



## OFFICE OF THE JUDGE PRESIDENT

### GAUTENG DIVISION OF THE HIGH COURT OF SOUTH AFRICA

P O Box 442, PRETORIA 0001 - Tel 012- 314-9003 - Fax 012-326-4940

Palace of Justice, Church Square, Room 13, First Floor, Pretoria

Private Bag X7, JOHANNESBURG 2001 - Tel 011- 335-0479 - Fax 086-207-1291

c/o Pritchard and Von Brandis Streets, Room 510, Fifth Floor, Johannesburg

E-mail: [NWalkinshaw@judiciary.org.za](mailto:NWalkinshaw@judiciary.org.za)

---

18 September 2020

To:

1. All Judges of the Gauteng Division of the High Court, Pretoria and Johannesburg
2. All Judiciary Heads of the Regional and District Courts, Gauteng Division
3. Court staff, Professional Bodies, Practitioners and members of the public

### JUDGE PRESIDENT'S CONSOLIDATED DIRECTIVE

#### (18 SEPTEMBER 2020 CONSOLIDATED DIRECTIVE)

#### IN RE: COURT OPERATIONS IN THE PRETORIA AND JOHANNESBURG HIGH COURTS DURING THE EXTENDED COVID-19 NATIONAL STATE OF DISASTER

These directives are issued in terms of the authority vested in the Head of Court in terms of section 8(4) (b) of the Superior Courts Act 10 of 2013 and in conformity with the directives of the Chief Justice dated 17 March and 17 April 2020. The provisions of the Uniform Rules of Court will apply and will be strictly enforced.

1. Unless specifically stated otherwise herein, the directives are effective immediately upon publication on 18 September 2020. The Consolidated Directive issued on 11 May 2020, Protocol re Media access to Court proceedings issued on 4 June 2020, Protocol re the issuing of warrants of execution and subpoenas issued on 11 June 2020 and



Notice: Extension of the 11 May 2020 Consolidated Directive issued on 2 August 2020 are withdrawn and replaced with this Consolidated Directive.

2. These directives set out how, and under what conditions, matters are to be issued and how all matters enrolled and pending in the Gauteng Divisions shall be handled and attended to during the continuing national state of disaster declared in terms of the Disaster Management Act 2002, Act No 57 of 2002. The Directives shall apply until they are either withdrawn, amended or superseded by other directives. Covid-19 related restrictions in movement and gatherings remain and prudent behaviour to minimise exposure to infection, informs the policy choices made in these directives.
3. Where timeframes for submission of notices/legal process and roll closure differ from those in the Practice Manual or existing Practice Directives, the time frames in this Directive are imposed for practicality and shall prevail for the duration of the national state of disaster.
4. The general principle to be observed is that physical proximity and contact among persons be eliminated or minimized. To this end:
  - 4.1 In accordance with the practice in the High Courts of the Gauteng Division, pursuant to Directive no. 1 of 2020 (the CaseLines Directive) all pleadings and documents must be uploaded in all matters to the CaseLines digital platform, save for Full Bench and Full Court Appeals in which the electronic transcript or record is not available.
  - 4.2 It is the responsibility of litigants and their legal representatives to comply with the practices of the Division and that includes the duty to upload papers on the electronic case file on CaseLines as provided in the CaseLines Directive. Where that has not been done and a satisfactory explanation can be proffered to the Judge, the failure to upload may be condoned. However, the basic principle is that the particular hearing must be an effective one and the Judge seized with the matter shall exercise a discretion as to whether or not that objective can be achieved where the papers are not uploaded.



- 4.3 Matters on paper (Appeals and Applications) shall not, except where directed otherwise by the Judge seized with the matter, enjoy an oral hearing in open Court. Submissions may be advanced via CaseLines or via email, as stipulated in this Directive, and oral hearings may be dealt with by video conferencing where Parties wish to be heard orally, in accordance with ad hoc directives issued by the Judge seized with the matter(s), which are appropriate to the circumstances.
- 4.4 Subject to the stipulations set out below, matters that require oral evidence to be adduced may be conducted in open Court.
- 4.4.1 The Parties must canvas their preferred mode of hearing in their practice note for the roll call sent to the DJP or ADJP.
- 4.4.2 If all Parties are in agreement on a preference for an open Court hearing, the Judge allocated to hear the matter shall, having considered the Parties' canvassed views, nevertheless retain the discretion to pronounce on the mode of hearing.
- 4.4.3 Where the Judge holds the view that an open Court hearing poses a risk of infection, the Judge shall determine an appropriate alternative mode of hearing, which may include receiving evidence on affidavit or the utilisation of video conferencing.
- 4.4.4 The Judge may, despite agreement or the absence thereof between the Parties on an open Court hearing, on good cause shown that a virtual hearing will be inadequate to achieve a fair trial, order a wholly or partially open Court hearing, or, having regard to the provisions of paragraph 4.4.3 and where considerations of the interests of justice are concerned, postpone the hearing until such time that an open Court hearing may become appropriate. If a matter is postponed for this reason the wasted costs, if any, shall be reserved for the ultimate trial Court to decide.



- 4.4.5 Where the Judge orders that the whole or a part of a hearing is to be held in open Court, the proceedings shall take place under stringent health precautions as to (1) social distancing, (2) numbers of persons attending the hearing (3) the wearing of face masks and (4) personal and Court-room sanitising.
- 4.4.6 Access to the Court room, seating arrangements, sanitising etiquette and related arrangements shall be directed by the Judge's Secretary whose directions must be observed without demur.
- 4.5 Civil trials in which expert testimonies are to be made or where certain parts of a trial do not require a hearing in open Court, may be heard via video conferencing. The Judge seized with the matter shall in such instance give directions on the logistics as per the provisions set out in paragraphs 233 to 241 of this Directive.
- 4.6 The Judge seized with a matter in which video conferencing is used as per the provisions in paragraphs 233 to 236 of this Directive, shall, if the Court is not in a position to host the video conference, exercise a discretion as to any responsibility to set this up as well as the liability for the cost implications of such utilisation.
- 4.7 A litigant that wishes to make oral submissions is entitled to do so and the Judge seized with the matter shall exercise a discretion as to how that can be facilitated. This implies that to facilitate an effective oral hearing, the matter may be handled as provided in 4.4 above.
- 4.8 Criminal Trials are to be conducted in open Court hearings in line with the provisions of paragraph 4.4.5 and 4.4.6 save in instances where the fairness of the trial will not be adversely affected if certain parts of the trial are conducted via a virtual hearing e.g. when expert evidence is adduced as well as oral argument. The Presiding Judge in such matters shall use his/her discretion on the mode of hearing in such instances. The provisions of 233 to 236 and 237 to 241 of the Directive shall become applicable.



## CREATION OF ELECTRONIC FILES FOR ISSUED (PENDING) CASES

5. In terms of this Directive, where no electronic file is in existence on CaseLines for issued and pending cases, Legal Practitioners must create those cases on the CaseLines system and thereafter invite Parties and/or their Legal Representatives to each created case they are involved in. Upon invitation to a case on the CaseLines system, the Legal Representatives may invite all their respective Counsel to the case, where Counsel is briefed. A file must be created only once and if a file has already been created by the Registrar, no new/additional file must be created. Legal Representatives should therefore search through their individual case lists to establish if an electronic file is already in existence for a particular matter prior to creating a file. Where duplicate files have been created, the Judge's Secretary must be alerted to determine the file that will be used and to close and archive the duplicate file(s).
6. Prior to the enrolment of any matter or the allocation of a hearing date, the litigating party or its representative is to upload a Directive Compliance declaration in the form of an affidavit which is to confirm that no duplicate file for the matter exists on CaseLines and that all the Parties/their representatives have been invited to the matter on CaseLines. The names of all Parties/their representatives and their telephone numbers and email addresses should reflect on the declaration. Where no affidavit is filed, the Registrar cannot allocate a hearing date.
7. To create a case:
  - 7.1 The Plaintiff's/Applicant's legal representative creates the case on CaseLines using the correct template for the relevant Court, the **case name** being that of the Parties to the case recorded in full, e.g. DLAMINI, GIDEON vs DLAMINI, SARAH; and **reference** being the case number, recorded with the year in full and without any 0 preceding the case number, e.g. 2005/44; 2012/123; 2019/93222; etc.
  - 7.2 The Applicant's legal representative must enter a prefix for the case type before the case name, e.g. Rule 43: DLAMINI, Gideon vs DLAMINI, Sarah. For Tax Court matters - the case name, e.g. Tax Court Appeal: ABC Pty Ltd



vs CSARS or Tax Court Application: DLAMINI, Sarah vs CSARS. When the case or application type changes, the prefix must be amended accordingly. Where applicable, the classification in terms of Practice Directive 2 of 2019 should precede the prefix.

- 7.3 The Plaintiff's/Applicant's legal representative must click **Get from Template** to populate the **Front Page**. No Party may add or modify any information on the Front Page. **It is for the Court Officials' Use Only!**
- 7.4 The front page must be completed by the designated court official with the correct citation of the respective Court in terms of Section 6 of the Superior Courts Act no 10 of 2013 as per Government Gazette No. 37390 dated 28 February 2014 as amended by Government Notice 408 published in Government Gazette no. 41552 dated 23 March 2018 wherein the former Local Division is conferred concurrent jurisdiction with the former Provincial Division:
- 7.4.1 In Pretoria: "IN THE HIGH COURT OF SOUTH AFRICA"  
GAUTENG DIVISION, PRETORIA
- 7.4.2 In Johannesburg: "IN THE HIGH COURT OF SOUTH AFRICA"  
GAUTENG DIVISION, JOHANNESBURG
- 7.4.3 In the Tax Court: "IN THE TAX COURT OF SOUTH AFRICA"  
GAUTENG DIVISION
- 7.5 The case number and Parties must be completed in full on the front page by the designated court official.
- 7.6 The Applicant's legal representative selects and creates the correct and necessary sections for uploading documents in the case file. The Applicant's legal representative must upload ALL relevant documents under the respective and correct sections. Documents must be properly named and must contain



the date of upload; e.g. “*Unopposed motion\_date application\_18 September 2020*”.

8. Legal Practitioners representing the Plaintiff(s)/Applicant(s) in each case are directed to create all issued and pending cases on CaseLines where no electronic file already exists and which are on the roll without delay but not later than 10 days after publication of this Directive or 10 days prior to the hearing date, whichever date is first. In the event that the Plaintiff(s)/Applicant(s) fails to do so within this timeframe, the Respondent’s/Defendant’s legal practitioner is required to do so without delay but not later than 5 days thereafter, provided that a diligent search on the CaseLines caselists should be conducted to ensure that that no duplicate files are created.
9. Where a matter is ripe for enrolment on any roll, and no file exists on CaseLines, the case must be created as directed above and all documents must be uploaded by the applicant/plaintiff before the application for an enrolment date.
10. The responsibility to timeously upload pleadings, notices and legal process under the respective Sections in all cases created by Legal Representatives, save for cases initiated in the Urgent Court roll, shall be as provided in paragraphs 7 and 8 above.
  - 10.1. In matters where the case has been created on CaseLines but pleadings have not closed as pleadings are still being exchanged, the responsibility to upload the relevant pleading or document lies with the Party responsible for each particular pleading/ notice/ legal process and in line with the Rules of Court.
  - 10.2. The Judge’s Secretary shall “freeze” the case bundle and amend the Parties’ case permissions to prohibit the late filing of pleadings, notices and any legal process in line with the rules of Court and in particular three (3) days before the enrolment date.
  - 10.3. In each instance where a draft order is uploaded to the electronic file, it must be uploaded both in pdf and in an editable ‘word’ version in the correct section.



11. Service of process in terms of the uniform rules of Court remains strictly enforceable. Practitioners are referred to paragraphs 196 to 200 below. Electronic uploading of properly served pleadings/ notices/ legal process shall be regarded as compliant filing as contemplated in the Rules of Court. Such filing by uploading of served pleadings/documents/process must strictly comply with the Rules of Court as to time limit and time of day on that Court day. NO filing of hardcopy pleadings and other documents shall be allowed. The exception shall be where the Party(s) is unrepresented or in respect of urgent applications, as more fully set out herein below or in the Tax Court wherein the provisions of the Tax Administration Act (TAA) read with the Uniform Rules of Court apply.
  
12. Upon inviting Registrar's Office profiles to cases:
  - 12.1 Parties are directed to only invite the relevant Registrars' Office profile for specific types of matters as set out in this Directive and **not** to invite more than one or unrelated or irrelevant Registrar's Office profiles to their matters. Where this practice is noticed, the Registrar's Office is permitted to un-invite all the Registrars' Office profiles invited to a case.
  
  - 12.2 Parties are directed to only invite the relevant Registrars' Office profile between 09:00 and 15:00. The Registrar is to un-invite the designated profile from the CaseLines file if invitations are done outside of the prescribed hours to enforce compliance with Rule 3 of the Uniform Rules of Court.
  
  - 12.3 **Parties are directed to give the Registrars' Office profile all case permissions.**
  
  - 12.4 Registrars and Registrar's Clerks are to manage the designated CaseLines profiles diligently to ensure that matters are attended to timeously. CaseLines has a 'refresh' function to assist in noticing and attending to all developments and activities taking place in CaseLines files.
  
13. When applying for a hearing date, the litigating party or its legal representative shall complete and upload a date application form (as per the example annexed to this Directive) together with the Directive Compliance declaration in terms of paragraph 6



above prior to inviting the relevant Registrar's Office profile. The Registrar shall in turn record the date allocated to the matter on the date application form whereafter it will be uploaded to the electronic case file on CaseLines. The hearing date of the matter shall also be noted on the electronic case file on the platform and where the hearing date differs from the date recorded on the date application form, the allocated date recorded on the date application form shall be confirmed as the date of set down. The setting down of matters shall be done as set out further in this Directive. Under no circumstances are legal practitioners and litigants permitted to record dates of hearing on the forms, this is strictly a Registrar function and where legal practitioners and litigants are found to have done this they will be reported for gross professional misconduct and the matters involved being struck off or removed with costs.

## SETTING DOWN OF CIVIL TRIALS AND RELATED CASE TYPES

14. In category Y-matters, upon compliance with Practice Directive 2 of 2019, the relevant Form 5 application for a certificate of trial readiness or Form 6 application for Judicial Case Management Conference hearing date must be uploaded to the electronic file in a Section named after the form uploaded. A request for a Judicial Case Management Conference sent to the designated email address one day prior to this Directive taking effect and not yet responded to, shall be disregarded. The invite must be dealt with as set out herein.
15. The Plaintiff's legal representative must invite the Judicial Case Management Conference office to the electronic case file:
  - 15.1 In Pretoria: [JCMform5PTA@judiciary.org.za](mailto:JCMform5PTA@judiciary.org.za) for Form 5 applications for a certificate of trial readiness; and [JCMform6PTA@judiciary.org.za](mailto:JCMform6PTA@judiciary.org.za) for Form 6 application for Judicial Case Management Conference hearing date.
  - 15.2 In Johannesburg: [JHBpretrial@judiciary.org.za](mailto:JHBpretrial@judiciary.org.za) for Form 5 and Form 6 Applications.
  - 15.3 In the Tax Court: [registrartaxcourt@sars.gov.za](mailto:registrartaxcourt@sars.gov.za).



16. Upon receipt of this invitation, the Registrar will review the application for compliance and shall insert the Case Management Conference (judicial pre-trial) hearing date on the electronic case file. The Registrar may communicate non-compliance with Practice Directive 2 of 2019 and/or other defects and/or discrepancies by email or on the case file using CaseLines Notes.
17. The Registrar shall place the Form 5 and Form 6 category Y-matters on the Court roll and invite both the Judge's Secretary and the allocated Judge to the electronic case file, where after the Registrar shall un-invite the office profile from the case.
18. Upon the certificate of trial readiness being issued in Form 5 and Form 6 category Y-matters, the Judge's Secretary shall upload the certificate, endorse the case file cover (front page) and un-invite the Judge and the Judge's Secretary.
19. Upon the certificate being uploaded, the Plaintiff's legal representative may apply for a trial date by uploading the said application with a blank space for the Registrar to include a date in the correct section and invite the civil trials office to the electronic file. In the Tax Court, an application of a trial date will be sent to the office of the Registrar of the Tax Court. The Registrar of the Tax Court will confirm the date by sending a Notice of set down to both Pparties by email as prescribed by the rules of the Tax Administration Act. The Registrar will upload the Notice of set down to the electronic case file on CaseLines.
20. Application for trial dates sent to the designated email address one day prior to this Directive taking effect and not yet responded to, shall be disregarded. The date application must be dealt with as set out herein. This CaseLines invitation to the civil trials office must be sent to:
  - 20.1 In Pretoria: [CivilTrialApplicationsPTA@judiciary.org.za](mailto:CivilTrialApplicationsPTA@judiciary.org.za)
  - 20.2 In Johannesburg: [JHbciviltrials@judiciary.org.za](mailto:JHbciviltrials@judiciary.org.za)
  - 20.3 In the Tax Court: [registrartaxcourt@sars.gov.za](mailto:registrartaxcourt@sars.gov.za)



21. A law firm may submit a maximum of five (5) applications for a trial date per Court day subject to the provisions of paragraphs 154 to 156 below, keeping in mind the possibility that all applications for a trial date submitted on a particular day are likely to be enrolled for trial on one date.
22. Once the application for a trial date is received, the Registrar will allocate the trial date, upload the Form reflecting the allocated date and insert the date on the electronic file. The date appearing on the Form shall be deemed to be the correct date in the instance of a difference or dispute.
23. The Registrar shall simultaneously place the matter on the Court roll and invite both the roll-call Judge and the Judge's Secretary to the electronic case file where after the Registrar shall un-invite the office profile.
24. In non-Y matters, Form 4 applications for certification by the Registrar must be uploaded to the electronic file in the correct section, and the civil trials office invited to the case.
25. Application for Registrar Certification sent to the designated email address one day prior to this Directive taking effect and not yet responded to, shall be disregarded. The invite must be dealt with as set out herein. This invitation to the civil trials office must be sent to:
  - 25.1 In Pretoria: [CivilTrialApplicationsPTA@judiciary.org.za](mailto:CivilTrialApplicationsPTA@judiciary.org.za)
  - 25.2 In Johannesburg: [JHBCiviltrials@judiciary.org.za](mailto:JHBCiviltrials@judiciary.org.za)
26. Upon receipt of this invitation, the Registrar will review the application for compliance and will issue of a certification of trial readiness, if compliant. The Registrar shall thereafter upload the Registrar's certificate in the correct section. Thereafter, the Plaintiff's legal representative may apply for a trial date by following the process set out in paragraphs 16 to 19 above.



**JUDICIAL CASE MANAGEMENT MEETINGS (PRETORIA)  
CASE MANAGEMENT CONFERENCES (JOHANNESBURG)**

27. The name of the Judge allocated to hear specific cases and an email address as stipulated by that Judge shall be published to the Legal Practitioner(s) by the Judge's Secretary. Thereafter, all communication between the Parties and the Judge shall take place by email, with all communication copied to all Parties, or as otherwise directed by the Judge.
28. Upon establishing access to the files, on CaseLines, the Judge who is allocated to hear the matters shall exercise a discretion as to the manner in which the matters shall be dealt with, which may include one or more of the following options:
- 28.1 Publish a schedule of times during the day at intervals as determined at the Judge's discretion, at which a video-conference shall be convened;
- 28.2 Publish a list of times at which the Judge proposes to convene a video conference which the Judge shall host and shall send a link to the email addresses of the Counsel for each Party. Counsel must hold themselves ready to join such meetings at the stipulated time or as soon thereafter as the meeting may be convened;
- 28.3 Subject to any regulations or Ministerial directions which inhibit free movement of persons, where appropriate, direct that the matters shall be heard in a physical Court room, in which case the matter(s) may be staggered throughout the day at times stipulated by the Judge to reduce exposure to physical contact among persons;
- 28.4 Any other procedure that, at the discretion of the Judge, is deemed appropriate;



28.5 In addition, when a matter is not ripe for disposal because of the dislocations caused by the disaster management restrictions, to the necessary preparation of the matter or the briefing of Counsel:

28.5.1 the Parties may by agreement remove the matter from the roll by notice;

28.5.2 or the Judge seized of the matter may *mero motu* remove it from the roll;

28.5.3 in such a case the matter may be re-enrolled, without any adverse costs consequences, on application to the Registrar.

29. Furthermore, in category Y matters where the Parties have been unable to engage substantively about the matter and for that reason the Judicial Case Management Meeting/Case Management Conference cannot be effectively conducted, the matters shall be removed from the roll, subject to the following:

29.1 In Pretoria, the re-enrolment of the matter shall take place on the initiative of the Parties on five days' notice, whereupon the Registrar shall accommodate as early a set-down as is feasible.

29.2 In Johannesburg, the "45 day requirement" for an application for a Case Management Conference shall be relaxed where such a case management conference has been removed from the roll under these circumstances.

29.3 Prior to the allocation of a date for the re-enrolment of a Judicial Case Management Meeting/Case Management Conference, the Party is to upload an affidavit confirming that all the Parties have been contacted and that an engagement between the Parties was not possible or successful.

29.4 If the re-enrolled Case Management Conference cannot take place before the trial date, that trial date shall axiomatically be forfeited. In a case where, for



this reason, a trial date has been forfeited, the Registrar shall accommodate the Parties with a new trial date at the earliest time available.

30. The Plaintiff remains *dominus litis* and is responsible for ensuring the efficient disposal of the matter.

## THE CIVIL TRIAL ROLL CALL

31. There shall be no physical roll call. The current practice of civil trial allocation shall continue for the duration of the national state of disaster, Provided that where it is deemed appropriate by the roll call Judge, a virtual roll call may be convened with specific directives.

### Practice Note required

32. The Parties shall upload, in the correct section, a JOINT PRACTICE NOTE after a special pre-trial conference, at which the logistics of conducting the trial are addressed, was convened. If a Plaintiff cannot obtain cooperation from a Defendant, the Plaintiff must upload its own practice note and explain why a joint practice note was impossible to be composed. A Defendant may in this instance elect to upload its own practice note and explain why a joint practice note was impossible to be composed. Lack of cooperation by either Party shall attract punitive orders by the Court.
33. The practice note must be uploaded by not later than 5 court days before the set-down date. If no practice note is timeously uploaded, the matter shall automatically be removed and the date forfeited. If the practice note is non-compliant with the practice manual or this directive, the matter shall be automatically removed and similarly the date forfeited. This directive shall be strictly applied.
  - 33.1 In **Pretoria** this practice note shall be uploaded in the correct section and the correct office profile invited being [PTAPracticenotes@judiciary.org.za](mailto:PTAPracticenotes@judiciary.org.za).



- 33.2 In **Johannesburg** this practice note shall be uploaded in the correct section and the correct office profile invited being [SecretaryDJP@judiciary.org.za](mailto:SecretaryDJP@judiciary.org.za).
- 33.3 In the Tax Court this practice note shall be uploaded in the correct section and correct office profile invited being [registrartaxcourt@sars.gov.za](mailto:registrartaxcourt@sars.gov.za).
34. The practice note must, in addition to the information required in terms of the practice manual, address these issues: The names, email addresses and cell numbers of all Counsel. Counsel must hold themselves ready to receive a communication from a Judge or Judge's Secretary, during the four days until set down date.

### Settled matters

35. Matters that are enrolled on the Trial roll and which become settled should be removed from the trial roll. These matters should be set down on the Settlement Roll and shall be dealt with in the identical fashion to the Judicial Case Management Meetings/Case Management Conferences under the conditions described above.

### Pretoria

36. In Pretoria, settlements shall not be made orders of Court as part of the Civil Roll Call.
37. All settled RAF matters must be referred to the Settlement Roll by uploading the relevant documents in the correct section and inviting the relevant office profile [PTASettlementsRAF@judiciary.org.za](mailto:PTASettlementsRAF@judiciary.org.za). The settlement agreement must be accompanied by the deed of settlement and the joint memorandum of settlement. An order in respect thereof will then be made and thereafter uploaded to CaseLines.
38. All non-RAF matters that are settled must be uploaded to the correct section with an invite to the relevant office profile being [PTASettlements@judiciary.org.za](mailto:PTASettlements@judiciary.org.za) and must include the settlement agreement, a draft order in PDF and word format, and a practice note. The order will be transmitted by e-mail to the Parties.



39. In respect of any other matters which have become settled, and in which it is necessary to adduce evidence, e.g. to establish quantum of damages, the relevant evidence must be contained in an affidavit and annexed together with a draft order in word format, to the practice note. Any submissions that Counsel believes are necessary to advance must be contained in the practice note. If the Judge deems it necessary, Counsel shall be contacted to make further submissions in the event this is required. These can also be uploaded to the relevant section and the office profile to be invited being [PTASettlements@judiciary.org.za](mailto:PTASettlements@judiciary.org.za). Any order made or granted will be uploaded to the electronic case file on CaseLines.

### Johannesburg

40. In Johannesburg, in respect of “Y” matters, a statement must be made that the matter is settled, or settlement negotiations are ongoing, and the matter is therefore to be removed from the Trial roll so that the Plaintiff can apply to enrol the matter in the Settlements and Consent Orders Court roll. Settlements shall not be made orders of Court as part of the roll call or Trial court roll and no costs orders shall be made for the enrolment and appearances at the roll call.
41. Category “C” “D” “P” and “F” matters that are settled before the set down date, in terms of this directive, must:
- 41.1 be removed from the trial roll and set down for disposal in the Settlements Court;
- 41.2 and any such matter that is removed from the civil trial roll for not being ready on that set-down date (as described in paragraph 49 hereof,) and where subsequent thereto the matter becomes settled, the matter shall be enrolled in the Settlements Court for disposal.
42. The practice note must be uploaded in the correct section with an invite to the relevant office profile being [JHbciviltrials@judiciary.org.za](mailto:JHbciviltrials@judiciary.org.za) accompanied by the deed of settlement and a draft order in word format. An order in respect thereof shall be made and uploaded to the matter’s profile on CaseLines.



43. In respect of any matter which has become settled, and in which it is necessary to adduce evidence:

43.1 e.g., to establish the quantum of damages, the relevant evidence must be contained in an affidavit and annexed, together with a draft order in word format, to the practice note.

43.2 Any submission that Counsel believes are necessary to advance must be contained in the practice note. If the Judge deems it necessary, Counsel shall be contacted to procure further submissions.

44. In settled divorce matters, the directives set out in paragraphs 119 to 135 of this Directive shall apply.

45. An order in respect thereof shall be made and uploaded to the electronic case file on CaseLines.

#### Tax Court

46. The settlement agreements will be dealt with in terms of the provisions of Tax Administrative Act read with the Uniform Rules of Court.

#### Matters ready to go to trial

47. All matters in which the Parties are ready and wish to proceed to trial, the Parties must indicate in the practice note:

47.1 what arrangements they have put in place for the disposal of the matter; and

47.2 what evidence can be adduced on affidavit.



48. The Judge allocated to deal with the matter shall communicate via email, or otherwise, with the Counsel. In this regard Counsel must keep themselves available to be contacted.

#### Matters not ripe to go to trial

49. No matter of any kind will be stood down until later in the day. Where matters are not ready for trial, they shall be removed from the roll. Should a matter later become settled, it may be enrolled:

49.1 in Pretoria on the Settlements Roll; and

49.2 in Johannesburg, in the Settlements Court,

and should not be re-enrolled on the civil trial roll.

50. Where the sole controversy between the Parties is liability for costs, such question shall be reserved for decision at a later date and shall not be dealt with as part of the civil trial roll process.

51. Civil Trial allocations shall be published by the Secretary of the DJP/ADJP, at least two days before the trial date, by email to the professional bodies and to the Parties' Attorneys at the email address given in the practice note.

#### Matters crowded out

52. If any matters ripe for trial cannot be allocated to a Judge, the matter shall stand over until the next Court day. It will not be necessary to replicate the practice note except where the Parties no longer require a Judge to be allocated, in which case the Secretary of the DJP/ADJP shall be notified by email thereof.



## Litigants in person

53. In those cases where a Party appears in person:

53.1 and goes to the Court building, that litigant shall approach the designated official at the Court building who shall render assistance to that litigant through the use of the virtual Courtroom, or otherwise assist as directed by the Judge seized with the matter. A notice to this effect shall be posted in the foyer of the Court by the Judge's Secretary.

53.2 and if such litigant's contact details are known, the Secretary of the Judge to whom the matter is allocated or the Registrar of the Tax Court, shall endeavour to make contact to communicate the relevant information. Where such litigant has personal access to teleconferencing facilities the necessary link may be set up accordingly, if the Judge so directs.

## Removal at instance of the Parties before the due date, for filing a practice note

54. If the Parties to any matter jointly agree not to deal with the matter under these conditions, the Parties must, to enable the Civil Trials Registrar or the Registrar of the Tax Court (where applicable) to compose the correct roll, at least 5 clear court days before the trial set-down date, formally remove the matter from the roll, uploaded in the correct section, with an invite to the relevant office profile being:

54.1 In Pretoria at: [CivilTrialremovalsPTA@judiciary.org.za](mailto:CivilTrialremovalsPTA@judiciary.org.za)

54.2 In Johannesburg at: [JHbciviltrials@judiciary.org.za](mailto:JHbciviltrials@judiciary.org.za)

54.3 In the Tax Court: [registrartaxcourt@sars.gov.za](mailto:registrartaxcourt@sars.gov.za)

55. No costs orders shall be made for removal of a matter in respect of paragraph 53, save by agreement between the Parties.



56. Upon conclusion of a civil trial matter, the Judge's Secretary shall endorse the case file cover (front page) and, if applicable, invite the Chief Typist in order to generate the typed Court Order. Once the order is typed, the Chief Typist shall invite the scanning section in the Registrar's office to the case.
57. The typed order shall be signed by the Registrar where after it shall be uploaded to the electronic case file.
58. This uploaded order shall be the original order and no signed orders will be provided on paper.

## **TRIAL INTERLOCUTORY COURT**

### **Pretoria:**

59. All matters on the Trial Interlocutory Court Roll shall be dealt with as part of the Unopposed Roll under the conditions described above. Only applications with trial dates may be enrolled in this Court roll. Applications for trial matters without a trial date must be enrolled in the Motion Interlocutory Court.

### **Johannesburg:**

60. All matters on the Trial Interlocutory Court Roll shall be dealt with in the identical procedure to the Unopposed Roll in the Trial Interlocutory Court. Applications relating to trials, with and without trial dates, may be enrolled in this Court. Ordinary interlocutory applications not relating to civil trials must be enrolled on the unopposed motion roll or SJ43 roll as the case may be.

### **In the Tax Court:**

61. All Interlocutory matters shall be dealt with in the Tax Court Roll.



**CIVIL TRIALS OF LONG DURATION (6 TO 9 DAYS), SPECIAL CIVIL TRIALS (10 DAYS OR LONGER), COMMERCIAL COURT CASES, TAX COURT MATTERS, SPECIAL MOTIONS AND SURROGACY MATTERS:**

62. After pleadings have closed the legal representative of the Applicant/ Plaintiff must invite the designated email address for the Office of the Deputy Judge President / the Registrar of the Tax Court (where applicable) to the electronic case file:

62.1 In Pretoria: [PTASpecialtrials@judiciary.org.za](mailto:PTASpecialtrials@judiciary.org.za)

62.2 In Johannesburg: [SecretaryDJP@judiciary.org.za](mailto:SecretaryDJP@judiciary.org.za)

62.3 In the Tax Court: [registrartaxcourt@sars.gov.za](mailto:registrartaxcourt@sars.gov.za)

63. The Office of the Deputy Judge President / the dedicated Registrar of the Tax Court (where applicable) must upload the designation or certification of the matter as a special civil trial or Commercial Court case or Tax Court matter to the electronic file, invite the Judge seized with the matter, update the hearing date if applicable and uninvite the Office of the Deputy Judge President.

**64. Surrogacy applications**

64.1 The Applicant/its representative must follow the normal procedure as set out herein with regards to the issuing of the application;

64.2 The Applicant must create the electronic case file on CaseLines using only the case number and Parties' initials and must NOT upload any documents pertaining to the matter on the case file until directed to do so;

64.3 The Applicant must thereafter contact the Office of the Deputy Judge President via email for directions on the the further handling of the matter.



## LEAVE TO APPEAL AND CIVIL APPEALS

65. Once the Application for Leave to Appeal or Notice of Appeal together with the proof of service has been uploaded in the correct section, the Applicant's legal representative must invite the Registrar of Appeals to the case file:
- 65.1 In Pretoria: [LTApTA@judiciary.org.za](mailto:LTApTA@judiciary.org.za) for leave to appeal
- [CivilAppealsPTA@judiciary.org.za](mailto:CivilAppealsPTA@judiciary.org.za) for appeal
- 65.2 In Johannesburg: [JHBAppeals@judiciary.org.za](mailto:JHBAppeals@judiciary.org.za)
- 65.3 In the Tax Court: [registrartaxcourt@sars.gov.za](mailto:registrartaxcourt@sars.gov.za) for leave to appeal as prescribed by the Tax Administration Act read with the Uniform Rules of Court.
66. All applications for leave to appeal of matters heard in the Gauteng Division of the High Court, Pretoria and Johannesburg; in which Acting Judges presided, should in addition to the process referred to in paragraph 65 be filed per email to [JP.Gauteng@judiciary.org.za](mailto:JP.Gauteng@judiciary.org.za).
67. The Registrar of Appeals shall review the documents for compliance and completeness. The Registrar may communicate non-compliance and/or other defects and/or discrepancies by email or on the case file using CaseLines Notes.
68. The Registrar shall thereafter invite the Judge who presided over the matter and the Judge's Secretary to the electronic case file and un-invite the office profile.
69. The Judge's Secretary shall insert the hearing date on the electronic file.
70. The Presiding Judge shall exercise a discretion regarding the appropriate mode of hearing to address the application.
71. Upon disposal of the leave to appeal, the Judge's Secretary shall endorse the case file cover (front page) and invite the Chief Typist in order to generate the typed Court



Order. Once the order is typed, the Chief Typist shall invite the appeals office to the case.

72. The typed order shall be signed by the Registrar where after it shall be uploaded to the case file. The uploaded order shall be the original order and no signed orders will be provided on paper.

73. Should leave to appeal be granted, the legal representative for the appellant must amend the case number to reflect the letter A, e.g. A2005/44; A2012/123; A2019/93222; etc. For appeals emanating from the lower Court, the generic case number for appeals should be used:

73.1 In Pretoria: A000PTA

73.2 In Johannesburg: A000JHB

74. The Registrar of Appeals shall allocate an appeal case number and change the case number on the electronic case file.

75. The legal representatives must each upload all necessary documents, including proof of service, Heads of Argument and Practice Note.

76. The Registrar shall review the documents for compliance and completeness. The Registrar may communicate non-compliance and/or other defects and/or discrepancies by email or on the case file using CaseLines Notes.

77. Upon allocation of an appeal date, the Registrar shall record the date on the electronic file. Notices and correspondence issued by the Registrar may be sent by email or uploaded to the electronic case file.

78. As soon as the Judges to whom the appeal is allocated are known, the Registrar must invite the Judges' Secretaries to the case file and un-invite the office profile.



## BAIL APPEALS

79. A bail appeal shall, after consultation with the Director of Public Prosecutions, be initiated by email to the Registrar:

79.1 In Pretoria: [BBhana@judiciary.org.za](mailto:BBhana@judiciary.org.za)

79.2 In Johannesburg: [SiNkosi@judiciary.org.za](mailto:SiNkosi@judiciary.org.za)

80. The Registrar shall create the matter on CaseLines and invite the Clerk of the Magistrate's Court to the matter. The Clerk of the Court shall ensure that the record and all relevant documents are uploaded to CaseLines.

81. The Director of Public Prosecutions shall liaise with the Registrar and the Senior Judge responsible for Criminal Trial matters and/or the ADJP concerning the allocation of a Judge to hear the matter.

82. The allocated Judge shall exercise a discretion about an appropriate mode of hearing to address the application.

## APPEALS GENERALLY

83. All enrolled appeals shall be disposed of without an oral hearing in open Court, pursuant to section 19(a) of the Superior Courts, and the Court shall rely only on the heads of argument filed; subject to the following:

83.1 If both Parties agree, an appeal may be removed from the roll. There shall be no costs order.

83.2 If the Counsel for any Party wishes to supplement the papers with additional submissions, the submissions must be made in a practice note uploaded in the correct section and sent by email to the Secretary of the presiding Judge if so



directed by the presiding Judge, with all other Parties copied into all email correspondence, at least two Court days before the date of the set down.

83.3 If the Counsel for any Party wishes to make oral submissions, that wish must be stated in the practice note and the broad ambit thereof be stated.

83.4 The Presiding Judge shall exercise a discretion as to the disposal of the matter and may issue ad hoc directives which may include, inter alia, one or more of these options:

83.4.1 A hearing using video conferencing techniques; where this option is chosen, the Presiding Judge or Judge's Secretary shall organise the setting up of a video conference as host, and shall send a link to all Parties for a meeting at a time and date stipulated by the Presiding Judge.

83.4.2 After the end of the lockdown period, a physical Court hearing, if appropriate in the circumstances.

83.4.3 Any other procedure or technique that may afford an elimination or limitation of the risk of physical proximity among the people involved, including, e.g., interrogatives sent to the Parties by email or other means.

84. Any queries by any Party must be made by email only and addressed to the presiding Judge via the Judge's Secretary and copies sent to the other Parties.

85. The Appellant remains *dominus litis* and is ultimately responsible for the efficient disposal of the appeal.

86. Upon disposal of the appeal, the Judge's Secretary to the Judge who is assigned writing of the judgment, shall endorse the case file cover (front page). Once the judgment is handed down, the same Judge's Secretary shall endorse the case file



cover (front page), upload the judgment and invite both the appeals office and the Chief Typist in order to generate the typed Court Order.

87. The typed order shall be signed by the Registrar where after it shall be uploaded to the electronic case file. The uploaded order shall be the original order and no signed orders will be provided on paper.
88. Criminal Appeals, save for appeals emanating from the Magistrates Court, are exempt from uploading to CaseLines to enjoy judicial attention until further notice. With regards to appeals from the lower Court, the Registrar shall create the matter on CaseLines and invite the Clerk of the Court to the matter. The Clerk of the Court shall ensure that the record is uploaded to CaseLines.

## SETTING DOWN OF APPLICATIONS

89. A notice for a request for a hearing date/provisional hearing date, containing the correct case information e.g. case number and Parties' details, must be done per the Rules of Court, only on Court days and between the hours of 09:00 to 15:00. A request for a hearing date/provisional hearing date sent to the designated email address one day prior to this Directive taking effect and not yet responded to, shall be disregarded. The invite must be resent as set out herein. This is done by uploading a notice of set down with the blank space for a date, and by inviting the relevant office to the case on the CaseLines system as follows:

89.1 In Pretoria:

[PTAUdivorceapplications@judiciary.org.za](mailto:PTAUdivorceapplications@judiciary.org.za) for unopposed divorce, opposed or unopposed Rule 43, guardianship and summary judgment applications;

[PTAUdefaultapplications@judiciary.org.za](mailto:PTAUdefaultapplications@judiciary.org.za) for Rule 31(2) default judgment applications;



[PTAUinsolvencyapplications@judiciary.org.za](mailto:PTAUinsolvencyapplications@judiciary.org.za) for liquidation rehabilitation, sequestration and surrender of estates;

[PTAUotherapplications@judiciary.org.za](mailto:PTAUotherapplications@judiciary.org.za) for all other unopposed applications, including ex-parte, interlocutory applications not related to a trial, Rule 46, applications to compel;

[PTAUtrialsinterlocutory@judiciary.org.za](mailto:PTAUtrialsinterlocutory@judiciary.org.za) for interlocutory applications related to trial and for interlocutory applications in terms of Rule 46(11);

[AdmissionsPTA@judiciary.org.za](mailto:AdmissionsPTA@judiciary.org.za) for admission of legal practitioners; and

[PTAOEnrolment@judiciary.org.za](mailto:PTAOEnrolment@judiciary.org.za) for opposed applications.

89.2 In Johannesburg:

[JHBUprovisional@judiciary.org.za](mailto:JHBUprovisional@judiciary.org.za) for unopposed applications, unopposed divorce, opposed and unopposed Rule 43, unopposed Summary Judgment, *ex parte* applications, interlocutory applications not relating to a civil trial with a trial date;

[JHBOEnrolment@judiciary.org.za](mailto:JHBOEnrolment@judiciary.org.za) for opposed applications, opposed Summary Judgment; and

[JHBadmissions@judiciary.org.za](mailto:JHBadmissions@judiciary.org.za) for trial interlocutory applications and admission of legal practitioners.

89.3 In the Tax Court:

[registrartaxcourt@sars.gov.za](mailto:registrartaxcourt@sars.gov.za) for all Tax Court Appeals, Unopposed and Opposed matters and Interlocutory applications.



90. Should the request/application for a hearing date/provisional hearing date be in order and approved, the respective Court official must enter the hearing date and where applicable, clearly marked as “provisional” date on the electronic file.

91. Upon compliance with the Uniform Rules of Court and applicable Practice Directives, the Applicant’s legal representative must no later than the time periods stipulated in paragraphs 93 or 94 below, as the case may be, upload the computerized set down notice, which must correspond with the Registrar’s Provisional Roll, in the correct section titled “Final notice of set down” on the case file and invite the enrolment office to the case:

91.1 In Pretoria:

[PTAUEnrolment@judiciary.org.za](mailto:PTAUEnrolment@judiciary.org.za) for unopposed applications; and

[PTAOEnrolment@judiciary.org.za](mailto:PTAOEnrolment@judiciary.org.za) for opposed applications

91.2 In Johannesburg:

[JHBUEnrolment@judiciary.org.za](mailto:JHBUEnrolment@judiciary.org.za) for unopposed applications;

[JHBOEnrolment@judiciary.org.za](mailto:JHBOEnrolment@judiciary.org.za) for opposed applications; and

[JHBadmissions@judiciary.org.za](mailto:JHBadmissions@judiciary.org.za) for trial interlocutory applications and admission of legal practitioners.

92. The Registrar will review the computerized set down notice for compliance with the relevant timeframes in the Uniform Rules of Court and applicable Practice Directives; and confirm the final enrolment and Hearing Date by noting the description of the roll whereon the matter is enrolled. The Registrar may communicate defects and/or discrepancies by email or on the case file using CaseLines Notes.



93. The unopposed motion roll shall close at noon seven (7) clear court days preceding the hearing date. Each law firm may enrol a maximum of five (5) matters on the unopposed motion roll per day subject to the limitation in paragraphs 154 to 156 hereof. To optimize service delivery attorneys are encouraged to set down matters in advance of the date on which the roll closes.
94. The opposed motion roll shall close at noon twenty (20) clear Court days preceding the hearing date. Any matter that is not uploaded to CaseLines shall not be placed on the Opposed Motion roll. Matters in which an opposed motion date hearing date is sought must contain a full set of all relevant pleadings and documents in the uploaded case file. Each law firm may enrol a maximum of five (5) matters on the opposed motion roll per day subject to the limitation in paragraphs 154 to 156 hereof.
95. The Registrar shall place the matter on the Court roll and invite the Judge's Secretary to the electronic file. The Registrar shall un-invite the office profile from the case. The Judge's Secretary shall invite the Judge. Before the hearing date, the Judge's Secretary shall take note of any filed notices of withdrawal, illegal eviction applications, and of matters removed by notice.
96. The Judge's Secretary must implement the bundle freeze date when the time period for filing of documents has expired per applicable Practice Directives but at least not later than five (5) clear Court days before the enrolment date. Practitioners/legal representatives may not alter or request alteration of the bundle freeze date in order to upload documents out of time. Where a Judge establishes from the CaseLines audit trail that a practitioner uploaded documents out of time without condonation having been granted for such late filing, the matter may be struck from the roll and a cost order *de bonis propriis* may be made against the errant practitioner.
97. Draft orders must be uploaded in word and PDF format. Draft orders that are granted by a Judge must be amended by the Judge's Secretary to read "Court order" prior to the Judge's signature being affixed. The order signed by the Judge must be stamped and signed by the Registrar prior to the Judge's Secretary uploading the order to the electronic file. No order will be typed by the Court typist to accompany an order so signed by a Judge. Sheriffs should be invited to the electronic file to verify the



authenticity of an order for service. In exceptional circumstances, where an order must be typed by the Court typist, the Judge's Secretary shall invite the Chief Typist to the case upon disposal of the matter to generate the typed Court Order. The turnaround time for the uploading of stamped and signed Draft Orders by the Judge's Secretary shall be no longer than 7 court days.

## THE OPPOSED MOTION COURT

98. The Parties must use the attached date application form when requesting dates for hearing for Opposed Motions. The form is to be completed and uploaded to the case file on CaseLines, in the correct section, once the case bundle is uploaded. The Registrar shall thereafter note the allocated date on the electronic case file.
99. Not more than 50 opposed motions and 10 opposed summary judgments may be enrolled per roll per week and each law firm is allowed not more than five (5) matters per week.
100. Only matters that have been uploaded on CaseLines shall be enrolled for hearing. Legal representatives in non-compliant matters shall be given an opportunity to proffer an explanation, to the Senior Judge, as to why that was not possible by no later than 12 court days before the hearing of the matter. If the explanation is not satisfactory, the matter may be removed from the roll. The Senior Judge shall exercise a discretion as to the use of another method of presentation of the papers, whether by email or in physical form.
101. The Judge allocated an Opposed Motion matter shall, not later than five ordinary days before the week in which the matter is set down, notify the Parties by email that he/she is seized with the matter, issue such ad hoc directives as are appropriate and all further communication about the matter must be done, by email or as directed by the Judge, only to the email address stipulated by the Judge.



102. All opposed motions set down during the term shall be disposed as follows:

102.1 If both Parties agree, an opposed motion may be removed from the roll. There shall be no costs order for removal of a matter, except if agreed otherwise between the Parties.

102.2 The Parties shall endeavour to agree about whether the matter may be disposed of without oral argument; if agreed, Counsel for any Party who wishes to supplement the papers with additional written submissions must do so in a practice note as described in paragraph 104 hereof, uploaded to CaseLines and sent by email to the email address designated by the Judge or to the Judge's Secretary, by not later than 7 court days before the week in which the matter is set down.

103. If no agreement is reached about forgoing oral argument, that must be communicated to the Judge in a practice note uploaded to CaseLines and sent by email, not later than 5 court days from the date on which the matter is set down, and a hearing shall take place as directed by the Judge seized with the matter, which may include one or more of the following options:

103.1 A hearing using video conferencing techniques may be convened; where this option is chosen, the Presiding Judge or Judge's Secretary shall organise the setting up of a video conference as host, and shall send a link to all Parties involved for a meeting at a time and date stipulated by the Presiding Judge;

103.2 Any other procedure or technique that may afford an elimination or limitation of the risk of physical proximity among the people involved.

104. In any opposed motion or special motion, Counsel for the several Parties must hold a pre-hearing conference and prepare a joint practice note setting out:

104.1 the relevant factual chronology,

104.2 common cause facts,



104.3 issues requiring determination,

104.4 relevant portions of the papers to be read,

104.5 whether or not the parties have agreed to forgo an oral hearing,

104.6 whether supplementary submissions are expected in the event that the matter will be heard on paper,

104.7 an updated estimate of the duration of the hearing,

104.8 and other matters relevant for the efficient conduct of the hearing, to present to the Judge seized of the matter.

105. The joint practice note should be uploaded to the case file on CaseLines and also transmitted by email to the email address designated by the Judge, no later than 5 Court days prior to the hearing date, to the Judge in order to facilitate, where necessary, a pre-hearing conference with the Judge.

106. At the same time, the parties must upload onto CaseLines an updated Index with cross-referencing to CaseLines page numbers.

107. Any queries by any Party must be made by email only and addressed to the Presiding Judge via the Judge's Secretary or dedicated Registrar of the Tax Court (where applicable), with all other Parties copied into all email correspondence.

108. In those cases where a Party appears in person:

108.1 that litigant shall approach the designated official at the Court building who shall render assistance to that litigant through the use of the virtual Courtroom. A notice to this effect that shall be posted in the foyer of the Court by the Judge's Secretary.



108.2 or, where such a litigant's contact details are known, the Secretary of the Judge shall endeavour to make contact to communicate the relevant information. Where such litigant has personal access to teleconferencing facilities a link may be set up accordingly, if the Judge so directs.

109. The Applicant remains *dominus litis* and is ultimately responsible for the efficient disposal of the application.

110. The Order and the Judgment shall be communicated to the Parties by email by the allocated Judge and uploaded on to the CaseLines file of the respective matter. The Judge's Secretary or dedicated Registrar of the Tax Court (where applicable) shall endorse the case file cover (front page) and invite the Chief Typist in order to generate the typed Court Order. Once the order is typed, the Chief Typist shall invite the scanning section in the Registrar's office to the case. The typed order shall be signed by the Registrar where after it shall be uploaded to the electronic case file. This uploaded order shall be the original order and no signed orders will be provided on paper.

## THE UNOPPOSED MOTION COURT

111. The Parties requesting a date of hearing must use the attached date application form. The form is to be completed and uploaded to the matter on CaseLines once the case bundle is uploaded. The Registrar shall thereafter note the allocated date on the electronic case file.

112. Not more than 60 matters may be enrolled per roll per day and each law firm is allowed not more than five (5) matters per day.

113. These directives apply to all unopposed matters. Opposed or unopposed Rule 43 applications shall be dealt with on the same basis as unopposed motions, in the Rule 43 Court roll, in particular paragraph 3 of the Practice Directive 2 of 2020.



114. A practice note is required for the disposal of the matter:

114.1 The applicant must upload a practice note onto CaseLines in a separate and clearly distinguished section and, if so, directed by the Judge, send it by email to the email address stipulated by the Judge. This must be done no later than one full court day before the allocated date of the hearing. The purpose of the practice note is to assist the court in the efficient disposal of the matter.

114.2 The practice note must set out whether the matter may be disposed of on the papers in their absence or whether they require an oral hearing and make whatever submissions they deem relevant and important for the disposal of the matter.

114.3 If an Applicant wishes to contribute any written submissions about the unopposed matter, such written contribution should be included in the practice note.

114.4 If an Applicant takes the view that an oral hearing is necessary, that view must be stated in the practice note referred above. The mode of disposal of unopposed motions shall be via a virtual mode provided that the Judge seized with the matter retains a discretion to issue *ad hoc* directives as to the manner of disposal.

114.5 The practice note must give an email address and cell number of the Legal Practitioner/Counsel moving the matter to enable the Judge to make contact about an oral hearing by video conference or otherwise, and also to facilitate resolution of any query, by the Judge, that might need to be addressed to the Legal Practitioner/Counsel for input.

115. A Respondent who, despite being late to do so, wishes to oppose the granting of an order, must communicate that fact by uploading the necessary notice to the casefile on CaseLines and by email to the Secretary of the allocated Judge, with all other Parties copied into all email correspondence, and otherwise comply with this directive.



116. A Respondent who appears in person and who goes to the Court building shall approach the designated official at the Court building who shall render assistance to that litigant through the use of the virtual Courtroom. A notice to this effect shall be posted in the foyer of the Court by the Judge's Secretary. Where the relevant contact details are known prior to the hearing date, the Secretary of the Judge or dedicated Registrar of the Tax Court (where applicable) shall endeavour to make contact with the Respondent to communicate the relevant information concerning the manner of the hearing to the Respondent. Where personal access to teleconferencing facilities is chosen as the mode of disposal of the matter, an appropriate link may be set up, this may be done as the Judge directs. Counsel or the Attorney for an Applicant must at once when it becomes known that there is opposition, regardless of its merits, communicate that fact to the allocated Judge.
117. Draft orders shall be uploaded in PDF and Word format. Once granted, hard copies of the signed orders shall be created by the Judge and one copy shall be retained by the Judge, and another copy taken by the Judge's Secretary to the Registrar for signature.
118. The Judge's Secretary or dedicated Registrar of the Tax Court (where applicable) shall endorse the case file cover (front page) and shall upload the order signed by the Registrar to the electronic case file and where applicable, shall email it to unrepresented litigants who do not have access to CaseLines. This uploaded order shall be the original order and no signed orders will be provided on paper.

## **DIVORCES IN PRETORIA AND IN JOHANNESBURG**

119. These directives apply for the rest of 2020 and beyond and will in addition regulate the hearing of unopposed divorces after the national state of disaster has ended.

### **Pretoria**

120. Divorces in Pretoria shall continue to be dealt with in the Unopposed Motion Court under the conditions described above.



## Johannesburg

121. Divorces in Johannesburg shall continue to be dealt with on Fridays in the Divorce Court.

## Mode of hearings of unopposed Divorces in Pretoria and in Johannesburg

122. There are three categories of unopposed divorce matters, and the roll shall, as far as possible, be clearly demarcated:

122.1 Matters not involving minor children.

122.2 Matter involving minor children.

122.3 Matters in which the Party is unrepresented.

### Category A:

123. All matters that do not involve minor children *must* be dealt with by adducing evidence on affidavit and no Party shall testify in person, save where the Judge orders otherwise.

124. A practice note must be uploaded to CaseLines and submitted with the set down notice.

125. The practice note must include reference to:

125.1 submissions, if any, by Counsel for the Party;

125.2 a request, if any, to make oral submissions;

125.3 an affidavit from the Plaintiff, alternatively, the Attorney of record setting out the relevant evidence;



125.4 a certified copy of the settlement agreement;

125.5 a certified copy of the marriage certificate;

125.6 and a draft order in word format which must contain the name, email and cell phone details of Counsel, if any.

126. Where filing the practice note with the set-down is not possible, the practice note may be submitted and uploaded to CaseLines at any time before or on the date of set down.

127. Counsel must keep themselves available to be contacted on the date of set down by email or cell phone.

128. The matters shall be disposed of at the discretion of the allocated Judge, in respect of which ad hoc directives may be issued, which may include:

128.1 Disposal without an oral hearing;

128.2 Disposal during a video conference which the Court must host;

128.3 Disposal at a physical traditional hearing.

**Category B:**

129. All matters that do involve minor children *must* be dealt with by adducing evidence on affidavit and no Party shall testify in person, save where the Judge orders otherwise.

130. A practice note must be uploaded to CaseLines and submitted with the set down notice.

131. The practice note must include reference to:

131.1 submissions, if any, by Counsel for the Party;



- 131.2 a request, if any, to make oral submissions;
- 131.3 an affidavit from the Plaintiff, alternatively, the Attorney of record setting out the relevant evidence, which must address in detail the arrangements contemplated for the minor children and the views or endorsement of the Family Advocate, if any;
- 131.4 a certified copy of the settlement agreement;
- 131.5 a certified copy of the marriage certificate;
- 131.6 and a draft order in word format containing the name, email and cell details of Counsel, if any.

132. Where filing the practice note with the set-down is not possible, the practice note may be submitted and uploaded to CaseLines at any time before or on the date of set down.

133. Counsel must keep themselves available to be contacted on the date of set down by email or cell phone.

134. The matters shall be disposed of at the discretion of the allocated Judge, in respect of which ad hoc directives may be issued, which may include:

134.1 Disposal without an oral hearing;

134.2 Disposal during a video conference which the Court must host;

134.3 Disposal at a physical traditional hearing.

### **Category C:**

135. Unopposed divorces in which the Party appears in person shall be disposed of at the discretion of the allocated Judge, in respect of which ad hoc directives may be issued, which may include:



135.1 Disposal during a video conference which the Court must host;

135.2 Disposal at a physical traditional hearing.

135.3 In those cases where an unrepresented Party:

135.3.1 goes to the Court building, that Party shall approach the designated official at the Court building who shall render assistance to that litigant through the use of the virtual Courtroom. A notice to this effect shall be posted in the foyer of the Court by the Judge's Secretary.

135.3.2 can be contacted because the relevant contact details are known, the Secretary of the Judge shall endeavour to make contact to communicate the relevant information concerning the manner of the hearing.

135.3.3 has personal access to teleconferencing facilities an appropriate link may be set up accordingly, as the Judge directs.

## **ISSUING OF PROCESS (NEW CASES)**

136. Each law firm may issue a maximum of 15 process per Court day by presenting the process to the issuing office.

137. To limit the number of persons gaining access to the Court building during the national state of disaster, each law firm may attend at Court for issuing only once per week, in which case the maximum of 15 process per Court day may be issued cumulatively on that one day. This means that law firms will bring process for issuing on one day of the week at the rate of the daily maximum of 15 matters times by the number of Court days in each particular week; e.g. 15 matters x 5 Court days means a law firm may bring 75 matters at one time, but only once in a week.



138. Issuing in line with the Directive shall be permitted between 9:00 and 13:00 and 14:00 and 15:00 in line with paragraph 137 above.
139. All Law Firms attending during the mentioned hours will be attended to on a first-come-first-served basis and a maximum of 5 persons will be allowed entry to access the issuing office. Tickets with printed numbers will be dispensed at the entrance of the Court and must be handed in at the issuing office upon entry. Persons who are awaiting dispensing of tickets will wait in line at the entrance and must observe social distance.
140. Persons bringing process for issuing must complete their name, the name of the firm and the number of process to be issued in the register provided.
141. Each new process for issuing must be accompanied by the opening sheet as contained in the Practice Manual and the form for trial matters as contained in Practice Directive 2 of 2019. The opening sheet and form for trial matters must be completed in full.
142. Except for urgent applications, NO firm may bring process for issuing more than once per week.
143. Process for issuing sent to the designated email address prior to this Directive taking effect must not be brought in person for issuing, provided that emails with process for issuing, sent one day prior to the date of publication of this directive will be disregarded. These must be dealt with in line with the directions in paragraphs 137 to 142 above.
144. Once process is issued and provided with a case number and stamped, the respective law firm or litigant bears the responsibility of creating that case on CaseLines in line with the directives in paragraphs 7.1 to 7.6 above.
145. The Tax Court:
- 145.1 the physical address for issuing process (New Cases) or service of documents is as follows:



Business Address:  
1st Floor, SARS, Khanyisa Building  
271 Nieuw Muckleneuk  
Brooklyn, Pretoria

145.2 the dedicated email address and CaseLines profile is:  
[registrartaxcourt@sars.gov.za](mailto:registrartaxcourt@sars.gov.za).

146. New process shall also be issued online on the CaseLines platform. This shall occur in a phased manner per directive addressed to law firms. The objective is to ensure that not all law firms will issue online at the same time but in time all law firms and other litigants will be directed to issue online. Only law firms issued with directives will be permitted to issue process online with effect from the dates stipulated in the directives. Once a Law Firm has been identified and directed to issue online, such Law Firm shall no longer be permitted to issue physically in the Court building.

147. Process issued on the CaseLines platform shall be issued in line with the directions set out in the following paragraphs.

## ISSUING OF NEW PROCESS ON CASELINES

148. In order to issue a new case, the Legal Representative initiating the process must create the case on CaseLines using the **High Court of South Africa** template with the case **name** being that of the parties to the case, e.g. DLAMINI, G vs DLAMINI, S; and **reference** being the generic case number for new cases:

148.1 In Pretoria: PTA000

148.2 In Johannesburg: JHB000

149. The Legal Representative must click **Get from Template** to populate the **Front Page**. No Party may add or modify any information on the Front Page. **It is for the Court Officials' Use Only!**



150. The **front page** must be completed by the designated court official with the correct citation of the respective Court in terms of Section 6 of the Superior Courts Act no 10 of 2013 as per Government Gazette No. 37390 dated 28 February 2014:

150.1 In Pretoria: “IN THE HIGH COURT OF SOUTH AFRICA”  
GAUTENG DIVISION, PRETORIA

150.2 In Johannesburg: “IN THE HIGH COURT OF SOUTH AFRICA”  
GAUTENG DIVISION, JOHANNESBURG

151. The initiating documents must be uploaded to the electronic case file. The issuing office must be invited to the case:

151.1 In Pretoria: [GeneralofficePTA@judiciary.org.za](mailto:GeneralofficePTA@judiciary.org.za)

151.2 In Johannesburg: [JHBissuing@judiciary.org.za](mailto:JHBissuing@judiciary.org.za)

152. The issuing office Registrar will allocate the new cases to staff members for issuing. The issuing office staff will peruse the citation and jurisdiction contained in the initiating document prior to affixing the digital stamp and allocating a case number. The generic case number will be replaced with the allocated case number, recorded with the year in full and without any 0 preceding the case number, e.g. 2005/44; 2012/123; 2019/93222; etc. except for the Tax Court where the 4-digit case number precedes the year, e.g. 0046/2020. The case number and parties must then be completed in full on the front page by the issuing staff member; where after the issuing staff members' access to the case will be removed.

153. The number of Summonses/Applications that each Law Firm shall be permitted to issue per day shall be fifteen (15). The effect of this provision is that each Law Firm can issue a maximum of fifteen (15) case initiating documents a day excluding Rule 6 (12) urgent applications.



## LIMIT ON NUMBER OF MATTERS TO BE ENROLLED

154. Each law firm may enrol a maximum of 5 matters per court roll per day.
155. The maximum number of matters enrolled by a law firm per day is limited to twenty (20) matters in total per day in respect of unopposed motions (inclusive of Rule 43 applications, Divorces, and unopposed Summary Judgement applications), interlocutory and admission applications, opposed motions (inclusive of opposed Summary Judgments), civil trials and Judicial Case Management matters.
156. In the Tax Court:
- 156.1 a maximum of 1 Opposed application may be enrolled per day;
- 156.2 a maximum of 5 Unopposed applications may be enrolled in this Court per day;
- 156.3 not more than 1 Tax Court Appeal matter may be enrolled per day.

## URGENT COURT

157. Hearings shall be conducted as directed by the presiding Judge.
158. Only where it is impossible to arrange a videoconferencing or alternative electronic means, the Judge seized with the matter may direct a hearing in which the representatives of the Parties may appear physically.
159. The issuing of case numbers for urgent applications should be dealt with in person between 08:00 and 16:00 on Court days subject to the stipulations of paragraphs 139 to 141 and 143 to 144 above.
160. The contact numbers for the After-Hours Urgent Court of the respective Courts are: Pretoria – 065 859 4819; Johannesburg – 081 727 7734 / 082 573 5233. These



numbers are operational on weekends and between 16:00 and 08:00 during the week. These numbers must **not** be used for general enquiries or for any issues not relating to a matter to be heard in the After-Hours Urgent Court.

161. The papers shall be uploaded onto CaseLines, or where that cannot be achieved, the papers shall be sent by email to an address as directed by the Urgent Court Judge or her/his Secretary.
162. Only when the uploading of papers on CaseLines is impossible to achieve, may a physical set of papers be delivered as directed by the Urgent Court Judge, which shall include an affidavit explaining, in full, why it was impossible to transmit the papers via CaseLines or email.
163. Any person applying for urgent relief in person, shall, before filing any papers, communicate with the Urgent Court Judge's Secretary to determine whether the Judge shall authorize the filing of papers, whether on CaseLines, via email or physically.
164. Any Order granted/issued shall be communicated by email to the Parties and uploaded onto CaseLines.
165. The enrollment of an allegedly urgent matter found not to warrant a hearing on this roll may, at the discretion of the Judge seized with the matter, result in punitive costs being awarded and the culpable Counsel and Attorney being ordered not to be paid any fees arising from the prosecution of such matter(s).
166. Service of process in all urgent matters shall comply with the Rules of Court. Save where required by legislation, where agreement can be reached by the representatives of all Parties to vary the requirements of the rules to facilitate a wholly electronic exchange of papers, condonation shall be granted *ipso facto*.

## ADMISSIONS OF LEGAL PRACTITIONERS

167. The Following entities must be added/invited as a Party to the CaseLines file:



167.1 The Legal Practice Council (LPC) and or its legal representatives.

167.2 The Pretoria Society of Advocates, per email:  
[psaadmissions@zaCaseLines.com](mailto:psaadmissions@zaCaseLines.com).

167.3 The Johannesburg Society of Advocates, per email:  
[jsaadmissions@zaCaseLines.com](mailto:jsaadmissions@zaCaseLines.com).

168. The LPC must upload the relevant documents it wishes to contribute to the application not later than three days before the date of the hearing.

169. Admission applications shall otherwise be disposed of in the same manner as set out in paragraphs 117 to 118 above.

170. The Counsel moving the matter must furnish on CaseLines an affidavit that he or she has examined the original documents relating to the degrees conferred on the candidate for admission and verifies that they appear to be authentic.

171. The Senior Judge seized with the roll of Admissions shall give directions on the manner of hearing; in the absence of an ad hoc directive:

171.1 The Senior Judge or Judge's Secretary shall host a video conference and send a link to an email address stipulated by the Counsel moving the application, which Counsel must invite the candidate for admission to join.

171.2 The Oath of Office shall be administered during the hearing.

171.3 The Oath of Office form shall thereafter be emailed to the Counsel moving the application who must cause the candidate for admission to sign it, scan it, and then transmit the scanned signed document by email to the Secretary of the senior Judge who shall oversee its completion.



171.4 A hard copy shall be sent to the LPC and an email copy sent to the Counsel who moved the matter.

172. The certificate issued by the Registrar shall be uploaded to CaseLines and the original shall be available for upliftment from the Registrar's office after the lockdown or upon suitable arrangements made with the Registrar.

173. All enquiries relating to admissions must be directed to the following email addresses:

173.1 In Pretoria: [TLegodi@judiciary.org.za](mailto:TLegodi@judiciary.org.za)

173.2 In Johannesburg: [JHBadmissions@judiciary.org.za](mailto:JHBadmissions@judiciary.org.za)

#### **DEFAULT JUDGMENT IN TERMS OF RULE 31(5)**

174. Once the application and all supporting documentation has been filed/uploaded on the electronic case file, the Applicant's/Plaintiff's legal representative must prepare and upload an affidavit to the effect that there is compliance with Rule 31(5)(a) and this Directive, especially with regards to inviting the Respondent/Defendant to the electronic file on CaseLines.

175. The Applicant's/Plaintiff's legal representative must invite the Default Judgment Registrar to the electronic case file. Requests for Default Judgment sent to the designated email address prior to this Directive taking effect and not yet responded to, shall be disregarded. The invite must be resent as set out herein. The invitation must only be sent on Court days between 09:00 and 15:00:

175.1 In Pretoria: [PTAdefaults@judiciary.org.za](mailto:PTAdefaults@judiciary.org.za)

175.2 In Johannesburg: [JHBdefaults@judiciary.org.za](mailto:JHBdefaults@judiciary.org.za)

176. The Default Judgment Registrar shall invite the allocated Registrar to the case file. After having considered the application, the Registrar shall make a decision in terms



of Rule 31 (5), endorse the electronic file with the judgment and amend the prefix to include the outcome; e.g. Granted Rule 31(5): DLAMINI (PTY) LTD vs DLAMINI & SONS CC as well as invite the typist and statistics office to the case file on the same provisions as set out above.

177. Each law firm may submit a maximum of fifteen (15) applications for default judgment per day. No applications may be submitted during *dies non*.

179. In the Tax Court:

Default Judgment in the Tax Court is dealt with according to Rule 56 of the Tax Administration Act rules. The general provisions relating to Default Judgment as aforementioned shall further apply to the processing of Default Judgments in this Court.

## TAXATIONS OF BILLS OF COSTS

180. The legal representative MUST upload the bill of costs together with all supporting documentation and vouchers under the respective Sections on the electronic case file.

181. The legal representative MUST invite all relevant legal representatives to the electronic case file. Where applicable, each legal representative is responsible for inviting their own cost consultant to the case file.

182. The bill of cost must be uploaded to the electronic case file in both pdf and in an editable 'word' version.

183. Request for a taxation date must be uploaded to the electronic case file and the taxation office invited on the CaseLines system. Requests for a taxation date sent to the designated email address prior to this Directive taking effect and not yet responded to, shall be disregarded. The invite must be resent as set out herein:

183.1 In Pretoria: [PTAtaxationdates@judiciary.org.za](mailto:PTAtaxationdates@judiciary.org.za)



183.2 In Johannesburg: [JHBOtaxation@judiciary.org.za](mailto:JHBOtaxation@judiciary.org.za)

184. Upon receipt, the Registrar or designated Court official will provide the taxation date by inserting the hearing date on the electronic case file.
185. The legal representative shall upload the notice of taxation, together with proof of service, on the case file in a Section titled "Notice of taxation" no later than five (5) court days prior to the taxation date.
186. The Registrar or designated Court official shall place the matter on the taxation roll and invite the assigned Taxing Master to the case file.
187. The Taxing Master may mark the bill on the editable version. The marked bill must be saved by the Taxing Master as a pdf document, and must then be uploaded to the electronic case file. Only the *allocatur* must be printed in order to be signed and stamped by the Taxing Master. The Taxing Master must thereafter upload the *allocatur* to the file on CaseLines.
188. Upon conclusion of taxation, the Taxing Master shall endorse the electronic file with the outcome. The Taxing Master shall amend the prefix to include the outcome; e.g. **Part-heard** Unopposed Taxation: DLAMINI (PTY) LTD vs DLAMINI & SONS CC and shall invite the statistics office to the case file.

For settled bills of cost:

189. The legal representative shall invite the taxation office to the electronic case file:

189.1 In Pretoria: [taxconfirmationsPTA@judiciary.org.za](mailto:taxconfirmationsPTA@judiciary.org.za)

189.2 In Johannesburg: [JHBtaxation@judiciary.org.za](mailto:JHBtaxation@judiciary.org.za)

190. The Registrar or designated Court official shall record the settled bills on the settlements roll, add the hearing date on the electronic file and invite the Taxing Master



to whom the bill is allocated on the CaseLines system. Requests for a taxation date for settled bills sent to the designated email address prior to this Directive taking effect and not yet responded to, shall be disregarded. The invite must be resent as set out herein.

191. The Taxing Master may communicate observations, if any, per email or using CaseLines Notes.
192. Only the *allocatur* must be printed in order to be signed and stamped by the Taxing Master. The Taxing Master must thereafter upload the allocator to the CaseLines file.
193. The Taxing Master shall endorse the electronic file with the outcome. The Taxing Master shall amend the prefix to include the outcome; i.e. **Settled Bill:** DLAMINI (PTY) LTD vs DLAMINI & SONS CC and shall invite the statistics office to the case file.
194. Each law firm or cost consultant may submit a maximum of five (5) applications for taxation per day, whether settled or not. No applications for taxation may be submitted during *dies non* and no taxations may be enrolled during *dies non*.
195. In the Tax Court:

The dedicated Registrar office CaseLines profile being [registrartaxcourt@sars.gov.za](mailto:registrartaxcourt@sars.gov.za) shall be used for the taxation of bills of costs in the Tax Court. The general provisions relating to the taxation of bills of costs as referred to shall otherwise apply to the handling of taxations in this Court.

## FILING AND SERVICE

196. As regards filing of notices or process, Uniform Rule 3 stipulates that filing may take place between 09:00 to 13:00 and 14:00 to 15:00 on Court days, apart from in exceptional circumstances or when so directed by a Judge. Practitioners are therefore required to file notices and process by uploading to CaseLines only on court days and only between the hours of 09:00 and 15:00.



197. Practitioners must adhere to the Uniform Rules of Court as it relates to service of notices and process. Thus, the uploading of notices or process to CaseLines will be regarded as compliant with the Rules of Court as the effective date of proper filing of the document, but not the service of same. Service should still be effected in terms of Rule 4 or 4A, as the case may be.
198. Originals of documents for filing shall be uploaded to the electronic case file on CaseLines in satisfaction of the provisions of Rule 4A(5). Any Party may be called upon at any time by the Registrar or by a Judge to produce the original document so uploaded.
199. Litigants are advised that they may invite the office of the relevant Sheriff to CaseLines to afford remote access to the papers.
200. In the event of non-compliance or partial compliance with any provision in a statute or by a Rule of Court to serve and file Court process and/or deliver any document ancillary thereto during the national state of disaster, and which is attributable to the strictures imposed by the national state of disaster and its implications for the litigant or the litigant's legal representatives, condonation, where required, shall be granted by a Court in respect of any shortcomings in compliance attributable to the national state of disaster.

## **ISSUING OF WARRANTS OF EXECUTION AND SUBPOENAS**

201. Warrants and subpoenas may be submitted at Court for issuing on Mondays and Tuesdays between 09:00 and 13:00.
202. A limit of 40 warrants of execution and/or subpoenas per firm will apply per day on which submission may take place.
203. The Registrar at each Court shall make separate Deposit Boxes available for litigants to deliver requests for warrants of execution and subpoenas to be issued. A register



for warrants and subpoenas shall be available at the deposit box. All warrants and subpoenas must be recorded in the register by the person delivering it.

204. The documents must be contained in a sealed envelope marked clearly with either WARRANTS or SUBPOENAS and the name of the firm submitting them.
205. A covering letter which contains the name and email address of the responsible person who must be notified that the documents are ready for collection must be included in the envelope with each submission.
206. Issued warrants and/or subpoenas may be collected on Thursdays and Fridays between 09:00 and 13:00 from separate collections boxes for collection after the responsible person has been notified by email that they are ready for collection.
207. Requests for warrants of execution must be accompanied by a signed and stamped Court order and/or a signed and stamped taxed bill if for costs.
208. Warrants of execution against organs of State must be accompanied with proof of compliance with the State Liability Act in addition to the requirements set out in Paragraph 7 above.
209. Subpoenas *duces tecum* must make available an electronic email address to which the documents or material in question can be delivered to the Applicant.
210. Subpoenas *ad testificandum* must be accompanied by proof that the matter will be dealt with in person at the Court and the details of the relevant Judge who will be presiding over the matter.
211. Lockdown Regulations stipulate that a person may not be evicted for the duration of the national state of disaster unless a competent Court has granted an order authorizing the eviction. The Registrar will therefore not grant any warrant relating to eviction unless the Court specifically made an order authorizing the eviction during the national state of disaster.



## APOSTILLES

212. The Registrar at each Court shall make a Deposit Box available for litigants to deliver requests for documents to be notarised.
213. The documents must be contained in a sealed envelope marked clearly APOSTILLES and a covering letter which contains the name and email address of the responsible person who must be notified that the documents are ready for collection.
214. When ready they will be placed in a collections box for collection and the responsible person shall be notified by email thereof.

## COMMUNICATIONS WITH THE REGISTRARS AND JUDGES' SECRETARIES

215. It is important to use the correct email address for any aspect dealt with in these directives. Incorrect and abusive usage of email addresses will lead to the issue being raised in such email not being attended to. In particular, emails sent to the email address of the Judge President or the Chief Registrar regarding an issue covered in the directives will be ignored.
216. The primary channel of communication, save for CaseLines, for any aspect of any matter is to the **relevant** Registrar's email address. Enquiries or communication with specific sections must **not** be directed to or copied to the Chief Registrar.
217. It is important to furnish in any email to the Registrar the relevant email address that is to be used for any CaseLines link and for video link invitation. Failure to provide the correct information inhibits effective communication and frustration to all involved.

## MATTERS IN WHICH ORDERS ARE MADE BY JUDGES IN CHAMBERS

218. All applications which traditionally are dealt with by a Judge in chambers shall only be dealt with if uploaded to CaseLines.



219. Rule 46(11) applications for the cancellation of a sale in execution are special cases: where the property which is the subject of the sale in execution is a residential property which is or was a primary residence, the application shall be dealt with in the Unopposed Court. Where the property was not a primary residence it may be dealt with in chambers.
220. The responsible Registrar shall distribute the applications to Judges to address. The Registrar will upload the Order on CaseLines no later than 7 court days after the date of the order.

## **MEDIA ACCESS TO COURT PROCEEDINGS RE: ACCESS BY THE MEDIA TO PHYSICAL/IN PERSON AND VIRTUAL COURT HEARINGS**

221. This directive does not replace the provisions set out in the High Courts' Practice Manuals relating to requests for the media's attendance in Court proceedings unless where a deviation therefrom is specified herein and only for the duration of the national state of disaster.

### Virtual Court Hearings

222. Members of the Media who wish to attend a virtual Court hearing may direct a request to the Secretary of the presiding Judge in instances where the details of the Judge hearing the matter are known.
223. In instances where the details of the presiding Judge are unknown, the request may be directed to the Secretary of the Judge President – Ms Nolene Morris at [NWalkinshaw@judiciary.org.za](mailto:NWalkinshaw@judiciary.org.za) who will direct the request to the Secretary of the presiding Judge.
224. It remains the decision of the presiding Judge to grant access to the proceedings with due regard to the nature of the proceedings, public interest in Court proceedings and the principles of open justice.



225. On direction of the presiding Judge, the Secretary will render such assistance as is necessary to ensure that the members of the media are linked to virtual hearings.
226. Virtual hearings should ideally be recorded. Subject to direction by the presiding Judge, the responsibility for recording and management of the audio recording will be undertaken by the Court, and the audio recording shall be uploaded to the electronic case file on CaseLines by the Court.
227. Members of the Media granted access to virtual hearings must mute their microphones and switch off their cameras at all times so as to minimise interference with the proceedings.
228. Members of the media may request access to Court records filed on CaseLines or through other electronic means from the Secretary of the presiding Judge, who shall subject to the direction of the presiding Judge, enable such access subject to applicable system access restrictions and protocols. To this end members of the media may have to register their profiles on CaseLines (<https://sajustice.CaseLines.com>).
229. Where feasible a web link for virtual hearings will be posted on the website of the Office of the Chief Justice and can be accessed at [www.judiciary.org.za](http://www.judiciary.org.za).
230. Court rolls will be published on the website of the Office of the Chief Justice and can be accessed at [www.judiciary.org.za](http://www.judiciary.org.za).

#### Physical or in person Court Hearings

231. The media may have access to physical Court hearings provided that the health and safety measures currently in place at the Court buildings are adhered to.

#### Tax Court matters

232. All Tax Court matters are heard in Camera to comply with the secrecy provision outlined in the Tax Administration Act.



## **VIDEO LINKS LOGISTICS**

Unopposed Motion Court, Divorce Court, Judicial Case Management, Case Management Conferences, Interlocutory Court, Rule 43 Court, Admissions as legal practitioners and the Tax Court.

233. Each of these Courts have rolls comprising several matters. How video links are set up is within the discretion of the Judge presiding in these Courts.

234. Among the options, is for a single link to be set up at the Judge's initiative for the whole roll which is published to the Professional Bodies and relayed to interested attorneys and Counsel. The Counsel appearing shall then join the video hearing and take turns at having their matters heard.

235. The video link and/or direction by the Judge in relation to the video hearing will be communicated by email from the Judge's Secretary or ICT support staff member. Enquiries relating to video link logistics should not be directed to the Office of the Registrar.

236. Each High Court has a virtual Court set up with the necessary equipment and a Judge's Secretary to assist unrepresented Respondents/Defendants in their matters before Court. This Court is designated for unrepresented Respondents/Defendants who do not have access to IT related equipment and software and whose matters are heard virtually. The Secretary of the Judge who will be hearing the matter shall communicate such matters to the Secretary allocated in advance of the hearing so that the necessary arrangements are put in place for the hearing.

## **ETIQUETTE IN VIDEO CONFERENCE HEARINGS**

237. The Judge(s) and legal professionals appearing in video conferencing hearings must be robed. Witnesses, litigants whether represented or unrepresented must be dressed formally.



238. Instructions for Legal Representatives and Counsel:

238.1 All Legal Representatives and Counsel should endeavour to ensure that they have a back-up electricity and a data source in the event of a power outage or load-shedding or any other electrical or connectivity issue.

238.2 The devices used should be fully charged before the hearing and be kept on charge during the hearings so as to allow the hearing to proceed in the event of a power outage or load-shedding.

238.3 Legal Representatives and Counsel should ensure that the physical background of the room from which they are conducting the hearing accords with the decorum of a formal Court sitting and has nothing bright or distracting. Legal Representatives and Counsel must also ensure that no other person (or pet) should enter or move around the room during the course of the hearing.

239. In addition to the above directions, the further conduct of the hearing will be dealt with via *ad hoc* directives issued by the presiding Judge.

240. Legal Representatives and Counsel appearing shall remain in the hearing and leave only when the proceedings have concluded, alternatively, with leave of the presiding Judge.

241. The Judge(s) shall give instructions as to the recording of the proceedings:

if the Judge or the Judge's Secretary or a Stenographer records the proceedings, the Judge shall retain the audio file, until such time as the Registrar can take custody thereof. Such record must be availed to any Party who was involved in the hearing upon request.



## **UPHOLDING THE INTEGRITY AND AUTHORITY OF THE COURT**

242. All the participants, including legal practitioners, in hearings whether they be virtual or physical are under a duty to conduct themselves in a manner that upholds the integrity, authority and respect for the Court. The failure to do so constitutes contempt of court and the Judge presiding would under such circumstances consider the use of one or more or all of the following options:

242.1 Remove the offending individual from the virtual platform and/or adjourn the proceedings to another day with an appropriate personal order as to costs against the party or individual responsible for the disruption.

242.2 Immediately institute contempt proceedings where this is possible.

242.3 Commence with contempt proceedings where the circumstances do not make it possible to do so immediately.

242.4 Bring the matter to the attention of law enforcement authorities.

242.5 Bring the matter to the attention of the Legal Practice Council.

## **GENERAL CONDITIONS UNDER WHICH PARTIES MAY ENTER THE COURT BUILDING WHERE A PHYSICAL HEARING HAS BEEN DIRECTED BY A JUDGE**

243. Legal representatives, Counsel, litigants, Government officials including members of SAPS and Correction Services and members of the public who have reason to enter the Court building must comply, where applicable with any restrictions that may be imposed in relation to the national state of disaster. Persons with no discernible business inside the Court building will be denied access into the Court building.



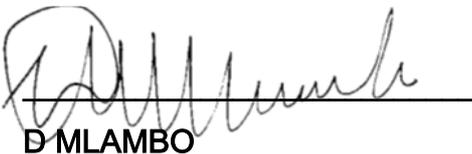
244. Anyone seeking access into the Court buildings must submit to compulsory screening, must wear a face mask and must adhere to applicable social distancing rules and sanitising protocols.

245. Any Party who does not wish to have her/his matter dealt with under the conditions described in this directive may remove the matter from the roll, in line with the provisions set out above.

246. Orders of the Court shall be prepared on the provisions set out above and thereafter uploaded to CaseLines.

#### **QUICK REFERENCE GUIDE**

247. Enclosed with this Directive is a **Quick Reference Guide to the CaseLines system** which sets out guidelines to a user on the process of registration through to the hearing of a case.



A handwritten signature in black ink, appearing to read 'D. Mlambo', is written over a horizontal line.

**D MLAMBO**

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



## ***ANNEXURES:-***

Date Application Form (Pretoria And Johannesburg):-

# **UNOPOSED/OPPOSED MOTION**

*		CASE NO
*		Date of hearing
*		U (unopposed) / OP (opposed)
*		Case Type (see Options)
*		NAMES OF PARTIES
*		(Surname, then initials Applicant & 1 <sup>st</sup> Respondent only)
*		Pigeon hole number

### OPTIONS

<b>FAMILY LAW</b>	<b>PAYMENT</b>	<b>VARIOUS</b>	<b>SOLVENCY</b>
E- DIVORCE	D- DEFAULT JUDGMENT	T- INTERLOCUTORY	R-REHABILITATION
N- RULE 43CX	S- SUMMARY JUDGMENT	I- INTERDICT	B-SURRENDER
C- CUSTODY	P- PROVISIONAL JUDGMENT	H- REVIEW	PS-PROV SEQUESTRATION
F- INTERDICT	O- OTHER	V- DECLARATORY	FS- FINAL SEQUESTRATION
		O- OTHER (specify)	PL-PROVISIONAL LIQUIDATION
			FL- FINAL LIQUIDATION



**Trial Date application form  
Gauteng Division, Pretoria**

this document is to be completed in triplicate



**OFFICE OF THE CHIEF JUSTICE  
REPUBLIC OF SOUTH AFRICA  
HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION PRETORIA  
Private Bag X67, Pretoria, 0001**

---

**TELEFAX CONFIRMATION IN TERMS OF TRANSVAAL RULE 7(3)  
FOR TRIAL DATES ALLOCATED**

---

DATE OF APPLICATION FOR TRIAL DATE: \_\_\_\_\_  
CASE NO.: \_\_\_\_\_

PLAINTIFF \_\_\_\_\_  
DEFENDANT \_\_\_\_\_

**PARTY APPLYING FOR A TRIAL DATE (APPLYING PARTY)**

ATTORNEY \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
\_\_\_\_\_

REF NO.: \_\_\_\_\_  
LANDLINE NO.: \_\_\_\_\_ FAX NUMBER: \_\_\_\_\_

**PARTY/PARTIES TO WHOM NOTICE IS TO BE GIVEN (RECEIVING PARTY/PARTIES)**

ATTORNEY \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
\_\_\_\_\_

REF NO.: \_\_\_\_\_  
LANDLINE NO.: \_\_\_\_\_ FAX NUMBER: \_\_\_\_\_

TRIAL DATE ALLOCATED BY REGISTRAR'S OFFICE \_\_\_\_\_

This fax transmission serves as notification in terms of Transvaal Rule 7(3) to ALL parties of the trial date allocated, no further registered post notification will be sent out. Parties must further satisfy the obligations imposed upon them by Rule 7(5) within 7 days of receipt of this fax transmission.

By the Registrar

*Official date stamp*



**IN THE TAX COURT OF THE REPUBLIC OF SOUTH AFRICA  
MEGAWATT PARK**

CASE NO: 2020/1

In the matter between:

**ABC (PTY) LTD**

Applicant

and

**THE COMMISSIONER FOR THE SOUTH  
AFRICAN REVENUE SERVICE**

Respondent

---

**APPLICATION TO SET DOWN**

---

**KINDLY TAKE NOTICE** that the applicant herewith requests a date for hearing on the first available day, determined by the Registrar, but not less than 10 (ten) days after service of such notice.

SIGNED AT PRETORIA ON THIS ..... DAY OF AUGUST 20...



**IN THE TAX COURT OF THE REPUBLIC OF SOUTH AFRICA  
MEGAWATT PARK**

CASE NO: VAT 1610 / IT 25736

In the matter between:

**ABC (PTY) LTD**

Appellant

and

**THE COMMISSIONER FOR THE SOUTH  
AFRICAN REVENUE SERVICE**

Respondent

---

**APPLICATION TO SET DOWN**

---

In pursuance of the provisions of the Tax Administration Act 28 of 2011 and the Tax Court rules promulgated under section 103, the Appellant request the registrar to allocate a date for the hearing of the abovementioned appeal.

SIGNED AT PRETORIA ON THIS ..... DAY OF SEPTEMBER 20...



IN THE TAX COURT

HELD AT *(insert division of court and province)*

In the matter between

CASE NO: *(insert)*

*(insert)*

APPELLANT

AND

*(insert)*

RESPONDENT

---

---

**NOTIFICATION TO APPELLANT AND RESPONDENT (OR HIS AGENT) OF THE SITTING OF TAX COURT, RULE *(insert)***

---

---

Kindly take notice that the **TAX COURT<sup>1</sup>** will sit in the *(insert court division)* **HIGH COURT, *(insert court physical address)* on *(insert court date)* at 10:00** or as soon thereafter on that date, when the above-mentioned Application will be heard. **Please acknowledge receipt of this notification by return of service by email or post or delivery at the office of the Registrar of Tax Court's physical address stated below.**

Please state whether the Appellant or the Respondent will be represented at the hearing. A Special Power of Attorney in favour of the person representing the Appellant/Respondent must be filed with the Registrar of the Tax Court. **It is the parties' responsibility to ensure that copies of all case law referred to, are made available to the Court.**

**If for any reason the Appellant or Respondent does not intend to oppose or continue with the Application, please advise the Office of the Registrar immediately.**

**TO: APPELLANT'S REPRESENTATIVE**

*(insert contact person and full address of Appellant)*

**Ref:**

**Email:**

**Tel:**

---

<sup>1</sup> In pursuance of the provisions of the Tax Administrative Act No. 28, 2011 and the Tax Court Rules.



**AND TO: FOR THE RESPONDENT**

***(insert contact person and full address of respondent)***

**Ref:**  
**Email:**  
**Tel:**

**Dated at Pretoria** on this *(insert date)* day of *(insert month)* 20..

---

***(insert full name of Registrar sending notice)***  
**Registrar of the Tax Court**

**NOTES:**

**1. Special Power of Attorney**

The respondent may appear and conduct his case in person or by means of any person authorized by special power of attorney in writing and signed by the Appellant or Respondent and such power of attorney must be filed with the Registrar of the Tax Court at the commencement of the hearing.

**2. Registrar's physical address:**

**Private Bag X923  
Pretoria  
0001**

**271 Bronkhorst Street  
Khanyisa Building  
Nieuw Muckleneuk**

**Tel: (012) *(Insert direct line of Registrar)***

**Email: [registrartaxcourt@sars.gov.za](mailto:registrartaxcourt@sars.gov.za)**

The address of the Registrar of the Court during the sitting mentioned in this notification will be as mentioned in page 1.



**IN THE TAX COURT OF SOUTH AFRICA  
GAUTENG DIVISION: MEGAWATT PARK**

CASE NO: XXX

In the matter between:

**ABC (PTY) LTD**

Applicant

and

**THE COMMISSIONER FOR THE SOUTH  
AFRICAN REVENUE SERVICE**

Respondent

---

**NOTICE OF TAXATION**

---

**KINDLY TAKE NOTICE THAT**

1. The applicant's notice of intention to tax bill of cost was served on the Respondent on.....**XXX**.
2. The 20 (twenty days to file the notice of intention to oppose the taxation after receipt of the aforementioned notice expired on **XXX** and a notice of opposed was **(not)** been received; and
3. The Applicant hereby applies for a date for taxation on an **(un)**opposed basis



BE PLEASED TO TAKE NOTEICE THEREFORE that the Applicant's Bill of Cost in respect of the above matter will be taxed at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_2020.

SIGNED AT ..... ON THIS ..... DAY OF ..... 20...

---

**Applicant's Representative**

**To the: Registrar of Tax Court**  
**Email: [Registrartaxcourt@sars.gov.za](mailto:Registrartaxcourt@sars.gov.za)**

**To the Respondent:**

**The Commissioner for the South African Revenue Service**  
**Email: [taxcourtlitigation@sars.gov.za](mailto:taxcourtlitigation@sars.gov.za)**



**IN THE TAX COURT OF SOUTH AFRICA  
GAUTENG DIVISION HELD AT MEGAWATT PARK**

CASE NO: XXX

In the matter between

**ABC**

APPELLANT

And

**THE COMMISSIONER FOR THE SOUTH  
AFRICAN REVENUE SERVICE**

RESPONDENT

---

**NOTICE OF TAXATION**

---

Kindly note that the Taxing Master has set down a date for taxation on **XXX, date XXX** at 10:00 am, to be held at **TAX COURT, MEGAWATT PARK, 1 MAXWELL DRIVE, SUNNINGHILL, JOHANNESBURG**

It is your responsibility to furnish all supporting documents for the execution of the taxation process.

Please acknowledge receipt of this notification by responding to the writer herein.

**Your reply should be addressed to:**

MR/MS XXX  
Taxing Master  
Private Bag X923  
Pretoria  
0001  
Tel: (012) 422 5557  
Email: Registrartaxcourt@sars.gov.za

To: XYZ Attorneys  
Applicant's Attorneys

**And To:** Commissioner For The South African  
Revenue Service  
271 Bronkhorst Street  
Nieuw Muckleneuk  
Pretoria  
0181  
Email:taxcourtlitigation@sars.gov.za

Email:

DATED AT PRETORIA THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2020

---

XXX: Taxing Master  
REGISTRAR OF THE TAX COURT

