



**OFFICE OF THE JUDGE PRESIDENT N P MABINDLA-BOQWANA
WESTERN CAPE DIVISION OF THE HIGH COURT, CAPE TOWN**

21 AUGUST 2026

**BELOW ARE THE REVISIONS AND ADDITIONS TO THE EXISTING
CONSOLIDATED PRACTICE DIRECTIONS.**

**THESE REVISED AND ADDITIONAL PRACTICE DIRECTIONS WILL TAKE
EFFECT ON 05 OCTOBER 2026.**

A handwritten signature in black ink, consisting of a stylized 'N' and 'P' followed by a long, sweeping horizontal line.

**N P MABINDLA-BOQWANA
JUDGE PRESIDENT: WESTERN CAPE DIVISION
CAPE TOWN**

TO BE ISSUED TO:

THE MAGISTRACY;

THE NATIONAL PROSECUTING AUTHORITY;

LEGAL PRACTICE COUNCIL;

CAPE BAR;

NBCSA;

CAPE TOWN ATTORNEYS' ASSOCIATION:

WESTERN CAPE ASSOCIATION FOR LEGAL PRACTITIONERS;

TYGERBERG ATTORNEYS' ASSOCIATION;

COASTAL WINELANDS ATTORNEYS' ASSOCIATION;

THE OFFICE OF THE FAMILY ADVOCATE;

STATE ATTORNEY;

LEGAL AID SOUTH AFRICA;

SAWLA;

NADEL;

BLA

REPLACEMENT AND ADDITIONS TO THE PRACTICE DIRECTIONS OF THE WESTERN CAPE DIVISION OF THE HIGH COURT

**EFFECTIVE WITH THE COMMENCEMENT OF THE FOURTH TERM OF 2026 –
05 OCTOBER 2026**

Kindly note that, with effect from 05 October 2026, practice notes C, D and F of the Consolidated Practice Notes (Western Cape Division of the High Court) will be amended as set out herein below.

For ease of reference, the revisions and additions are:

- (a) Revision of PD 24
- (b) Deletion of PD 40A
- (c) Revision of PD 41(4) and deletion of PD 41(5)
- (d) Revision of PD 42
- (e) Deletion of PD 43
- (f) Revision of PD 44
- (g) Revision of PD 51

C. MOTION COURT, 'FAST LANE' (INCLUDING AFTER HOURS URGENT APPLICATIONS) AND SEMI-URGENT MATTERS

24M. Semi urgent matters

- (1) Opposed matters which are not of extreme urgency, but which are nevertheless too urgent to await a hearing in the ordinary course on the continuous roll, will be granted some preference. For convenience, these matters are called 'semi-urgent' matters.
- (2) Matters which may be referred to the semi-urgent roll:

Subject to Practice Directions 24(3), 24(4) and 24S(2) below, only the following opposed matters may be referred for hearing on the semi-urgent roll (requests for expedited dates shall only be considered in exceptional cases which are truly deserving, properly motivated, in writing to the Judge President, and will only be granted if a Judge or Judges are available to hear those matters on the date(s) requested by the parties):

- (a) All matters pertaining to minor children;
- (b) Applications in terms of section 8 of the Matrimonial Property Act 88 of 1984 (immediate division of accrual);
- (c) Refugee / asylum seeker and other immigration/visa matters;
- (d) Contempt of court matters;
- (e) Applications for an interim interdict (including restraint of trade matters)
- (f) Applications for provisional sequestration, provisional winding-up and business rescue;

- (g) Applications for the appointment of a curator ad litem, curator bonis and/or curator ad personam;
 - (h) Opposed interlocutory applications including but not limited to applications to compel and applications to amend; and
 - (i) In motion court or Fast Lane matters, any other matter which, after considering the brief written submissions of the party/ies seeking referral (which brief written submissions shall accompany the Practice Note), in the opinion of the duty Judge warrants such referral, provided that in the postponement order, the party/ies shall record the reason(s) therefor.
- (3) Notwithstanding the categories of matters referred to in 24M(2) above, the duty Judge in Motion Court retains the discretion to assess whether any such matter may be referred to the semi-urgent roll / is semi-urgent.
 - (4) Dates for hearing of exceptions, special pleas and Rule 30 and 30A applications may be obtained from the Registrar in the Fourth Division on the semi-urgent roll.

24S. Applications for Summary Judgment

- (1) All applications for summary judgment, whether unopposed or opposed, shall be dealt with by the duty Judge calling the unopposed motion roll, save where, in the opinion of the duty Judge, the volume or complexity of the matter warrants a separate hearing.
- (2) Only in exceptional cases as determined by the duty Judge, will parties be permitted to set the matter down on the semi-urgent roll.

D. TRIALS AND OPPOSED MATTERS

38. Upon the close of pleadings, the plaintiff's attorney, or if he or she fails to do so, any party, may apply for a trial date by entering the relevant particulars as required by the Registrar in a register kept for that purpose.
39. Before applying for a date of set-down, the attorney in question shall collate, number consecutively and suitably secure all pages of the pleadings and documents in the court file. A complete index thereof, together with a questionnaire substantially in accordance with Form "E" in the Schedule hereto, shall also be prepared and delivered.
40. The Registrar will not allocate a trial date in any trial matters until such time as the provisions of PD 39 above have been complied with.

41. Pre-trial Procedures and Case Management in Civil Matters

- 41(4) Any application brought once a matter has been referred to pre-trial case management may, in the discretion of the case management Judge in consultation with the parties, be dealt with by the case management Judge.

42. Allocation of Trials

- (1) Where a matter set down for hearing on the continuous roll is placed before the Judge President, Deputy Judge President or Judge designated by the Judge President for allocation to a Judge, and the provisions of Rule 62(4) have not been complied with, or the signed minute referred to in Rule 37(1)(a) has, together with the certificate of trial readiness not been filed, the Judge President, Deputy Judge President or designated Judge may refuse to allocate such matter to any Judge and may order that the matter be struck from the roll for the date for which it has been set down. He/she may make such other order or orders as to him/her seems appropriate, including any order as to costs.

- (2) Before **12h00 and not less than twenty (20) court days** before a trial matter is to commence, the Plaintiff's counsel (or in the event of the Plaintiff' counsel not being available, his/her instructing attorney), and where both litigants are unrepresented, the litigant who is the plaintiff, shall advise the Registrar in the Fourth Division in writing in the form of a Practice Note (which shall be joint if possible) as follows –
- (a) Case number, names of the parties and hearing date;
 - (b) Full contact details of parties' legal representatives and/or the litigant in person and their including mobile numbers and e-mail addresses;
 - (c) A brief description of the nature of the claim and the main issue/s for determination;
 - (d) Whether or not the matter has been settled. If not settled, what the prospects are of the matter being settled;
 - (e) An assessment of the possibility of the matter being resolved by mediation or arbitration;
 - (f) Duration of the trial / hearing, as well as the number of lay and expert witnesses the parties shall be calling, and whether any evidence may be tendered by way of affidavit in terms of rule 38(2);
 - (g) Whether witnesses and/or counsel from out of town will be testifying or appearing;
 - (h) Whether the services of an interpreter are required and the relevant language (the party requiring an interpreter shall arrange same at their own cost);
 - (i) Parties must indicate which pages should not be read and /or which pages are duplications;

- (j) When and by which case managing Judge the matter has been released as 'trial ready' and the name of any Judge who has previously given judgment in the matter;
 - (k) Indicate if there is a need for an Inspection in Loco; and
 - (l) Any other information that may be relevant to the decision to be made by the Judge President, Deputy Judge President or other Judge dealing with allocations upon direction of the Judge President.
- (3) If the Plaintiff is not represented, sub-paragraph (2) shall be complied with by the Defendant's attorney.
 - (4) If a matter has already been allocated to a Judge, and counsel becomes aware that in a particular matter on the roll, witnesses and/or counsel from out of town will be testifying or appearing, this information shall be conveyed directly to the secretary of the relevant Judge.
 - (5) If a trial is settled, or is to be withdrawn or postponed, or if any issue raised will not be pursued, the attorney of record, or plaintiff concerned if unrepresented, shall, without delay, notify the Registrar in terms of Rule 41(3) and, where applicable, shall immediately delete the entry on the continuous roll. If a matter has already been allocated to a Judge, this information shall also be conveyed directly to the secretary of the relevant Judge.
 - (6) Failure to comply with the provisions of this practice note may result in the matter not being heard on the allocated day.

44. Opposed motions and matters on the Semi-Urgent roll

- (1) The Registrar shall keep Opposed Motion and Semi-Urgent Rolls separate from the continuous roll for trials.
- (2) The Applicant or Respondent in an opposed motion shall apply to the Registrar for a date of set-down on the Opposed Motion Roll in terms of Rule 6(5)(f) after complying with the requirements of PD 39 and Rule 62(4).
- (3) The Registrar shall allocate the first available date of set-down and shall give notice to all parties of such date, which date shall not be less than 25 (twenty-five) court days from the date of such notice.
- (4) In addition to the Practice Note (which shall, to the extent applicable, contain the same information as set out in PD 42(2)), the parties must ensure that the Heads of Argument in the case of opposed motion / semi urgent matters (if applicable) are filed in the court file prior to the file being presented to the Judge President for allocation.
- (5) Heads of Argument must be filed in the following manner:
 - (a) The Practice Note (which shall be joint if possible) and the Applicant's Heads of Argument must be filed not less than **thirty (30) court days** before a matter on the opposed motion or semi urgent roll is set down to commence;
 - (b) The Respondent's Heads of Argument must be filed no less than **twenty (20) court days** before a matter on the opposed motion or semi urgent roll is set down to commence.
- (6) The provisions of PD 44 may be superseded by an order which sets out a specific timetable for the filing of affidavits and Heads of Argument which is more appropriate for the conduct of that specific matter as the case may be.

- (7) The Heads of Argument shall be clear, succinct and without unnecessary elaboration.
- (8) Each point shall be numbered and be stated as concisely as the nature of the case allows.
- (9) The Heads of Argument shall be accompanied by a list of authorities to be quoted in support of the argument and shall indicate with an asterix the authorities to which particular reference will be made during the course of argument.
- (10) If any such authority is not available, copies of the text relied upon shall accompany the Heads of Argument separately.
- (11) In addition to electronic filing, where applicable, hard copies of the authorities referred to above shall be delivered to the Judge allocated to hear the matter as soon as that Judge's secretary informs the parties of such allocation.
- (12) The Heads of Argument shall be accompanied by the proposed draft order sought by each party.
- (13) The Heads of Argument shall not exceed 40 (forty) pages unless a Judge, either of his or her own accord, or upon request, otherwise directs.

F. CRIMINAL MATTERS

51. Criminal Matters and Pre-trial Conferences in Such Matters

51A. Criminal Matters

- (1) No criminal matter may be transferred to and enrolled for trial in the Western Cape Division of the High Court (including any circuit and local division thereof) by the regional or magistrate's court in terms of sections 75(1)(c) and 144(4) of the Criminal Procedure Act, Act 51 of 1977 (the 'CPA'), unless the Chief Registrar has issued a pre-trial date for such matter to the clerk of the relevant transferring court.
- (2) For purposes of case flow management, the Judge President or his or her designate, shall, after consultation with the Director of Public Prosecutions (the 'DPP'), determine the number of criminal matters to be enrolled for pre-trial case management and trial in each term.
- (3) The Office of the DPP shall forward to the Chief Registrar and/or the designate of the Judge President a practice note no less than 1 (one) calendar month before the transfer of a criminal matter which shall contain the following particulars:
 - (a) A copy of the proposed indictment, summary of substantial facts, and list of proposed witnesses;
 - (b) A recommendation as to whether the matter should be heard on circuit or at the seat of the Division, and an estimate of the duration of the trial;
 - (c) The police station, CAS number, name and contact telephone / cellphone number of the investigating officer;

- (d) The court from which the matter is to be transferred and its case number;
 - (e) Confirmation that the investigation has been finalized, the prosecutor has consulted, and the matter is ready for trial in the High Court;
 - (f) The name and contact details (including telephone / cellphone numbers and email addresses) of the legal representative(s) representing the accused (if known) and the prosecutor designated to prosecute the matter in the High Court;
 - (g) Confirmation that the State has provided the legal representative(s) with a copy of the indictment, summary of substantial facts, and list of witnesses, and such further particulars (including witness statements and such contents of the docket) as he/she/they may be entitled to, and the dates when, and the manner and form in which such particulars were supplied;
 - (h) An indication of resource requirements including *inter alia*:
 - i. Interpretation;
 - ii. Services in terms of sections 153, 158 and/or 170A of the CPA;
 - iii. Electronic media;
 - iv. Security and holding facilities; and
 - v. Any other resource required.
- (4) The Chief Registrar will, within one month of receipt of the practice note, and in consultation with the Office of the Judge President, consider the availability of resources (including a courtroom, interpreter (if needed) and the necessary security arrangements and holding facilities required) and inform the Office of the DPP and the clerk of the transferring criminal court thereof, together with a proposed pre-trial and trial date.

- (5) In the event of non-compliance with the requirements prescribed in 51A(3), an enquiry must be held where after the relevant matter may be struck from the High Court roll, and/or such further or alternative order as may be necessary or justified may be issued by the Judge President or his or her designate, or the judge assigned to deal with the pre-trial case management of the matter, as the case may be.
- (6) A criminal matter which has been enrolled for trial in the High Court shall, save in exceptional circumstances, proceed to completion based on a continuous roll.
- (7) The designated prosecutor and the legal representatives appointed to represent the accused in matters in the High Court shall, save in exceptional circumstances, ensure that they remain available and shall not render themselves unavailable to prosecute and/or represent the accused until the matter is finalised.
- (8) If a prosecutor or legal representative becomes aware of any circumstances that may render him/her unable to prosecute or represent such accused in a criminal trial, he/she shall file a practice note with the Chief Registrar and the allocated pre-trial or trial judge, as the case may be, as soon as he/she becomes aware of such circumstances.
- (9) Practitioners acting at the request of the Court, or upon legal aid instructions in High Court criminal trials will be allowed to retain their briefs to appear in respect of unopposed matters in the Third Division on the same day; provided that they shall (a) notify the secretaries of the respective Judges presiding in their criminal trial and in Third Division thereof in advance (b) appear in Third Division at 10h00 when their matters will receive preference; and (c) report to the secretary of the Judge presiding in the criminal trial as soon as their Third Division matters have been disposed of.

51B. Pre-trial conferences in criminal matters

- (1) Every criminal matter transferred to the High Court for trial in accordance with the provisions of paragraph 51A shall be required to be confirmed trial-ready and to be remanded for trial to an allocated date, by a Judge at a pre-trial conference, subject to the availability of a judge and the facilities necessary to hear the matter.
- (2) The first appearance of a criminal matter that is transferred for trial to the High Court in accordance with the provisions of paragraph 51A, shall be in the form of a pre-trial conference before a Judge, at 09h00 on the date allocated for it, which conference shall be attended by the accused and his/her/their appointed legal representative(s), private or State-funded (Legal Aid or Judicare), and the prosecutor who the DPP has designated to prosecute the matter in the High Court.
- (3) The purpose of the pre-trial conference shall be to confirm:
 - (a) that the Chief Registrar confirms that the matter has been properly transferred in accordance with the requirements of paragraph 51A;
 - (b) that the matter is ready for trial in the High Court in accordance with the requirements of paragraph 51A;
 - (c) whether the accused is/are in custody or on bail or warning;
 - (d) that the accused's legal representative(s) has/have been provided with a copy of the indictment, summary of substantial facts, list of witnesses, contents of the docket (including witness statements and electronic media) and such further particulars as he/she/they may be entitled to;
 - (e) that the legal representative(s) has/have consulted with the accused and his/her witnesses, if any, and have the requisite instructions and are

ready for trial (failing which, the steps they will take and the date by when they will be ready for trial);

- (f) that the prosecutor has consulted with the investigating officer and the state witnesses, and the matter is ready to proceed to trial;
 - (g) whether the matter can be disposed of by way of a plea and sentence agreement in terms of s 105A of the CPA and if so, the date when this is to occur;
 - (h) If the matter is to proceed to trial, whether any admissions will be made in terms of section 220 of the CPA and if so, what such admissions will entail and when they will be made;
 - (i) the estimated duration of the trial;
 - (j) whether an interpreter and/or intermediary is required; and
 - (k) to deal with any other matter, including interlocutory or ancillary applications and security arrangements, which may be necessary to render the matter ready for trial; and/or any other aspect that may be relevant to the proceedings.
- (4) The Judge who presides over the first pre-trial conference may adjourn or postpone the matter for such further pre-trial conference(s) as may be strictly necessary, to render the matter ready to proceed to trial on the date to which it has been, or will be, allocated.
- (5) The prosecutor who has been designated to prosecute the matter in the High Court shall be responsible for filing a pre-trial minute with the secretary of the Judge who is to preside over each pre-trial conference, no later than 3 (three) days before it, in which he/she deals with the matters referred to in subparagraph 51B(3)(a) – (k), and/or any other matter which may require

determination, and the directives which it is proposed be made by the Judge at the pre-trial conference, to render the matter ready for trial.

- (6) The Judge who presides over a pre-trial conference shall compile a minute of the decisions that were taken and the orders or directives that were made during the proceedings and note any outstanding issues or matters that require attention or that must be dealt with before any future pre-trial conference, which minute shall be retained in the court file.
- (7) Before the commencement of the trial in a criminal matter that has been transferred to the High Court in terms of paragraph 51A, the Judge dealing with the pre-trial case management of such matter or his/her successor (or alternatively such Judge as may be allocated for this purpose by the Judge President), shall deal with any interlocutory and/or ancillary applications that are necessary to render the matter ready for trial including (a) applications to compel the furnishing of further and/or better particulars or information or documents (b) bail applications, or applications for the variation of bail conditions or the withdrawal and/or forfeiture of bail (c) applications for the mental assessment of an accused in terms of sections 77 and 78 of the CPA and (d) applications in terms of s 342A of the CPA, and no such applications shall be brought by way of motion proceedings in a civil court unless otherwise authorised by the Judge President.
- (8) All applications in criminal matters which have been transferred in terms of paragraph 51A, pertaining to trial issues including (a) the charges which have been preferred against an accused (b) joinder or separation of the accused (c) the prosecution or stay of proceedings (d) evidentiary or admissibility issues and (e) media applications, are to be dealt with by the trial Judge. Such applications shall not be brought by way of motion proceedings in a civil court.