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DRAFT DIRECTIVE 02 OF 2026:

**ENHANCED CASE MANAGEMENT: MOTION PROCEEDINGS, URGENT COURT, AND
RULE 39 ADMINISTRATION**

This Directive is effective 15 June 2026

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INTRODUCTION

This Practice Direction is an interim measure adopted pending consideration of amendments to the Rules, as envisaged in ongoing internal and external engagements concerning their application. It will be subject to review as further developments arise.

It is issued in response to systemic operational deficiencies identified in the functioning of the urgent court, including the late filing and bundling of documents, the absence of complete Caselines bundles at the time of hearing, inconsistent registrar practices, and the enrolment of matters that are not hearing-ready. These challenges have been compounded by the absence of firm cut-off deadlines, uncertainty regarding roles and responsibilities, and inconsistent enforcement of procedural requirements, resulting in inefficiency and ad hoc compromises in urgent proceedings.

This Practice Direction is accordingly introduced to restore procedural discipline, standardise practice, and ensure that matters are properly prepared before being placed before the Court. It does not replace, amend or substitute the Rules, but gives practical effect to, and expression to, the existing Rules, including Rules 35, 38 and 39 and Directive 1 of 2025.

The measures contained herein are grounded in the Labour Relations Act 66 of 1995, including the imperative of the expeditious resolution of labour disputes, and are directed at promoting fairness between litigants, the proper utilisation of judicial resources, and the orderly functioning of the Court.

This Practice Direction is issued by the Judge President in terms of section 173 of the Constitution, read with section 165, and the powers inherent in the office

to regulate the administration and functioning of the Court, including enrolment, case preparation and the management of court rolls. These powers are exercised to ensure the fair, efficient and expeditious administration of justice.

This Direction regulates procedure and is justified by the need to ensure fairness, efficiency and compliance with the statutory imperative of expeditious dispute resolution. The referral mechanism to the Deputy Judge President provides the necessary flexibility and safeguards against rigid or unjust application.

APPLICATION

- 1.1. This Practice Direction applies to all Registrars, practitioners and litigants and must be read together with Directive 1 of 2025, Rule 35, Rule 38 and Rule 39.
- 1.2. It supplements the existing framework and must be interpreted as facilitating the proper application of the Rules, and not as derogating from them.

2. FOUNDATIONAL PRINCIPLE: HEARING READINESS

- 2.1. A matter shall not be enrolled unless it is procedurally compliant and reasonably capable of being heard.
- 2.2. A matter in respect of which there is no complete, indexed and paginated Caselines bundle is not properly before the Court.
- 2.3. The Registrar shall refuse final enrolment of any non-compliant matter. The scheduling of a matter on the Court Online platform does not

constitute final enrolment and does not place the matter properly before the Court.

- 2.4. A compliant matter is one which, following its scheduling on the Court Online portal by the Registrar, has been properly indexed, paginated and prepared in accordance with Directive 1 of 2025, and in respect of which such compliance has been communicated to, and verified by, the Registrar.

3. COURT ONLINE AND CASELINES: FUNCTIONAL CLARIFICATION

- 3.1. Court Online constitutes the official filing platform, and Caselines constitutes the adjudication bundle for purposes of hearing.
- 3.2. A matter is not properly before the Court unless the Caselines bundle is complete, indexed and paginated in accordance with Directive 1 of 2025.
- 3.3. The failure to create or properly prepare a Caselines bundle constitutes non-compliance and precludes final enrolment of the matter.

4. UNOPPOSED MOTION SEQUENCING OF ENROLMENT AND BUNDLING

- 4.1. For the avoidance of doubt, the allocation of a hearing date by the Registrar and the scheduling of the matter on Court Online precede the creation, pagination and indexing of the case bundle.
- 4.2. Upon allocation of a hearing date, the applicant must comply with the Rules and Directive 1 of 2025 by creating, paginating, indexing and uploading a complete Caselines bundle within the prescribed timeframes.

- 4.3. In unopposed applications, the applicant must create, paginate and index the bundle within five (5) court days of allocation and ensure that the bundle is finalised not later than fourteen (14) court days before the hearing, unless otherwise directed.
- 4.4. The Registrar must finalise and close the unopposed roll and submit it to the Deputy Judge President and the presiding Judge no later than thirteen (13) days before the week of the roll. No matter may be added thereafter without the direction of the Judge President. This constitutes a regulation of procedure and timing to ensure the orderly preparation and hearing of matters.
- 4.5. These requirements are intended to eliminate late bundling and ensure that matters are fully prepared in advance of the hearing, thereby enabling effective judicial preparation and efficient adjudication.

5. REGISTRAR'S CONTROL AND ENFORCEMENT

- 5.1. The Registrar must enforce compliance with Clause 3.17 and all related procedural requirements and shall refuse to enrol any non-compliant matter.
- 5.2. This includes, but is not limited to, matters where bundles are incomplete, not properly paginated or indexed, or where documents are uploaded out of time.
- 5.3. This Direction standardises registrar practice and gives effect to the need for consistent enforcement identified in urgent court operations.

6. URGENT ROLL MANAGEMENT

- 6.1. The process for the enrolment of urgent matters is initiated by the Registrar through the scheduling of the matter on the Court Online platform.
- 6.2. Upon such scheduling, the parties are required to comply fully with the Rules of the Court and Directive 1 of 2025, including the preparation, pagination, indexing and uploading of a complete Caselines bundle.
- 6.3. The enrolment of a matter shall only be regarded as complete once there has been full compliance with these requirements.
- 6.4. Parties must ensure full compliance by no later than 15:00 on Thursday of the week preceding the hearing week.
- 6.5. The Registrar must finalise and close the urgent court roll by no later than 16:00 on Thursday, and only matters that are fully compliant at that stage may be included on the roll.
- 6.6. A matter that is not compliant by the prescribed deadline shall not be enrolled or, if provisionally scheduled, shall not be included on the roll and must be allocated a subsequent hearing date.
- 6.7. No additions to, or amendments of, the roll shall be made after closure without the direction of the Deputy Judge President.
- 6.8. This framework constitutes a regulation of procedure and timing and does not limit the right of access to the Court, but ensures its orderly, fair and efficient exercise.

- 6.9. Upon closure of the roll, the Registrar must submit it to the Deputy Judge President for allocation and distribution of work, including the allocation of overflow matters where necessary.

7. EXCEPTION: GENUINE URGENCY AND JUDICIAL OVERSIGHT

- 7.1. Only matters of genuine and demonstrable urgency may warrant deviation from the prescribed process, including, for example, strikes, interdicts, and instances where irreparable harm or a gross injustice would otherwise occur.
- 7.2. In such cases, the Registrar shall not enrol the matter and must immediately refer it to the Deputy Judge President for direction.
- 7.3. No matter shall be enrolled outside the prescribed framework without such direction, thereby ensuring that any deviation is controlled, justified, and consistently applied.

8. REFERRAL MECHANISM

- 8.1. Where a party insists on enrolment despite non-compliance, or alleges exceptional circumstances, the Registrar shall refuse enrolment and refer the matter to the Deputy Judge President for direction.
- 8.2. The direction of the Deputy Judge President shall constitute the required judicial oversight and shall determine whether the matter may be enrolled and on what terms.

RULE 39 COMPLIANCE

- 8.3. The structured framework under Rule 39 requires that enrolment follow only after the matter has reached procedural readiness. The Registrar must therefore ensure that no restraint of trade application is enrolled prematurely or before the completion of the preparatory steps contemplated in the Rule.
- 8.4. At the inception of proceedings, the applicant must approach the Registrar for the allocation of a provisional hearing date. That date must be aligned with the anticipated completion of all procedural steps, including the exchange of affidavits and the filing of heads of argument, so as to ensure that the matter progresses to final enrolment without unnecessary delay.
- 8.5. The Registrar must not allocate a final hearing date unless and until the applicant has approached the Registrar for final enrolment after the matter has become procedurally compliant. Any request for enrolment made before such compliance must be refused.
- 8.6. Final enrolment shall only occur once the matter is hearing-ready, including the completion of all filing steps, the preparation of a properly indexed and paginated bundle, and the filing of heads of argument. The Registrar must verify compliance before allocating a final hearing date, and no matter shall be enrolled unless it is capable of determination.
- 8.7. The provisions of paragraph 7 of this Practice Direction relating to the Thursday finalisation of rolls apply to final enrolment under Rule 39. Accordingly, no restraint of trade matter shall be enrolled for hearing in

any given week unless the matter has been finalised and included on the roll by the prescribed Thursday deadline.

- 8.8. The allocation of a final hearing date shall, in all instances, be subject to the availability of Judges. Where there is any disagreement, uncertainty, or difficulty regarding the allocation of a final hearing date, the Registrar must refer the matter to the Deputy Judge President for direction.
- 8.9. Where a party approaches the Registrar for final enrolment without compliance with the requirements contemplated in this paragraph, the Registrar must refuse enrolment and direct the parties to remedy the non-compliance. If the party persists in seeking enrolment or disputes the refusal by the Registrar, the Registrar must refer the matter to the Deputy Judge President for determination.
- 8.10. These measures are intended to prevent premature enrolment, eliminate uncertainty in scheduling, and ensure that restraint of trade matters proceed to hearing only once they are fully prepared for expeditious and proper determination.

Judge E. Molahlehi
Judge President
Labour and Labour Appeal
Courts of South Africa
4 June 2026