



Office of the Acting Judge President PL Goliath
Western Cape Division of the High Court, Cape Town

23 October 2023

Amendment of the revision to the Western Cape Division of the High Court, Cape Town Practice Directives implemented on 2 October 2023.

Herewith please find updated pages with regard to Directive 51A(1) and (3) relating to criminal matters. Kindly substitute the updated pages.

A handwritten signature in cursive script, reading "PL Goliath", is written over a horizontal line.

PL GOLIATH

Acting Judge President

Western Cape Division of the High Court
Cape Town

- (8) In instances where the relevant Judge or Acting Judge is no longer on the Bench or serving on another Bench, whether permanently or temporarily, the application for leave to appeal and the court file is to be furnished to the Chief Registrar who will process the application to the relevant Judge or Judge President as the case may be.

48A Criminal Leave to Appeal Applications

- (1) The application for leave to appeal is to be furnished to the criminal registrar who will draw the court file and process the application to the relevant Judge. The registrar shall provide the Director of Public Prosecutions with a copy of the application for leave to appeal.
- (2) In instances where the relevant Judge or Acting Judge is no longer on the bench or serving on another bench, whether permanently or temporarily, the application for leave to appeal and the court file is to be furnished to the Chief Registrar who will process the application to the relevant Judge or Judge President as the case may be.

51. Criminal Matters and Pre-trial Conferences in Such Matters

51A. Criminal matters

- (1) Criminal matters shall be enrolled on the High Court Roll, which includes the Circuit Courts, by the Director of Public Prosecutions, in consultation with the Office of the Judge President and the Chief Registrar.
- (2) The number of criminal matters to be enrolled for trial in the High Court shall be determined by the Judge President.
- (3) The determination of the trial forum in all criminal matters will remain in the sole discretion of the Director of Public Prosecutions. The

consideration whether a criminal matter should be adjudicated in the High Court, alternatively the Regional Court with concurrent jurisdiction, shall be made by the Director of Public Prosecutions after consultation with the Judge President for the purposes of efficient Roll planning and effective case flow management, prior to the transfer of such matter in terms of section 144(4) of the CPA.

- (4) A criminal matter may only be transferred and enrolled for trial in the High Court if, prior to the transfer thereof by the regional or magistrate's court in terms of s 144(4) of the CPA, a Practice Note has been filed by the Office of the Director of Public Prosecutions. Such Practice Note shall be forwarded to the Chief Registrar and the Office of the Judge President (for attention the Chair, Criminal Practice Committee) by the Office of the Director of Public Prosecutions no less than 1 (one) calendar month before the transfer and shall set out and confirm the following:
 - (a) The police station, CAS number and the name and contact telephone number of the investigating officer, and the court case number and court from which the matter is to be transferred, together with a copy of the proposed indictment, summary of substantial facts and list of proposed witnesses;
 - (b) that the investigation has been finalized (i.e. all necessary investigative processes in order to render the matter ready for trial in the High Court have been completed including the obtaining of all witness statements and all evidentiary processes such as identification parades, post-mortems, fingerprint, ballistic, photographic, video, blood, DNA, cellphone, computer, IT and data analyses, and reports in respect thereof);
 - (c) that the accused has/have exercised his/her/their right to legal representation, private or state-funded (legal aid or Judicare); and that such representation has been secured and appointed, and the date(s) when this occurred;