



OFFICE OF THE JUDGE PRESIDENT

GAUTENG DIVISION OF THE HIGH COURT OF SOUTH AFRICA

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29 September 2022

To:

1. Legal Practice Council – Gauteng
2. Johannesburg Society of Advocates
3. Pan African Bar Association of South Africa
4. Gauteng Family Law Forum
5. Gauteng Attorneys Association
6. Pretoria Attorneys Association
7. Johannesburg Attorneys Association
8. West Rand Attorneys Association
9. General Council of the Bar of South Africa
10. National Bar Council of South Africa
11. National Forum for Advocates
12. Pretoria Society of Advocates
13. North Gauteng Association of Advocates
14. Church Square Association of Advocates
15. Advocates for Transformation
16. Black Lawyers Association
17. National Association of Democratic Lawyers
18. Office of the Director of Public Prosecutions, Pretoria and Johannesburg
19. Office of the State Attorneys, Pretoria and Johannesburg
20. CEO – Legal Aid South Africa



Copy to:

1. Judges - Gauteng Division of the High Court, Pretoria and Johannesburg
2. All Registrars - Gauteng Division of the High Court, Pretoria and Johannesburg

DIRECTIVE 3 of 2022

JUDGE PRESIDENT'S PROTOCOLS & CLARITY

This Directive serves to establish protocols in specific instances and to provide clarity on certain topics contained in Directive 1 of 2022 and Directive 2 of 2022 (JUDGE PRESIDENT'S REVISED CONSOLIDATED DIRECTIVE IN RE COURT OPERATIONS IN THE PRETORIA AND JOHANNESBURG HIGH COURTS OF THE GAUTENG DIVISION, WITH EFFECT FROM 18 JULY 2022)

PART A – PROTOCOLS

1. Unopposed Motions on Court Online
 - 1.1. No provisional dates are allocated. The hearing date allocated is the final date and final enrolment is not required.
 - 1.2. In instances where the matter becomes opposed or, for any other reason, cannot proceed on the allocated hearing date, a Notice of Removal from the unopposed motion roll must be filed in the matter.
 - 1.3. Matters that are removed from the roll by notice for the reason of having become opposed, will appear on the court roll under the heading "Removed by Notice".
 - 1.4. Matters removed for reasons other than having become opposed, must be removed within the timeframe for removal as per paragraph 144 of Directive 2 of 2022.
2. Compliance with Uniform Rule 6 (5) (b)
 - 2.1. Immediately upon issuing of a new application, the application for hearing date must be filed. Once the hearing date is allocated, the issued application must be downloaded, the hearing date completed thereon by hand and initialed **prior** to service of the application on the respondent.



- 2.2. A copy of the application reflecting the hearing date that was served on the respondent should accompany the Return of Service once that is uploaded to the court file.

3. Admissions

- 3.1. After the *Ex Parte* application for Admission as a Legal Practitioner is issued, a date application form must be uploaded selecting the document type "Application for Admission Date".
- 3.2. Once the hearing date is allocated, the issued application must be download, the hearing date completed thereon by hand and initialed **prior** to service of the application on the Legal Practice Council (LPC).
- 3.3. Walk-in requests for admission dates will **not** be accommodated.
- 3.4. The LPC must be invited to the hearing bundle by accessing the bundle from Court Online, selecting "update bundle", then "people" and inviting the LPC per admissions@lpc.org.za from the bundle in CaseLines.
- 3.5. Admission certificates may only be collected from the Admissions office after the certificate has been published to the court file.

4. Time of filing

Documents and applications, including applications in terms of Uniform Rule 31(5), that are filed outside of court hours are deemed to have been filed on the following court day. The date and time as it appears on the Court Online cover letter is the date and time of filing.

5. Close of pleadings

If the parties agree in writing that the pleadings are closed, such agreement is filed with the Registrar in terms of Rule 29 (c) by uploading the agreement with the document type selection "Close of Pleadings"

Parties are at liberty to upload a close of pleadings notice under this document type to confirm the close of pleadings in terms of Rule 29 (a) or (b). Such a notice is advisable where practitioners are aware that a party to the litigation is unrepresented.



6. Default Judgments before the Registrar
 - 6.1 When applying for default judgment in terms of Rule 31 (5), it is imperative that all supporting documents, the checklist and any other relevant documents in relation to the application are uploaded **prior** to uploading the application.
 - 6.2 In the event that the application is uploaded without the supporting documents required to enable the Registrar to consider the application, such application must be returned by the designated Registrar or Clerk. Legal practitioners will have to comply with paragraph 6.1 above before resubmitting the application.
7. The **Protocol: Emergency Arrangements when Court Online is Inaccessible** issued on 12 September 2022 is the default standard emergency procedure when Court Online is inaccessible.

PART B – CLARITY

8. Issuing
 - 8.1 When starting a case, legal practitioners must refrain from adding their own details as the contact person when entering the parties' details. *Where legal practitioners' details are added, it will appear on the cover sheet as if the practitioner is a party to the case. Case or party details cannot be altered once a case is issued.
 - 8.2 There is no requirement to upload a 'scanner sheet' for issuing a new case on Court Online.
 - 8.3 Only the initiating document (notice of motion or summons) must be uploaded without any attachments (affidavits or particulars of claim) when submitting a new case for issuing. The attachments may be uploaded after the case had been issued by selecting "My Case Documents", adding the document and selecting the relevant document type description.
 - 8.4 One cause of action between parties may only be issued once. Subsequent applications based on the same cause of action between the same parties **may not** be issued as a new case under a new case number and **must** instead be filed in the case already issued.



9. Limitations

The issuing and enrolment limitations set out in Directive 2 of 2022 remains in effect. Practitioners may not exceed the set limits.

10. Applications for hearing dates

All date application requirements as set out in Directive 2 of 2022, including the compliance certificate/declaration must be uploaded prior to the uploading and submission of the date application form. Where required documents are not uploaded, the Registrar or designated Clerk must return the date application.

11. Matters on CaseLines

- 11.1 Practitioners must take note of CaseLines Notes made by the Registrar or designated Clerk. This is especially important to do before escalations and before raising complaints about hearing date allocations.
- 11.2 It remains prohibited to invite multiple office profiles to a matter. The Registrars or their designated Clerks must uninvite each office profile from such matters without attending to any requests made in the matter. The Registrar or designated Clerk must make a CaseLines Note to this effect.
- 11.3 Once an office profile is uninvited from a case, a CaseLines Note is made. Practitioners **may not** immediately re-invite the same office profile in relation to the same application or request. This is particularly relevant in Default Judgments before the Registrar.

12. Court Online Case Bundles

- 12.1 A new case bundle must be generated for each hearing date in a matter.
- 12.2 Documents must be added to the bundle by selecting "My Case Documents", then clicking on the yellow "Bundle" button, selecting the documents to add and selecting the section to which the documents should be added. There after click "Add to Bundle". If this is not done, the bundle will remain empty as documents are not automatically transferred to bundles.
- 12.3 When clicking "View Bundle", the sub-bundle for a particular hearing date opens in a new window. The sub-bundle is not paginated. In order to see the pagination, the bundle selection should be changed to "Master Bundle".



- 12.4 A consolidated index need not be filed as reference may be made to the Master Bundle pagination.
- 12.5 No bundles may be created directly from CaseLines. All bundles must be created and accessed from Court Online.

13. General

- 13.1 During *Dies Non*, from the Monday before Christmas Day until New Year's Day, no applications for hearing date allocations in the ordinary course will be attended to. Date applications received during this period will be attended to during the first week of the new year. *This does not apply to hearing dates for urgent applications.
- 13.2 No files or duplicate files may be created on CaseLines directly for matters that were issued on Court Online. Registrars' staff are directed not to process Court Online matters on CaseLines.
- 13.3 Any reference to "file with the Registrar" means uploading a document to the court file in Court Online. No emails containing documents for filing should be sent to any court staff member.
- 13.4 Legal practitioners and litigating parties must refrain from copying the Chief Registrar, Registrars or Judges and their Secretaries in email communication between practitioners or parties.
- 13.5 The escalation and contact details contained in paragraph 294 of Directive 2 of 2022 may change from time to time. Any such changes will be issued as an addendum to this Directive.
- 13.6 All Practitioners must register on Court Online.
- 13.7 Court Staff cannot "invite" or give access to anyone for matters on Court Online. In the event that the practitioner representing the Applicant / Plaintiff failed to invite the practitioner(s) representing the Respondent / Defendant under Parties and Contacts, such practitioners (who were not invited) can access cases wherein they are involved through the "Access a Case" functionality on Court Online.

 MR LAMBO

JUDGE PRESIDENT OF THE GAUTENG DIVISION OF THE
HIGH COURT OF SOUTH AFRICA

Electronically submitted therefore unsigned

