

TEL.: 046 – 603 5000

FAX.: 086 5077 535

EMAIL: SMBenenge@judiciary.org.za
6140



JUDGE PRESIDENT'S CHAMBERS
HIGH COURT, PRIVATE BAG X1011
MAKHANDA

DIRECTIVE AMENDING THE JOINT RULES OF PRACTICE FOR THE EASTERN CAPE DIVISION OF THE HIGH COURT

The Joint Rules of Practice for the Eastern Cape Division of the High Court which came into operation on 23 August 2013 and were amended thereafter from time to time (the Joint Rules) are hereby amended in the manner and to the extent set out in the Schedule hereunder:

SCHEDULE

1. Rule 3(a) is hereby substituted with the following:

‘(a) In respect of defended actions and appeals, the papers are to be secured, paginated and indexed as required by Uniform Rule 62(4), prior to an application for the hearing date being made to the Registrar.’

2. Rule 3(b) is hereby deleted.

3. Rule 8(a) is hereby substituted with the following:

“(a) Heads of argument must be filed in all opposed motions. Opposed motions are applications brought under Uniform Rule 6, which are opposed and include stated cases wherein the parties have agreed to enrol same in the opposed motion court and opposed (or defended) exceptions wherein the pleadings (excluding the annexures) do not exceed 100 pages, but exclude applications for leave to appeal and applications in terms of Uniform Rule 43.”

4. Rule 8(b) is hereby substituted with the following:

- ‘(b) Heads of argument may be filed where an application for summary judgment and an exception or an application in terms of Uniform Rules 30 or 30A is postponed for argument pursuant to opposition, in which event the parties shall deliver concise heads of argument 3 days before the date of hearing.

5. Rule 8(e) is hereby substituted with the following:

- ‘(e) In the case of all civil appeals, heads of argument for the appellant are to be filed 15 court days before the hearing of the appeal, and those for the respondent at least 10 court days before the hearing of the appeal – see Uniform Rules 49(15) and 50(9).’

6. Rule 8(h) is hereby deleted.

7. Rule 15(c) is hereby substituted with the following:

- “(c) Unless otherwise directed, opposed summary judgment applications and opposed applications in terms of Uniform Rules 30 and 30A are not opposed motions according to this rule, and shall be placed on the roll of unopposed matters.”

8. Rule 15(d) is hereby deleted.

9. Rule 15A is hereby substituted with the following:

- (a) Any party applying in accordance with Uniform Rule 6(5)(f) for the allocation of a date for the hearing of an opposed motion, as envisaged in Joint Rule 8(a), shall –
- (i) index and paginate the papers in accordance with Uniform Rule 62(4);
 - (ii) deliver -
 - (aa) heads of argument as envisaged in Joint Rule 8(d); and
 - (bb) a practice note which shall set out -
 - (aaa) the names of the parties to the application, the case number and its number on the roll;
 - (bbb) the name of each party’s legal representative and their cellular and landline numbers;
 - (ccc) a description of the nature of the dispute;
 - (ddd) the issue(s) to be decided;
 - (eee) the relief sought by the party on whose behalf the representative completing the practice note appears;
 - (fff) the principal authorities to be relied on; and

- (ggg) the estimated duration of the argument.
- (iii) The other party/parties shall deliver heads of argument and a practice note no longer than 10 days before the date allocated for the hearing of the opposed motion.
- (b) Save in the case of urgent applications, no opposed motion shall be allocated a hearing date on the roll for opposed matters without compliance with sub-rule (a).
- (c) The Registrar shall deliver the case files in opposed motions to the Judge allocated to hear the same by Wednesday of the week preceding the hearing, for case management.'

10. This Directive operates with immediate effect.



S M MBENENGE
JUDGE PRESIDENT: EASTERN CAPE
27 JANUARY 2023