



**OFFICE OF THE DEPUTY JUDGE PRESIDENT**

(HIGH COURT OF SOUTH AFRICA, GAUTENG DIVISION, JOHANNESBURG)  
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**NOTICE**

TO:

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

28. Pan African Bar Association of South Africa
29. General Council of the Bar of South Africa
30. National Bar Council of South Africa
31. South African Bar Association
32. National Forum of Advocates
33. North Gauteng Association of Advocates
34. Church Square Association of Advocates
35. Advocates for Transformation
36. Legal Division of the Department of Health: Gauteng
37. Legal Division of the Department of Sport, Arts, Culture and Recreation
38. Gauteng Department of Agriculture and Rural Development
39. Legal Services - Gauteng Provincial Department of Education
40. South African Board of Sheriffs
41. South African Sheriff Society
42. Road Accident Fund

DATE : 22 April 2025

OUR REF : DJP/18/2012/lt

RE : **CHANGES TO ENROLMENTS' PROCEDURE AND  
RELATED ASPECTS OF THE OPPOSED MOTION  
COURT IN JOHANNESBURG (CORRECTED ON 22  
APRIL 2025)**

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Kindly note corrections to paragraph 25.4 and paragraph 25.15. The reference to filing heads of argument in paragraph 25.1.4 should have been deleted.

The underlining in paragraph 25.15 should have been removed: the duty to notify parties six (06) court days before the week in which the cases are set down remains in position.

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**TEXT OF AMENDED PARAGRAPH 25 OF DIRECTIVE 1 OF 2024  
APPLICABLE IN JOHANNESBURG**

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### Timing for effective dates of changes:

- (i) The enrolment procedure by the registrar in terms of para 25.1 is with immediate effect. The first enrolments in terms hereof shall be in January 2026.
- (ii) The changes to the various time periods are with effect from 1 May 2025 except that in para 25.12, which is with immediate effect.

### **25: Applying for an opposed motion date**

25.1 In addition to what is noted in para 24.2 above, the following requirements must be met before application may be made for the allocation of an opposed motion hearing date:

25.1.1 The applicant's heads of argument must be filed within 15 days' after the date on which the applicant's replying affidavit had to be filed or within 15 days after the respondent filed their answering affidavit.

25.1.2 The respondent's heads of argument must be filed within 10 days after filing the applicant's heads of argument.

25.1.3 Should the applicant fail to file heads of argument within the aforesaid period, the respondent **shall nevertheless file heads of argument and proceed as set out in para 25.1. 7**

25.1 4 Should the respondent fail to file heads of argument within the aforesaid period, the applicant, **shall nevertheless file heads of argument and proceed as set out in para 25.1.7**

25.1 5 A party applying for a hearing date should also file a list of authorities and chronology table.

25.1.6 A matter to be argued for 4.5 hours or longer shall be referred to the office of the special motions court to arrange for the allocation of a date of hearing.

**25.1.7 A party who has complied with the prescripts in this paragraph (the aggrieved party) shall, upon non-compliance by an adversary, (the delinquent party):**

**25.1.7.1 make formal demand to comply on 3 days' notice, failing which an application shall be made in the Special Interlocutory Court (SIC) for a compelling order.**

**25.1.7.2 if the delinquent does not comply timeously, or at all, the aggrieved party shall apply for an order compelling the delinquent to comply within 5 days of service of that order, by email on the attorney of record or by service on the delinquent in person, in terms of the rules of court, and,**

**25.1.7.3 if the delinquent remains in default:**

**25.1.7.3.1 the aggrieved party shall, in the compliance statement - form 5.1 - declare that the delinquent is in contempt of the compelling order and seek an order holding the delinquent in contempt of the compelling order and an order striking out the delinquent's claim or defence, as the case may be, and**

**25.1.7.3.2 the aggrieved party shall, thereupon, seek an enrolment from the registrar upon the basis set out in the compliance statement.**

**25.1.7.3.3 all the documents relevant to the delinquency shall be uploaded in a section titled "delinquency" on the case datafile.**

**25.1A: note:**

**Paragraph 25.1.7 shall be applicable to all opposed motions which are to be enrolled from January 2026 and the registrar shall with immediate effect strictly apply this paragraph to all requests for enrolments.**

**25.2 The registrar shall not enrol a matter unless these prescripts are complied with.**

**25.3 The provisions of this paragraph apply retroactively.**

### **Final enrolment of opposed motions**

25.4 The opposed motion roll shall close at noon twenty (20) clear court days preceding the hearing date, **including** opposed applications for summary judgment enrolled in the opposed motion court.

25.5 **DELETED.**

25.6 All opposed motions shall be set down by the registrar formally on a Monday and the Judge allocated to hear the matter shall give directions as to which day of that week the matter shall be heard.

25.7 The only matters that shall remain on the final roll (final enrolment) are those in which the bundle has been completed and indexed in the prescribed manner. This must be attended to one court day before the **commencement of the 20-day period referred to in para 25.4** before the allocated hearing date.

25.8 The registrar shall place the matter on the final 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.

25.9 No enquiries relating to confirmation of final enrolment should be escalated prior to and/or on the date the roll closed.

25.10 The relevant 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.

25.11 Practitioners/legal representatives may not alter or request alteration of the bundle 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.

- 25.12 Any matter that is enrolled despite non-compliance shall be removed by the senior Judge assigned to allocate the roll unless a full and satisfactory explanation in writing is provided to the senior Judge by no later than **20 days** before the date of formal set down. 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.
- 25.13 The senior Judge who is charged with the allocation of the opposed motion roll shall allocate only those matters that comply with the prescripts set out in this paragraph.
- 25.14 In cases where these prescripts are not met because one party is delinquent and that delinquency threatens to improperly or unfairly delay the hearing, the senior Judge shall exercise a discretion to allocate the matter for hearing. The delinquent party risks an award of a punitive costs order and the legal practitioners an interdict against charging the client a fee.
- 25.15 The Judge allocated to preside over an opposed motion matter shall by not later the Monday of the week before the week in which the case has been set down (i.e., 6 court days), notify the parties by email of the day and time in that week when the case shall be heard, and issue any additional directives as may be appropriate. All further communication about the matter must be by email to the email address stipulated by the Judge.
- 25.16 All opposed motions set down during the term shall be disposed as follows:

25.16.1 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.

25.16.2 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 uploaded to Court Online and sent by email to the email address designated by the senior Judge or to the Judge's secretary, by not later than **20 court days** before the week in which the matter is set down.

25.16.3 If no agreement is reached about forgoing oral argument, that must be communicated to the senior Judge in the opposed motion court in a practice note uploaded to Court Online and also sent by email, not later than **20 court days** before the week in which the matter is set down, and a hearing shall take place as directed by the Judge seized with the matter.

#### **Pre-hearing conference required**

25.17 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:

25.17.1 The relevant factual chronology.

25.17.2 Common cause facts relevant to the relief sought in the pleadings.

25.17.3 Issues requiring determination.

25.17.4 Relevant portions of the papers to be read.

25.17.5 Whether or not the parties have agreed to forgo an oral hearing.

25.17.6 Whether supplementary submissions are expected in the event that the matter will be heard on paper.

25.17.7 An updated estimate of the duration of the hearing.

25.17.8 Any other matters relevant for the efficient conduct of the hearing, to present to the Judge seized with the matter.

**[25.17.9 whether there is agreement on the mode of hearing, ie in person in physical court or by video link.]**

25.18 The joint practice note should be uploaded to the case file on court online and also transmitted via email no later than **20 court days** prior to the week in which the matter has been set down to the senior judge in order to facilitate the senior Judge allocating the matter and to facilitate the preparation of the matter by the judge hearing the matter, including considering where necessary, a pre-hearing conference with the Judge hearing the matter.

25.19.1 In a case where an opponent fails to cooperate in the preparation of a joint practice note, the aggrieved party may file a unilateral practice note and declare the opponent in default. This practice note must be filed not later than **20 court days** prior to the week in which the matter is set down. The default by a delinquent party shall not necessarily compromise the hearing as scheduled. The presiding Judge may impose sanctions including punitive costs or the disallowance of fees by counsel and attorney who are derelict in their obligations.

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