



OFFICE OF THE DEPUTY JUDGE PRESIDENT

(HIGH COURT OF SOUTH AFRICA, GAUTENG DIVISION, JOHANNESBURG)
OFFICE 1210

Telephone number: 011 335 0116/011 335 0162 / 011 335 0163

Fax number: (011) 335 0219

e-mail address: Secretarydj@judiciary.org.za / LTulleken@judiciary.org.za

NOTICE

TO

1. Chief Registrar
2. Registrar: Civil Trials
3. Legal Practice Council – Gauteng
4. Law Society of South Africa
5. Gauteng Family Law Forum
6. Gauteng Attorneys Association
7. Pretoria Attorneys Association
8. Johannesburg Attorneys Association
9. West Rand Attorneys Association
10. South African Black Women in Law
11. National Association of Democratic Lawyers
12. Black Lawyers Association
13. South African Women Lawyers Association
14. South African Medical Malpractice Lawyers Association
15. Personal Injury Plaintiff Lawyers Association
16. South African Medico-Legal Association
17. Office of the Director of Public Prosecutions, Pretoria and Johannesburg
18. Office of the State Attorneys, Pretoria and Johannesburg
19. Solicitor General
20. Office of the Family Advocate, Pretoria and Johannesburg
21. Legal Aid South Africa
22. Johannesburg Society of Advocates
23. Pretoria Society of Advocates
24. Gauteng Society of Advocates
25. Pan African Bar Association of South Africa
26. General Council of the Bar of South Africa

27. National Bar Council of South Africa
28. South African Bar Association
29. National Forum of Advocates
30. North Gauteng Association of Advocates
31. Church Square Association of Advocates
32. Advocates for Transformation
33. Legal Division of the Department of Health: Gauteng
34. Legal Division of the Department of Sport, Arts, Culture and Recreation
35. Gauteng Department of Agriculture and Rural Development
36. Legal Services - Gauteng Provincial Department of Education :

DATE : 07 March 2022

RE : **PRACTICE DIRECTIVE CLARIFICATION in re PARAGRAH 20 OF THE JUDGE PRESIDENT'S PRACTICE DIRECTIVE 01 OF 2021**

1. In Directive 1 of 2021, chapter 6, which deals with the procedure to address the RAF not engaging meaningfully with a plaintiff to get a case ready for trial, paragraph 20 provides:

“In applications for such compelling Orders in the Trials Interlocutory Court, a Plaintiff must:

20.1 describe succinctly the material facts relevant to the efforts of the Plaintiff to secure compliance.

20.2 in respect of matters where the RAF is a Defendant, identify the claims handlers or other officials of the RAF, where their identity is known, who are ostensibly responsible for the conduct of the specific matter, or the supervision of the claims handlers, and such persons may be cited in their personal capacity in relation to any allegations of dereliction of a duty to deal with a specific matter where appropriate.”

2. Plaintiffs are advised that the application of this paragraph requires the following practical steps:

2.1. The *current actual claims handler* must be identified by name together with their email address in either the compliance affidavit or the affidavit in support of the relief sought. The compliance affidavit or the affidavit in support of the relief sought must record that access to the CaseLines file was given to such individual.

2.2. The application must have been served on the RAF offices physically, by mail to the actual claims handler and any other managers identified in the chain of command but at the very least, to the actual claims handler.

2.3. Where a striking of the defence is sought, service as aforesaid should have occurred in respect of:

The initial order;
The application to strike;
The set down.

2.4. Moreover, take care that matters are set down on notice filed before noon, 7 clear court days before the hearing.

3. Practitioners are reminded that the principal purpose of this procedure is to jolt the RAF into a meaningful engagement, or in default thereof, to secure the plaintiff a judgment that is risk-free of a belated rescission application.

Yours Faithfully

*Dictated by the Deputy Judge President
Electronically transmitted, therefore no signature*

**ROLAND SUTHERLAND
DEPUTY JUDGE PRESIDENT**