrar shall un-invite the office profile from the case. The Judge's Secretary shall invite the Judge. Before the hearing date, the Judge's Secretary shall take note of any filed notices of withdrawal, illegal eviction applications, and of matters removed by notice.
- 144 The litigating Party shall upload a Notice of Withdrawal to the electronic file at least 5 clear court days before the hearing of the matter and shall simultaneously notify the Secretary of the Judge hearing the matter, per email, of the withdrawal of the matter. The Secretary shall on the hearing date remove the matter from the roll.
- 145 The Judge's Secretary must implement the bundle freeze date when the time period for filing of documents has expired per applicable Practice Directives but at least not later than five (5) clear Court days before the enrolment date. Practitioners/legal representatives may not alter or request alteration of the bundle freeze date in order to upload documents out of time. Where a Judge establishes from the CaseLines audit trail that a practitioner uploaded documents out of time without condonation having been granted for such late filing, the matter may be struck from the roll and a cost order *de bonis propriis* may be made against the errant practitioner.



Draft Orders which are made Orders of Court

- 146 Draft orders must be uploaded in word and PDF format. Draft orders that are granted by a Judge must be amended by the Judge's Secretary to read "Court order" prior to the Judge's signature being affixed. The order signed by the Judge must be stamped and signed by the Registrar prior to the Judge's Secretary uploading the order to the electronic file. No order will be typed by the Court typist to accompany an order so signed by a Judge. Sheriffs should be invited to the electronic file to verify the authenticity of an order for service. In exceptional circumstances, where an order must be typed by the Court typist, the Judge's Secretary shall notify the Chief Typist to the case upon disposal of the matter to generate the typed Court Order. The turnaround time for the uploading of stamped and signed Draft Orders by the Judge's Secretary shall be no longer than 7 court days.
- 147 The Orders granted from Draft Orders **in divorce matters** must be endorsed on the front covers of the electronic files on CaseLines by the Secretary of the Judge followed by a notification to the Chief Typist by the Secretary in which the Chief Typist is alerted to generate a typed order. The Chief Typist shall in turn provide the designated scanning office with the typed order. The typed order shall be signed and stamped by the Registrar where after it shall be uploaded to the electronic case file. The uploaded order shall be the original Order and no signed orders will be provided on paper.

THE OPPOSED MOTION COURT

- 148 The Parties must use the attached date application form when requesting dates for hearing for Opposed Motions. The form is to be completed and uploaded to the case file on CaseLines, in the correct section, once the case bundle is uploaded. The Registrar shall thereafter note the allocated date on the electronic case file.
- 149 The enrolment limits in paragraph 135.1 hereof apply and each law firm is allowed not more than five (5) matters per week.
- 150 Only matters that have been uploaded on CaseLines shall be enrolled for hearing. Legal representatives in non-compliant matters shall be given an opportunity to proffer an explanation, to the Senior Judge, as to why that was not possible by no later than 12 court days before the



hearing of the matter. If the explanation is not satisfactory, the matter may be removed from the roll. The Senior Judge shall exercise a discretion as to the use of another method of presentation of the papers, whether by email or in physical form.

151 The Judge allocated an Opposed Motion matter shall, not later than five ordinary days before the week in which the matter is set down, notify the Parties by email that he/she is seized with the matter, issue such ad hoc directives as are appropriate and all further communication about the matter must be done, by email or as directed by the Judge, only to the email address stipulated by the Judge.

152 All opposed motions set down during the term shall be disposed as follows:

152.1 If both Parties agree, an opposed motion may be removed from the roll. There shall be no costs order for removal of a matter, except if agreed otherwise between the Parties.

152.2 The Parties shall endeavour to agree about whether the matter may be disposed of without oral argument; if agreed, Counsel for any Party who wishes to supplement the papers with additional written submissions must do so in a practice note as described in paragraph 154 hereof, uploaded to CaseLines and sent by email to the email address designated by the Judge or to the Judge's Secretary, by not later than 7 court days before the week in which the matter is set down.

153 If no agreement is reached about forgoing oral argument, that must be communicated to the Judge in a practice note uploaded to CaseLines and sent by email, not later than 5 court days from the date on which the matter is set down, and a hearing shall take place as directed by the Judge seized with the matter, which may include one or more of the following options:

153.1 A hearing using video conferencing techniques may be convened; where this option is chosen, the Presiding Judge or Judge's Secretary shall organise the setting up of a video conference as host, and shall send a link to all Parties involved for a meeting at a time and date stipulated by the Presiding Judge;

153.2 Any other procedure or technique that may afford an elimination or limitation of the risk of physical proximity among the people involved.



- 154 In any opposed motion or special motion, Counsel for the several Parties must hold a pre-hearing conference and prepare a joint practice note setting out:
- 154.1 the relevant factual chronology,
 - 154.2 common cause facts,
 - 154.3 issues requiring determination,
 - 154.4 relevant portions of the papers to be read,
 - 154.5 whether or not the parties have agreed to forgo an oral hearing,
 - 154.6 whether supplementary submissions are expected in the event that the matter will be heard on paper,
 - 154.7 an updated estimate of the duration of the hearing,
 - 154.8 and other matters relevant for the efficient conduct of the hearing, to present to the Judge seized of the matter.
- 155 The joint practice note should be uploaded to the case file on CaseLines and also transmitted by email to the email address designated by the Judge, no later than 5 Court days prior to the hearing date, to the Judge in order to facilitate, where necessary, a pre-hearing conference with the Judge.
- 156 At the same time, the parties must upload onto CaseLines an updated Index with cross-referencing to CaseLines page numbers.
- 157 Any queries by any Party must be made by email only and addressed to the Presiding Judge via the Judge's Secretary or dedicated Registrar of the Tax Court (where applicable), with all other Parties copied into all email correspondence.
- 158 In those cases which are conducted by video-link and where a Party appears in person:



158.1 that litigant shall approach the designated official at the Court building who shall render assistance to that litigant through the use of the virtual Courtroom. A notice to this effect that shall be posted in the foyer of the Court by the Judge's Secretary.

158.2 or, where such a litigant's contact details are known, the Secretary of the Judge shall endeavour to make contact to communicate the relevant information. Where such litigant has personal access to teleconferencing facilities a link may be set up accordingly, if the Judge so directs.

159 The Applicant remains *dominus litis* and is ultimately responsible for the efficient disposal of the application.

160 The Order and the Judgment shall be communicated to the Parties by email by the allocated Judge and uploaded on to the CaseLines file of the respective matter. The Judge's Secretary or dedicated Registrar of the Tax Court (where applicable) shall endorse the case file cover (front page) and invite the Chief Typist in order to generate the typed Court Order. Once the order is typed, the Chief Typist shall invite the scanning section in the Registrar's office to the case. The typed order shall be signed by the Registrar where after it shall be uploaded to the electronic case file. This uploaded order shall be the original Order and no signed orders will be provided on paper.

THE UNOPPOSED MOTION COURT

161 The Parties requesting a date of hearing must use the attached date application form. The form is to be completed and uploaded to the matter on CaseLines once the case bundle is uploaded. The Registrar shall thereafter note the allocated date on the electronic case file.

162 The enrolment limits in paragraph 135.2 hereof apply and each law firm is allowed not more than five (5) matters per day.

163 These directives apply to all unopposed matters. Opposed or unopposed Rule 43 applications shall be dealt with on the same basis as unopposed motions, in the Family court/Rule 43 Court roll, in particular paragraph 3 of the Practice Directive 2 of 2020.

164 A practice note is required for the disposal of the matter:



- 164.1 The Applicant must upload a practice note onto CaseLines in a separate and clearly distinguished section and, if so, directed by the Judge, send it by email to the email address stipulated by the Judge. This must be done no later than one full court day before the allocated date of the hearing. The purpose of the practice note is to assist the court in the efficient disposal of the matter.
- 164.2 The practice note must set out whether the matter may be disposed of on the papers in their absence or whether they require an oral hearing and make whatever submissions they deem relevant and important for the disposal of the matter.
- 164.3 If an Applicant wishes to contribute any written submissions about the unopposed matter, such written contribution should be included in the practice note.
- 164.4 If an Applicant takes the view that an oral hearing is necessary, that view must be stated in the practice note referred above. The mode of disposal of unopposed motions shall be via a virtual mode provided that the Judge seized with the matter retains a discretion to issue *ad hoc* directives as to the manner of disposal.
- 164.5 The practice note must give an email address and cell number of the Legal Practitioner/Counsel moving the matter to enable the Judge to make contact about an oral hearing by video conference or otherwise, and also to facilitate resolution of any query, by the Judge, that might need to be addressed to the Legal Practitioner/Counsel for input.
- 165 A Respondent who, despite being late to do so, wishes to oppose the granting of an order, must communicate that fact by uploading the necessary notice to the casefile on CaseLines and by email to the Secretary of the allocated Judge, with all other Parties copied into all email correspondence, and otherwise comply with this directive.
- 166 A Respondent who, in a video link hearing, and who appears in person may go to the Court building and shall there approach the designated official at the Court building who shall render assistance to that litigant through the use of the virtual Courtroom. A notice to this effect shall be posted in the foyer of the Court by the Judge's Secretary. Where the relevant contact details are known prior to the hearing date, the Secretary of the Judge or dedicated Registrar of the Tax



Court (where applicable) shall endeavour to make contact with the Respondent to communicate the relevant information concerning the manner of the hearing to the Respondent. Where personal access to teleconferencing facilities is chosen as the mode of disposal of the matter, an appropriate link may be set up, this may be done as the Judge directs. Counsel or the Attorney for an Applicant must at once when it becomes known that there is opposition, regardless of its merits, communicate that fact to the allocated Judge.

- 167 Draft orders shall be uploaded in PDF and Word format. Once granted, hard copies of the signed orders shall be created by the Judge and one copy shall be retained by the Judge, and another copy taken by the Judge's Secretary to the Registrar for signature.
- 168 The Judge's Secretary or dedicated Registrar of the Tax Court (where applicable) shall endorse the case file cover (front page) and shall upload the order signed by the Registrar to the electronic case file and where applicable, shall email it to unrepresented litigants who do not have access to CaseLines. This uploaded order shall be the original Order and no signed orders will be provided on paper.

THE FAMILY COURT IN THE GAUTENG LOCAL DIVISION OF THE HIGH COURT, JOHANNESBURG

- 169 With effect from 18 July 2022, the first day of the third term 2022, a dedicated Family Court shall sit each week during term.
- 170 The objective of this court is to consolidate and stream most Family Law cases into a single stream in which they might be dealt with more speedily. This Directive shall prevail over any provision in any other Directive and the Practice manual which regulates Family Law cases.
- 171 A Family Law case includes the following:
- 171.1 Marriage, including customary and/or religious marriage;
 - 171.2 Civil unions;
 - 171.3 Domestic partnerships;



- 171.4 Domestic Violence;
- 171.5 Universal partnerships arising from life partnerships;
- 171.6 Divorce;
- 171.7 Dissolution of civil unions, domestic partnerships, universal partnerships arising from life partnerships and proceedings incidental thereto;
- 171.8 Parental rights and responsibilities;
- 171.9 Maintenance;
- 171.10 Relocation of children;
- 171.11 Representation of children;
- 171.12 Care and maintenance of major but dependent persons;
- 171.13 Children's rights;
- 171.14 The Hague Convention on Civil Aspects of International Child Abduction;
- 171.15 The confirmation of surrogacy agreements in terms of section 295 of the Children's Act, 38 of 2005.

172 Each week two Judges shall preside in the Family Court.

173 The Family court shall hear only the following matters, opposed and unopposed:

173.1 All rule 43 applications, regardless of estimated duration.

173.2 Interdicts.

173.3 The access, care of, and maintenance of children and spouses.



173.4 Urgent applications (subject to paragraphs 174.5 and 189)

173.5 Enforcement of the practice manual and Directives bearing on Family Law cases, including the exchange of the Financial Disclosure Form (FDF).

173.6 Other family law applications.

174 The Family court shall NOT hear:

174.1 Unopposed divorces which shall continue to be heard on Fridays.

174.2 Opposed divorce trials which shall continue to be heard as part of the general civil trial roll.

174.3 Judicial approval of surrogacy agreements in open court; instead they shall be dealt with in confidence by referring the application to the DJP in accordance with current practice.

174.4 Appeals about Family Law cases.

174.5 Urgent matters brought after court hours in term and in during any recess must be enrolled in the urgent motion court.

175 All Rule 43 applications, and unopposed applications dealing with matters classified as Family Law matters, which have already been enrolled, shall automatically be placed on the Family Court Roll and no additional steps from practitioners are required.

176 Access to the family court and the procedure for setting down cases is as follows:

176.1 A party shall seek a set down date by inviting JHBFamilycourt@judiciary.org.za to the electronic file on CaseLines, in accordance with all the applicable prescripts of the Motion Court Directives and the Practice Manual.

176.2 All requests for a set down date shall be clearly marked as a Family Law case, in accordance with the classifications in use: i.e.,



- rule 43 applications
- custody
- interdict
- other Family law matter.

176.3 A date so allocated by the Registrar must be regarded as final and should a party decide not to proceed with the hearing of the matter, the party must ensure that the matter is removed from the roll.

176.4 All queries relating to enrolments in the Family Court must be made by way of email to JHBFamilycourt@judiciary.org.za.

176.5 A request for a set down date of any opposed Family Law case must:

- (a) include a full set of papers properly indexed and uploaded in accordance with prevailing directives.
- (b) include in a distinct section of the affidavits, the issue of mediation as a means to resolve or narrow the dispute, including a motivation why mediation was not embarked on, or if already utilized and either unsuccessful or not wholly successful, why that outcome eventuated.

177 A family Court Judge may, if not satisfied that appropriate efforts have been made to mediate a dispute which appears to be susceptible to mediation, exercise a discretion to stay the proceedings to afford the parties an opportunity to reflect thereon, and not permit re-enrolment until such time as the parties adduce cogent evidence of having properly engaged on the prospects of mediation and having given an explanation why it would be fruitless to resort thereto.

178 The Heads of Argument, shall become due to be filed:

178.1 by the Applicant, not later than five court days after the papers are complete, and

178.2 by the Respondent, not later than five court days after the filing of the Applicant's heads of argument.



- 179 Heads of argument shall avoid prolixity and state unequivocally the precise questions the court is being asked to decide and reference the passages or documents relevant to every submission as they appear in the CaseLines record.
- 180 In a case where an adversary is in default of filing heads of argument timeously, the aggrieved party must file Heads and declare the adversary's default. The failure of a party to comply with this injunction shall not delay the request for a date. The failure to comply, timeously or at all, may be visited by a punitive costs order.
- 181 All matters in the Family Court shall be set down on a Monday.
- 182 The registrar shall maintain a 4-week cycle for setting down all cases, opposed and unopposed, i.e., a request for a set down date in week 1 shall be addressed by the registrar in week 2 and set down a fortnight hence; i.e., in week 4. This cycle shall exclude recess periods.
- 183 The Roll shall be published in week 2 for week 4. The Roll shall reflect the Judges sitting and their Secretaries' contact details. The opposed matters and the unopposed matters shall be listed separately.

Opposed Family Law cases:

- 184 Upon the roll being published, in all opposed matters the parties must file a joint practice note by not later than noon on Tuesday of week 3. If agreement on its content cannot be reached, each party shall file its own practice note.
- 185 Filing of the practice note must not be delayed; in the absence of receipt the matter shall be struck off the Roll.
- 186 A practice note shall state clearly the relief sought and any other material information relevant to the matter; in particular:
- 186.1 the representatives and all their contact details



186.2 a preferred date in the week between Monday and Friday, if any, for the hearing, however no guarantee can be given that the preference shall be accommodated,

186.3 the exact relief sought,

186.4 a succinct description of the points in issue as between the parties. (Elaboration must be avoided)

186.5 the practice note must be addressed to the senior Family Court Judge presiding in that week who shall give directions as to when each matter shall be heard and by whom.

Urgent Family Law Cases:

187 An urgent Family Law case is one where a case can be cogently made out that the relief is required before the prescribed procedure has run its course. Such matters may be set down before noon on a Thursday for the following Tuesday, in accordance with standard urgent motion court practice. All other standard factors pertinent to urgent matters shall continue to apply.

188 No urgent Family Law case to be heard during court hours during term shall, after 16 July 2022, be enrolled in the general urgent motion court and should a matter be so enrolled, it shall be automatically transferred to the Family Court Roll.

189 A Family Law case which is so urgent that it is necessary to bring it after court hours during term or during any recess, shall be enrolled in the urgent motion court, not in the Family Court. As a general rule, such a case would be in respect of interim relief.

Case management of Family cases:

190 In an appropriate case, an opposed Family Law case may be case-managed by a Judge assigned to undertake that task by the Deputy Judge President (DJP).

191 An appropriate case is one in which there is substantial degree of complexity of either law or of fact and the intervention of a Judge is necessary to overcome the risk of delay or promote the prospect of settlement.



- 192 An appropriate case is not one in which the respective parties or their representatives merely encounter inter-personal difficulties or experience difficulty in securing agreement on the expeditious preparation of the case.
- 193 An application for case management is made by letter, copied to the adversary, addressed to the DJP.
- 194 The assignment of a case-manager-Judge by the DJP shall be subject to the availability, from time to time, of Judges to undertake such assignments, and a meritorious case may be refused the assignment of a case manager for reasons of such unavailability at the time of the request.
- 195 Anterior Directives and other injunctions relevant to Family cases:
- 195.1 The applicable directives and related procedural injunctions in all types of Family Law cases, to which practitioners must have regard, include the following, which are all subject to the procedural injunctions in this directive:
- a. The Practice Manual of the Johannesburg High Court (including Chapters 9.9 and 9.23);
 - b. Revised Practice Directive 1 of 2021;
 - c. Practice Directive 2 of 2020, in particular as it relates to motion court proceedings, rule 43 applications and Financial Disclosure Forms (FDFs);
 - d. Revised Practice Directive 1 of 2021, dated 11 June 2021 but in particular Part B;
 - e. Paragraph 10.15 of the Johannesburg Consolidated Practice Directive dated October 2018 insofar as it relates to The Hague Convention on Civil Aspects of International Child Abduction.
 - f. Paragraph 10.16 of the Johannesburg Consolidated Practice Directive dated October 2018 insofar as it relates to applications for the confirmation of surrogacy agreements in terms of section 295 of the Children's Act, 38 of 2005.



196 Re-evaluation and consultation on this directive in as far as it relates to the Family Court:

197 The directions herein shall be re-evaluated at the conclusion of the third term of 2022 and appropriate revisions shall be effected. Accordingly, constructive comment from practitioners on the efficacy of the model shall be appreciated. These may be directed to the office of the DJP and shall receive the attention of the Judges' Family Law Committee.

DIVORCES IN PRETORIA AND IN JOHANNESBURG

198 These directives regulate the hearing of unopposed divorces

Pretoria

199 Divorces in Pretoria shall continue to be dealt with in the Unopposed Motion Court under the conditions described above.

Johannesburg

200 Divorces in Johannesburg shall be dealt with on Fridays in the Divorce Court by video-link

Mode of hearings of unopposed Divorces in Pretoria and in Johannesburg

201 There are three categories of unopposed divorce matters, and the roll shall, as far as possible, be clearly demarcated:

201.1 Matters not involving minor children.

201.2 Matter involving minor children.

201.3 Matters in which the Party is unrepresented.



Category A:

- 202 All matters that do not involve minor children *must* be dealt with by adducing evidence on affidavit and no Party shall testify in person, save where the Judge orders otherwise.
- 203 A practice note must be uploaded to CaseLines and submitted with the set down notice.
- 204 The practice note must include reference to:
- 204.1 submissions, if any, by Counsel for the Party;
 - 204.2 a request, if any, to make oral submissions;
 - 204.3 an affidavit from the Plaintiff setting out the relevant evidence;
 - 204.4 a certified copy of the settlement agreement;
 - 204.5 a certified copy of the marriage certificate;
 - 204.6 and a draft order in word format which must contain the name, email and cell phone details of Counsel, if any.
- 205 Where filing the practice note with the set-down is not possible, the practice note may be submitted and uploaded to CaseLines at any time before or on the date of set down.
- 206 Counsel must keep themselves available to be contacted on the date of set down by email or cell phone.
- 207 The matters shall be disposed of at the discretion of the allocated Judge, in respect of which ad hoc directives may be issued, which may include:
- 207.1 Disposal without an oral hearing;
 - 207.2 Disposal during a video conference which the Court must host;



207.3 Disposal at a physical traditional hearing.

Category B:

- 208 All matters that do involve minor children *must* be dealt with by adducing evidence on affidavit and no Party shall testify in person, save where the Judge orders otherwise.
- 209 A practice note must be uploaded to CaseLines and submitted with the set down notice.
- 210 The practice note must include reference to:
- 210.1 submissions, if any, by Counsel for the Party;
 - 210.2 a request, if any, to make oral submissions;
 - 210.3 an affidavit from the Plaintiff setting out the relevant evidence, which must address in detail the arrangements contemplated for the minor children and the views or endorsement of the Family Advocate, if any;
 - 210.4 a certified copy of the settlement agreement;
 - 210.5 a certified copy of the marriage certificate;
 - 210.6 and a draft order in word format containing the name, email and cell details of Counsel, if any.
- 211 Where filing the practice note with the set-down is not possible, the practice note may be submitted and uploaded to CaseLines at any time before or on the date of set down.
- 212 Counsel must keep themselves available to be contacted on the date of set down by email or cell phone.
- 213 The matters shall be disposed of at the discretion of the allocated Judge, in respect of which ad hoc directives may be issued, which may include:



- 213.1 disposal without an oral hearing;
- 213.2 disposal during a video conference which the Court must host;
- 213.3 disposal at a physical traditional hearing.

Category C:

- 214 Unopposed divorces in which the Party appears in person shall be disposed of at the discretion of the allocated Judge, in respect of which ad hoc directives may be issued, which may include:
 - 214.1 disposal during a video conference which the Court must host;
 - 214.2 disposal at a physical traditional hearing.
 - 214.3 In those cases where an unrepresented Party:
 - a. goes to the Court building, that Party shall approach the designated official at the Court building who shall render assistance to that litigant through the use of the virtual Courtroom. A notice to this effect shall be posted in the foyer of the Court by the Judge's Secretary.
 - b. can be contacted because the relevant contact details are known, the Secretary of the Judge shall endeavour to make contact to communicate the relevant information concerning the manner of the hearing.
 - c. has personal access to teleconferencing facilities an appropriate link may be set up accordingly, as the Judge directs.

ISSUING OF PROCESS (NEW CASES)

- 215 Save for the filing of new process in existing matters which is to be uploaded to the relevant electronic court file, **no new case shall be issued in person or created on CaseLines.** The provisions of paragraphs 21 to 44 shall apply to new cases with effect from 18 July 2022.



216 All existing matters including any interlocutory process that may arise from such matters are to be finalised on CaseLines in line with the applicable provisions of this Directive.

217 Each law firm may issue a maximum of 15 process per Court-day by initiating the cases on Court Online.

218 In regard to existing matters on CaseLines, once process is issued, the respective law firm or litigant bears the responsibility of prefixing the electronic file on CaseLines, based on the type of process to be enrolled for hearing, uploading the documents and inviting the relevant Registrar Office profile in line with the directives in paragraphs 57, 62, 67, 81, 85, 100, 102, 106 and 130 above.

219 The Tax Court:

219.1 the physical address for issuing process (New Cases) or service of documents is as follows:

Business Address:

1st Floor, SARS, Khanyisa Building

271 Nieuw Muckleneuk

Brooklyn, Pretoria

219.2 the dedicated email address and CaseLines profile is: registrartaxcourt@sars.gov.za.

220 Filing of process in existing/issued matters on the CaseLines platform shall be dealt with in line with the directions set out in the following paragraphs.

221 To create an existing case on CaseLines which at the time of creation does not exist on the platform, in reference to paragraphs 45 to 55 of this Directive, the Legal Representative initiating the process must create the case on CaseLines using the **High Court of South Africa** template with the case **name** being that of the parties to the case, e.g. DLAMINI, G vs DLAMINI, S; and **reference** being the generic case number for new cases:

221.1 In Pretoria: PTA000



221.2 In Johannesburg: JHB000

222 The Legal Representative must click **Get from Template** to populate the **Front Page** as referred to in paragraphs 45.1, 45.2, 45.3 and 53 of this Directive. No Party may add or modify any information on the Front Page. **It is for the Court Officials' Use Only!**

223 The **front page** must be completed by the designated court official with the correct citation of the respective Court in terms of Section 6 of the Superior Courts Act no 10 of 2013 as per Government Gazette No. 37390 dated 28 February 2014:

223.1 In Pretoria: “IN THE HIGH COURT OF SOUTH AFRICA”
GAUTENG DIVISION, PRETORIA

223.2 In Johannesburg: “IN THE HIGH COURT OF SOUTH AFRICA”
GAUTENG LOCAL DIVISION, JOHANNESBURG

224 The issuing office Registrar will allocate the new cases to staff members for issuing. The issuing office staff will peruse the citation and jurisdiction contained in the initiating document prior to affixing the digital stamp and allocating a case number. The generic case number will be replaced with the allocated case number, recorded with the year in full and without any 0 preceding the case number, e.g. 2005/44; 2012/123; 2019/93222; etc. except for the Tax Court where the 4-digit case number precedes the year, e.g. 0046/2020. The case number and parties must then be completed in full on the front page by the issuing staff member; where after the issuing staff members' access to the case will be removed.

LIMIT ON NUMBER OF MATTERS TO BE ENROLLED ON CASELINES AND COURT ONLINE

225 Each law firm may enrol a maximum of 5 matters per court roll per day.

226 The maximum number of matters enrolled by a law firm per day is limited to twenty (20) matters in total per day in respect of unopposed motions (inclusive of Rule 43 applications, Divorces, and unopposed Summary Judgement applications), interlocutory and admission



applications, opposed motions (inclusive of opposed Summary Judgments), civil trials and Judicial Case Management matters.

227 In the Tax Court:

227.1 a maximum of 1 Opposed application may be enrolled per day;

227.2 a maximum of 5 Unopposed applications may be enrolled in this Court per day;

227.3 not more than 1 Tax Court Appeal matter may be enrolled per day.

URGENT COURT

228 Hearings shall be conducted as directed by the presiding Judge.

229 The issuing of case numbers for and/or enrolment of urgent applications should be dealt with between 08:00 and 16:00 on Court days' subject to the stipulations of paragraphs 44 and 230. Where an urgent case is issued and simultaneously enrolled, the issuing clerk creates the case on CaseLines and invites the applicant and the Judge's Secretary. The applicant must ensure to invite all other legal practitioners involved in the matter. When an urgent matter that was previously issued and already created on CaseLines is later enrolled, the Clerk responsible for the urgent roll must be informed that the case already exists.

230 The contact numbers for the After-Hours Urgent Court of the respective Courts are: Pretoria – 065 859 4819; Johannesburg – 081 727 7734 / 082 573 5233. These numbers are operational on weekends and between 16:00 and 08:00 during the week. These numbers must **not** be used for general enquiries or for any issues not relating to a matter to be heard in the After-Hours Urgent Court.

231 The papers of existing cases shall be uploaded onto CaseLines, or where that cannot be achieved, the papers shall be sent by email to an address as directed by the Urgent Court Judge or her/his Secretary.

232 Only when the uploading of papers in existing matters on CaseLines is impossible to achieve, may a physical set of papers be delivered as directed by the Urgent Court Judge, which shall



include an affidavit explaining, in full, why it was impossible to transmit the papers via CaseLines or email.

- 233 Any person applying for urgent relief in person, shall, before filing any papers, communicate with the Urgent Court Judge's Secretary to determine whether the Judge shall authorize the filing of papers, whether on CaseLines, via email or physically.
- 234 Any Order granted/issued shall be communicated by email to the Parties and uploaded onto CaseLines.
- 235 The enrollment of an allegedly urgent matter found not to warrant a hearing on this roll may, at the discretion of the Judge seized with the matter, result in punitive costs being awarded and the culpable Counsel and Attorney being ordered not to be paid any fees arising from the prosecution of such matter(s).
- 236 Service of process in all urgent matters shall comply with the Rules of Court. Save where required by legislation, where agreement can be reached by the representatives of all Parties to vary the requirements of the rules to facilitate a wholly electronic exchange of papers, condonation shall be granted *ipso facto*.
- 237 The urgent roll closes at noon on a Thursday for the following Tuesday. Generally, no urgent application may be enrolled for a date further in the future than the following week. Where an applicant seeks to do so, a directive from the DJP must be obtained.

ADMISSIONS OF LEGAL PRACTITIONERS

- 238 The Following entities must be added/invited as a Party to the CaseLines file:
- 238.1 The Legal Practice Council (LPC) and or its legal representatives.
- 238.2 The Pretoria Society of Advocates, per email: psaadmissions@zaCaseLines.com.
- 238.3 The Johannesburg Society of Advocates, per email: jsaadmissions@zaCaseLines.com.



238.4 The Pan African Bar Association of South Africa (PABASA), per email: pupillage@pabasa.co.za.

239 The LPC must upload the relevant documents it wishes to contribute to the application not later than three days before the date of the hearing.

240 Admission applications shall otherwise be disposed of in the same manner as set out in paragraph 146 above.

241 The attorney for the Applicant must furnish on CaseLines an affidavit stating that he or she has examined the original documents, i.e., Identity document of the candidate and those documents relating to the qualification(s) conferred on the candidate for admission and confirming that the documents appear to be authentic.

241.1 The Oath of Office shall be administered during the hearing.

241.2 The Oath of Office form shall thereafter be emailed to the Counsel moving the application who must cause the candidate for admission to sign it, scan it, and then transmit the scanned signed document by email to the Secretary of the Senior Judge who shall oversee its completion and commissioning.

241.3 A hard copy shall be sent to the LPC and an email copy sent to the Counsel who moved the matter.

242 The certificate issued by the Registrar shall be uploaded to CaseLines and the original shall be available for upliftment from the Registrar's office upon suitable arrangements made with the Registrar.

243 All enquiries relating to admissions must be directed to the following email addresses:

243.1 In Pretoria: TLegodi@judiciary.org.za

243.2 In Johannesburg: JHBadmissions@judiciary.org.za



DEFAULT JUDGMENT IN TERMS OF RULE 31(5)

- 244 Once the application and all supporting documentation has been filed/uploaded on the electronic case file, the Applicant's/Plaintiff's legal representative must prepare and upload an affidavit or certificate to the effect that there is compliance with Rule 31(5)(a) and this Directive, especially with regards to inviting the Respondent/Defendant to the electronic file on CaseLines as well as the checklist included at the end of this Directive.
- 245 The Applicant's/Plaintiff's legal representative must invite the Default Judgment Registrar to the electronic case file. The invite must be resent as set out herein. The invitation must only be sent on Court days between 09:00 and 15:00:
- 245.1 In Pretoria: PTAdefaults@judiciary.org.za
- 245.2 In Johannesburg: JHBdefaults@judiciary.org.za
- 245.3 The Registrar is instructed to un-invite the office profile from cases where attorneys failed to upload a complete and accurate checklist. Such cases will not be regarded as a properly filed application.
- 245.4 Default Judgment in terms of Rule 31(2) must not be brought before the Default Judgment Registrar and should be enrolled in the unopposed motion court.
- 246 The Default Judgment Registrar shall invite the allocated Registrar to the case file. After having considered the application, the Registrar shall make a decision in terms of Rule 31 (5), endorse the electronic file with the judgment and amend the prefix to include the outcome; e.g. Granted Rule 31(5): DLAMINI (PTY) LTD vs DLAMINI & SONS CC as well as invite the typist and statistics office to the case file on the same provisions as set out above. The Registrar shall immediately after endorsement of the file remove the "change case" permissions of all legal practitioners or parties (other than court staff and CaseLines support personnel).
- 247 Each law firm may submit a maximum of fifteen (15) applications for default judgment in terms of Rule 31(5) per day. No applications may be submitted during *dies non*.



248 Enquiries regarding Court Orders of applications for default judgment in terms of Rule 31(5) should be directed to the Default Judgment Registrar as follows:

248.1 In Pretoria: PTAdefaults@judiciary.org.za ; CShilowa@judiciary.org.za

248.2 In Johannesburg: JHBdefaults@judiciary.org.za

249 In the Tax Court:

Default Judgment in the Tax Court is dealt with according to Rule 56 of the Tax Administration Act rules. The general provisions relating to Default Judgment as aforementioned shall further apply to the processing of Default Judgments in this Court.

TAXATIONS OF BILLS OF COSTS

250 The legal representative MUST upload the bill of costs together with all supporting documentation and vouchers under the respective Sections on the electronic case file.

251 The legal representative MUST invite all relevant legal representatives to the electronic case file. Where applicable, each legal representative is responsible for inviting their own cost consultant to the case file.

252 The bill of cost must be uploaded to the electronic case file in both pdf and in an editable 'word' version.

253 Request for a taxation date must be uploaded to the electronic case file and the taxation office invited on the CaseLines system. Requests for a taxation date sent to the designated email address prior to this Directive taking effect and not yet responded to, shall be disregarded. The invite must be resent as set out herein:

253.1 In Pretoria: PTAtaxationdates@judiciary.org.za

253.2 In Johannesburg: JHBOtaxation@judiciary.org.za



- 254 Upon receipt, the Registrar or designated Court official will provide the taxation date by inserting the hearing date on the electronic case file.
- 255 The legal representative shall upload the notice of taxation, together with proof of service, on the case file in a Section titled “Notice of taxation” no later than five (5) court days prior to the taxation date.
- 256 The Registrar or designated Court official shall place the matter on the taxation roll and invite the assigned Taxing Master to the case file.
- 257 The Taxing Master may mark the bill on the editable version. The marked bill must be saved by the Taxing Master as a pdf document, and must then be uploaded to the electronic case file. Only the *allocatur* must be printed in order to be signed and stamped by the Taxing Master. The Taxing Master must thereafter upload the *allocatur* to the file on CaseLines.
- 258 Upon conclusion of taxation, the Taxing Master shall endorse the electronic file with the outcome. The Taxing Master shall amend the prefix to include the outcome; e.g. **Part-heard Unopposed Taxation: DLAMINI (PTY) LTD vs DLAMINI & SONS CC** and shall invite the statistics office to the case file.

For settled bills of cost:

- 259 The provisions hereunder must be read with the Notice In Re: Taxation of bills of cost where a matter is settled *inter partes* issued on 17 February 2021.
- 260 The legal representative shall invite the taxation office to the electronic case file:
- 260.1 In Pretoria: taxconfirmationsPTA@judiciary.org.za
- 260.2 In Johannesburg: JHBtaxation@judiciary.org.za
- 261 The Registrar or designated Court official shall record the settled bills on the settlements roll, add the hearing date on the electronic file and invite the Taxing Master to whom the bill is allocated on the CaseLines system. Requests for a taxation date for settled bills sent to the



designated email address prior to this Directive taking effect and not yet responded to, shall be disregarded. The invite must be resent as set out herein.

262 The Taxing Master may communicate observations, if any, per email or using CaseLines Notes.

263 Only the *allocatur* must be printed in order to be signed and stamped by the Taxing Master. The Taxing Master must thereafter upload the allocator to the CaseLines file.

264 The Taxing Master shall endorse the electronic file with the outcome. The Taxing Master shall amend the prefix to include the outcome; i.e. **Settled Bill: DLAMINI (PTY) LTD vs DLAMINI & SONS CC** and shall invite the statistics office to the case file.

265 Each law firm or cost consultant may submit a maximum of five (5) applications for taxation per day, whether settled or not. No applications for taxation may be submitted during *dies non* and no taxations may be enrolled during *dies non*.

266 In the Tax Court:

The dedicated Registrar office CaseLines profile being registrartaxcourt@sars.gov.za shall be used for the taxation of bills of costs in the Tax Court. The general provisions relating to the taxation of bills of costs as referred to shall otherwise apply to the handling of taxations in this Court.

FILING AND SERVICE

267 As regards filing of notices or process, Uniform Rule 3 stipulates that filing may take place between 09:00 to 13:00 and 14:00 to 15:00 on Court days, apart from in exceptional circumstances or when so directed by a Judge. Practitioners are therefore required to file notices and process by uploading to CaseLines or Court Online (whichever the case may be) only on court days and only between the hours of 09:00 and 15:00.

268 Practitioners must adhere to the Uniform Rules of Court as it relates to service of notices and process. Thus, the uploading of notices or process to CaseLines or Court Online (whichever platform is applicable to the relevant case in terms of this Directive) will be regarded as compliant with the Rules of Court as the effective date of proper filing of the document, but not



the service of same. Service should still be effected in terms of Rule 4 or 4A, as the case may be.

- 269 Originals of documents for filing shall be uploaded to the electronic case file on CaseLines or Court Online in satisfaction of the provisions of Rule 4A(5). Any Party may be called upon at any time by the Registrar or by a Judge to produce the original document so uploaded.
- 270 Litigants are advised that they may invite the office of the relevant Sheriff to CaseLines to afford remote access to the papers. Sheriffs may access files on Court Online as provided for in paragraph 40 of this Directive.
- 271 In the event of non-compliance or partial compliance with any provision in a statute or by a Rule of Court to serve and file Court process and/or deliver any document ancillary thereto and which is attributable to the strictures imposed this Directive, its implications for the litigant or the litigant's legal representatives, condonation, where required, shall be granted by a Court in respect of any shortcomings in compliance

ISSUING OF WARRANTS OF EXECUTION AND SUBPOENAS (MATTERS INITIATED ON CASELINES ONLY)

- 272 Warrants and subpoenas may be submitted at Court for issuing on Mondays and Tuesdays between 09:00 and 13:00.
- 273 A limit of 40 warrants of execution and/or subpoenas per firm will apply per day on which submission may take place.
- 274 The Registrar at each Court shall make separate Deposit Boxes available for litigants to deliver requests for warrants of execution and subpoenas to be issued. A register for warrants and subpoenas shall be available at the deposit box. All warrants and subpoenas must be recorded in the register by the person delivering it.
- 275 The documents must be contained in a sealed envelope marked clearly with either WARRANTS or SUBPOENAS and the name of the firm submitting them.



- 276 A covering letter which contains the name and email address of the responsible person who must be notified that the documents are ready for collection must be included in the envelope with each submission.
- 277 Issued warrants and/or subpoenas may be collected on Thursdays and Fridays between 09:00 and 13:00 from separate collections boxes for collection after the responsible person has been notified by email that they are ready for collection.
- 278 Requests for warrants of execution must be accompanied by a signed and stamped Court order and/or a signed and stamped taxed bill if for costs.
- 279 Warrants of execution against organs of State must be accompanied with proof of compliance with the State Liability Act in addition to the requirements set out in paragraphs 43 and 45 above.
- 280 Subpoenas *duces tecum* must make available an electronic email address to which the documents or material in question can be delivered to the Applicant.
- 281 Subpoenas *ad testificandum* must be accompanied by proof that the matter will be dealt with in person at the Court and the details of the relevant Judge who will be presiding over the matter.
- 282 Lockdown Regulations stipulate that a person may not be evicted for the duration of the national state of disaster unless a competent Court has granted an order authorizing the eviction. The Registrar will therefore not grant any warrant relating to eviction unless the Court specifically made an order authorizing the eviction during the national state of disaster.

APOSTILLES

- 283 The Registrar at each Court shall make a Deposit Box available for litigants to deliver requests for documents to be notarised.
- 284 The documents must be contained in a sealed envelope marked clearly APOSTILLES and a covering letter which contains the name and email address of the responsible person who must be notified that the documents are ready for collection.



285 When ready they will be placed in a collections box for collection and the responsible person shall be notified by email thereof.

COMMUNICATIONS WITH THE REGISTRARS AND JUDGES' SECRETARIES

286 It is important to use the correct email address for any aspect dealt with in these directives. A summary of the relevant email addresses and escalation email addresses appear in paragraph 294 hereof. Incorrect and abusive usage of email addresses will lead to the issue being raised in such email not being attended to. In particular, emails sent to the email address of the Judge President or the Chief Registrar regarding an issue covered in the directives will be ignored.

287 The primary channel of communication is CaseLines Notes. Any aspect of any matter that cannot be dealt with on CaseLines Notes must be only to the **relevant** Registrar's email address. Enquiries or communication with specific sections must **not** be directed to or copied to the Chief Registrar or office of the Judge President. In particular, complaints and enquiries relating to date allocation, final enrolment and general questions must be escalated only to the relevant escalation email address. Such complaints and enquiries must not be made or copied to the Offices of the Judge President, Chief Registrar or Court Manager.

288 It is important to furnish in any email to the Judge's Secretary the relevant email address that is to be used for any CaseLines link and for video link invitation. Failure to provide the correct information inhibits effective communication and frustration to all involved. Video links are provided by Judges' Secretaries and issues relating to receipt of video links must not be raised with the Registrar.

289 When a query is escalated to the appropriate escalation email address, practitioners are advised of the following:

289.1 Queries/complaints should be escalated after the expiry of five court days and only after confirming that no CaseLines Note had been made by the Registrar.

289.2 Do not attach any documents.

289.3 Do not send duplicate and/or follow up on emails.



- 289.4 Send emails during court hours.
- 289.5 Cite the case number.
- 289.6 A query email must be limited to five cases (in line with the enrolment limitation of 5 applications per day per firm). A separate email may be sent with other case numbers, should it be necessary.
- 289.7 The Registrar's response to the email will be in the form of a CaseLines Note within 2 days of receipt of the escalation email. Attorneys should consult the electronic case file on CaseLines and should not expect an email reply.
- 289.8 In motions, confirmation of final enrolment should be expected 1 day after closure of the roll. No enquiries relating to confirmation of final enrolment should be escalated prior to and/or on the date the roll closed.
- 289.9 Except for the escalation email addresses cited in paragraph 294, the office email addresses are no longer functional and are not monitored.
- 290 NO walk-in enquiries or complaints related to the provisions covered in this Directive, to the Office of the Registrar, Court Manager, Deputy Judge President or Judge President will be accommodated unless an invitation is extended to the complainant.
- 291 Registrars are legal professionals who are best suited to attend to enquiries and complaints relating to their respective sections and/or areas of responsibility. When sending emails to the email addresses stipulated below, attorneys must refrain from copying the Chief Registrar in such emails. In respect of enquiries and complaints, Chief Registrars are expected only to attend to such enquiries or complaints referred to them by the designated Registrar.
- 292 Only issues where proof that the Registrar or other court staff member failed to assist or where proof of misconduct is provided may be escalated per email to the offices of the Chief Registrar or Court Manager respectively; and only to the office appropriate to the issue.



293 Judges' Secretaries are supervised by the Office Manager. Complaints about Judges' Secretaries should be directed to the Office Manager together with proof of attempts to liaise with the Judge's Secretary directly, especially where the complaint relates to the uploading of signed draft orders which were made Orders of Court.

294 Enquiries should be made per telephone to the relevant telephone number(s) listed here below and complaints should be sent to the relevant email address as it appears below. It is imperative that before a complaint or enquiry is raised the complainant should ensure that he/she has read the Directive to avoid and prevent unnecessarily burdening Court staff.

294.1 In Pretoria:

294.1.1 Motions:

Unopposed 012 315 7613/15

Opposed 012 315 7614

Complaints should be directed to the Registrar per
KMunene@judiciary.org.za / OSebogodi@judiciary.org.za

294.1.2 Civil Trials & CMC's:

CMC's 012 315 7432/7426

Trials 012 315 7449/012 492 6848

Complaints should be directed to the Registrar per
NMvumbi@judiciary.org.za

294.1.3 Admissions:

Admissions 012 315 7437

Complaints should be directed to the Registrar per
NMohale@judiciary.org.za

294.1.4 Taxation:

All Taxation enquiries 012 492 6881

Complaints should be directed to the Registrar per
ACHetty@judiciary.org.za



294.1.5 Rule 31(5) Default Judgment:
All Rule 31(5) enquiries 012 492 6742/6743
Complaints should be directed to the Registrar per
PTAdefaults@judiciary.org.za ; CShilowa@judiciary.org.za

294.1.6 Special Interlocutory Court and Trial Default Judgment Court (in line with Revised Directive 1 of 2021):

Tel: 012 315 7449 / Email: NMohale@judiciary.org.za after 14 court days has lapsed following the invite of the relevant Registrar Office CaseLines profile on the electronic file on CaseLines and only after confirming that no CaseLines Note had been made by the Registrar (to see notes click on the review panel). The requisite Audit report (record of user activity & record of document activity) obtained on the day of the enquiry should be attached to the email.

294.1.7 Court Orders other than Orders granted by the Registrar in terms of Rule 31(5)[as referred to in paragraph 248 above]:

Requests for orders granted prior to 26 March 2020

Complaints relating to orders granted prior to 26 March 2020 – Email:
CourtOrdersPTA@judiciary.org.za

*Orders granted as from 26 March 2020, if not uploaded- Enquire from the Judge's Secretary

*Complaints relating to Orders granted as from 26 March 2020 not yet uploaded – Contact the Office Manager per
MCampbell@judiciary.org.za

294.2 In Johannesburg

294.2.1 Motions:

Unopposed 011 335 0491

Opposed 011 335 0332

Family law motions JHBfamilycourt@judiciary.org.za

Complaints should be directed to the Registrar per
JHBMotionenquiries@judiciary.org.za



294.2.2 For enrolment of Civil Trials, CMC's and Settlement Court matters:

CMC's and Settlement Court 011 335 0348 /

jhbpretrial@judiciary.org.za

For enrolment of Civil Trials 010 494 8397 /

jhbciviltrials@judiciary.org.za

Non routine communications about queries and problems should be directed to the Registrar per TKhumalo@judiciary.org.za

294.2.3 Admissions & Trial Interlocutory Applications:

Admissions 010 494 8506

Trial Interlocutory Applications 010 494 8506

Complaints should be directed to the Registrar per GModipa@judiciary.org.za / MMmola@judiciary.org.za

294.2.4 Taxation:

All Taxation enquiries 011 335 0174

Complaints should be directed to the Registrar per BNxumalo@judiciary.org.za

294.2.5 Rule 31(5) Default Judgment:

All Rule 31(5) enquiries 010 494 8579

Complaints should be directed to the Registrar per JHBdefaults@judiciary.org.za

294.2.6 Special Interlocutory Court and Trial Default Judgment Court (in line with revised Directive 1 of 2021):

Special Interlocutory Court -

Tel: 011 335 0300 / 010 494 7151

Email: MMmola@judiciary.org.za

Trial Default Judgment Court –

Tel: 010 494 8397 / Email: TKhumalo@judiciary.org.za



294.2.7 Court Orders other than Orders granted by the Registrar in terms of Rule 31(5)[as referred to in paragraph 248 above]:

Requests for orders granted prior to 26 March 2020 -011 335 0300

Complaints relating to orders granted prior to 26 March 2020 – Email JHBfiles@judiciary.org.za

*Draft orders granted as from 26 March 2020, if not uploaded - Enquire from the Judge’s Secretary

*Complaints relating to draft orders granted as from 26 March 2020 not yet uploaded – Contact the Office Manager per RLetlaka@judiciary.org.za

MATTERS IN WHICH ORDERS ARE MADE BY JUDGES IN CHAMBERS

295 All applications which traditionally are dealt with by a Judge in chambers shall only be dealt with if uploaded to CaseLines.

296 Rule 46(11) applications for the cancellation of a sale in execution are special cases: where the property which is the subject of the sale in execution is a residential property which is or was a primary residence, the application shall be dealt with in the Unopposed Court. Where the property was not a primary residence it may be dealt with in chambers.

297 The responsible Registrar shall distribute the applications to Judges to address. The Registrar will upload the Order on CaseLines no later than 7 court days after the date of the order.

ACCESS BY THE MEDIA TO PHYSICAL/IN PERSON AND VIRTUAL COURT HEARINGS

298 This directive does not replace the provisions set out in the High Courts’ Practice Manuals relating to requests for the attendance of the Media in Court proceedings unless where a deviation therefrom is specified herein.

Virtual Court Hearings

299 Members of the Media who wish to attend a virtual Court hearing may direct a request to the Secretary of the presiding Judge in instances where the details of the Judge hearing the matter are known. Such attendance shall take place via a YouTube link and not by way of an invitation



to the video-link proceedings. Judges' Secretaries shall acquaint themselves with the procedure to give effect hereto.

- 300 In instances where the details of the presiding Judge are unknown, the request may be directed to the Secretary of the Judge President – Ms. Nolene Morris at NWalkinshaw@judiciary.org.za who will direct the request to the Secretary of the presiding Judge.
- 301 It remains the decision of the presiding Judge to grant access to the proceedings with due regard to the nature of the proceedings, public interest in Court proceedings and the principles of open justice.
- 302 On direction of the presiding Judge, the Secretary will render such assistance as is necessary to ensure that the members of the media are linked to virtual hearings.
- 303 Virtual hearings should ideally be recorded. Subject to direction by the presiding Judge, the responsibility for recording and management of the audio recording will be undertaken by the Court.
- 304 Members of the media may request access to Court records filed on CaseLines or through other electronic means from the Secretary of the presiding Judge, who shall subject to the direction of the presiding Judge, enable such access subject to applicable system access restrictions and protocols. To this end members of the media may have to register their profiles on CaseLines (<https://sajustice.CaseLines.com>).
- 305 Where feasible a web link for virtual hearings will be posted on the website of the Office of the Chief Justice and can be accessed at www.judiciary.org.za.
- 306 Court rolls of cases processed on CaseLines will be published on the website of the Office of the Chief Justice and can be accessed at www.judiciary.org.za. Court Rolls on Court Online are accessible directly on the system via <https://www.courtonline.judiciary.org.za>.

Physical or in person Court Hearings

- 307 The media may have access to physical Court hearings provided that the health and safety measures currently in place at the Court buildings are adhered to.



308 In instances where media access is granted in an Open Court hearing or where the Presiding Judge hears the matter virtually from the Court building, the Secretary of the Presiding Judge shall inform the Court Manager immediately upon the access being granted and provide all details regarding the matter and the public interest attracted to the matter so that the necessary arrangements can be put in place to accommodate the media and public presence at such a hearing.

Tax Court matters

309 All Tax Court matters are heard in Camera to comply with the secrecy provision outlined in the Tax Administration Act.

VIDEO LINKS LOGISTICS

The case types referred to in paragraphs 3 to 16 of this Directive and matters in the Tax Court:

310 Each of these Courts have rolls comprising several matters. How video links are set up is within the discretion of the Judge presiding in these Courts.

311 Among the options, is for a single link to be set up at the Judge's initiative for the whole roll which is published to the Professional Bodies and relayed to interested attorneys and Counsel. The Counsel appearing shall then join the video hearing and take turns at having their matters heard.

312 The video link and/or direction by the Judge in relation to the video hearing will be communicated by email from the Judge's Secretary or ICT support staff member. Enquiries relating to video link logistics should not be directed to the Office of the Registrar.

313 Each High Court has a virtual Court set up with the necessary equipment and a Judge's Secretary to assist unrepresented Respondents/Defendants in their matters before Court. This Court is designated for unrepresented Respondents/Defendants who do not have access to IT related equipment and software and whose matters are heard virtually. The Secretary of the Judge who will be hearing the matter shall communicate such matters to the Secretary allocated in advance of the hearing so that the necessary arrangements are put in place for the hearing.



ETIQUETTE IN VIDEO CONFERENCE HEARINGS

- 314 The Judge(s) and legal professionals appearing in video conferencing hearings must be robed. Witnesses, litigants whether represented or unrepresented must be dressed formally.
- 315 Instructions for Legal Representatives and Counsel:
- 315.1 All Legal Representatives and Counsel should endeavour to ensure that they have a back-up electricity and a data source in the event of a power outage or load-shedding or any other electrical or connectivity issue.
- 315.2 The devices used 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 a power outage or load-shedding.
- 315.3 To ensure that Attorneys and Counsel are properly addressed during a virtual hearing, they are directed to ensure that their MS Teams usernames are accordingly adjusted to correspond with their Initial(s) and Surname so that their correct details display during the hearing.
- 315.4 Legal Representatives and Counsel should ensure that the physical background of the room from which they are conducting the hearing accords with the decorum of a formal Court sitting and has nothing bright or distracting. Legal Representatives and Counsel must also ensure that no other person (or pet) should enter or move around the room during the course of the hearing.
- 316 In addition to the above directions, the further conduct of the hearing will be dealt with via *ad hoc* directives issued by the presiding Judge.
- 317 Legal Representatives and Counsel appearing shall remain in the hearing and leave only when the proceedings have concluded, alternatively, with leave of the presiding Judge.
- 318 The Judge(s) shall give instructions as to the recording of the proceedings:



318.1 if the Judge or the Judge's Secretary or a Stenographer records the proceedings, the Judge shall retain the audio file, until such time as the Registrar can take custody thereof. Such record must be availed to any Party who was involved in the hearing upon request subject to the procedure set out in paragraph 320 below.

319 The following procedure is to be followed by a Party when a request for a record of any court proceedings is made:

319.1 The request should be made with an accredited transcription service provider. The transcription service provider shall in turn approach the court recordings management office at the relevant Court with a request for the recording for transcription by the service provider. The transcript of proceedings will thereafter be forwarded to the presiding Judge for certification.

319.2 Transcription services providers may contact the following officials at the Courts' recordings management offices:

-Johannesburg: SSekgotlaboraga@judiciary.org.za; KPelele@judiciary.org.za;
PhMthembu@judiciary.org.za

-Pretoria: MMahlangu@judiciary.org.za; SNyakale@judiciary.org.za;
MCampbell@judiciary.org.za

UPHOLDING THE INTEGRITY AND AUTHORITY OF THE COURT

320 All the participants, including legal practitioners, in hearings whether they be virtual or physical are under a duty to conduct themselves in a manner that upholds the integrity, authority and respect for the Court. The failure to do so constitutes contempt of court and the Judge presiding would under such circumstances consider the use of one or more or all of the following options:

320.1 Remove the offending individual from the virtual platform and/or adjourn the proceedings to another day with an appropriate personal order as to costs against the party or individual responsible for the disruption.



- 320.2 Immediately institute contempt proceedings where this is possible.
- 320.3 Commence with contempt proceedings where the circumstances do not make it possible to do so immediately.
- 320.4 Bring the matter to the attention of law enforcement authorities.
- 320.5 Bring the matter to the attention of the Legal Practice Council.

COURT ONLINE AND CASELINES REFERENCE GUIDES AND DIRECTIVE COMPLIANCE CHECKLISTS

- 321 Enclosed with this Directive are the **Quick Reference Guides to the CaseLines and Court Online systems** which set out guidelines to a user on the process of registering a CaseLines/Court Online profile/account, case creation and navigation through the use of the digital platform up to the hearing of a case.
- 322 Checklists for compliance with this Directive are enclosed for ease of reference.

A.P. LEDWABA
ACTING JUDGE PRESIDENT
GAUTENG DIVISION OF THE HIGH COURT
OF SOUTH AFRICA
Digitally transmitted therefore unsigned



ANNEXURES:-

Date Application Form (Pretoria And Johannesburg):-

ANNEXURE 1

DATE APPLICATION FORM

GAUTENG DIVISION OF THE HIGH COURT (PRETORIA AND JOHANNESBURG)

Case No					
Date of Hearing					
Parties: Surname & Initials					
Applicant			(First) Respondent		
Court roll selection: (tick only one)					
Opposed Motion	<input type="checkbox"/>	CMC (Judicial Pre-trial)	<input type="checkbox"/>	Special Motion (Long Duration)	<input type="checkbox"/>
Unopposed Motion	<input type="checkbox"/>	Civil Trials	<input type="checkbox"/>	Civil Trials (Long Duration)	<input type="checkbox"/>
Unopposed Divorce Applications	<input type="checkbox"/>	Settlement Court	<input type="checkbox"/>	Admissions	<input type="checkbox"/>
Rule 43 Applications	<input type="checkbox"/>	Trial Interlocutory Applications	<input type="checkbox"/>	LPC Applications (2 Judges)	<input type="checkbox"/>
Interlocutory Applications	<input type="checkbox"/>	RAF Trials	<input type="checkbox"/>	Bail Appeals	<input type="checkbox"/>
Urgent Applications	<input type="checkbox"/>	Default Judgment Trials	<input type="checkbox"/>	Taxation – Opposed	<input type="checkbox"/>
Urgent Applications (After Hours)	<input type="checkbox"/>	Summary Judgment	<input type="checkbox"/>	Taxation – Unopposed	<input type="checkbox"/>
Rule 46 Applications	<input type="checkbox"/>		<input type="checkbox"/>	Taxation – Settled	<input type="checkbox"/>

Case Type: Make Selection Below							
FAMILY LAW		PAYMENT		FORECLOSURES		SOLVENCY	
E – Divorce	<input type="checkbox"/>	D - Default Judgment R31(2)	<input type="checkbox"/>	AV – Rule 46	<input type="checkbox"/>	R – Rehabilitation	<input type="checkbox"/>
N – Rule 43	<input type="checkbox"/>	S – Summary Judgment	<input type="checkbox"/>	AD – Rule 46 (11) – Cancellation of Sale	<input type="checkbox"/>	B – Surrender	<input type="checkbox"/>
C – Custody	<input type="checkbox"/>	P – Provisional Judgment	<input type="checkbox"/>	AM – Rule 46A(9)(d) – Reserve Price	<input type="checkbox"/>	PS – Provisional Sequestration	<input type="checkbox"/>
F – Interdict	<input type="checkbox"/>	RM – Restoration of Municipal Services	<input type="checkbox"/>		<input type="checkbox"/>	FS – Final Sequestration	<input type="checkbox"/>
FO – Other Family Law Application	<input type="checkbox"/>	FB – Freezing Bank Account	<input type="checkbox"/>		<input type="checkbox"/>	PL – Provisional Liquidation	<input type="checkbox"/>
	<input type="checkbox"/>	NB – Perfection of Notarial Bonds	<input type="checkbox"/>		<input type="checkbox"/>	FL – Final Liquidation	<input type="checkbox"/>
	<input type="checkbox"/>	CE – Contract Enforcement	<input type="checkbox"/>		<input type="checkbox"/>	BR – Business Rescue	<input type="checkbox"/>
	<input type="checkbox"/>	SE – Stay of Execution	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
VARIOUS				EVICTION			
T - Interlocutory	<input type="checkbox"/>	GF – Curatorship: CURATOR AD LITEM	<input type="checkbox"/>	SP - Spoliation	<input type="checkbox"/>	EV – Eviction (payment)	<input type="checkbox"/>
IS – Interdict against Organs of State	<input type="checkbox"/>	GG – Curatorship: CURATOR BONIS	<input type="checkbox"/>	RT – Restraint of Trade	<input type="checkbox"/>	EU – Eviction of Unlawful Occupiers (PIE)	<input type="checkbox"/>
ID – Interdict against Defamatory Publication	<input type="checkbox"/>	SF – De Suspectus Fuga	<input type="checkbox"/>	UC – Unfair Competition	<input type="checkbox"/>	ES – Stay of Eviction Order	<input type="checkbox"/>
I – Interdict (Unspecified)	<input type="checkbox"/>	RI – Refugees / Immigration	<input type="checkbox"/>	CC – Contempt of Court Orders	<input type="checkbox"/>		<input type="checkbox"/>
GA – Variation of Court order	<input type="checkbox"/>	CP – Prison Complaints	<input type="checkbox"/>	H – Review	<input type="checkbox"/>		<input type="checkbox"/>
GB – Application to Compel: Specific Performance	<input type="checkbox"/>	TD – Tender Disputes with Organs of State	<input type="checkbox"/>	V – Declaratory	<input type="checkbox"/>		<input type="checkbox"/>
GC – Transfer to another High Court	<input type="checkbox"/>	AP – Anton Piller	<input type="checkbox"/>	OTHER: (Provide description below)	<input type="checkbox"/>		<input type="checkbox"/>
GD – Confirmation of Settlement Agreements	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>



Trial Date application form
Gauteng Division, Pretoria

this document is to be completed in triplicate



**OFFICE OF THE CHIEF JUSTICE
REPUBLIC OF SOUTH AFRICA
HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION PRETORIA**
Private Bag X67, Pretoria, 0001

TELEFAX CONFIRMATION IN TERMS OF TRANSVAAL RULE 7(3)
FOR TRIAL DATES ALLOCATED

DATE OF APPLICATION FOR TRIAL DATE: _____
CASE NO.: _____

PLAINTIFF _____
DEFENDANT _____

PARTY APPLYING FOR A TRIAL DATE (APPLYING PARTY)

ATTORNEY _____
ADDRESS _____

REF NO.: _____
LANDLINE NO.: _____ FAX NUMBER: _____

PARTY/PARTIES TO WHOM NOTICE IS TO BE GIVEN (RECEIVING PARTY/PARTIES)

ATTORNEY _____
ADDRESS _____

REF NO.: _____
LANDLINE NO.: _____ FAX NUMBER: _____

TRIAL DATE ALLOCATED BY REGISTRAR'S OFFICE _____

This fax transmission serves as notification in terms of Transvaal Rule 7(3) to ALL parties of the trial date allocated, no further registered post notification will be sent out. Parties must further satisfy the obligations imposed upon them by Rule 7(5) within 7 days of receipt of this fax transmission.

By the Registrar

Official date stamp



DEFAULT JUDGMENT CHECKLIST FOR ATTORNEYS

Attorney: _____

Case no: _____

Tel No: _____

Plaintiff: _____

Reference: _____

Defendant: _____

Description	Check	Yes	No	N/A
Cause of action	Each claim is for a debt or liquidated demand *Damages is NOT a liquidated demand			
Application	Correct form?			
	Does case number and parties reflect correctly?			
	Does the application contain prayers exactly as it appears in the summons?			
	Does the draft order contain prayers exactly as it appears in the summons?			
Directive Compliance	Directive Compliance Certificate or Affidavit filed?			
Dies induciae	Dies induciae specified? *Rule 19(1)			
	Defendant a Minister/State Department? *Rule 19(2)			
	Service outside the courts area of jurisdiction BUT 160KM OR LESS FROM THE COURT? *Rule 19(1)			
	Service outside the courts area of jurisdiction AND MORE THAN 160KM FROM THE COURT? *Rule 19(1)			
Jurisdiction	Geographical Jurisdiction within the jurisdiction of the Court?			
Pleadings	Notice of Intention to Defend filed Date:			
	Plaintiff gave 5 clear days' notice of bar.			
	Plea filed Date:			
Supporting documents	Summons Properly issued and all amendments initialed. Case number corresponds with file cover and other documents. Served less than 6 months before R31(5) application.			
	Liquid document – credit agreement, contract, etc. Original or an affidavit verifying the copy is attached			
	Sheriff's return of service			
	NCA Section 129 & 130 notices? Compliance with Sections 79, 86, 89 & 90?			
	Credit institution's NCA registration certificate valid at time of agreement and at time of application for default judgment?			
	Certificate of balance on letterhead of credit institution			
Compliance	Is the Directive Compliance certificate/affidavit uploaded in a clearly marked section?			
Other (provide description)				

Notes/Comments: _____

Signature (Attorney)



UNOPPOSED MOTION CHECKLIST FOR ATTORNEYS

Including Rule 43 and Divorce

Attorney: _____ Case no: _____

Tel No: _____ Plaintiff: _____

Reference: _____ Defendant: _____

DESCRIPTION	CHECK	YES	NO	N/A
Case File Status	Created on Court User template			
	Case properly prefixed			
	Sections marked appropriately			
Unopposed Date Application	Motion Application uploaded			
	Compliance Declaration Affidavit/Certificate uploaded?			
	Date Request Form (J188) uploaded			
	Provisional Enrolment office profile invited			
Unopposed - Final Enrolment	"FINAL NOTICE OF SET DOWN" section created			
	Final Computerized Notice of set down (J188) uploaded			
	Final Enrolment office profile invited between 9AM-3PM No later than noon 7 clear court days preceding the date of hearing			
	Enrol and invite separately for each allocated provisional date			
Return Dates	Date applied for prior to court hearing			
	Date request form uploaded			
	Widely shared case note advising date sought is a return date			
	Provisional Enrolment office profile invited			
	Final enrolment by noon 7 clear court days preceding the date of hearing			
Other (provide description)				
	Date required while in court? <ul style="list-style-type: none"> • Judge's Secretary will source the date. • Practitioner will have the sourced date updated through the office profiles in line with paragraphs 98.1, 98.2, 98.3, 98.4 and 98.5 • Take note of the date forfeiture consequence in paragraph 98.3 			



CIVIL TRIAL CHECKLIST FOR ATTORNEYS

Attorney: _____ Case no: _____
 Tel No: _____ Plaintiff: _____
 Reference: _____ Defendant _____

DESCRIPTION	CHECK	YES	NO	N/A
Office profile	Invite Civil Trials office profile on CaseLines			
Compliance	Deliver timeously any practice note			
	Comply with Rule 37A			
	Sign a Rule 37A minute promptly			
	Comply timeously with any undertaking given in Rule 37A conference.			
	Upload expert reports			
	Upload joint practice note.			
	Compliance with Uniform Rules, provisions of the Practice Manual and provisions of Revised Directive 1 of 2021 issued 18 February 2021			
	Compliance in respect of an obligation that rests upon a party to avoid imperil on expeditious progress of a matter.			
Application	Correct forms (form 4)			
	Does case number and names of parties reflect correctly?			
Directive Compliance	Is the Directive Compliance certificate/affidavit uploaded in a clearly marked section?			
Other (provide description)				



TRIAL INTERLOCUTORY CHECKLIST FOR ATTORNEYS

Attorney: _____

Case no: _____

Tel No: _____

Plaintiff: _____

Reference: _____

Defendant _____

DESCRIPTION	CHECK	YES	NO	N/A
Office profile	Invite trial interlocutory office profile			
Type of matter (REASON FOR TRIAL INTERLOCUTORY APPLICATION)	Failure to deliver timeously any practice note or heads of argument.			
	Failure to comply with Rule 36			
	Failure to sign a Rule 37A minute promptly			
	Failure to comply timeously with any undertaking given in Rule 37A conference.			
	Failure to secure an expert timeously for an interview with a patient.			
	Failure to secure a meeting of experts for the purposes of preparing joint minutes.			
	Non-compliance with any court rule, provision of the Practice Manual or any provision of Revised – 18 September 2020 consolidated directive.			
	Any other act of non-compliance in respect of an obligation that rests upon a party which may imperil expeditious progress of a matter.			
Application	Correct form (J118)			
	Case number and names of parties reflect correctly			
	J118 form correctly indicate whether the matter is unopposed or opposed			
	Notice of motion and founding affidavit uploaded			
	Case prefixed on CaseLines			
Compliance	Directive Compliance certificate/affidavit uploaded in a clearly marked section			
Other (provide description)				



OPPOSED MOTION CHECKLIST FOR ATTORNEYS

Attorney: _____

Case no: _____

Tel No: _____

Plaintiff: _____

Reference: _____

Defendant _____

DESCRIPTION	CHECK	YES	NO	N/A
Case File Status	Created on Court User template			
	Case properly prefixed			
	Sections marked appropriately			
Opposed Date Application	Motion Application uploaded			
	Compliance Declaration Affidavit/Certificate uploaded			
	Date Request Form (J188) uploaded			
	Consolidated Index uploaded			
	Heads of Argument (both parties)			
	Practise Notes (both parties)			
	Chronology Table			
	List of Authorities			
Other (provide description)				
COURT NOTES:	<p><-If allocation delayed beyond five court days</p> <ul style="list-style-type: none"> • Escalate in line with paragraph 241.2 • Escalations via email (only during court hours 9AM-4PM, see paragraph 235 for guidelines) • No WALK-IN Enquiries <p><-An opposed date allocated is first and final. There is no need nor any provision to do final enrolment, but should you have to remove the matter from the roll, comply with paragraph 110.</p> <p><-The opposed roll closes by noon, 7 clear court days before the date of hearing.</p> <p><-See paragraph 108 for an exception relating to opposed Summary Judgments</p>			



**IN THE TAX COURT OF THE REPUBLIC OF SOUTH AFRICA
MEGAWATT PARK**

CASE NO: 2020/1

In the matter between:

ABC (PTY) LTD

Applicant

and

**THE COMMISSIONER FOR THE SOUTH
AFRICAN REVENUE SERVICE**

Respondent

APPLICATION TO SET DOWN

KINDLY TAKE NOTICE that the applicant herewith requests a date for hearing on the first available day, determined by the Registrar, but not less than 10 (ten) days after service of such notice.

SIGNED AT PRETORIA ON THIS DAY OF AUGUST 20...



**IN THE TAX COURT OF THE REPUBLIC OF SOUTH AFRICA
MEGAWATT PARK**

CASE NO: VAT 1610 / IT 25736

In the matter between:

ABC (PTY) LTD

Appellant

and

**THE COMMISSIONER FOR THE SOUTH
AFRICAN REVENUE SERVICE**

Respondent

APPLICATION TO SET DOWN

In pursuance of the provisions of the Tax Administration Act 28 of 2011 and the Tax Court rules promulgated under section 103, the Appellant request the registrar to allocate a date for the hearing of the abovementioned appeal.

SIGNED AT PRETORIA ON THIS DAY OF SEPTEMBER 20...



IN THE TAX COURT

HELD AT *(insert division of court and province)*

In the matter between

CASE NO: *(insert)*

(insert)

APPELLANT

AND

(insert)

RESPONDENT

NOTIFICATION TO APPELLANT AND RESPONDENT (OR HIS AGENT) OF THE SITTING OF TAX COURT, RULE *(insert)*

Kindly take notice that the **TAX COURT¹** will sit in the *(insert court division)* **HIGH COURT, *(insert court physical address)* on *(insert court date)* at 10:00** or as soon thereafter on that date, when the above-mentioned Application will be heard. **Please acknowledge receipt of this notification by return of service by email or post or delivery at the office of the Registrar of Tax Court's physical address stated below.**

Please state whether the Appellant or the Respondent will be represented at the hearing. A Special Power of Attorney in favour of the person representing the Appellant/Respondent must be filed with the Registrar of the Tax Court. **It is the parties' responsibility to ensure that copies of all case law referred to, are made available to the Court.**

If for any reason the Appellant or Respondent does not intend to oppose or continue with the Application, please advise the Office of the Registrar immediately.

TO: APPELLANT'S REPRESENTATIVE

(insert contact person and full address of Appellant)

Ref:

Email:

Tel:

¹ In pursuance of the provisions of the Tax Administrative Act No. 28, 2011 and the Tax Court Rules.



AND TO: FOR THE RESPONDENT

(insert contact person and full address of respondent)

Ref:
Email:
Tel:

Dated at Pretoria on this *(insert date)* day of *(insert month)* 20..

(insert full name of Registrar sending notice)
Registrar of the Tax Court

NOTES:

1. Special Power of Attorney

The respondent may appear and conduct his case in person or by means of any person authorized by special power of attorney in writing and signed by the Appellant or Respondent and such power of attorney must be filed with the Registrar of the Tax Court at the commencement of the hearing.

2. Registrar's physical address:

**Private Bag X923
Pretoria
0001**

**271 Bronkhorst Street
Khanyisa Building
Nieuw Muckleneuk**

Tel: (012) *(Insert direct line of Registrar)*

Email: registrartaxcourt@sars.gov.za

The address of the Registrar of the Court during the sitting mentioned in this notification will be as mentioned in page 1.



**IN THE TAX COURT OF SOUTH AFRICA
GAUTENG DIVISION: MEGAWATT PARK**

CASE NO: XXX

In the matter between:

ABC (PTY) LTD

Applicant

and

**THE COMMISSIONER FOR THE SOUTH
AFRICAN REVENUE SERVICE**

Respondent

NOTICE OF TAXATION

KINDLY TAKE NOTICE THAT

1. The applicant's notice of intention to tax bill of cost was served on the Respondent on.....**XXX**.
 2. The 20 (twenty days to file the notice of intention to oppose the taxation after receipt of the aforementioned notice expired on **XXX** and a notice of opposed was **(not)** been received; and
 3. The Applicant hereby applies for a date for taxation on an **(un)**opposed basis
- BE PLEASED TO TAKE NOTEICE THEREFORE that the Applicant's Bill of Cost in respect of the above matter will be taxed at _____ on the _____ day of

_____20__



SIGNED AT ON THIS DAY OF 20...

Applicant's Representative

To the: Registrar of Tax Court
Email: Registrartaxcourt@sars.gov.za

To the Respondent:

The Commissioner for the South African Revenue Service
Email: taxcourtlitigation@sars.gov.za

IT46 Taxation

**IN THE TAX COURT OF SOUTH AFRICA
GAUTENG DIVISION HELD AT MEGAWATT PARK**

CASE NO: XXX

In the matter between

ABC

APPELLANT

And

**THE COMMISSIONER FOR THE SOUTH
AFRICAN REVENUE SERVICE**

RESPONDENT



NOTICE OF TAXATION

Kindly note that the Taxing Master has set down a date for taxation on **XXX, date XXX** at 10:00 am, to be held at **TAX COURT, MEGAWATT PARK, 1 MAXWELL DRIVE, SUNNINGHILL, JOHANNESBURG**

It is your responsibility to furnish all supporting documents for the execution of the taxation process.

Please acknowledge receipt of this notification by responding to the writer herein.

Your reply should be addressed to:

MR/MS XXX
Taxing Master
Private Bag X923
Pretoria
0001
Tel: (012) 422 5557
Email: Registrartaxcourt@sars.gov.za

To: XYZ Attorneys
Applicant's Attorneys

And To: Commissioner For The South African
Revenue Service
271 Bronkhorst Street
Nieuw Muckleneuk
Pretoria

0181

Email:

Email:taxcourtlitigation@sars.gov.za

DATED AT PRETORIA THIS _____ **DAY OF** _____ **20**__

XXX: Taxing Master
REGISTRAR OF THE TAX COURT

