



**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](mailto: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](mailto: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](mailto: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/documentments/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 whereafter 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](mailto:JCMform5PTA@judiciary.org.za) for Form 5 applications for a certificate of trial readiness; and [JCMform6PTA@judiciary.org.za](mailto:JCMform6PTA@judiciary.org.za) for Form 6 application for Judicial Case Management Conference hearing date.

57.2 In Johannesburg: [JHBpretrial@judiciary.org.za](mailto:JHBpretrial@judiciary.org.za) for Form 5 and Form 6 Applications.

57.3 In the Tax Court: [registrartaxcourt@sars.gov.za](mailto: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](mailto:CivilTrialApplicationsPTA@judiciary.org.za)
- 62.2 In Johannesburg: [JHBciviltrials@judiciary.org.za](mailto:JHBciviltrials@judiciary.org.za)
- 62.3 In the Tax Court: [registrartaxcourt@sars.gov.za](mailto: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](mailto:CivilTrialApplicationsPTA@judiciary.org.za)

67.2 In Johannesburg: [JHBciviltrials@judiciary.org.za](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto:PTATrialdefaults@judiciary.org.za).

102.2 Johannesburg: [JHBciviltrials@judiciary.org.za](mailto: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](mailto:PTASpecialtrials@judiciary.org.za)

103.2 In Johannesburg: [SecretaryDJP@judiciary.org.za](mailto:SecretaryDJP@judiciary.org.za)

103.3 In the Tax Court: [registrartaxcourt@sars.gov.za](mailto: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: [LTAp@judiciary.org.za](mailto:LTAp@judiciary.org.za) for leave to appeal

[CivilAppealsPTA@judiciary.org.za](mailto:CivilAppealsPTA@judiciary.org.za) for appeal

106.2 In Johannesburg: [JHBAppeals@judiciary.org.za](mailto:JHBAppeals@judiciary.org.za)

106.3 In the Tax Court: [registrartaxcourt@sars.gov.za](mailto: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](mailto: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](mailto:TShirilele@judiciary.org.za)

120.2 In Johannesburg: [JMahlaule@judiciary.org.za](mailto: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](mailto:PTAUdivorceapplications@judiciary.org.za) for unopposed divorce, opposed or unopposed Rule 43, guardianship and summary judgment applications;

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

[PTAUinsolvencyapplications@judiciary.org.za](mailto:PTAUinsolvencyapplications@judiciary.org.za) for liquidation rehabilitation, sequestration and surrender of estates;

[PTAUotherapplications@judiciary.org.za](mailto: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](mailto: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](mailto:AdmissionsPTA@judiciary.org.za) for admission of legal practitioners; and

[PTAOEnrolment@judiciary.org.za](mailto:PTAOEnrolment@judiciary.org.za) for opposed applications.

130.2 In Johannesburg:

[JHBUprovisional@judiciary.org.za](mailto:JHBUprovisional@judiciary.org.za) for unopposed applications, unopposed divorce, unopposed Summary Judgment, *ex parte* applications, unopposed interlocutory applications.



[JHBOEnrolment@judiciary.org.za](mailto:JHBOEnrolment@judiciary.org.za) for opposed applications, opposed Summary Judgments and opposed interlocutory applications.

[JHBFamilycourt@judiciary.org.za](mailto:JHBFamilycourt@judiciary.org.za) for family related matters as referred to in paragraphs 169 to 197 of this Directive.

[JHBadmissions@judiciary.org.za](mailto:JHBadmissions@judiciary.org.za) for trial interlocutory applications and admission of legal practitioners.

130.3 In the Tax Court:

[registrartaxcourt@sars.gov.za](mailto: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](mailto:PTAUEnrolment@judiciary.org.za) for unopposed applications; and

[PTAOEnrolment@judiciary.org.za](mailto:PTAOEnrolment@judiciary.org.za) for opposed applications

139.2 In Johannesburg:

[JHBUEnrolment@judiciary.org.za](mailto:JHBUEnrolment@judiciary.org.za) for unopposed applications;

[JHBOEnrolment@judiciary.org.za](mailto:JHBOEnrolment@judiciary.org.za) for opposed applications; and

[JHBadmissions@judiciary.org.za](mailto: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 15<sup>th</sup> 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](mailto: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](mailto: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](mailto: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](mailto:psaadmissions@zaCaseLines.com).

238.3 The Johannesburg Society of Advocates, per email: [jsaadmissions@zaCaseLines.com](mailto:jsaadmissions@zaCaseLines.com).



238.4 The Pan African Bar Association of South Africa (PABASA), per email:  
[pupillage@pabasa.co.za](mailto: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](mailto:TLegodi@judiciary.org.za)

243.2 In Johannesburg: [JHBadmissions@judiciary.org.za](mailto: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](mailto:PTAdefaults@judiciary.org.za)
- 245.2 In Johannesburg: [JHBdefaults@judiciary.org.za](mailto: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](mailto:PTAdefaults@judiciary.org.za) ; [CShilowa@judiciary.org.za](mailto:CShilowa@judiciary.org.za)

248.2 In Johannesburg: [JHBdefaults@judiciary.org.za](mailto: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](mailto:PTAtaxationdates@judiciary.org.za)

253.2 In Johannesburg: [JHBOtaxation@judiciary.org.za](mailto: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](mailto:taxconfirmationsPTA@judiciary.org.za)
- 260.2 In Johannesburg: [JHBtaxation@judiciary.org.za](mailto: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](mailto: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](mailto:KMunene@judiciary.org.za) / [OSebogodi@judiciary.org.za](mailto: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](mailto:NMvumbi@judiciary.org.za)

294.1.3 Admissions:

Admissions 012 315 7437

Complaints should be directed to the Registrar per  
[NMohale@judiciary.org.za](mailto: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](mailto: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](mailto:PTAdefaults@judiciary.org.za) ; [CShilowa@judiciary.org.za](mailto: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](mailto: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](mailto: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](mailto: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](mailto:JHBfamilycourt@judiciary.org.za)

Complaints should be directed to the Registrar per  
[JHBMotionenquiries@judiciary.org.za](mailto: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](mailto:jhbpretrial@judiciary.org.za)

For enrolment of Civil Trials 010 494 8397 /

[jhbciviltrials@judiciary.org.za](mailto:jhbciviltrials@judiciary.org.za)

Non routine communications about queries and problems should be directed to the Registrar per [TKhumalo@judiciary.org.za](mailto: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](mailto:GModipa@judiciary.org.za) / [MMmola@judiciary.org.za](mailto: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](mailto: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](mailto: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](mailto:MMmola@judiciary.org.za)

Trial Default Judgment Court –

Tel: 010 494 8397 / Email: [TKhumalo@judiciary.org.za](mailto: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](mailto: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](mailto: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](mailto: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](http://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](http://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](mailto:SSekgotlaboraga@judiciary.org.za); [KPelele@judiciary.org.za](mailto:KPelele@judiciary.org.za);  
[PhMthembu@judiciary.org.za](mailto:PhMthembu@judiciary.org.za)

-Pretoria: [MMahlangu@judiciary.org.za](mailto:MMahlangu@judiciary.org.za); [SNyakale@judiciary.org.za](mailto:SNyakale@judiciary.org.za);  
[MCampbell@judiciary.org.za](mailto: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					
<b>FAMILY LAW</b>		<b>PAYMENT</b>		<b>FORECLOSURES</b>	
<b>E</b> – Divorce	<input type="checkbox"/>	<b>D</b> - Default Judgment R31(2)	<input type="checkbox"/>	<b>AV</b> – Rule 46	<input type="checkbox"/>
<b>N</b> – Rule 43	<input type="checkbox"/>	<b>S</b> – Summary Judgment	<input type="checkbox"/>	<b>AD</b> – Rule 46 (11) – Cancellation of Sale	<input type="checkbox"/>
<b>C</b> – Custody	<input type="checkbox"/>	<b>P</b> – Provisional Judgment	<input type="checkbox"/>	<b>AM</b> – Rule 46A(9)(d) – Reserve Price	<input type="checkbox"/>
<b>F</b> – Interdict	<input type="checkbox"/>	<b>RM</b> – Restoration of Municipal Services	<input type="checkbox"/>		<input type="checkbox"/>
<b>FO</b> – Other Family Law Application	<input type="checkbox"/>	<b>FB</b> – Freezing Bank Account	<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>	<b>NB</b> – Perfection of Notarial Bonds	<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>	<b>CE</b> – Contract Enforcement	<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>	<b>SE</b> – Stay of Execution	<input type="checkbox"/>		<input type="checkbox"/>
<b>VARIOUS</b>				<b>EVICTON</b>	
<b>T</b> - Interlocutory	<input type="checkbox"/>	<b>GF</b> – Curatorship: CURATOR AD LITEM	<input type="checkbox"/>	<b>SP</b> - Spoliation	<input type="checkbox"/>
<b>IS</b> – Interdict against Organs of State	<input type="checkbox"/>	<b>GG</b> – Curatorship: CURATOR BONIS	<input type="checkbox"/>	<b>RT</b> – Restraint of Trade	<input type="checkbox"/>
<b>ID</b> – Interdict against Defamatory Publication	<input type="checkbox"/>	<b>SF</b> – De Suspectus Fuga	<input type="checkbox"/>	<b>UC</b> – Unfair Competition	<input type="checkbox"/>
<b>I</b> – Interdict (Unspecified)	<input type="checkbox"/>	<b>RI</b> – Refugees / Immigration	<input type="checkbox"/>	<b>CC</b> – Contempt of Court Orders	<input type="checkbox"/>
<b>GA</b> – Variation of Court order	<input type="checkbox"/>	<b>CP</b> – Prison Complaints	<input type="checkbox"/>	<b>H</b> – Review	<input type="checkbox"/>
<b>GB</b> – Application to Compel: Specific Performance	<input type="checkbox"/>	<b>TD</b> – Tender Disputes with Organs of State	<input type="checkbox"/>	<b>V</b> – Declaratory	<input type="checkbox"/>
<b>GC</b> – Transfer to another High Court	<input type="checkbox"/>	<b>AP</b> – Anton Piller	<input type="checkbox"/>	<b>OTHER:</b> (Provide description below)	<input type="checkbox"/>
<b>GD</b> – Confirmation of Settlement Agreements	<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? <span style="float: right;">*Rule 19(1)</span>			
	Defendant a Minister/State Department? <span style="float: right;">*Rule 19(2)</span>			
	Service outside the courts area of jurisdiction BUT 160KM OR LESS FROM THE COURT? <span style="float: right;">*Rule 19(1)</span>			
	Service outside the courts area of jurisdiction AND MORE THAN 160KM FROM THE COURT? <span style="float: right;">*Rule 19(1)</span>			
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	<b>Summons</b> Properly issued and all amendments initialed. Case number corresponds with file cover and other documents. Served less than 6 months before R31(5) application.			
	<b>Liquid document</b> – credit agreement, contract, etc. Original or an affidavit verifying the copy is attached			
	Sheriff's return of service			
	<b>NCA</b> 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"><li>Judge's Secretary will source the date.</li><li>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</li><li>Take note of the date forfeiture consequence in paragraph 98.3</li></ul>			



### **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)  *If none of these, the matter is not a trial interlocutory application and must be enrolled in motion court	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			
	Opposed Motion office profile invited			
Other (provide description)				
COURT NOTES:	<p>&lt;&gt;If allocation delayed beyond five court days</p> <ul style="list-style-type: none"> <li>• Escalate in line with paragraph 241.2</li> <li>• Escalations via email (only during court hours 9AM-4PM, see paragraph 235 for guidelines)</li> <li>• No WALK-IN Enquiries</li> </ul> <p>&lt;&gt;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>&lt;&gt;The opposed roll closes by noon, 7 clear court days before the date of hearing.</p> <p>&lt;&gt;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 COURT<sup>1</sup>** 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:**

---

<sup>1</sup> 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\*\*](mailto: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](mailto:Registrartaxcourt@sars.gov.za)**

**To the Respondent:**

**The Commissioner for the South African Revenue Service**  
**Email: [taxcourtlitigation@sars.gov.za](mailto: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

