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## **AMENDMENT OF UNIFORM RULES OF COURT WITH THE INSERTION OF CASE MANAGEMENT RULES**

The South African Judiciary under the leadership of Chief Justice Mogoeng Mogoeng introduced judicial case management in the High Court in 2013, through a pilot project (case flow management pilot project). Judicial case flow management is a means to ensuring access to justice for the people of South Africa by increasing the finalization of matters and reducing backlogs.

The objective of the pilot project was to expedite the flow of civil cases in the High Court to attain the speedy finalization of such cases and to clear backlogs in the courts. The project was initially implemented in October 2013, in three (3) Divisions of the High Court namely Gauteng Division, Western Cape Division and Kwa-Zulu Natal Division, but was subsequently extended to all Divisions of the High Court.

In the absence of Rules of Court regulating judicial case management, the Judicial Case Flow Management Committee (JCFMC), which operates under the auspices of the Chief Justice, developed Interim Practice Directives to serve as a guideline for the implementation of case management. The JCFMC, under the Chairpersonship of Justice Mthiyane, facilitated the development of draft Case Management Rules. The draft Rules, as approved by the Chief Justice and Heads of Court, was submitted by the Chairperson of the JCFMC to the Rules Board for consideration and approval as amendments to existing Rules or insertion of new Rules.

The amendment of the Uniform Rules of Court, with the inclusion of Rules regulating Judicial Case Management was gazetted on 31 May 2019. These Rules will come into operation on 1 July 2019. The objectives of these case management Rules is, through judicial intervention in the interests of justice, to alleviate congested trial rolls and to address the problems which cause delays in the finalisation of cases.



The amendments include: (i) the substitution of Rule 37 of the Rules; (ii) insertion of Rule 37A in the Rule; (iii) substitution of Rule 36 of the Rules; and (iv) substitution of Rule 30A of the Rules.

The purpose of Rule 37 is to establish and regulate a judicial case management system to apply at any stage after notice of intention to defend or oppose is filed. It empowers the Judge President of a Division to determine such categories of defended actions and opposed applications or any other proceedings in which judicial case management should apply. Where a case is subject to judicial case management, no trial date shall be allocated, unless the case has been certified trial ready by a Judge. The implication of this is that these identified cases will be subjected to a pre-trial conference. The pre-trial process is intended to curtail the issues in the matter and ensure that the case is ready for trial, thereby eliminating delays. Rule 37A prescribes the requirements for a pre-trial conference to be convened by parties to the case or before a Judicial Officer, before the commencement of trial.

The amendments to Rule 36 have the effect of extending the period for delivery of a notice by a party who intends to call an expert witness to give evidence, and also allows for parties to endeavour, as far as possible, to appoint a single joint expert relating to the same area of expertise. This is intended to ensure that notices are filed timeously, thereby eliminating unnecessary delays or postponements when parties intend calling expert witnesses. Furthermore, the costs incurred by the litigants could be greatly reduced.

The JCFMC is planning a workshop in July. The purpose of this workshop will be to identify areas where uniform Practices Directives can be issued and to assist each Division with the crafting of these Practice Directives. Judges President might issue interim Practice Directives for their respective Divisions or engage members of the Judiciary and the organised legal profession with the aim of finalising Directives in terms of the new Rules.

The Judiciary welcomes the new Rules and is confident that the Rules will enhance access to justice to members of the public.

**Ends.**

**Issued by the Office of the Chief Justice**



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