



**OFFICE OF THE JUDGE PRESIDENT
IN THE LAND COURT OF SOUTH AFRICA, JOHANNESBURG**

23 September 2024

**To: Members of the Public
Users of the Land Court**

DIRECTIVE 1 OF 2024

Re: Court Online system in Land Court: Phase 1

1. Introduction

- 1.1. The Land Court of South Africa, Johannesburg is introducing the Court Online system nationally with effect from 23 September 2024.
- 1.2. The system will be rolled out in phases. Phase 1 of the Land Court Court Online programme will run nationally on a primarily voluntary basis. Gauteng users who are already familiar with the system are encouraged to support the successful roll out of the Court Online programme in the Land Court. All users nationally are encouraged to participate in Phase 1 of the programme.
- 1.3. For the purpose of Phase 1 of the Court Online system, all existing laws, rules, practices and directives must be adhered to. Where utilization of the Court Online system is not compatible with the Practice Directives, a solution or method as near as possible to the intention of the Rules of this Court must be applied during Phase 1. Any such deviation must be communicated to the Registrar.

2. Background

- 2.1 The Office of the Chief Justice (OCJ) has developed the Court Online system. Court Online is an end-to-end e-filing solution for the Superior Courts of South Africa. It is aimed at providing a platform for law firms and litigants in general, to file pleadings and documents at the Courts electronically over the internet from anywhere. It also affords law practitioners and litigants the ease of managing their court appearance diaries and court evidence instantaneously online.
- 2.2 Within the Courts, the Court Online system allows electronic documents to be automatically routed to the appropriate Registrars and Registrars Clerks for processing.

3. Court Online Registration and Support

- 3.1 In preparation for the processing of any matter on the Court Online system practitioners are required to register beforehand and initiate all cases for their firms on Court Online per <https://www.courtonline.judiciary.org.za>
- 3.2 At the end of the individual registration process the practitioners will be required to activate their respective Court Online user accounts through an activation link sent to the registered email address. In the event that they do not receive the activation link, they are required to peruse the email account's junk/spam folder.
- 3.3 Users without LPC numbers who are involved in taxation proceedings during Phase 1, i.e., legal costs consultants and paralegals, should register as "Representing myself".
- 3.4 Represented parties may register as individual users on the system. Practitioners are required to assist them to do so. Under the drop down 'My role is best described as', represented parties must identify themselves as 'Representing myself'.

4. Cases to be included in Phase 1

- 4.1. During Phase 1, only cases where all parties are legally represented may be included on the system.
- 4.2. There are three categories of cases identified for Phase 1:
 - i. Cases identified by parties by agreement; or
 - ii. Cases identified by the Judge President or the presiding Judge *mero motu* or on the request of a party in the absence of any agreement; or
 - iii. Automatic reviews in terms of section 19 of the Extension of Security of Tenure Act 62 of 1997 (ESTA) and ESTA appeals emanating from the Western Cape, specifically Worcester, Grabouw, Paarl and Malmesbury. Further Magistrates Courts may be added.
- 4.3. Requests to participate must be made formally under this Directive and addressed, as appropriate, either to the presiding Judge through e-mail correspondence with their secretary/registrar, if a matter is already allocated or under case management, or, where not, to the Judge President, through e-mail correspondence with her secretary/registrar.
- 4.4. Cases may only be initiated or uploaded to Court Online in accordance with this Directives.

5. Allocation of dates for matters included in Phase 1

- 5.1. Requests for allocation of dates for matters included in Phase 1 that are under case management must be made to the case management Judge.
- 5.2. All other requests for allocation of dates for matters included in Phase 1 must be made on the Court Online system.

- 5.3. Allocation of dates for matters not included in Phase 1 must be done in the ordinary course.
- 5.4. Uploading a date request form and selecting the document type “application for hearing or trial date” when submitting the form to the Registrar, is the equivalent of applying for a hearing date. The date request form for use during Phase 1 is annexed hereto as Annexure 1 and must be accompanied by a practice note in accordance with Practice Directives.
- 5.5. There is no need to “invite” any office profile as the application for a hearing or trial date is automatically routed to the Registrar or Clerk responsible for enrolment.

6. New requests to place matters under case management

- 6.1. All new requests to place matters under case management must be made to the Judge President.

7. Case numbers for matters included in Phase 1 on Court Online

- 7.1. All matters identified for Phase 1 must be issued on Court Online.
- 7.2. Existing case numbers **must** be entered under the section ‘related cases.’
- 7.3.
- 7.4. The reference number generated upon submission of a new case for issuing is not the case number. The case number is automatically generated upon issuing by the Registrar. The reference number may not be recorded on any papers filed in the case file – only the case number must be used.

8. Uploading of documents to court file (case bundle)

- 8.1. All documents must be uploaded in pdf format to the Court Online case file.

- 8.2. Once the bundle is created for a case management conference or a particular hearing date (“scheduled event”), the documents relevant to the hearing must be included in (“added to”) the bundle from the Court Online case file.
- 8.3. Court files (case bundles) created on the Court Online Portal can only be accessed through the Court Online Portal.

9. Case outcomes and Court Orders

- 9.1. Case Outcomes are recorded on the Court Online system. The outcomes are not visible to Court Online Portal users. Once an order is generated and uploaded to the court file, the order will appear in the Court Online Portal under “my case documents”.
- 9.2. Sheriffs can access the cases to verify court orders by selecting “access a case” on the Court Online Portal.

10. Court Online support and training

- 10.1. A Court Online Portal user guide is enclosed with this Directive.
- 10.2. The Court Online Help Line number is 010 493 2600 and the Service Desk email address is CourtOnline@judiciary.org.za. All enquiries relating to registration and case initiation should be directed to the Help Line and Service Desk.

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11. Down time: All process will be permitted to be issued manually over the counter until such time as the system has been restored. Case numbers assigned will bear a court issued prefix that indicates that they were issued during system downtime.

12.

12.1. A Land Court user webinar will be held on **30 September 2024** at 09h30 to 11h30. Prospective Land Court users must notify the Registrar of their attendance by no later than noon on Friday 27 September 2024 by email: VMaqala@judiciary.org.za; MoMphokhane@judiciary.org.za; TTshehlo@judiciary.org.za The webinar will be free and will be hosted by the Office of the Chief Justice. It is aimed at introducing the system to Land Court practitioners throughout South Africa.

12.2. The webinar will be recorded and made available on the OCJ website. Further 'How-To' resources are available on the OCJ website for ongoing reference: <https://www.judiciary.org.za/index.php/court-online/useful-tools-and-presentations>

13. Guidelines for uploading

13.1. All documents must be uploaded in accordance with the user guide.

13.2. The following guidelines are intended to supplement the user guide:

- i. All documents must be uploaded through the Court Online platform and **not** on Caselines, unless otherwise directed by the presiding Judge.
- ii. The Court Online system will be attended to during the Registrar's office hours: 8am to 1pm and 2pm to 4pm.
- iii. Practitioners must upload documents under the detailed sections rather than under a general category.

- iv. After Annexures have been uploaded on the Court Online platform (using the 001; 002; 003 etc numbering), they may be renamed via the Caselines platform before bundling. Once renamed, the new nomenclature will reflect on the Court Online portal for the case.
- v. Interlocutory applications must be uploaded on Court Online under the 'Interlocutory' section, whereafter practitioners must rename the application on the Caselines platform before bundling with reference to the nature of the application and / or applicable Rule.

13.3. Where practitioners deviate from the guidelines, a deviation should be dealt with in a practice note.

14. Duty to upload

- 14.1. The duty to upload resides with the *dominis litis*.
- 14.2. If the *dominis litis* fails to upload within a reasonable time, any other party may do so.
- 14.3. The Registrar will assume the duty to upload the probation officer's report in an ESTA eviction application brought in the Land Court.
- 14.4. In automatic reviews under ESTA and ESTA appeals from the Magistrates Court, the Clerk of the relevant Court will assume the duty to upload the record. Should delays be encountered, the *dominis litis* may approach the Court Manager for a directive seeking permission to upload.

15. Taxation

- 15.1. Once a case reaches the post-hearing stage, taxation becomes available. All bills of costs must be uploaded together with the notice of intention to tax a bill of costs. Settled bills must be uploaded as settled bills and must be accompanied by the acceptance of offer.

16. Writs and Warrants

16.1. Writs and warrants in Phase 1 may be uploaded to the case file and submitted to the Registrar for approval. The issued writ will appear in the Court Online Portal under “my case documents”.

17. Directive Compliance Affidavit

17.1. An affidavit confirming compliance with the Practice Directive must be uploaded to the case file.

17.2. The compliance affidavit must set out the following:

- i. No duplicate file for the matter exists on Caselines.
- ii. In respect of matters dealt with on CaseLines the matter name has been appropriately prefixed.
- iii. The case bundle has been created in line with the indexing requirements set out in this Directive
- iv. All the parties/their representatives have been invited to the matter and their names, telephone numbers and email addresses are listed at the end of this declaration

18. Feedback

18.1. Feedback from users during Phase 1 is encouraged and welcomed.

18.2. All feedback must be addressed to the office of the Judge President by email: NPhaloane@judiciary.org.za

19. This Directive becomes effective upon the date of publication.

**Z CARELSE
JUDGE PRESIDENT**

LAND COURT OF SOUTH AFRICA, JOHANNESBURG
Electronically submitted therefore unsigned

ANNEXURE 1

DATE APPLICATION FORM

Land Court of South Africa, Johannesburg

Case No					
Date of Hearing					
Parties: Surname & Initials					
(First) Applicant/Plaintiff			(First) Respondent/ Plaintiff		
Court roll selection: (tick only one)					
Opposed Motion /Trial		Civil Trials			
Unopposed Motion		Taxation - Opposed			
Interlocutory Application R37		Taxation - Unopposed			
Urgent application		Taxation- Settled			
Case-management		Pre-Trial conference			

Case Type: Make Selection Below					
Restitution		Interlocutory		Judicial case management	Applications related to Ingonyama Trust
ESTA		Variation of Court Order		Referral by commission- Restitution	Interdict
Labour tenancy		Application for settlement R62		Referral by DG Labour Tenancy	Application to Compel
Mediation		Application for leave to appeal		Eviction of unlawful Occupiers(Esta)/(Labour Tenant)	Others(provide description below)
Arbitration		Amicus Curiae		Stay of eviction/Restoration	

