



OFFICE OF THE DEPUTY JUDGE PRESIDENT

(HIGH COURT OF SOUTH AFRICA, GAUTENG LOCAL DIVISION)
OFFICE 1210

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NOTICE

TO :

1. Legal Practice Council – Gauteng
2. Law Society of South Africa
3. Johannesburg Society of Advocates
4. Pan African Bar Association of South Africa
5. Gauteng Family Law Forum
6. Pretoria Attorneys Association
7. Johannesburg Attorneys Association
8. West Rand Attorneys Association
9. South African Black Women in Law
10. South African Women Lawyers Association
11. General Council of the Bar of South Africa
12. National Bar Council of South Africa
13. South African Bar Association
14. National Forum for Advocates
15. Pretoria Society of Advocates
16. North Gauteng Association of Advocates

17. Church Square Association of Advocates
18. Advocates for Transformation
19. Black Lawyers Association
20. South African Medical Malpractice Lawyers Association
21. Personal Injury Plaintiff Lawyers Association
22. National Association of Democratic Lawyers
23. Office of the Director of Public Prosecutions, Pretoria and Johannesburg
24. Office of the State Attorneys, Pretoria and Johannesburg
25. Chief Executive Officer – Legal Aid South Africa
26. Chief Executive Officer – Road Accident Fund
27. Chief Executive Officer – Passenger Rail Agency of South Africa
28. Head of Legal Department – Department of Health, Gauteng Province
29. South African Medico-Legal Association

DATE : 13 October 2021

OUR REF : DJP/272/2017/lt

RE : **URGENT MOTION COURT, JOHANNESBURG**
15 OCTOBER 2021 TO 23 OCTOBER 2021
BEFORE SUTHERLAND DJP AND OPPERMAN J

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1. Attorneys and counsel are reminded of the recent circular of 04 October 2021 cautioning against abuse of the urgent motion procedure.
 2. Furthermore, attorneys and counsel are reminded of the procedure to be observed in after-hours applications brought on notice of less than 24 hours:

South African Airways v BDFM Publishers 2016 (2) SA 561 (GJ) at 572E – 573C at paragraph [26]:

“[26] ...it is incumbent on the attorney of any person who contemplates an urgent application on less than 24 hours’ notice, to undertake the

following default actions in fulfilment of the duty to ensure effective service:

[26.1] Once the respondents are properly identified, the names and contact details, ie phone, cell, email, fax and physical addresses of persons who have the authority to address the application must be ascertained. Obviously, if the issue has already been the subject of debate between the parties and an attorney has already been retained by a respondent, such attorney's contact details will top the list.

[26.2] At the earliest moment after deciding to bring an urgent application, contact must be made to demand compliance with the relief to be sought and to alert one or more of such persons of the intention to bring an application, stating where it is likely to be heard, when it is likely to be served, and the identity of the judge on urgent duty. Agreement should be reached about who should receive service on behalf of the respondent by email or fax, or other method.

[26.3] Next, the urgent judge shall be alerted, and a report made, whether or not the respondents have been alerted.

[26.4] When the papers are ready for service, direct contact shall again be made with the persons dealing with the matter on behalf of the respondent. Where delays occur, the respondents must be kept informed by interim calls to report progress.

[26.5] Sufficient time must be allowed for the respondents to read and digest the papers. It is appropriate to send a notice of motion in advance of the founding papers to give the respondents a chance to formulate a view about the relief being sought.

[26.6] When the papers are about to be served electronically or otherwise, the urgent judge should be consulted about when and where the hearing will occur, if at all, and how much notice must be given, in the context of earlier alerts to the respondents.

[26.7] Once served in any manner other than by personal physical delivery, the attorney must immediately call the respondent's representatives directly to confirm actual receipt of all the papers."

3. Kindly bring this notice to the attention of all your members.

Yours faithfully

*Dictated by the Deputy Judge President
Electronically transmitted, therefore no signature*

**ROLAND SUTHERLAND
DEPUTY JUDGE PRESIDENT**

CC The Honourable Ms Justice I Opperman
 Your Ref: Ms Z Twaku (Secretary)
 Per E-mail: ZTwaku@judiciary.org.za