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**CONSOLIDATED PRACTICE DIRECTIVE 1 OF 2023 (REVISED)  
COURT OPERATIONS IN THE GAUTENG DIVISION  
with effect from 19 February 2024**

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**INDEX**

A: INTRODUCTION .....	4
1. MATTER CLASSIFICATION REQUIRED AT COMMENCEMENT OF ACTION / MOTION PROCEEDINGS (COURT ONLINE AND CASELINES) .....	5
2. INITIATION OF NEW CASES.....	6
3. DUPLICATE FILES.....	6
4. LIMIT ON NUMBER OF HEARING DATE APPLICATIONS AND WARRANTS / SUBPOENAS ISSUED PER FIRM PER DAY .....	7
5. DIRECTIVE COMPLIANCE STATEMENT REQUIRED .....	8
6. SERVICE, FILING AND THE INVITATION OF OFFICE PROFILES.....	9
7. REQUIRED SECTIONS.....	10
8. REQUIREMENTS FOR EXPERT REPORTS.....	14
9. TRIAL BUNDLE.....	14
10. REQUIREMENTS FOR PRE-TRIAL MINUTES .....	15
11. ISSUING OF PROCESSES ON COURT ONLINE (NEW CASES) .....	16
12. COURT ONLINE: PROCEDURE FOR CREATION AND MANAGEMENT OF FILES.....	18
13. CASELINES: PROCEDURE FOR MANAGEMENT OF MATTERS PREVIOUSLY CREATED ON CASELINES.....	22
Enrolment.....	24
14. APPLYING FOR A HEARING DATE AND ENROLMENT OF MATTERS (PROCEDURE APPLICABLE TO ALL MATTERS) .....	25
15. MODES OF COURT HEARINGS: PHYSICAL COURTROOMS AND BY VIDEO-LINK .....	26
16. VIDEO LINK LOGISTICS AND ETIQUETTE .....	29
17. PROTOCOL: LIAISON WITH JUDGES.....	32
18. ACCESS BY THE MEDIA TO PHYSICAL/IN PERSON AND VIRTUAL COURT HEARINGS.....	32
19. THE GENERAL CIVIL TRIAL COURT .....	34
20. SETTLED MATTERS .....	37
21. JUDICIAL CASE MANAGEMENT.....	38
22. JUDGMENTS BY DEFAULT REQUIRING EVIDENCE.....	39



23. CIVIL TRIALS OF LONG DURATION (6 TO 9 DAYS), COMMERCIAL COURT CASES, TAX COURT MATTERS, SPECIAL MOTIONS AND SURROGACY MATTERS.....	40
24. THE MOTION COURT.....	41
Matters in which orders are made by Judges in chambers.....	44
25. THE OPPOSED MOTION COURT .....	45
Final enrolment of opposed motions.....	45
Pre-hearing conference required.....	48
26. THE UNOPPOSED MOTION COURTS.....	49
Final enrolment of unopposed motions on CaseLines.....	49
Unopposed motion hearings.....	50
27. THE SPECIAL INTERLOCUTORY COURT (“SIC”): ROLE AND FUNCTIONS, APPLICABLE TO ALL CATEGORIES OF MATTERS.....	51
Final enrolment of SIC motions on CaseLines.....	51
28. URGENT MOTION COURT.....	54
29. THE FAMILY COURT .....	56
30. UNOPPOSED DIVORCES IN PRETORIA AND IN JOHANNESBURG.....	62
31. ADMISSIONS OF LEGAL PRACTITIONERS.....	65
32. DEFAULT JUDGMENT BY REGISTRAR IN TERMS OF RULE 31(5).....	66
33. LEAVE TO APPEAL AND CIVIL APPEALS .....	67
34. CASE OUTCOMES AND COURT ORDERS.....	69
35. ISSUING OF WARRANTS OF EXECUTION AND SUBPOENAS.....	71
36. APOSTILLES.....	72
37. TAXATIONS OF BILLS OF COSTS .....	72
38. COMMUNICATIONS WITH REGISTRARS AND JUDGES’ SECRETARIES .....	74
ANNEXURES TO PRACTICE DIRECTIVE 1 OF 2023.....	77
ANNEXURE 1A.....	78
OFFICE PROFILES FOR CASELINES INVITATIONS AND CONTACT DETAILS OF COURT OFFICIALS - JOHANNESBURG .....	78
AS AT 5 DECEMBER 2023.....	78
ANNEXURE 1B.....	79
OFFICE PROFILES FOR CASELINES INVITATIONS AND CONTACT DETAILS OF COURT OFFICIALS – PRETORIA.....	79
AS AT 5 DECEMBER 2023.....	79
ANNEXURE 2: APPLICATION FOR A CASE NUMBER AND CLASSIFICATION OF ACTION (OLD FORM 1).....	80
ANNEXURE 3: STATS SA FORM (FAMILY LAW MATTERS).....	82
ANNEXURE 4: HEARING DATE APPLICATION FORM (USE FOR ALL DATE APPLICATIONS)....	83
ANNEXURE 5.1: COMPLIANCE STATEMENT –TRIAL DATE .....	85
ANNEXURE 5.2: COMPLIANCE STATEMENT –DEFAULT TRIAL DATE .....	89
<b>ANNEXURE 5.3: COMPLIANCE STATEMENT –PRETORIA SETTLEMENT ROLL DATE.....</b>	<b>91</b>



<b>ANNEXURE 5.4: COMPLIANCE STATEMENT – UNOPPOSED MOTION DATE</b> .....	94
<b>ANNEXURE 5.5: COMPLIANCE STATEMENT – OPPOSED MOTION DATE</b> .....	96
<b>ANNEXURE 5.6: COMPLIANCE STATEMENT – SPECIAL INTERLOCUTORY COURT</b> .....	99
<b>ANNEXURE 5.7: COMPLIANCE STATEMENT – URGENT MOTION COURT</b> .....	102
<b>ANNEXURE 5.8: COMPLIANCE STATEMENT – FAMILY LAW MATTERS</b> .....	104
<b>ANNEXURE 5.9: COMPLIANCE STATEMENT – UNOPPOSED DIVORCES</b> .....	106
<b>ANNEXURE 5.10: COMPLIANCE STATEMENT – ADMISSION OF LEGAL PRACTITIONERS</b> ....	108
<b>ANNEXURE 5.11: COMPLIANCE STATEMENT – LEAVE TO APPEAL</b> .....	110
<b>ANNEXURE 5.12: COMPLIANCE STATEMENT – TAXATION DATE</b> .....	113
<b>ANNEXURE 6.1: TRIAL PRACTICE NOTE TEMPLATE – NON RAF MATTERS</b> .....	116
<b>ANNEXURE 6.2: TRIAL PRACTICE NOTE TEMPLATE – RAF (3<sup>rd</sup> party claims), PRASA, MINISTER OF POLICE AND MEC DEPARTMENT OF HEALTH MATTERS</b> .....	119
<b>ANNEXURE 7: NOTICE OF REFERRAL TO REGISTRAR ITO RULE 37(3)(b)</b> .....	123
<b>ANNEXURE 8: TRIALS INTERLOCUTORY COURT ORDER: <i>IPSO FACTO</i> STRIKING OF DEFENCE</b> .....	125
<b>ANNEXURE 9.1: TAX COURT DATE APPLICATION FORM</b> .....	128
<b>APPLICATION TO SET DOWN</b> .....	128
<b>ANNEXURE 9.2: TAX APPEAL DATE APPLICATION FORM</b> .....	129
<b>APPLICATION TO SET DOWN</b> .....	129
<b>ANNEXURE 9.3: TAX COURT HEARING DATE NOTIFICATION</b> .....	130
<b>NOTIFICATION TO APPELLANT AND RESPONDENT (OR HIS AGENT) OF THE SITTING OF TAX COURT, RULE (<i>insert</i>)</b> .....	130
<b>ANNEXURE 9.4: TAX COURT APPLICATION FOR TAXATION DATE</b> .....	132
<b>NOTICE OF TAXATION</b> .....	132
<b>ANNEXURE 9.5: TAX COURT NOTICE OF TAXATION</b> .....	134
<b>NOTICE OF TAXATION</b> .....	134



## A: INTRODUCTION

- i. This directive supersedes all previous directives. This revision captures proposals by the profession and takes effect from **19 February 2024**. Where full compliance with timelines is not practically possible, Judges will, until 31 March 2024, condone such non-compliance.
- ii. The main purpose of this directive is to serve as a single source of reference to the prescribed practices in the Division. Although the long-term aim is to achieve complete uniformity of practice in both seats, that is not yet possible and work on a re-composed Practice Manual that captures the radical changes brought about by a digital system and evolving procedures since 2020 remains, at this time, work-in-progress. The profession shall be informed about that project when the draft is ready for a consultative process.
- iii. This directive applies uniformly to both Pretoria and Johannesburg, but there are subsidiary practice directives issued by the Deputy Judges President to which practitioners must have regard.
- iv. The form-templates which were annexures to have been replaced with new form templates. Hyperlinks have been created in this document for ease of identification of and navigation to the relevant form-templates.
- v. Wherever this document contains a cross reference to another section of the document the reader can navigate to the section referred to by hovering over the cross reference (all of which have been marked in ***bold and italic***) and making use of the hyperlink to the section referred to.
- vi. Where timeframes for submission of notices/legal process and roll closure differ from those in the practice manual or earlier practice directives, the time frames in this directive shall prevail. Several changes in respect of timeframes have been made.
- vii. All office profile email addresses and other contact details referred to in this directive is annexed as Annexure 1A (Johannesburg) and 1B (Pretoria). These documents



will be updated by the chief registrars and circulated to the profession on a quarterly basis.

- viii. This directive takes full effect from **19 February 2024** in respect of all steps or notifications or filings that are set out in this directive. Strict compliance with this Directive shall be enforced.

1. **MATTER CLASSIFICATION REQUIRED AT COMMENCEMENT OF ACTION / MOTION PROCEEDINGS (COURT ONLINE AND CASELINES)**

- 1.1. At the time a summons / notice of motion is issued the plaintiff shall, together with the summons / notice of motion, present to the registrar, in the prescribed form<sup>1</sup> a statement indicating:

- 1.1.1. That the matter is a damages claim for personal injury or a dependant's claim in which the Defendant is the RAF, or the MEC Health, Gauteng or PRASA, whereupon the Registrar shall add to the case number the letter "Y".

All other claims for damages against these defendants shall be classified as "C"- Commercial.

or

- 1.1.2. That the matter be classified as-
- (1) a Commercial matter "C", or
  - (2) a Family law matter "F", or
  - (3) a Delictual matter "D", or
  - (4) a Public law matter "P" (A constitutional or administrative law matter).

and

- 1.1.3. The details of an email address and contact person to whom all communications in terms of this paragraph shall be sent.

- 1.2. The registrar shall maintain a record and schedule of the different categories of cases, and routinely report such statistical information as the Judge President directs.

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<sup>1</sup> Annexure 2 to this directive: Application for a case number and matter classification form.



- 1.3. A defendant shall, upon delivering a notice of intention to defend and, in the prescribed form, furnish details of an email address and contact person to whom all communications in terms of this paragraph shall be sent.

## 2. **INITIATION OF NEW CASES**

- 2.1. All new cases must be initiated on the Court Online Portal for issuing and enrolment. No new cases will be issued in person or should be created on CaseLines.
- 2.2. Where no electronic file is in existence on CaseLines for already issued and pending cases, legal practitioners must create those existing 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.
- 2.3. Parties are reminded that court files are public documents. Therefore, any person requesting access to an electronic court file may not be refused except in special circumstances such as where a minor is involved or where a matter relates to state security.
- 2.4. In existing pending matters on CaseLines where interlocutory proceedings are brought in respect of such cases such process is to be uploaded to the electronic file on CaseLines.
- 2.5. Matters pending on CaseLines including applications for leave to appeal will effectively be finalised on CaseLines. Once the leave to appeal has been dealt with all appeals are to be issued on Court Online as detailed in section **33** below.

## 3. **DUPLICATE FILES**

- 3.1. 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.



3.2. Where duplicate files have been created on CaseLines, the legal representatives are to ensure that:

- 3.2.1. The prefix titled “Duplicate” is added at the beginning of the case name;
- 3.2.2. Their counsel, opponent attorneys and their counsel as well as the relevant and correct registrar office profile is invited to the correct file;
- 3.2.3. The Judge’s Secretary must be alerted to determine the file that will be used and to close and archive the duplicate file(s).

4. **LIMIT ON NUMBER OF HEARING DATE APPLICATIONS AND WARRANTS / SUBPOENAS ISSUED PER FIRM PER DAY**

4.1. Regardless of whether matters are conducted making use of Court Online or CaseLines each law firm may only apply for a maximum of 5 matters per court roll per day, which is further capped to a combined total of twenty (20) matters per division (Pretoria / Johannesburg) per day.

<b>Roll</b>	<b>Maximum nr of matters per firm per day</b>
Civil trials	5
Default judgment trials	5
Settlement roll	5
Opposed motions	5
Unopposed motions (inclusive of Rule 43 applications, Rule 31(5) default applications, divorces, and unopposed summary judgment applications)	5
Interlocutory applications	5
Special interlocutory applications	5
Admission applications	5
Taxations (Per law firm / Cost consultant)	5
<b>Total nr of matters per firm per day limited to</b>	<b>20</b>

4.2. These restrictions do not include urgent applications.



4.3. In the Tax Court:

- 4.3.1. A maximum of 1 opposed application may be enrolled per day.
- 4.3.2. A maximum of 5 unopposed applications may be enrolled in this court per day.
- 4.3.3. Not more than 1 Tax Court appeal matter may be enrolled per day.

4.4. A limit of 40 warrants of execution and/or subpoenas per firm will apply per day for issuing.

5. **DIRECTIVE COMPLIANCE STATEMENT REQUIRED**

5.1. A party applying for a hearing date, notwithstanding the nature of such hearing date, is required to, with every date applied for upload the relevant directive compliance statement (affidavit not required) for the type of date applied for.

5.2. The statement must state that “I, (name of attorney) hereby certify that I have personally verified and hereby certify that there is full compliance with the prescripts of PD1/2023 (revised) in that:...” and must set out exactly what (and how) the attorney complied with the provisions of this directive in relation to the type of date applied for, specifically-

- 5.2.1. Confirming that no duplicate file for the matter exists on CaseLines, and
- 5.2.2. Confirming that that the matter name has been appropriately prefixed (***refer par. 13.2 below***),
- 5.2.3. Confirming that the bundle has been created in line with the indexing requirements set out in this consolidated directive,
- 5.2.4. Confirming that in respect of matters dealt with on CaseLines, all the parties/their representatives have been invited to the matter, and
- 5.2.5. Listing in respect of matters dealt with on CaseLines the names of all parties/their representatives invited to the CaseLines profile and their telephone numbers and email addresses. Court staff members or CaseLines support personnel should not be included,





5.2.6. Containing the completed checklist for date allocation for the type of date applied for as provided in the template forms annexed to this directive.

5.3. Where no such statement is filed, the registrar shall not allocate a hearing date.

## 6. **SERVICE, FILING AND THE INVITATION OF OFFICE PROFILES**

6.1. Service of process in terms of the Uniform Rules of Court remains strictly enforceable.

6.2. Thus, the uploading of original notices or process to CaseLines or Court Online (whichever platform is applicable to the relevant case in terms of this directive) 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. Any party may be called upon at any time by the registrar or by a Judge to produce the original document so uploaded.

6.3. Service should still be effected in terms of Rule 4 or 4A of the Uniform Rules of Court, as the case may be. Where service is effected by e-mail the delivery or read receipt will serve as proof of service and must be uploaded.

6.4. No filing of hardcopy or by way of emailing pleadings/notices and other documents shall be allowed.

6.5. Documents filed outside of court hours will be regarded as having been filed the following court day.

6.6. No office profile may be invited for actioning outside of Registrar's office hours as provided for in Rule 2 of the Uniform Rules of Court namely 09:00 to 13:00 and 14:00 to 15:00. Any invitation to an office profile outside of these hours shall be ignored and the registrar shall un-invite the designated profile from the CaseLines file.

6.7. 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 lies with the party responsible for each particular pleading/ notice/ legal process and in line with the Uniform Rules of Court.



- 6.8. Service of process in the Tax Court shall be in terms of the provisions of the Tax Administration Act (TAA) read with the Uniform Rules of Court.
- 6.9. 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 and which is attributable to the strictures imposed this directive, 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.

## 7. **REQUIRED SECTIONS**

- 7.1. Upon case creation, practitioners must create sections in a format that makes it reader friendly. It must be possible to use the *automatic* index to identify every document uploaded. An additional index may be included that cross-references both CaseLines page numbers and another page number sequence; where this is done, such index must be in a single document.
- 7.2. Parties must not create separate sections for every document unless sound reasons exist to do so. Individual documents must be uploaded to the appropriate section to which the document belongs.
- 7.3. Heads of argument must, when referring to the uploaded documents, cross reference the bundle page number and the paragraph, where applicable.
- 7.4. If caselaw is uploaded, the automatic index must be capable of identifying the case name.
- 7.5. Every document uploaded must be fully legible and properly described.
- 7.6. Where an annexure to an affidavit or other document is uploaded it should be individually uploaded and described. It is insufficient to merely describe it as, e.g., FA 1 or R13.
- 7.7. The sections, unless sound reasons exist to present them differently, shall include the following:



SECTION NR	SECTION NAME	DESCRIPTION
01	Compliance statements	All compliance statements required in terms of this directive.
02	Pleadings	A full set of pleadings.
03	Pre-amended pleadings	A full set of pre-amended pleadings.
04	Formal notices	Notice of intention to defend, notice of bar, notice of intention to amend and other notices not falling into any other specific notice categories provided for in this classification.
05	Discovery notices	Notices calling for and dealing with the discovery of documents / production of evidence at trial. Notices in terms of rule 35, including (but not limited to) notices in terms of rule 35(3), 35(9) and 36(10).
06	Discovery affidavits	This section must include the discovery affidavits of all parties with a statement that discovery is complete, alternatively if not complete, a full explanation why not, and what steps are necessary to achieve completion
07	Expert notices	Notices in terms of rule 36(9)(a) as well as rule 38(2) etc. without annexing any actual expert reports.
08	Expert reports	A set of the expert reports as contemplated in Uniform Rule 36(9)(b) to be uploaded with the Rule 36(9)(b) notice under cover of which the report was filed, and which reports conform to the requirements listed in <b>Par. 8 below</b> .



09	Joint minutes by experts	Where more than one expert has reported on a given aspect, joint minutes of experts must identify precisely what is agreed and what is not agreed, with reasons stated why an agreement could not be achieved, especially as to whether the disagreement relates to a fact clinically observed or an interpretation of the facts.
10	Pre-trial notices	Notices in terms of rule 37, including pre-trial questions and responses to same where not included in pre-trial minute itself.
11	Pre-trial minutes	Signed pre-trial minutes that meaningfully addresses all the issues. Alternatively, if the parties do not agree to the minute's contents, a minute signed by the party filing the document must be filed together with an explanation why the parties cannot agree, including an explanation as to the utilization of the Special Interlocutory Court to endeavour to procure compliance and cooperation from an adversary.
12	Interlocutory applications	A separate section to be created for each special interlocutory or other interlocutory application containing all documentation for that application including its practice note, heads of argument and draft order of court. For Example- IA1 - Application for the appointment of curator ad litem. IA2 – Special interlocutory to compel decision on general damages.



		IA3 – Special interlocutory to compel response to 35(3) notice.
13	Judicial case management	Application for judicial case management (letter), Notification of judicial case management meeting, agenda, and minutes of judicial case management meetings.
14	Application(s) for trial / motion date(s)	Applicable forms for applications for trial date / motion date. This <u>does not</u> include applications for interlocutory dates.
15	Notice(s) of set down	Notice(s) of set down for trial / motion.
16	Practice notes	All required practice notes, save for those already uploaded under the section providing for interlocutory applications.
17	Notice(s) of final set down / enrolment	All notices of final set down / enrolment for the trial/ motion. Notices of final enrolment for interlocutory applications to be uploaded in the section created for that specific interlocutory application.
18	Trial bundle	The bundle of all documents that the parties intend to use at the trial, together with a statement as to the agreed or disputed evidential status.
19	Heads of argument and / matter chronologies	Where required the matter chronology should also be uploaded to this section.
20	Case law	
21	Draft Order(s) of court	



22	Final stamped order(s) of court	To be uploaded in chronological order and appropriately named to clearly indicate the date and nature of the order.
23	Judicial remarks	This section is for use by Judges and practitioners must not upload any documents in this section.
24	Taxation	All documents relating to the taxation process.

8. **REQUIREMENTS FOR EXPERT REPORTS**

- 8.1. Expert reports must be drafted in a format designated for lucidity, brevity, and convenient cross-referencing. To this end, it must be in numbered paragraphs. When referring to other expert reports, refer to the numbered paragraphs therein.
- 8.2. Where more than one expert has reported on a given aspect, joint minutes of experts must identify precisely what is agreed and what is not agreed, with reasons stated why an agreement could not be achieved, especially as to whether the disagreement relates to a fact clinically observed or an interpretation of the facts.
- 8.3. The attorney responsible for the reports' procurement is accountable for compliance in this regard, and failure to adhere hereto may imperil hearing date allocation.

9. **TRIAL BUNDLE**

- 9.1. Disagreement, if any, about the contents of the bundle must be raised with the allocated Judge at the hearing.
- 9.2. Before the trial, the parties must agree upon the documents' evidential status and which documents form part of the record in the instance of an appeal. The pre-trial minute must include this agreement.



10. **REQUIREMENTS FOR PRE-TRIAL MINUTES**

10.1. The signed, agreed, minute of the pre-trial conference which has addressed all the questions as indicated; alternatively, in the event that the parties have not reached agreement on the contents of the minute, a minute signed by the party filing the document together with an explanation why agreement on its content was not obtained, is required. (In this regard attention is drawn to the utilisation of the Special Interlocutory Court (SIC) to procure compliance and cooperation from an adversary).

10.2. The pre-trial conference minute shall particularise the parties' agreement or respective positions on each of the following questions:

10.2.1. The matters mentioned in Court Rule 37(6).

10.2.2. The soliciting of admissions and the making of enquiries from and by the parties with a view to narrowing the issues or curtailing the need for oral evidence.

10.2.3. In respect of expert witnesses:

- the feasibility and reasonableness, in the circumstances of the case, that a single joint expert be appointed by the parties in respect of any issue.
- if a single joint expert witness is not appointed, why a single expert on a given aspect is inappropriate.

10.2.4. The identity of the witnesses the parties intend to call and in broad terms the nature of such evidence to be given by each witness.

10.2.5. Whether a separation of issues within the contemplation of Uniform Rule 33 is appropriate, and if so, why that is so.

10.2.6. Any other matter germane to expediting the trial readiness of the case.



## 11. **ISSUING OF PROCESSES ON COURT ONLINE (NEW CASES)**

- 11.1. Save for the filing of new processes in existing matters which is to be uploaded to the relevant electronic court file, no new case shall be issued in person or created on CaseLines.
- 11.2. In family law matters the Stats SA form<sup>2</sup> must be included at the end of the initiating document.
- 11.3. All existing matters including any interlocutory process that may arise from such matters are to be finalised on CaseLines in line with the applicable provisions of this directive.
- 11.4. Regarding existing matters on CaseLines, once a process is issued, the respective law firm or litigant bears the responsibility of prefixing the electronic file on CaseLines, based on the type of process to be enrolled for hearing, uploading the documents and inviting the relevant office profile.

### 11.5. **The Tax Court**

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

The dedicated email address and CaseLines profile is:

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

- 11.6. Filing of process in existing/issued matters on the CaseLines platform shall be dealt with in line with the directions set out in the following paragraphs.

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<sup>2</sup> Annexure 3 to this Directive.





- 11.7. To create an existing case on CaseLines which at the time of creation does not exist on the platform, 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:

In Pretoria: PTA000

In Johannesburg: JHB000

- 11.8. 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.

- 11.9. 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:

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

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

- 11.10. The issuing office registrar will allocate 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; whereafter the issuing staff members’ access to the case will be removed.



12. **COURT ONLINE: PROCEDURE FOR CREATION AND MANAGEMENT OF FILES**  
**Website and support details**

12.1. Website for accessing court online <https://www.courtonline.judiciary.org.za>

12.2. Help desk services (operational during all court hours):

Email address: [CourtOnline@judiciary.org.za](mailto:CourtOnline@judiciary.org.za)

Telephone number (Pretoria and Johannesburg): 010 493 2600

MS teams open link:

[https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_NjlwYjk4NTctZjRlMy00M2Y0LTlmOGUtYTE3MjZkYzgzZTM1%40thread.v2/0?context=%7b%22Tid%22%3a%22c83e2aea-897a-4fe9-ba0c-12e02388f238%22%2c%22Oid%22%3a%2235823b3a-a195-4e2c-bf5b-4d225fd4b7a6%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_NjlwYjk4NTctZjRlMy00M2Y0LTlmOGUtYTE3MjZkYzgzZTM1%40thread.v2/0?context=%7b%22Tid%22%3a%22c83e2aea-897a-4fe9-ba0c-12e02388f238%22%2c%22Oid%22%3a%2235823b3a-a195-4e2c-bf5b-4d225fd4b7a6%22%7d)

12.3. In preparation for the processing of any matter on the Court Online system practitioners/litigants are required to register beforehand and initiate all cases on Court Online.

12.4. Foreign nationals who are registered with the Legal Practice Council (LPC) but who do not possess a South African identity number should contact the Court Online Support Helpdesk for assistance with registration.

**Issuing**

12.5. All new cases initiated by litigants in person must be initiated on Court Online. The in-person litigants must be referred to the Court Online Service Desk where designated court staff members can assist with the case initiation. A record of all these cases must be kept by the Registrar responsible for the management of the Court Online Service Desk.

12.6. When initiating an urgent application for issuing, the case must be marked as “urgent” when creating the case on CourtOnline. Cases that are not marked as



urgent cannot be prioritized for issuing. Cases that are not intended to be enrolled on the urgent court roll may not be marked as urgent.

- 12.7. Cases in which minor children are involved, surrogacy matters and Anton Piller applications must be marked as “restricted access”. Cases that do not fall in these categories may not be marked as restricted access.
- 12.8. The reference number generated upon submission of a new case for issuing is not the case number. The case number is automatically generated upon issuing by the registrar. The reference number may not be recorded on any papers filed in the case file – only the case number must be used.
- 12.9. Only the summons or notice of motion is to be uploaded when a case is initiated for issuing. The documents that follow should be uploaded once the case is issued.

#### **Uploading of documents to court file (case bundle)**

- 12.10. All documents must be uploaded in PDF format to the Court Online case file.
- 12.11. Once the bundle is created for a particular hearing date (“scheduled event”), the documents relevant to the hearing must be included in (“added to”) the bundle from the Court Online case file.
- 12.12. The correct document type is to be selected when a particular document is uploaded to the case file. Practitioners often select “other” when uploading documents on Court Online. The Presiding Judge will not be able to identify the document in this manner.
- 12.13. Practitioners must refrain from selecting “other” from the document type selection list when documents are uploaded.
- 12.14. In the event that the document type selection list does not make provision for a specific document type, an e-mail should be sent to the Court Online support desk under the subject heading “Request to add a new document type on Court Online” with a description of the document type to be added to the document upload selection list.



- 12.15. No documents may be uploaded directly to the bundle in CaseLines as such documents will not be visible to the Judge.
- 12.16. Court files (case bundles) created on the Court Online Portal can only be accessed through the Court Online Portal.

### **Enrolment**

- 12.17. Uploading the duly completed hearing date application form<sup>3</sup> and selecting the document type “Application for hearing or trial date” when submitting the form to the registrar, is the equivalent of applying for a hearing date.
- 12.18. There is no need to “invite” any office profile as the application for a hearing or trial date is automatically routed to the registrar or clerk responsible for enrolment.
- 12.19. Enrolment of cases on Court Online are subject to the general requirements for enrolment as set out in this directive.

### **Notices of withdrawal/removal**

- 12.20. Should a litigating party wish to remove a matter from the roll on Court Online, the party is to upload the notice of removal and select the appropriate document type from the document upload selection list. The notice of removal shall be uploaded at least 5 clear court days before the hearing of the matter and the litigating party shall simultaneously notify the secretary of the Judge hearing the matter, per email, of the withdrawal of the matter. The secretary shall on the hearing date remove the matter from the roll.

### **Taxation**

- 12.21. Once a cost order has been made, taxation becomes available.
- 12.22. The Judge’s secretary shall ensure that the taxation avenue becomes available after endorsing the case outcome.

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<sup>3</sup> Annexure 4 to this Directive.



### **Writs and Warrants**

12.23. Writs and warrants may be uploaded to the case file and submitted to the registrar for approval. The issued writ will appear in the Court Online portal under “my case documents”.

12.24. It is important to note that when a writ is filed in a case file on Court Online, it bears the registrar’s signature and court stamp. This does not constitute the issuing of a writ. The registrar shall upon approval upload the duly issued writ of execution.

### **Urgent applications**

12.25. Practitioners/litigants who initiate urgent applications on Court Online must, when they serve such applications on the opponent party provide the party with all information and documents related to the Court Online system.

### **After hours Urgent Court applications**

12.26. After the practitioner(s)/litigant(s) has initiated the case for issuing it will be issued with a case number on Court Online by the urgent court Judge’s secretary.

12.27. Once a case number is issued the practitioner(s)/litigant(s) must create the case bundle in line with the provisions set out in this directive.

12.28. Judges’ secretaries doing urgent court duty shall, at least a week before commencing such duty, notify the relevant registrar who shall assign the appropriate role to the secretaries which will enable them to issue applications on CourtOnline.

12.29. The secretaries are required to provide their contact details which will enable them to receive notifications during after hours when any matter requires attention during that period is brought.



12.30. The urgent court Judge's secretary shall upon receiving the directions of the presiding Judge, set the matter down for *hearing* by creating an event for the hearing of the matter on the allocated date and appropriate urgent court roll.

**Urgent applications during after hours by in person/self representing litigants**

12.31. Self representing litigants who do not have the means to initiate their matters on Court Online shall be processed through email to the urgent court Judge's secretary who shall issue a case number manually and liaise with the presiding Judge to adjudicate such applications.

12.32. On the court day after the hearing the Judge's secretary shall refer all such applications and related documents with the contact details of the parties, to the Court Online service helpdesk whereafter the designated official shall create a case file on Court Online which is to be linked with the manually issued case number and upload the relevant documents to the file.

12.33. The Judge's secretary shall thereafter ensure that the case file is endorsed, the order uploaded and published to the case file or in the instance where an order is given *ex tempore*, have the endorsed case file assigned to the relevant typist team for further handling.

**Finalisation of urgent court matters**

12.34. At the conclusion of an urgent application and in addition to ***paragraph 12.33 above***, the Judge's secretary shall unmark the matter as urgent for it to be removed from the urgent court dashboard.

**13. CASELINES: PROCEDURE FOR MANAGEMENT OF MATTERS PREVIOUSLY CREATED ON CASELINES**

13.1. No new case files should be created on CaseLines. Case bundles must be created from Court Online.



## **Management of active files existing only on CaseLines**

13.2. The applicant's legal representative must enter a prefix for the case type before the case name. When the case or application type changes, the prefix must be amended accordingly. The classification should be included in the prefix in brackets as described below:

### Examples of proper prefixing of cases

Unopposed Motion (Rule 43 Application) Venter S vs Venter E

Unopposed Motion (Summary Judgment) Killian L vs Pillay R

Unopposed Motion (Rule 31(2)) Body Corporate of Hunt Estates vs Fisher A

Unopposed Motion (Interlocutory Application) Venter S vs Venter E

Unopposed Motion (Divorce Application) Venter S vs Venter E

Unopposed Motion (Rule Nisi) XYZ Cc vs ABC Pty Ltd

Opposed Motion (Eviction Application) City of Ekurhuleni vs City of Johannesburg

Opposed Motion (Rule 43 Application) Mdluli P vs Mdluli G

Opposed Motion (Interlocutory Application) Essex L v Esquires Sport Pty (Ltd)

Civil Trial (Y category) Dlamini M vs PRASA

Civil Trial (D category) Tsamai S vs Nkosi D

Civil Trial (F category) Rosenberg Z vs Rossenberg J

Civil Trial (C category) Filter Coffee South Africa vs Starbucks

Civil Trial (P category) Essa K vs Minister of Home Affairs

Special Interlocutory Court (Y category) (Compel compliance) Zakatha T vs RAF

Settlements Court (Y category) Pillay V vs RAF

Default Judgment (Rule 31(5)) SA Taxi vs Burger J

*\*This list is not exhaustive*

13.3. No party may add or modify any information on the front page. For all other intents and purposes, i.e., date allocations and court order endorsements, the front page is for the court officials' use only.

13.4. Upon inviting the registrar's office profiles to cases:

13.4.1. 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.

- 13.5. Registrars and registrar clerks are to manage the designated CaseLines profiles diligently to ensure that matters are attended to timeously.
- 13.6. Emails may not be sent to the various CaseLines registrar office profiles referred to throughout this directive. These CaseLines profiles do not exist as email addresses and are for CaseLines invitation purposes only.

### **Enrolment**

- 13.7. Uploading hearing date application form<sup>4</sup> and inviting the relevant registrar's office profile<sup>5</sup> is the equivalent of applying for a hearing date.
- 13.8. Enrolment of cases on CaseLines is subject to the general requirements for enrolment as set out in this directive.
- 13.9. Attorneys and litigants may not alter or delete endorsements or remove documents from any case on CaseLines. Where an attorney or litigant is found to have tampered with endorsements or removed documents, such attorney will be reported to the Legal Practice Council for investigation of unprofessional conduct or unethical conduct as the case may be.
- 13.10. Any endorsement made by the Judge's secretary or registrar must be copied to a "widely shared" note on CaseLines.
- 13.11. 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. Where legal practitioners and litigants are found to have done this they will be reported for gross professional misconduct and the matters involved will be struck off or removed with costs.

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<sup>4</sup> Annexure 4 to this Directive.

<sup>5</sup> Refer Annexures 1A and 1B for the list of office profiles.





13.12. Attorneys and litigants may not un-invite (*remove*) any person from the “people’ list unless the person to be removed from the case was erroneously invited by him/herself.

14. **APPLYING FOR A HEARING DATE AND ENROLMENT OF MATTERS (PROCEDURE APPLICABLE TO ALL MATTERS)**

14.1. A party who contends that a matter is ready to be allocated a hearing date, shall follow the procedure set out below only once all documentation required for the allocation of the particular type of hearing date sought have been duly uploaded to Court Online / CaseLines.

14.2. For matters on CaseLines:

14.2.1. By uploading the relevant compliance statement for the type of date applied for,

14.2.2. By uploading the generic date application form,

14.2.3. As final step, by inviting the correct office profile to the matter.

14.3. For matters on Court Online:

14.3.1. By uploading the relevant compliance statement for the type of date applied for,

14.3.2. By (as final step) uploading the generic date application form. Note should be taken when uploading the documents that the relevant document type (starting with “application for” and ending with “date”) must be selected for the relevant office to be alerted of the new date application.

14.4. Upon receipt of an application that is fully compliant with the prescripts of this directive the registrar / clerk shall allocate a hearing date and, if the date application was processed via CaseLines, add a widely shared note of the date so allocated.

14.5. The office of the registrar is specifically instructed not to allocate dates for matters that are non-compliant with the requirements set out in this directive.



- 14.6. Where the application is found to be non-compliant the registrar / clerk shall-
- 14.6.1. When processing the application on Court Online set out the reasons for rejecting the date application document.
  - 14.6.2. When processing the application on CaseLines record such reasons on a “widely shared” note.
- 14.7. The application form requesting a date shall be included in the hearing bundle (Court Online matters).
- 14.8. In the event that any misrepresentation is made in the date application process, whether intentional or negligently, the date allocation shall automatically be invalid, and the attorney and/or counsel responsible for the application shall be referred to the DJP for an investigation into the misrepresentation and may be referred to the Legal Practice Council for a further investigation into whether or not professional misconduct has been committed.
- 14.9. For enrolment on CaseLines, the registrar shall upon allocation of a hearing date place the matter on the court roll, un-invite the office profile and make a widely shared note confirming the matter number on the court roll.

15. **MODES OF COURT HEARINGS: PHYSICAL COURTROOMS AND BY VIDEO-LINK**

- 15.1. The following policy considerations inform the directives about modes of court hearings set out hereunder:
- 15.1.1. The general principle is that all courts shall conduct physical hearings in public as the default mode and that the conduct of video-link hearings are appropriate only when sound policy reasons exist to deviate from this default position.
  - 15.1.2. Where appropriate, hybrid hearings may be held in which a measure of physical hearings and video-link hearings co-exist.
  - 15.1.3. Where significant advantages exist in some types of cases to use video-link hearings it is appropriate that such types of cases be heard by video-link as the default model.



15.2. Whether physical or video-link hearings are held in any case, considerations relevant to the achievement of an effective hearing and the reasonable needs and convenience of the Judges, the legal practitioners and witnesses are to be taken into account. This includes:

15.2.1. Courtroom recording equipment, which is effective, that electrical connection points are conveniently located in courtrooms to facilitate Judges and legal practitioners' reasonable needs to power laptops, and wi-fi connectivity is optimally effective to sustain multiple online access to Court Online, CaseLines, and in hybrid hearings, to video-links.

15.2.2. In a video-linked hearing, effective internet connectivity exists for all participants and, in particular, where poor connectivity is experienced in a video-link hearing, the Judge shall exercise a discretion to direct a physical hearing for the continuation of the case or abandon or postpone the hearing until the parties can secure effective connectivity. In this regard it is the duty of all legal practitioners to secure effective connectivity for hearings in which they appear, both for themselves and for any witness.

15.3. Types of cases that shall be heard physically by default:

15.3.1. All criminal trials.

15.3.2. All civil trials and all cases where the matter has been referred for oral evidence-

- At the discretion of the Judge, such cases may be heard in part physically and in part by video-link or wholly on video-link where sound reasons to do so are present. Such arrangements may be at the request of one or all parties or on the initiative of the Judge. Where the Judge takes the initiative, reasonable notice must be given to the parties.
- Where evidence is given by video-link from a remote location, the physical arrangements for the witness to testify must be such that the integrity of the evidence given cannot fall under suspicion of being coached, aided, or in any way directed by a third party by any means.



Practitioners must take responsibility for the organization of “witness rooms” where the whole space is visible and third-party interference is impossible. The Judge may permit deviations from this type of arrangement if deemed appropriate.

15.3.3. Appropriate examples of the hybrid or total use of video-link participation in a case may include:

- An expert witness who is at a remote location.
- Counsel who is not domiciled in Gauteng.
- A witness whose credibility is not an issue in the case.
- A witness whose credibility is an issue and in respect of whom the judge is satisfied that the value of the evidence is unlikely to be diminished on account of testifying remotely and the efficacy of a cross-examination of the witness will not be impaired.

15.3.4. The Unopposed Motion Court, the Special Interlocutory Court, and the Settlements Court hearings during term times. As a general rule, exceptional circumstances must be shown to deviate from the default position.

15.3.5. Applications for admission as Legal Practitioners.

15.4. Types of cases that shall be heard by video link by default:

15.4.1. Unopposed divorce cases.

15.4.2. Applications for leave to appeal.

15.4.3. Urgent cases brought after court hours or over weekends.

15.4.4. Urgent cases brought during all recesses.

15.4.5. Cases in the unopposed motion courts and Special Interlocutory Court brought during any recesses.

15.4.6. Judicial Case Management Court.

15.5. In these types of matters, a party may request a physical hearing and the Judge shall exercise a discretion whether it is necessary to deviate from the default position. Such a request must be given prior to the hearing, in a practice note which



shall stipulate whether all parties are in agreement or not. Ideally, such a request should be made immediately after the publication of the court roll.

15.6. Types of cases that may be heard either in physical court or by video link by agreement among the parties:

15.6.1. All appeals.

15.6.2. All opposed motions.

15.6.3. Family Court motion cases.

15.6.4. In respect of these types of cases the following considerations shall be relevant to the choice of model:

- The default position is a physical hearing and therefore a deliberate choice to use video-link must be made.
- In the absence of agreement among all parties about the mode of hearing, the Judge shall exercise a discretion as to what mode is appropriate having regard to the reasonable needs of all parties' representatives and witnesses.
- If one or more counsel who are to address the court are not domiciled in Gauteng, in the absence of a material reason not to accommodate such counsel on video- link, if counsel requests a hearing by video-link, the matter shall proceed on video-link.
- Counsel who are domiciled in Gauteng and who would prefer not to travel to the seat where the hearing would take place physically, may request to be accommodated by video-link. In the absence of agreement between the parties, the Judge shall decide which mode of hearing is appropriate, having regard to the reasonable needs of all parties' representatives.

15.6.5. A request for any such accommodation must be made to all interested persons as early as possible after the service of the notice of set down.

## 16. **VIDEO LINK LOGISTICS AND ETIQUETTE**

16.1. How video links are set up is within the discretion of the Judge presiding.



- 16.2. It is important to furnish in any email to the Judge's secretary 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. Video links are provided by Judges' secretaries and issues relating to receipt of video links must not be raised with the registrar.
- 16.3. 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.
- 16.4. 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.
- 16.5. Each High Court has a virtual court set up with the necessary equipment and a Judge's secretary to assist unrepresented plaintiffs/ applicants/ respondents/ defendants in their matters before court. This court is designated for unrepresented plaintiffs/applicants/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.
- 16.6. The Judge(s) and legal professionals appearing in video conferencing hearings must be robed. Witnesses, litigants whether represented or unrepresented must be dressed formally.
- 16.7. Instructions for legal representatives and counsel:
  - 16.7.1. 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.



- 16.7.2. The devices used should be fully charged before the hearing and be kept on charge during the hearings to allow the hearing to proceed in the event of a power outage or load-shedding.
  - 16.7.3. To ensure that attorneys and counsel are properly addressed during a virtual hearing, they are directed to ensure that their MS Teams usernames are accordingly adjusted to correspond with their initial(s) and surname so that their correct details display during the hearing.
  - 16.7.4. 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.
  - 16.7.5. 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.
  - 16.7.6. 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.
  - 16.7.7. 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 recording must be availed to any party who was involved in the hearing upon request subject to the procedure set out below.
- 16.8. In those cases which are conducted by video-link and where a party appears in person:
- 16.8.1. 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 or,
  - 16.8.2. Where such a litigant's contact details are known, the secretary of the Judge shall endeavour to make contact to communicate the relevant information.



16.8.3. Where such litigant has personal access to teleconferencing facilities a link may be set up accordingly, if the Judge so directs.

16.9. The following procedure is to be followed by a party when a request for a record of any court proceedings is made:

The request should be made with an accredited transcription service provider. The transcription service provider shall in turn approach the court recordings management office<sup>6</sup> at the relevant Court with a request for the recording for transcription by the service provider. The transcript of proceedings will thereafter be forwarded to the presiding Judge for certification.

17. **PROTOCOL: LIAISON WITH JUDGES**

17.1. 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.

18. **ACCESS BY THE MEDIA TO PHYSICAL/IN PERSON AND VIRTUAL COURT HEARINGS**

18.1. This directive does not replace the provisions set out in the High Courts' Practice Manuals relating to requests for the attendance of the media in court proceedings unless where a deviation therefrom is specified herein.

**Virtual court hearings**

18.2. 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. Such attendance shall take place via a YouTube link and not by way of an invitation to the video-link proceedings. Judges' secretaries shall acquaint themselves with the procedure to give effect hereto.

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<sup>6</sup> Contact details in Annexures 1A and 1B.





- 18.3. In instances where the details of the presiding Judge are unknown, the request may be directed to the secretary of the Deputy Judge President who will direct the request to the secretary of the presiding Judge.
- 18.4. 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.
- 18.5. 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.
- 18.6. 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.
- 18.7. 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>).
- 18.8. 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)
- 18.9. Court rolls of cases processed on CaseLines 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). Court Rolls on Court Online are accessible directly on the system via <https://www.courtonline.judiciary.org.za>

### **Physical or in person Court hearings**

- 18.10. 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.
- 18.11. In instances where media access is granted in an open court hearing or where the presiding Judge hears the matter virtually from the court building, the secretary of



the presiding Judge shall inform the court manager immediately upon the access being granted and provide all details regarding the matter and the public interest attracted to the matter so that the necessary arrangements can be put in place to accommodate the media and public presence at such a hearing.

### **Tax Court matters**

18.12. All Tax Court matters are heard *in camera* to comply with the secrecy provision outlined in the Tax Administration Act.

## 19. **THE GENERAL CIVIL TRIAL COURT**

### **Applying for a trial hearing date**

19.1. The following requirements must be met before a matter will be regarded as ready to be allocated a hearing date on the civil trial:

- 19.1.1. Pleadings must have closed,
- 19.1.2. No amendments to the pleadings may be outstanding or anticipated,
- 19.1.3. No interlocutory applications may be outstanding or anticipated,
- 19.1.4. All discovery must be complete.
- 19.1.5. The parties must have considered whether a single expert on a given aspect is appropriate in the circumstances, and decided to appoint a single expert, or decided not to appoint a single expert setting out the reasons for this decision,
- 19.1.6. All experts' witness reports have been filed,
- 19.1.7. Joint minutes of contending experts have been filed,
- 19.1.8. A minute of a pre-trial conference, signed by all parties, in relation to a pre-trial meeting which was held not earlier than 90 (ninety) calendar days before the date the hearing date application is made, has been uploaded to the court file and is compliant with the provisions of this directive.
- 19.1.9. The protocol for any matter escalations to the Trials registrar in relation to trial or default trial dates applied for is as follows:



- Matters may only be escalated after 14 court days have lapsed following the submission of the date application form (Court Online) or invitation of the relevant CaseLines office profile, and
- After confirming that no CaseLines Note has been made by the registrar (to see notes click on the review panel).
- The requisite audit report (record of user activity & record of document activity) obtained on the day of the enquiry should be attached to the escalation email.

### **Roll Call**

19.2. The mode of roll call in each division shall be determined by the Deputy Judge President.

### **Practice note required**

19.3. The parties shall upload, in the correct section, a joint practice note in the prescribed form after a special pre-trial conference, at which the logistics of conducting the trial are addressed, has been convened. If a plaintiff cannot obtain co-operation 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 co-operation by either party shall attract punitive costs orders by the court.

### **Final enrolment on the trial roll**

19.4. The practice note, prepared in accordance with the practice note templates annexed to this directive<sup>7</sup> must be uploaded not earlier than 7 court days and not later than 5 court days before the hearing set-down date and for matters dealt with on CaseLines the relevant final enrolment office profile invited.

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<sup>7</sup> Annexures 6.1 for Non RAF matters and 6.2 for RAF, PRASA, Minister of police and MEC Department of health, Gauteng matters.



- 19.5. If no practice note is timeously uploaded, or if the matter is dealt with on CaseLines and the relevant final enrolment office profile has not been invited the matter shall automatically be removed from the roll, 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 provision shall be strictly applied.
- 19.6. Where a matter is removed from the trial roll for non-compliance with the requirements of this directive, the registrar / clerk shall communicate such removal as follows:
- 19.6.1. When attending to final enrolment on Court Online set out the reasons for rejecting the document.
- 19.6.2. When attending to final enrolment on CaseLines record the fact that the matter has been removed from the roll and reasons for the finding of non-compliance on a “widely shared” note.
- 19.7. The practice note must, in addition to the information required in terms of the practice manual, read with the templates annexed to this directive contain 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 period between filing the practice note until the set-down hearing date.

#### **Matters ready to go to trial**

- 19.8. 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**

- 19.9. 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.
- 19.10. Civil trial allocations shall be published by the Secretary of the DJP (Johannesburg) and the Trials Registrar (Pretoria) as soon as possible before the set-down hearing



date, by email to the professional bodies and to the parties' attorneys at the e-mail address given in the practice note.

### **Matters crowded out**

19.11. In Johannesburg if any matters ripe for trial cannot be allocated to a Judge, the matter shall stand over until the next Court-day.

19.12. In Pretoria the Deputy Judge President, or Judge calling the roll will exercise their discretion in deciding how to deal with such matters

19.13. 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 (in Johannesburg) or the Trials Registrar (in Pretoria) shall be notified by email.

## 20. **SETTLED MATTERS**

20.1. All matters that are enrolled on the trial roll which become settled shall be dealt with on that roll.

20.2. In all settled divorce matters, the directives set out in **Section 30** of this directive shall apply.

20.3. In Pretoria

20.3.1. All settled RAF matters other than those referred to in par. 20.1 above, must be referred to the settlement roll by following the standard enrolment procedure for matters on Court Online and CaseLines set out in this directive, and with reference to the settlement date application compliance statement template<sup>8</sup>

20.3.2. The relevant documents to be uploaded in addition to the date request form and the applicable compliance statement in a section to be named "Settlement order" are:

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<sup>8</sup> Annexed to this Directive.



- The settlement agreement, alternatively the documentation (offer and acceptance and / or settlement confirmation letter) from which the conclusion of a settlement agreement and the terms of the agreement are evident,
- A joint memorandum of settlement signed by both parties and where it is not possible to obtain a joint memorandum of settlement, a unilateral memorandum of settlement along with an explanation of why it was not possible to deliver a joint memorandum of settlement,
- The draft order of court.

20.3.3. All settled non-RAF matters must be uploaded to the correct section with an invite to the relevant office profile and must include the settlement agreement, a draft order in PDF and MSWORD format, and a practice note. The order will be transmitted by e-mail to the parties.

20.4. In Johannesburg all RAF matters that are settled that are not already on the civil trial roll must be identified as settled upon seeking from the civil trials registrar an enrolment of the Thursday settlement list of the civil trial roll.<sup>9</sup>

20.5. In the Tax Court settlement agreements will be dealt with in terms of the provisions of the Tax Administration Act read with the Uniform Rules of Court.

## 21. **JUDICIAL CASE MANAGEMENT**

### **Additional option in cases against the MEC for Health, Gauteng**

21.1. In respect of cases against the MEC for Health, Gauteng, an additional option is available in which the plaintiff may elect, after close of pleadings, and after the plaintiff has made discovery, and delivered all its expert reports, to apply for judicial case management.

21.2. An application for judicial case management shall be by a letter via email addressed to the secretary of the DJP and shall be accompanied by a signed minute of a conference between the parties in which the progress of the case has

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<sup>9</sup> In Johannesburg, the Clarification Directive of the DJP, Johannesburg of 1 August 2023 **AND THE CLARIFICATION DIRECTIVE OF 30 NOVEMBER 2023** must be followed as regards setting down of settled matters.



been addressed and a joint practice note identifying the issues that are controversial and why it is thought that a case manager's intervention would be useful.

- 21.3. The DJP may assign a judge to case manage the matter if it is apparent that such intervention shall be useful.
- 21.4. The judicial case manager shall, when satisfied, certify the matter ready to go to trial, stipulating the exact issues to be tried, and the estimated duration of the trial.
- 21.5. Unless relevant circumstances exist that inhibit the judicial case manager from presiding over the trial, the case shall be set down before that judge.
- 21.6. This procedure does not imply an earlier trial date might be obtained. The purpose of this intervention is to try to settle or reduce the number of issues in dispute to reduce the length of the trial and to explore mediation in this regard. A request by a plaintiff for case management shall simply a desire to engage in these efforts.

## 22. **JUDGMENTS BY DEFAULT REQUIRING EVIDENCE**

- 22.1. All RAF personal injury or dependants' claims matters in which a default judgment is sought must be enrolled on the default judgment trial roll making use of the procedure set out above for applying for a set down date and with reference to the relevant trial default court compliance statement<sup>10</sup>.
- 22.2. All non-RAF matters in which a default judgment is sought and require evidence to be adduced which has not yet been issued with a set down date for trial, or the set down date is still far off at the time the matter is settled may be enrolled for a default judgment on the unopposed motion roll.<sup>11</sup>

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<sup>10</sup> Annexure 5.2 to this directive.

<sup>11</sup> Regard must be had to subsidiary DJP directives in this regard. In Johannesburg, see DJP Directive of 2 August 2023 and of 30 November 2023.



23. **CIVIL TRIALS OF LONG DURATION (6 TO 9 DAYS), COMMERCIAL COURT CASES, TAX COURT MATTERS, SPECIAL MOTIONS AND SUCROGACY MATTERS**

**Trials of long duration**

A trial is designated “of long duration” if it is anticipated that it will last more than five (5) days.

23.1. If any party to a trial is of the view that a trial will last longer than five days that party shall, together with the application for trial date also upload to Court Online / CaseLines in the “Application for trial date” section a letter to the secretary of the Deputy Judge President (DJP’s secretary).

23.2. The letter must set out:

23.2.1. The names of the parties to the trial and the case number,

23.2.2. The nature of the dispute,

23.2.3. An estimate of the probable duration of the trial.

23.3. 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.

23.4. Upon receipt of an application that is fully compliant with these prescripts the office of the Deputy Judge President / the dedicated registrar of the Tax Court (where applicable) must:

23.4.1. Inform the parties that the matter has been designated / certified as a special civil trial or Commercial Court case or Tax Court matter also indicating the details of the judge seized with the matter and the date of commencement of the hearing.

23.4.2. Invite the Judge seized with the matter, update the hearing date if applicable and un-invite the Office of the Deputy Judge President, if applicable.





23.5. The party applying for the special date should upload the communication informing the parties that the matter has been designated / certified as a special civil trial or Commercial Court case or Tax Court matter to the court file and from there follow the directions of the Judge dealing with the matter.

### **Surrogacy applications**

23.6. An applicant/its representative must follow the usual procedure as set out herein to issue the application.

23.7. The applicant must create the electronic case file on Court Online in order to obtain a case number using only the parties' initials and must not upload any documents pertaining to the matter on the case file until directed to do so by a Judge.

23.8. The applicant must thereafter contact the Office of the Deputy Judge President via email to the relevant email address for directions on the the further handling of the matter.

## 24. **THE MOTION COURT**

24.1. This section applies to all motions except for urgent motions.

### **Applying for a motion date**

24.2. A request for a motion hearing date date is done by following the general hearing date application procedure set out in par. 14 of this directive<sup>12</sup>.

24.3. In addition to the requirements set out in par. 14 of this directive, the specific requirements that have to be met for the allocation of a motion date are as follows:

24.3.1. Uploading the duly served motion documents,

24.3.2. Uploading a properly completed notice of set down with a blank space for a date,

24.3.3. For opposed motions only, uploading a compliant practice note.

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<sup>12</sup> Annexure 5.4 to this directive.



### **Final enrolment in the motion court**

- 24.4. On Court Online: Upon compliance with the Uniform Rules of Court and applicable practice directives, the applicant's legal representative must no later than the prescribed time periods, upload the computerized set down notice (J118 form), 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 applicable enrolment office to the case.
- 24.5. On CaseLines: Upon receipt of a hearing date the applicant's legal representative must no later than the prescribed time periods, update the blank notice of set down with the allocated hearing date, duly serve same on the respondent's legal representative and upload same in the section titled "Final notice of set down" (in motion proceedings), or in the correct chronological order in the relevant section created for the specific motion (in action proceeding where the motion is of interlocutory nature) on the case file, and the applicable enrolment office must be invited to the case to ensure final enrolment.
- 24.6. 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 specific requirements for final enrolment of opposed motions, unopposed motions and special interlocutory motions are detailed in sections 25, 26, 27 and further, below.
- 24.7. Where there are defects / discrepancies preventing the matter from being finally enrolled, the court official attending to final enrolment must –
- 24.7.1. When attending to final enrolment on Court Online set out the reasons for rejecting final enrolment as part of the rejection notice.
  - 24.7.2. When attending to final enrolment on CaseLines record such defects / discrepancies on a "widely shared" note.



### **Requests for specific dates**

- 24.8. In instances where attorneys require specific dates to be allocated due to counsel's availability/non-availability or for another valid reason, a CaseLines note to that effect may be made for the registrar's consideration.
- 24.9. Such date requests should be for a date range (e.g., 'last week of June') and not for a specific date; and should be sufficiently motivated.

### **Requests for return dates**

- 24.10. Practitioners should undertake their requests for return dates, in particular return dates in rule *nisi* applications, in the same format as directed in paragraph **24.9 above** and prior to the hearing of the matter in court.
- 24.11. Should it be that a return date request had not been made prior to the hearing of the matter or that the need for a return date becomes apparent during a hearing, the Judge's secretary must request such return date directly from the motions registrar.
- 24.12. The return date obtained must be confirmed in the same manner and form as a provisional date application in order for the matter to be added to the provisional roll and the date to be entered by the registrar's office to the file on CaseLines. Failure to attend to provisional enrolment will result in the return date being forfeited.
- 24.13. The confirmation of the date must be accompanied by the postponement order and a note to the registrar on/utilising CaseLines Notes requesting the date reflected in the order to be updated on the file and the case to be included on the registrar's provisional roll.
- 24.14. Attorneys are not to seek return dates in any manner other than described herein.
- 24.15. Compliance with this part of the directive is mandatory to ensure successful enrolment on CaseLines matters on the final roll.



24.16. 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. For matters dealt with on CaseLines the court official must make a widely shared note of the provisional date so allocated.

24.17. Should the request/application for a hearing date/provisional hearing date be in order and approved, the relevant court official must enter the hearing date and where applicable, clearly marked as “provisional” date on the electronic file. If the date application was processed via CaseLines, the same court official must add a widely shared note of the date so allocated.

24.18. Where the application is found to be non-compliant the registrar shall-

24.18.1. When processing the application on Court Online set out the reasons for rejecting the application.

24.18.2. When processing the application on CaseLines record such reasons on a “widely shared” note.

### **Matters in which orders are made by Judges in chambers**

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

24.20. 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.

24.21. 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.



## 25. **THE OPPOSED MOTION COURT**

### **Applying for an opposed motion date**

25.1. In addition to what is noted in **par 24.2 above**, the following requirements must be met before application may be made for the allocation of an opposed motion hearing date:

25.1.1. The applicant's heads of argument must be filed within 15 days after the date on which the applicant's replying affidavit had to be filed or within 15 days after the respondent filed their answering affidavit.

25.1.2. The respondent's heads of argument must be filed within 10 days after filing of the applicant's heads of argument.

25.1.3. Should the applicant fail to file heads of argument within the aforesaid period, the respondent may (file heads of argument and) apply for a hearing date.

25.1.4. Should the respondent fail to file heads of argument within the aforesaid period, the applicant may (file heads of argument and) apply for a hearing date.

25.1.5. A party applying for a hearing date should also file a list of authorities and chronology table.

25.1.6. A matter to be argued for 4.5 hours or longer shall be referred to the office of the special motions court to arrange for the allocation of a date of hearing.

25.2. The registrar shall not enrol a matter unless these prescripts are complied with.

25.3. The provisions of this paragraph apply retroactively.

### **Final enrolment of opposed motions**

25.4. The opposed motion roll shall close at noon twenty (20) clear court days preceding the hearing date save for opposed applications for summary judgment enrolled in the opposed motion court.



- 25.5. The respondent's opposing affidavit in opposed summary judgement applications in terms of the Uniform Rules of Court shall be filed and uploaded to the electronic file on CaseLines by no later than (5) clear court days before the date upon which the case is set down.
- 25.6. All opposed motions shall be set down by the registrar formally on a Monday and the Judge allocated to hear the matter shall give directions as to which day of that week the matter shall be heard.
- 25.7. The only matters that shall remain on the final roll (final enrolment) are those in which the bundle has been completed and indexed in the prescribed manner. This must be attended to one court day before the expiry of 3 weeks before the allocated hearing date.
- 25.8. The registrar shall place the matter on the final 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.
- 25.9. No enquiries relating to confirmation of final enrolment should be escalated prior to and/or on the date the roll closed.
- 25.10. The relevant litigating party shall upload a notice of withdrawal to the electronic file at least 5 clear court days before the hearing of the matter and shall simultaneously notify the secretary of the Judge hearing the matter, per email, of the withdrawal of the matter. The secretary shall on the hearing date remove the matter from the roll.
- 25.11. Practitioners/legal representatives may not alter or request alteration of the bundle 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.



- 25.12. Any matter that is enrolled despite non-compliance shall be removed by the senior Judge assigned to allocate the roll unless a full and satisfactory explanation in writing is provided to the senior Judge by no later than 12 court days before the date of formal set down. 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.
- 25.13. The senior Judge who is charged with the allocation of the opposed motion roll shall allocate only those matters that comply with the prescripts set out in this paragraph.
- 25.14. In cases where these prescripts are not met because one party is delinquent and that delinquency which threatens to improperly or unfairly delay the hearing, the senior Judge shall exercise a discretion to allocate the matter for hearing. The delinquent party risks an award of a punitive costs order and the legal practitioners an interdict against charging the client a fee.
- 25.15. The Judge allocated to preside over an opposed motion matter shall by not later the Monday of the week before the week in which the case has been set down (i.e., 6 court days), notify the parties by email of the day and time in that week when the case shall be heard, and issue any additional directives as may be appropriate. All further communication about the matter must be by email to the email address stipulated by the Judge.
- 25.16. All opposed motions set down during the term shall be disposed as follows:
- 25.16.1. 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.
- 25.16.2. 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 uploaded to Court Online and sent by email to the email address designated by the senior Judge or to the Judge's secretary, by not later than 12 court days before the week in which the matter is set down.



25.16.3. If no agreement is reached about forgoing oral argument, that must be communicated to the senior Judge in the opposed motion court in a practice note uploaded to Court Online and also sent by email, not later than 12 court days before the week in which the matter is set down, and a hearing shall take place as directed by the Judge seized with the matter.

**Pre-hearing conference required**

25.17. 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:

25.17.1. The relevant factual chronology.

25.17.2. Common cause facts relevant to the relief sought in the pleadings.

25.17.3. Issues requiring determination.

25.17.4. Relevant portions of the papers to be read.

25.17.5. Whether or not the parties have agreed to forgo an oral hearing.

25.17.6. Whether supplementary submissions are expected in the event that the matter will be heard on paper.

25.17.7. An updated estimate of the duration of the hearing.

25.17.8. Any other matters relevant for the efficient conduct of the hearing, to present to the Judge seized with the matter.

25.18. The joint practice note should be uploaded to the case file on court online and also transmitted via email no later than 12 court days prior to the week in which the matter has been set down to the senior judge in order to facilitate the senior Judge allocating the matter and to facilitate the preparation of the matter by the judge hearing the matter, including considering where necessary, a pre-hearing conference with the Judge hearing the matter.

25.19. In a case where an opponent fails to cooperate in the preparation of a joint practice note, the aggrieved party may file a unilateral practice note and declare the opponent in default. This practice note must be filed not later than 12 court days prior to the week in which the matter is set down. The default by a delinquent party shall not necessarily compromise the hearing as scheduled. The presiding Judge





may impose sanctions including punitive costs or the disallowance of fees by counsel and attorney who are derelict in their obligations.

## 26. **THE UNOPPOSED MOTION COURTS**

### **Applying for an unopposed motion date**

26.1. The requirements and procedure set out in par.24 above, must be met and followed for the allocation of an unopposed motion hearing date.

26.2. These directives apply to all unopposed courts, including the special interlocutory court (SIC) and Family Court in respect of opposed or unopposed rule 43 applications and other unopposed applications.

### **Final enrolment of unopposed motions on CaseLines**

26.3. The unopposed motion roll shall close at noon seven (7) clear court days preceding the hearing date.

26.4. Final enrolment must be attended to from the 15<sup>th</sup> court day prior to the date of hearing, but no later than noon, seven (7) clear court days preceding the hearing date thereof.

26.5. Documents to be uploaded for final enrolment on the unopposed motion roll, are-

26.5.1. A notice of final enrolment with proof of timeous service of same,

26.5.2. A compliant practice note,

26.5.3. A draft order of court.

26.6. Practitioners are reminded to invite the relevant unopposed enrolment office profile after uploading the relevant documentation, failing which the matter will not appear on the final unopposed motion roll.



### **Unopposed motion hearings**

- 26.7. A final updated practice note and draft order of court reflecting the name of the Judge to whom the matter has been allocated, and the court in which the matter will be heard is required for the disposal of the matter.
- 26.8. The applicant must upload the updated practice note onto CaseLines and, if directed by the Judge, also send it by email to the email address stipulated by the Judge. This must be done 5 court days before the week in which the matter is set down.
- 26.9. The practice note must set out whether the matter may be disposed of on the papers, or an oral hearing is required. If no hearing is required, whatever submissions deemed relevant and important for the disposal of the matter must be made in the practice note.
- 26.10. 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.
- 26.11. If short heads of argument are appropriate, these too must be filed 5 court days before the week in which the matter is set down. The purpose of the practice note is to assist the court in the efficient disposal of the matter.
- 26.12. 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 / Court Online 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.
- 26.13. 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.



27. **THE SPECIAL INTERLOCUTORY COURT (“SIC”): ROLE AND FUNCTIONS, APPLICABLE TO ALL CATEGORIES OF MATTERS**

- 27.1. The Special Interlocutory Court (“SIC”) is established to address the delinquency of an adversary in respect of non-compliance with the provisions of this directive or of the practice manual of the court or of any of the Uniform Rules of Court, in all cases, i.e., trials, applications and appeals, regardless of whether or not such matters are opposed or unopposed.
- 27.2. Any party who, having reason to be aggrieved by the other party’s neglect, dilatoriness, failure, or refusal to comply with any rule of court, provision of the practice manual or provision of this directive must utilize the SIC to compel compliance from the delinquent party.
- 27.3. The orders obtainable in the SIC are of a strictly interlocutory nature, not of a substantive nature.
- 27.4. Opposed or unopposed interlocutory applications relating to matters other than in respect of procedural delinquency must not be enrolled in the SIC and must instead be enrolled in the general opposed or unopposed motion court, whichever is applicable.<sup>13</sup>

**Final enrolment of SIC motions on CaseLines**

- 27.5. Documents to be uploaded for final enrolment on the SIC motion roll, are-
- 27.5.1. A notice of final enrolment with proof of timeous service of same,
  - 27.5.2. A compliant practice note,
  - 27.5.3. A draft order of court.
- 27.6. No office profile needs to be invited for final enrolment in the SIC.
- 27.7. The papers must be succinct.

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<sup>13</sup> E.g., an application to compel specified further particulars as distinct from an application to compel a reply to a request for particulars, does not involve a delinquent failure to comply with a rule or directive, but concerns whether, on substantive grounds the information requested is lawfully required.



- 27.8. If a matter becomes opposed, brief heads of argument must be submitted as soon as practicable.
- 27.9. Draft orders in the SIC, in addition to being uploaded to the court files on Court Online and CaseLines must also be available in hard copy to hand up at the physical hearing or, in a video link hearing, sent in MS WORD format by email to the secretary of the presiding Judge to enable revisions, if required to be made at the discretion of the Judge.
- 27.10. An application in the SIC shall not be postponed or deferred because it becomes opposed since that would have the effect of undermining the very function of the SIC. Opposed matters shall therefore be disposed of within the week in which they are set down. The opposing litigant may file such papers to succinctly set out the basis of the opposition as the presiding Judge may permit.
- 27.11. To prevent unnecessary delays, additional costs, and a waste of court resources caused by non-compliance with orders handed down in the SIC, a party may seek an order in the SIC that provides for the *ipso facto* striking out of the claim or defence in the event that the other party fails to comply with an order granted by the SIC within a specified time, provided that-
- 27.11.1. The order has been served on the delinquent party, and
- 27.11.2. A rule of court provides that such non-compliance entitles an aggrieved party to apply to strike out the claim or defence.<sup>14</sup>
- 27.12. Pursuant to the striking of a claim or defence of a party as provided for above:
- 27.12.1. in RAF matters final substantive relief must be sought by enrolling the case on the Default Judgment Trial Roll.
- 27.12.2. The notice of set down for such default hearings must be served on the RAF by way of physical service.
- 27.13. Among the types of delinquency which the SIC shall deal with are:

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<sup>14</sup> Sample order of court annexed as Annexure 8.



- 27.13.1. The failure to deliver timeously any practice note or heads of argument that are due,
- 27.13.2. A failure to comply with Rule 36(15),
- 27.13.3. A failure to comply with a notice in terms of Rule 35(3),
- 27.13.4. A failure to sign a rule 37 minute promptly,
- 27.13.5. A failure to comply timeously with any undertaking given in a rule 37 conference,
- 27.13.6. A failure to secure an expert timeously for an interview with a plaintiff/patient after having given notice that the plaintiff/patient must submit to an examination,
- 27.13.7. A failure by the RAF to reply to a request to either accept or reject a plaintiff's RAF4 Serious Injury Assessment in terms of regulation 3(3)(c) and 3(3)(d) of the RAF regulations,
- 27.13.8. A failure to agree or confirm a meeting of experts for the purpose of preparing joint minutes,
- 27.13.9. Non-compliance with any provision of this directive,
- 27.13.10. Any other act of non-compliance in respect of an obligation that rests upon a party which may imperil expeditious progress of a matter may be the subject matter of an application to compel; the list is not limited.

27.14. The SIC will not deal with applications to compel a party to attend a pre-trial meeting unless the matter has been submitted to the registrar for decision, as provided for in rule 37(3)(b) of the Uniform Rules of Court. The procedure to follow for submission to the registrar for decision on the date, time and place for the pre-trial conference is as follows:

- 27.14.1. On Court Online the party wishing to submit the matter to the registrar shall upload to a notice referring the matter to the registrar for decision.<sup>15</sup>
- 27.14.2. On CaseLines the notice referring the matter to the registrar for decision has to be uploaded to the Pre-Trial section of the matter, and the relevant CaseLines profile invited.

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<sup>15</sup> The provisions of Rule 36 do not encompass an obligation by a defendant to appoint expert witnesses.

<sup>16</sup> Annexure 7 to this directive.



27.14.3. The registrar shall upon receipt of a referral notice allocate a pre-trial date and inform the parties of same by uploading a pre-trial date allocation letter to the matter profile. On CaseLines the registrar shall make a widely shared note indicating the date allocated for the pre-trial. On CourtOnline, the registrar shall upload the pre-trial date allocation letter to the court file.

27.15. Because the very purpose of the SIC is to overcome delinquency and consequent improper delays, any breach by a legal practitioner of the duty to promote and advance the efficacy of the legal process as stipulated in paragraph 60.1 of the Code of Conduct for Legal Practitioners may be referred to the Legal Practice Council for investigation into possible professional misconduct.

27.16. In a proper case, punitive costs (including an order disallowing legal practitioners from charging a fee to their clients) may be awarded where recalcitrance or obfuscation is apparent and is the cause of inappropriately delaying or attempting to delay the progress of any matter.

## 28. **URGENT MOTION COURT**

28.1. Hearings shall be conducted as directed by the presiding Judge.

28.2. The issuing of case numbers for and/or enrolment of urgent applications should be dealt with between 08:00 and 16:00 on court days unless the initiation can take place only outside court hours for a hearing to take place outside of court hours. Where an urgent case is issued and simultaneously enrolled, the issuing clerk creates the case on CaseLines and invites the applicant and the Judge's secretary. The applicant must ensure to invite all other legal practitioners involved in the matter. When an urgent matter that was previously issued and already created on CaseLines is later enrolled, the clerk responsible for the urgent roll must be informed that the case already exists.

28.3. The contact numbers for the after-hours Urgent Court of the respective courts are noted in Annexures 1A and 1B to this directive.



These numbers are operational on weekends and between 08:00 and 16:00 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.

- 28.4. The papers of existing cases 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.
- 28.5. Only when the uploading of papers in existing matters 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.
- 28.6. 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 / Court Online, via email or physically.
- 28.7. Any order granted/issued shall be communicated by email to the parties and uploaded onto CaseLines / Court Online.
- 28.8. The enrolment 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).
- 28.9. Service of process in all urgent matters shall comply with the Uniform 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*.
- 28.10. The urgent roll closes at noon on a Thursday for the following Tuesday. The applicant must properly consider the appropriate notice period to give to the respondent. Generally, enrolments ought to be made for the next week, but where longer notice periods are deemed appropriate by an applicant, matters may be enrolled for a later week.



29. **THE FAMILY COURT**

29.1. The Family Court shall sit each week during term.

29.2. The objective of this court is to streamline most family law cases onto a single roll where they might be dealt with more speedily. This directive shall prevail over any provision in any other directive and the Practice Manual which regulates family law cases.

29.3. A Family Law case includes the following:

29.3.1. Marriage, including customary and/or religious marriage,

29.3.2. Civil unions,

29.3.3. Domestic partnerships,

29.3.4. Domestic violence,

29.3.5. Universal partnerships arising from life partnerships,

29.3.6. Divorce,

29.3.7. Dissolution of civil unions, domestic partnerships, universal partnerships arising from life partnerships and proceedings incidental thereto,

29.3.8. Parental rights and responsibilities,

29.3.9. Maintenance,

29.3.10. Relocation of children,

29.3.11. Representation of children,

29.3.12. Care and maintenance of major but dependent persons,

29.3.13. Children's rights,

29.3.14. The Hague Convention on Civil Aspects of International Child Abduction,

29.3.15. The confirmation of surrogacy agreements in terms of section 295 of the Children's Act, 38 of 2005.

29.4. The Family court shall hear the following matters, opposed and unopposed:

29.4.1. All rule 43 applications, regardless of estimated duration,

29.4.2. Interdicts,

29.4.3. The guardianship, access, care of, and maintenance of children and spouses,

29.4.4. Relocations to other jurisdictions,





- 29.4.5. Curator *ad litem* applications to represent minors,
- 29.4.6. Urgent applications, subject to the provisions of **Par. 29.7.3 below**,
- 29.4.7. Enforcement of the Practice Manual and directives bearing on family law cases, including the exchange of the Financial Disclosure Form (FDF).
- 29.4.8. In term, urgent matters in which the degree of urgency is such that the prescribed enrolment period to access the family court constitutes an undue delay and failure to adhere thereto may appropriately be condoned.
- 29.4.9. Other family law applications.
- 29.5. Surrogacy matters are dealt with:
- 29.5.1. In Pretoria in the family court.
- 29.5.2. In Johannesburg by a family court Judge designated ad hoc by the DJP.
- 29.6. Hague Convention matters are heard:
- 29.6.1. In Pretoria in the family court.
- 29.6.2. In Johannesburg by a family court Judge designated *ad hoc* by the DJP.
- 29.7. The Family court shall not hear:
- 29.7.1. Opposed divorce trials which shall continue to be heard as part of the general civil trial roll,
- 29.7.2. Appeals about family law cases,
- 29.7.3. Urgent family law matters brought *after court hours in term and in during any recess*:
- These matters must be enrolled in the urgent motion court not in the Family Court.
  - Moreover, it must be noted that once a Judge in the urgent court becomes seized with a family matter, it must not be thereafter transferred to the family court and that Judge must complete the matter.



**Access to the Family Court and the procedure for setting down cases**

29.8. A party shall seek a set down date by inviting the relevant office profile to the electronic file on Court Online, in accordance with all the applicable prescripts of the motion court directives and the Practice Manual.

29.9. All requests for a set down date shall be clearly marked as a family law case, in accordance with the classifications in use namely:

29.9.1. Rule 43 applications,

29.9.2. Custody,

29.9.3. Interdict,

29.9.4. Other family law matter.

29.10. A date so allocated by the registrar must be regarded as final and should a party decide not to proceed with the hearing of the matter, the party must ensure that the matter is removed from the roll.

29.11. All queries relating to enrolments in the Family Court must be made by way of email to [JHBFamilycourt@judiciary.org.za](mailto:JHBFamilycourt@judiciary.org.za) or [FamilyCourtPTA@judiciary.org.za](mailto:FamilyCourtPTA@judiciary.org.za)

29.12. A request for a set down date of any opposed family law case must include:

29.12.1. A full set of papers properly indexed and uploaded in accordance with prevailing directives,

29.12.2. In a distinct section of the affidavits, the issue of mediation must be addressed as a means to resolve or narrow the dispute, including a motivation why mediation was not embarked on, or if already utilized and either unsuccessful or not wholly successful, why that outcome eventuated. In addition, a certificate by the attorney must be presented to the registrar stating that mediation has been addressed and referencing the paragraphs in the affidavit.



29.13. A Family Court Judge may, if not satisfied that appropriate efforts have been made to mediate a dispute which appears to be susceptible to mediation, exercise a discretion to stay the proceedings to afford the parties an opportunity to reflect thereon, and not permit re-enrolment until such time as the parties adduce cogent evidence of having properly engaged on the prospects of mediation and having given an explanation why it would be fruitless to resort thereto.

29.14. The heads of argument, shall become due to be filed:

29.14.1. by the applicant, not later than five court days after the papers are complete, and

29.14.2. by the respondent, not later than five court days after the filing of the applicant's heads of argument.

29.14.3. In rule 43 matters heads of argument need not routinely be filed and the practice note to which is annexed the comparative table of contentions by both parties shall suffice.

29.15. Heads of argument shall avoid prolixity and state unequivocally the precise questions the court is being asked to decide and reference the passages or documents relevant to every submission as they appear in the bundle.

29.16. In a case where an adversary is in default of filing heads of argument timeously, the aggrieved party must file heads and declare the adversary's default. The failure of a party to comply with this injunction shall not delay the request for a date. The failure to comply, timeously or at all, may be visited by a punitive costs order.

29.17. All matters in the family court shall be set down on a Monday whereupon the senior Judge shall allocate the roll.

29.18. The registrar shall maintain a 4-week cycle for setting down all cases, opposed and unopposed, i.e., a request for a set down date in week 1 shall be addressed by the registrar in week 2 and set down a fortnight hence, i.e., in week 4. This cycle shall exclude recess periods.



29.19. The roll shall be published in week 2 for week 4. The roll shall reflect the Judges sitting and their secretaries' contact details. The opposed matters and the unopposed matters shall be listed separately.

### **Opposed Family Law cases**

29.20. Upon the roll being published, in all opposed matters the parties must file a joint practice note by not later than noon on Tuesday of week 3. If agreement on its content cannot be reached, each party shall file its own practice note.

29.21. Filing of the practice note must not be delayed; in the absence of receipt the matter shall be struck off the roll.

29.22. A practice note shall state clearly the relief sought and any other material information relevant to the matter; in particular:

29.22.1. The representatives and all their contact details,

29.22.2. A preferred date in the week between Monday and Friday, if any, for the hearing, however no guarantee can be given that the preference shall be accommodated,

29.22.3. The exact relief sought,

29.22.4. A succinct description of the points in issue as between the parties (elaboration must be avoided).

29.22.5. The practice note must be addressed to the senior Family Court Judge presiding in that week who shall give directions as to when each matter shall be heard and by whom.

### **Urgent Family Law Cases**

29.23. An urgent family law case is one where a case can be cogently made out that the relief is required before the prescribed procedure has run its course. Such matters may be set down before noon on a Thursday for the following Tuesday, in accordance with standard urgent motion court practice. All other standard factors pertinent to urgent matters shall continue to apply.



29.24. Where the senior Judge in the urgent motion court examines the matters set down for the Tuesday of the next week for allocation, if any family law matters have been set down in that court, they must at once be referred to the senior Judge in the family court.

29.25. A family law case which is so urgent that it is necessary to bring it after court hours during term or during any recess, shall be enrolled in the urgent motion court, not in the family court. As a general rule, such a case would be in respect of interim relief.

### **Case management of family cases**

29.26. In an appropriate case, an opposed family law case may be case managed by a Judge assigned to undertake that task by the Deputy Judge President (DJP).

29.27. An appropriate case is one in which there is a substantial degree of complexity of either law or of fact and the intervention of a Judge is necessary to overcome the risk of delay or promote the prospect of settlement.

29.28. An appropriate case is not one in which the respective parties or their representatives merely encounter interpersonal difficulties or experience difficulty in securing agreement on the expeditious preparation of the case.

29.29. An application for case management is made by letter, copied to the adversary, addressed to the DJP.

29.30. The assignment of a case-manager-Judge by the DJP shall be subject to the availability, from time to time, of Judges to undertake such assignments, and a meritorious case may be refused the assignment of a case manager for reasons of such unavailability at the time of the request.

29.31. Anterior directives and other injunctions relevant to family cases include:

29.31.1. The Practice Manual.



29.31.2. Paragraph 10.15 of the Johannesburg Consolidated Practice Directive dated October 2018 insofar as it relates to The Hague Convention on Civil Aspects of International Child Abduction.

29.31.3. Paragraph 10.16 of the Johannesburg Consolidated Practice Directive dated October 2018 insofar as it relates to applications for the confirmation of surrogacy agreements in terms of section 295 of the Children's Act, 38 of 2005.

29.32. The case management Judge can at any time request the parties to seriously consider mediation.

### 30. **UNOPPOSED DIVORCES IN PRETORIA AND IN JOHANNESBURG**

30.1. These directives regulate the hearing of unopposed divorces.

30.2. Unopposed divorces in Pretoria shall be heard on the general family court roll.

30.3. Unopposed divorces in Johannesburg shall be dealt with on Fridays in the dedicated unopposed divorce court by video-link.

#### **Mode of hearings of unopposed divorces in Pretoria and in Johannesburg**

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

30.4.1. A: Matters not involving minor children.

30.4.2. B: Matter involving minor children.

30.4.3. C: Matters in which the party is unrepresented.

#### 30.5. **Category A (Matters not involving minor children)**

30.5.1. 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.

30.5.2. A practice note must be uploaded to CaseLines / Court Online and submitted with the set down notice.



30.5.3. The practice note must include reference to:

- Submissions, if any, by counsel for the party,
- A request, if any, to make oral submissions,
- An affidavit from the plaintiff setting out the relevant evidence,
- A certified copy of the settlement agreement,
- A certified copy of the marriage certificate,
- And a draft order in MS WORD format which must contain the name, email and cell phone details of counsel, if any.

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

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

30.5.6. 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:

- Disposal without an oral hearing,
- Disposal during a video conference which the court must host,
- Disposal at a physical traditional hearing.

30.6. **Category B (Matters involving minor children)**

30.6.1. All matters that involve minor children must be dealt with by adducing evidence on affidavit. No party shall testify in person, save where the Judge orders otherwise.

30.6.2. A practice note must be uploaded to CaseLines / Court Online and submitted with the set down notice.

30.6.3. The practice note must include reference to:

- Submissions, if any, by counsel for the party,
- A request, if any, to make oral submissions,



- An affidavit from the plaintiff 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,
- A certified copy of the settlement agreement,
- A certified copy of the marriage certificate, and
- A draft order in MS WORD format containing the name, email, and cell details of counsel, if any.

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

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

30.6.6. 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:

- Disposal without an oral hearing,
- Disposal during a video conference which the court must host,
- Disposal at a physical traditional hearing.

30.7. **Category C (Matters where the party is unrepresented)**

30.7.1. 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:

- Disposal during a video conference which the court must host,
- Disposal at a physical traditional hearing.

30.7.2. In those cases where an unrepresented party 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.





30.7.3. In those cases where an unrepresented party 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.

30.7.4. In those cases where an unrepresented party has personal access to teleconferencing facilities an appropriate link may be set up accordingly, as the Judge directs.

### 31. **ADMISSIONS OF LEGAL PRACTITIONERS**

31.1. The Following entities must be added/invited as a party to the bundle:

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

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

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

31.1.4. The Pan African Bar Association of South Africa (PABASA), per email:  
[pupillage@pabasa.co.za](mailto:pupillage@pabasa.co.za)

31.2. The attorney for the applicant must furnish on CaseLines / Court Online an affidavit stating that he or she has examined the original documents, i.e., identity document of the candidate and those documents relating to the qualification(s) conferred on the candidate for admission and confirming that the documents appear to be authentic.

31.3. 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.

31.3.1. The oath of office shall be administered during the hearing,

31.3.2. 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 and commissioning,



31.3.3. A hard copy shall be sent to the LPC, and an email copy sent to the counsel who moved the matter.

31.4. The certificate issued by the registrar shall be uploaded to CaseLines / Court Online and the original shall be available for upliftment from the registrar's office upon suitable arrangements made with the registrar.

31.5. All enquiries relating to admissions must be directed to the relevant email addresses as contained in annexure A1 / A2 to this directive.

## 32. **DEFAULT JUDGMENT BY REGISTRAR IN TERMS OF RULE 31(5)**

32.1. Once the application and all supporting documentation have been filed/uploaded on the electronic case file, the applicant's/plaintiff's legal representative must prepare and upload an affidavit or certificate 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 as well as the checklist attached to this directive.

32.2. The applicant's/plaintiff's legal representative must invite the default judgment registrar to the electronic case file.

32.3. The registrar is instructed to un-invite the office profile from cases where attorneys failed to upload a complete and accurate checklist. Such cases will not be regarded as a properly filed application.

32.4. Default Judgment in terms of rule 31(2) must not be brought before the default judgment registrar and should be enrolled in the unopposed motion court.<sup>17</sup>

32.5. 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. The registrar shall immediately after

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<sup>17</sup> In Pretoria, practitioners should have regard to the directive issued by DJP Ledwaba on 30/11/2023.



endorsement of the file remove the “change case” permissions of all legal practitioners or parties (other than court staff and CaseLines support personnel).

32.6. Where there are defects and / or discrepancies preventing granting of default judgment the court official processing the application must –

32.6.1. When processing the application on Court Online set out the reasons for rejecting the application as part of the rejection notice.

32.6.2. When processing the application on CaseLines record such defects / discrepancies on a “widely shared” note.

32.7. No applications may be submitted during *dies non*.

32.8. Enquiries regarding court orders of applications for default judgment in terms of rule 31(5) should be directed to the relevant default judgment registrar.

### **In the Tax Court**

32.9. 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.

## **33. LEAVE TO APPEAL AND CIVIL APPEALS**

33.1. The requirements and procedure set out in par.24 above, must be met and followed for the allocation of a date for the hearing of an application for leave to appeal, or a civil appeal<sup>18</sup>.

33.2. 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 additionally be communicated per e-mail to the office of the Judge President: [JP.Gauteng@judiciary.org.za](mailto:JP.Gauteng@judiciary.org.za). The subject of the email should read: “ACTING JUDGE LEAVE TO APPEAL”.

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<sup>18</sup> Leave to appeal and appeal compliance statements annexed as Annexure 5.10 to this directive



- 33.3. The presiding Judge shall exercise a discretion regarding the appropriate mode of hearing to address the application.
- 33.4. Should leave to appeal be granted in a matter dealt with on CaseLines, a new case should be initiated on Court Online for the furtherance of the appeal.
- 33.5. When applying for an appeal date, the legal representatives must in following the procedure set out in par.14 above each upload all necessary documents, including proof of service, heads of argument and practice note for processing by the appeals registrar.

### **Bail appeals**

- 33.6. A bail appeal shall, after consultation with the Director of Public Prosecutions, be initiated on Court Online whereafter an email should be sent to the relevant registrar for processing of the bail appeal.
- 33.7. The Director of Public Prosecutions shall liaise with the registrar and the senior Judge responsible for criminal trial matters and/or the DJP concerning the allocation of a Judge to hear the matter.
- 33.8. The allocated Judge shall exercise a discretion about an appropriate mode of hearing to address the application.

### **Appeals generally**

- 33.9. All enrolled appeals shall be disposed of in open court, pursuant to section 19(a) of the Superior Courts Act, and the court shall rely only on the heads of argument filed, subject to the following:
- 33.9.1. If both parties agree, an appeal may be removed from the roll. There shall be no costs order.
- 33.9.2. 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.

- 33.9.3. 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.
- 33.9.4. 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.
- 33.9.5. The appellant remains *dominus litis* and is ultimately responsible for the efficient disposal of the appeal.

## 34. **CASE OUTCOMES AND COURT ORDERS**

### **Case outcomes**

- 34.1. Case outcomes are recorded only on the relevant court system.
- 34.2. On Court Online the outcomes are not visible to portal users. Once an order is generated, uploaded and published to the court file, the order will appear in the Court Online portal under "my case documents".

### **Draft orders of court**

- 34.3. Draft orders must bear the name of counsel, the attorney(s) and their respective email addresses and cell numbers.
- 34.4. On CaseLines draft orders presented to a Judge for consideration must be uploaded in MS WORD and PDF format.

### **Signed written judgments and orders of court**

- 34.5. In respect of signed written judgments and draft orders which are made orders of court the order and the judgment shall be uploaded to the electronic court file.
- 34.6. 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.

- 34.7. The orders granted from draft orders in divorce matters must be endorsed on the front covers of the electronic files on CaseLines by the secretary of the Judge followed by a notification to the chief typist by the secretary in which the chief typist is alerted to generate a typed order. The chief typist shall in turn provide the designated scanning office with the typed order. The typed order shall be signed and stamped by the registrar where after it shall be uploaded to the electronic case file.
- 34.8. The uploaded order shall be the original order and no signed orders will be provided on paper.
- 34.9. In exceptional circumstances, where an order must be typed by the court typist, the Judge's secretary shall notify the chief typist to the case upon disposal of the matter to generate the typed court order.
- 34.10. The turnaround time for the uploading of stamped and signed draft orders by the Judge's secretary shall be no longer than 7 (seven) court days for all matters save for orders handed down in the Special Interlocutory Court, where it shall be no longer than 2 (two) court days.
- 34.11. Sheriffs can access cases to verify court orders as follows:
  - 34.11.1. On Court Online by selecting "access a case".
  - 34.11.2. On CaseLines sheriffs should be invited to the electronic file.
- 34.12. *Ex tempore* orders and orders from written judgments (including orders from judgments in applications for leave to appeal) –
  - 34.12.1. The Judge's secretary shall endorse the case file on Court Online and assign the matter to the relevant typist team for the order to be generated, uploaded and published to the case file on the litigant portal under "my case documents".



35. **ISSUING OF WARRANTS OF EXECUTION AND SUBPOENAS**

35.1. Warrants and subpoenas must be uploaded to the electronic court file except for matters that exist on CaseLines only, for which warrants and subpoenas may be submitted at court for issuing on Mondays and Tuesdays between 09:00 and 13:00.

35.2. Litigants are advised that they may invite the office of the relevant sheriff to CaseLines to afford remote access to the papers.

35.2.1. 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.

35.2.2. The documents must be contained in a sealed envelope marked clearly with either WARRANTS or SUBPOENAS and the name of the firm submitting them.

35.2.3. 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.

35.2.4. 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.

35.3. 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.

35.4. Warrants of execution against organs of state must be accompanied by proof of compliance with the State Liability Act in addition to the requirements set out above.

35.5. Subpoenas *duces tecum* must make available an electronic email address to which the documents or material in question can be delivered to the applicant.



35.6. 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.

36. **APOSTILLES**

36.1. The registrar at each court shall make a deposit box available for litigants to deliver requests for documents to be notarised.

36.2. 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.

36.3. When ready they will be placed in a collections box for collection and the responsible person shall be notified by email thereof.

37. **TAXATIONS OF BILLS OF COSTS**

37.1. For matters on CaseLines the legal representative must create a separate section named "Taxation" in which all documentation relating to the taxation process must be uploaded in chronological order.

37.2. At the commencement of the taxation process, the legal representative presenting a bill of costs for taxation must upload the duly served notice of intention to tax a bill of costs annexing the bill of costs together with all supporting documentation and vouchers under the taxation section on the electronic case file.

37.3. 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.

37.4. The bill of cost must be uploaded to the electronic case file in PDF format.





- 37.5. A taxation date compliance statement<sup>19</sup> and hearing date application form<sup>20</sup> and must be uploaded to the electronic case file and for matters on CaseLines, the taxation office invited on the CaseLines system.
- 37.6. Upon receipt of the taxation date invitation, the registrar or designated court official will provide the taxation date by inserting the hearing date on the electronic case file and by making a widely shared note.
- 37.7. Where there are defects / discrepancies preventing the matter from being allocated a date the court official processing the application must –
- 37.7.1. When processing the application on Court Online set out the reasons for rejecting the application as part of the rejection notice.
- 37.7.2. When processing the application on CaseLines record such defects / discrepancies on a “widely shared” note.
- 37.8. The legal representative shall upload the duly served notice of taxation (set down) reflecting the allocated taxation date, together with proof of service no later than five (5) court days prior to the taxation date.
- 37.9. The registrar or designated court official shall place the matter on the taxation roll and invite the assigned taxing master to the case file.
- 37.10. After marking the bill, the taxing master shall upload only the signed and stamped *allocatur* to the file.
- 37.11. Upon conclusion of taxation, the taxing master shall endorse the electronic file with the outcome confirming the date taxed and the amount allowed, and also make a widely shared note on CaseLines.
- 37.12. If the matter is part-heard the Taxing Master shall amend the prefix to include the outcome; e.g. Part-heard unopposed taxation: DLAMINI (PTY) LTD vs DLAMINI & SONS CC.

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<sup>19</sup> Annexure 5.11 to this directive.

<sup>20</sup> Annexure 4 to this directive.



### **For settled bills of costs**

- 37.13. The legal representative must upload the settled bill to the case file along with proof of settlement (offer and acceptance) and invite the settlement taxation office to the electronic case file.
- 37.14. The registrar or designated court official shall record the settled bills on the settlement roll, add the hearing date on the electronic file and make a widely shared note noting the date, and invite the taxing master to whom the bill is allocated.
- 37.15. The taxing master may communicate observations, if any, per email or using widely shared notes.
- 37.16. 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.
- 37.17. No applications for taxation may be submitted during *dies non* and no taxations may be enrolled during *dies non*.

### **In the Tax Court**

- 37.18. 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.

## **38. COMMUNICATIONS WITH REGISTRARS AND JUDGES' SECRETARIES**

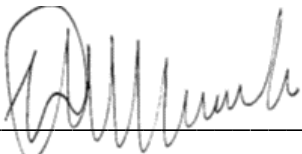
- 38.1. It is important to use the correct email address for any aspect dealt with in these directives. A summary of the relevant email addresses and escalation email addresses appear in Annexures 1A and 1B to this directive. Incorrect and abusive usage of email addresses will lead to the issue being 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.



- 38.2. Emails must be sent only to the relevant registrar or clerk's email address. Enquiries or communication with specific sections must not be directed to or copied to the chief registrar or office of the Judge President. In particular, complaints and enquiries relating to date allocation, final enrolment and general questions must be escalated only to the relevant escalation email address. Such complaints and enquiries must not be made or copied to the offices of the Judge President, chief registrar, or court manager.
- 38.3. Court staff are expected to respond to escalations, complaints and enquireis within three (3) court days.
- 38.4. When a query is escalated to the appropriate escalation email address, practitioners are advised of the following:
- 38.4.1. Queries/complaints should be escalated to the office manager / chief registrar if no response is received after the expiry of five court days and only after confirming that no CaseLines note had been made by the relevant court staff member.
  - 38.4.2. Do not attach any documents.
  - 38.4.3. Do not send duplicate and/or follow up on emails.
  - 38.4.4. Send emails during court hours.
  - 38.4.5. Cite the case number.
  - 38.4.6. A query email must be limited to five cases (in line with the enrolment limitation of 5 applications per day per firm). A separate email may be sent with other case numbers, should it be necessary.
  - 38.4.7. The registrar's response to the email will be in the form of a CaseLines Note within 2 days of receipt of the escalation email. Attorneys should consult the electronic case file on CaseLines and should not expect an email reply.
- 38.5. No walk-in enquiries or complaints related to the provisions covered in this directive, to the office of the registrar, court manager, Deputy Judge President or Judge President will be accommodated unless an invitation is extended to the complainant.



- 38.6. Registrars are legal professionals who are best suited to attend to enquiries and complaints relating to their respective sections and/or areas of responsibility. When sending emails attorneys must refrain from copying the chief registrar. In respect of enquiries and complaints, chief registrars are expected only to attend to such enquiries or complaints referred to them by the designated registrar.
- 38.7. Only issues where proof that the registrar or other court staff member failed to assist or where proof of misconduct is provided may be escalated per email to the offices of the chief registrar or court manager respectively, and only to the office appropriate to the issue. Applicable reporting lines are evident from Annexure 1A and 1B below.
- 38.8. Judges' secretaries are supervised by the office manager. Complaints about Judges' secretaries should be directed to the office manager together with proof of attempts to liaise with the Judge's secretary directly, especially where the complaint relates to the uploading of signed draft orders which were made orders of court.
- 38.9. Enquiries should be made by telephone to the relevant telephone number(s) listed in annexures 1A and B and complaints should be sent to the relevant email address. It is imperative that before a complaint or enquiry is raised the complainant should ensure that he/she has read the directive and has conducted a review of the matter for notes made on CaseLines to avoid and prevent unnecessarily burdening court staff.



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**JUDGE PRESIDENT**

**GAUTENG DIVISION**

**19 JANUARY 2024**



**ANNEXURES TO PRACTICE DIRECTIVE 1 OF 2023**



**ANNEXURE 1A**

OFFICE PROFILES FOR CASELINES INVITATIONS AND CONTACT DETAILS OF COURT  
OFFICIALS - JOHANNESBURG

AS AT 5 DECEMBER 2023

[PLEASE NOTE THAT THIS FORM WILL FOLLOW IN DUE COURSE]



**ANNEXURE 1B**

OFFICE PROFILES FOR CASELINES INVITATIONS AND CONTACT DETAILS OF COURT  
OFFICIALS – PRETORIA

AS AT 5 DECEMBER 2023

[PLEASE NOTE THAT THIS FORM WILL FOLLOW IN DUE COURSE]



**ANNEXURE 2: APPLICATION FOR A CASE NUMBER AND CLASSIFICATION OF ACTION (OLD FORM 1)**

**IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, [PRETORIA / JOHANNESBURG]**

Case number: To be allocated

In the matter between:

\_\_\_\_\_

Plaintiff / Applicant

and

\_\_\_\_\_

Defendant / Respondent

---

**STATEMENT BY ATTORNEY APPLYING FOR CASE NUMBER**

---

I, the undersigned \_\_\_\_\_ the attorney dealing with this matter hereby declare that this is a matter falling in the category marked below:

<b>Tick only</b>	<b>Narration</b>
<b>o n e</b>	
<input type="checkbox"/>	The matter is a damages claim for personal injury or a dependant's claim in which the Defendant is the RAF, or the MEC Health, Gauteng or PRASA (Category "Y")
<input type="checkbox"/>	Commercial (Category "C")
<input type="checkbox"/>	Family (Category "F")
<input type="checkbox"/>	Delictual (Category "D") Including matters against the RAF, or the MEC Health, Gauteng or PRASA which are not damages claims for personal injury or a dependant's claim.
<input type="checkbox"/>	Public Law (Category "P")





DATED AT \_\_\_\_\_ ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024.

(SGD) \_\_\_\_\_

**INSERT NAME OF ATTORNEY**

INSERT NAME OF FIRM

ATTORNEYS FOR THE PLAINTIFF

INSERT FULL ADDRESS

Tel: \_\_\_\_\_

Email: \_\_\_\_\_

REF: \_\_\_\_\_



**ANNEXURE 3: STATS SA FORM (FAMILY LAW MATTERS)**



your leading partner in quality statistics

**STATISTICS OF DIVORCES**

**CASE NO.**

**FORM 07-04**

**EXPLANATORY NOTES:**

SECTIONS 1 - 4 TO BE COMPLETED FOR **BOTH** HUSBAND AND WIFE.  
SECTIONS 5 - 11 TO BE COMPLETED BY THE PLAINTIFF.

Implementation date: 01/01/12

<sup>1</sup> Mark applicable block with a cross (x)

	Husband / Spouse 1	Wife / Spouse2
<b>1. IDENTITY</b>		
1.1 Name and surname	.....	.....
1.2 Current address (or last known address)	.....	.....
1.3 Identity number	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
1.4 Population group <sup>1</sup>	<input type="checkbox"/> African/Black <input type="checkbox"/> Coloured <input type="checkbox"/> White <input type="checkbox"/> Indian/Asian <input type="checkbox"/> Other (Specify):.....	<input type="checkbox"/> African/Black <input type="checkbox"/> Coloured <input type="checkbox"/> White <input type="checkbox"/> Indian/Asian <input type="checkbox"/> Other (Specify):.....
1.5 Occupation at time of divorce	.....	.....
1.6 Industry	.....	.....
<b>2. MARITAL STATUS AT TIME OF MARRIAGE<sup>1</sup></b>	<input type="checkbox"/> Never married <input type="checkbox"/> Widower <input type="checkbox"/> Divorcee	<input type="checkbox"/> Never married <input type="checkbox"/> Widow <input type="checkbox"/> Divorcee
<b>3. NUMBER OF TIMES MARRIED (including current marriage)</b>	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>
<b>4. TYPE OF MARRIAGE</b>	<input type="checkbox"/> Civil marriage <input type="checkbox"/> Customary marriage <input type="checkbox"/> Civil union <input type="checkbox"/> Other (Specify).....	<input type="checkbox"/> Civil marriage <input type="checkbox"/> Customary marriage <input type="checkbox"/> Civil union <input type="checkbox"/> Other (Specify).....
<b>5. Plaintiff<sup>1</sup></b>	<input type="checkbox"/> Husband / Spouse 1 <input type="checkbox"/> Wife / Spouse 2	<input type="checkbox"/> Husband / Spouse 1 <input type="checkbox"/> Wife / Spouse 2
<b>6. INVOLVED IN POLYGAMOUS MARRIAGE</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>7. WHERE WAS THE MARRIAGE SOLEMNISED<sup>1</sup></b>	<input type="checkbox"/> Church <input type="checkbox"/> Dept of Home Affairs <input type="checkbox"/> Magistrate's office <input type="checkbox"/> Mosque <input type="checkbox"/> Synagogue <input type="checkbox"/> Customary rites <input type="checkbox"/> Other religious buildings <input type="checkbox"/> Other (Specify):.....	<input type="checkbox"/> Church <input type="checkbox"/> Dept of Home Affairs <input type="checkbox"/> Magistrate's office <input type="checkbox"/> Mosque <input type="checkbox"/> Synagogue <input type="checkbox"/> Customary rites <input type="checkbox"/> Other religious buildings <input type="checkbox"/> Other (Specify):.....
<b>8. MATRIMONIAL PROPERTY SYSTEM<sup>1</sup></b>	<input type="checkbox"/> In community of property <input type="checkbox"/> Out of community of property <input type="checkbox"/> Out of community of property (excluding accrual system) <input type="checkbox"/> Out of community of property (including accrual system) <input type="checkbox"/> Other (Specify):.....	<input type="checkbox"/> In community of property <input type="checkbox"/> Out of community of property <input type="checkbox"/> Out of community of property (excluding accrual system) <input type="checkbox"/> Out of community of property (including accrual system) <input type="checkbox"/> Other (Specify):.....
<b>9. NUMBER OF MINOR CHILDREN INVOLVED (under 18 years)</b>	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>
<b>10. AGE AND SEX OF MINOR CHILDREN INVOLVED (under 18 years)</b> 1 = Male 2 = Female	Age   Sex   Age   Sex   Age   Sex   Age   Sex <input type="text"/> <input type="text"/> <input type="checkbox"/> Child 1 <input type="text"/> <input type="text"/> <input type="checkbox"/> Child 3 <input type="text"/> <input type="text"/> <input type="checkbox"/> Child 5 <input type="text"/> <input type="text"/> <input type="checkbox"/> Child 7 <input type="text"/> <input type="text"/> <input type="checkbox"/> Child 2 <input type="text"/> <input type="text"/> <input type="checkbox"/> Child 4 <input type="text"/> <input type="text"/> <input type="checkbox"/> Child 6 <input type="text"/> <input type="text"/> <input type="checkbox"/> Child 8	Age   Sex   Age   Sex   Age   Sex   Age   Sex <input type="text"/> <input type="text"/> <input type="checkbox"/> Child 1 <input type="text"/> <input type="text"/> <input type="checkbox"/> Child 3 <input type="text"/> <input type="text"/> <input type="checkbox"/> Child 5 <input type="text"/> <input type="text"/> <input type="checkbox"/> Child 7 <input type="text"/> <input type="text"/> <input type="checkbox"/> Child 2 <input type="text"/> <input type="text"/> <input type="checkbox"/> Child 4 <input type="text"/> <input type="text"/> <input type="checkbox"/> Child 6 <input type="text"/> <input type="text"/> <input type="checkbox"/> Child 8
<b>11. THE MAIN GROUNDS FOR DIVORCE</b>	<input type="checkbox"/> Adultery <input type="checkbox"/> Desertion <input type="checkbox"/> Financial difficulties <input type="checkbox"/> Medical Insanity <input type="checkbox"/> Childlessness <input type="checkbox"/> Imprisonment <input type="checkbox"/> Abuse <input type="checkbox"/> Other(Specify):.....	<input type="checkbox"/> Adultery <input type="checkbox"/> Desertion <input type="checkbox"/> Financial difficulties <input type="checkbox"/> Medical Insanity <input type="checkbox"/> Childlessness <input type="checkbox"/> Imprisonment <input type="checkbox"/> Abuse <input type="checkbox"/> Other(Specify):.....
<b>12. DATE OF MARRIAGE</b>	<input type="text"/> <input type="text"/> Day <input type="text"/> <input type="text"/> Month <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> Year	<input type="text"/> <input type="text"/> Day <input type="text"/> <input type="text"/> Month <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> Year
<b>NB SECTIONS 11 - 12 TO BE COMPLETED BY THE REGISTRAR</b>		
<b>13. DATE OF DIVORCE</b>	<input type="text"/> <input type="text"/> Day <input type="text"/> <input type="text"/> Month <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> Year	
<b>14. COURT NAME</b>	.....	

REGISTRAR: .....

Note: Copies of this form can be obtained from: Directorate of Vital Statistics, Statistics South Africa, Private Bag X44, Pretoria 0001. The Afrikaans version is at the back. Copies of the form in the other official languages would be sent upon request. If children are more than eight (8) please fill in another form and attach it to this one.



**ANNEXURE 4: HEARING DATE APPLICATION FORM (USE FOR ALL DATE APPLICATIONS)**

**GAUTENG DIVISION OF THE HIGH COURT (PRETORIA AND JOHANNESBURG)**

Case No:			
Date of Hearing:			
Parties: Surname & Initials			
Plaintiff / Applicant:		Defendant / Respondent:	
Estimated duration of hearing:			
Court roll selection: (tick only one)			
Opposed Motion		Civil Trials (Including opposed divorces)	Special Motion (Long Duration)
Unopposed Motion (R43 Applications, Interlocutory Applications, R46 Applications, Summary judgment applications)		Settlement Court	Civil Trials (Long Duration)
Unopposed Divorce Applications		Special Interlocutory Applications	Admissions
Family court (Opposed, unopposed and urgent)		RAF Trials	LPC Applications (2 Judges)
Urgent Applications		Default Judgment Trials	Bail Appeals
Urgent Applications (After Hours)		Taxation (Opposed / Unopposed)	Taxation – Settled
Case Type: Make Selection Below			
<b>FAMILY LAW</b>		<b>PAYMENT</b>	
<b>E</b> – Divorce		<b>D</b> - Default Judgment R31(2)	
<b>N</b> – Rule 43		<b>S</b> – Summary Judgment	
<b>C</b> – Custody		<b>P</b> – Provisional Judgment	
<b>F</b> – Interdict		<b>RM</b> – Restoration of Municipal Services	
<b>FO</b> – Other Family Law Application		<b>FB</b> – Freezing Bank Account	
		<b>NB</b> – Perfection of Notarial Bonds	
		<b>CE</b> – Contract Enforcement	
		<b>SE</b> – Stay of Execution	
<b>VARIOUS</b>		<b>EVICTON</b>	
<b>T</b> - Interlocutory		<b>GF</b> – Curatorship: CURATOR AD LITEM	<b>SP</b> - Spoliation
<b>IS</b> – Interdict against Organs of State		<b>GG</b> – Curatorship: CURATOR BONIS	<b>RT</b> – Restraint of Trade
<b>ID</b> – Interdict against Defamatory Publication		<b>SF</b> – De Suspectus Fuga	<b>UC</b> – Unfair Competition
<b>I</b> – Interdict (Unspecified)		<b>RI</b> – Refugees / Immigration	<b>CC</b> – Contempt of Court Orders
<b>GA</b> – Variation of Court order		<b>CP</b> – Prison Complaints	<b>H</b> – Review
<b>GB</b> – Application to Compel: Specific Performance		<b>TD</b> – Tender Disputes with Organs of State	<b>V</b> – Declaratory
<b>GC</b> – Transfer to another High Court		<b>AP</b> – Anton Piller	<b>OTHER:</b> (Provide description below)
<b>GD</b> – Confirmation of Settlement Agreements			

**DATED AT \_\_\_\_\_ ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024.**



(SGD)

\_\_\_\_\_  
**INSERT NAME OF ATTORNEY**

INSERT NAME OF FIRM

ATTORNEYS FOR THE PLAINTIFF

INSERT FULL ADDRESS

Tel: \_\_\_\_\_

Email: \_\_\_\_\_

REF: \_\_\_\_\_



**ANNEXURE 5.1: COMPLIANCE STATEMENT –TRIAL DATE**

**IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, [PRETORIA / JOHANNESBURG]**

Case number: \_\_\_\_\_

In the matter between:

\_\_\_\_\_

Plaintiff

and

\_\_\_\_\_

Defendant

---

**STATEMENT BY ATTORNEY APPLYING FOR A TRIAL DATE**

---

I, \_\_\_\_\_ the attorney for the party applying for **a trial date** in this matter hereby confirm that I have personally verified and hereby certify that there has been full compliance with the prescripts of Practice Directive 1/2023 (revised) in relation to the date applied for, the estimated hearing duration of which is \_\_\_\_\_, as set out below:

<b>N</b>	<b>Narration</b>	<b>Tick off</b>
1	No duplicate file for the matter exists.	
2	In respect of matters dealt with on CaseLines the matter name has been appropriately prefixed.	
3	The case bundle has been created in line with the indexing requirements set out in PD1/2023 (revised).	
4	In respect of matters dealt with on CaseLines, all the parties/their representatives have been invited to the matter and their names, telephone numbers and email addresses are listed at the end of this declaration.	
5	Pleadings have closed.	



6	No amendment of the pleadings are outstanding or anticipated.	
7	No interlocutory applications are outstanding or anticipated.	
8	The following specific requirements for the allocation of a trial date have been met:	
8.1	Discovery-	
8.1.	The party applying for a trial date has made full discovery and	
8.1.	The other party (not applying for a trial date)-	
	Has made full discovery.  Or	
	Has not elected not to discover despite having been called to do so in terms of rule 35, on _____ (insert date Rule 35 notice filed) which notice has been duly uploaded to the court file.	
8.2	The parties have considered whether a single expert on a given aspect is appropriate in the circumstances, and	
8.2.	decided to appoint a single expert, or	
8.2.	decided not to appoint a single expert witness for the following reasons: _____ _____	
8.3	All expert reports -	
8.3.	Have been filed, or	
8.3.	Have not been filed for the following reasons: _____ _____ _____	
8.4	Joint minutes of contending experts-	



8.4.	Have been filed, or	
8.4.	Have not been filed for the following reasons:  _____  _____  _____	
8.5	Expert reports and expert joint minutes comply in all respects with the provisions of this directive	
8.6	A copy of a pre-trial conference minute has been signed by all parties, which conference was held not earlier than 90 calendar days before the date this application is being made and which is compliant with the provisions of this directive, has been uploaded to the bundle	
8.7	A compliant practice note by the attorney / counsel has been uploaded to the bundle.	

The list of all the parties/their representatives that have been invited to the matter and their names, telephone numbers and email addresses is as follows:

[Insert list]

I understand and will ensure that a properly completed date application form should only be uploaded as final step in the date application process after the signature and uploading of this statement **AND** thereafter (and only if the matter is dealt with on Caselines) should the relevant registrar's office CaseLines profile be invited to the electronic file for the case.

**DATED AT** \_\_\_\_\_ **ON THIS** \_\_\_\_\_ **DAY OF** \_\_\_\_\_ **2024.**

(SGD)

\_\_\_\_\_  
**INSERT NAME OF ATTORNEY**



-88-

INSERT NAME OF FIRM  
ATTORNEYS FOR THE PLAINTIFF  
INSERT FULL ADDRESS

Tel: \_\_\_\_\_

Email: \_\_\_\_\_

REF: \_\_\_\_\_





**ANNEXURE 5.2: COMPLIANCE STATEMENT –DEFAULT TRIAL DATE**

**IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, [PRETORIA / JOHANNESBURG]**

Case number: \_\_\_\_\_

In the matter between:

\_\_\_\_\_

Plaintiff

and

\_\_\_\_\_

Defendant

---

**STATEMENT BY ATTORNEY APPLYING FOR A DEFAULT TRIAL DATE**

---

I, \_\_\_\_\_ the attorney for the party applying for **default judgment trial date** in this matter hereby confirm that I have personally verified and hereby certify that there has been full compliance with the prescripts of Practice Directive 1/2023 (revised) in relation to the date applied for, the estimated hearing duration of which is \_\_\_\_\_, as set out below:

<b>Nr</b>	<b>Narration</b>	<b>Tick off</b>
1	No duplicate file for the matter exists on CaseLines.	
2	In respect of matters dealt with on CaseLines the matter name has been appropriately prefixed.	
3	The case bundle has been created in line with the indexing requirements set out in PD1/2023 (revised).	
4	In respect of matters dealt with on CaseLines, all the parties/their representatives have been invited to the matter and their names, telephone numbers and email addresses are listed at the end of this declaration.	



5	A notice of motion informing the RAF of the bringing of this application together with a founding affidavit fully setting out the grounds on which application for judgement by default is being brought has been uploaded to the case file.	
6	A compliant practice note by the attorney/counsel has been uploaded to the court file.	

The list of all the parties/their representatives that have been invited to the matter and their names, designations, telephone numbers and email addresses are listed below:

[Insert list here]

**DATED AT \_\_\_\_\_ ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024.**

(SGD) \_\_\_\_\_

**INSERT NAME OF ATTORNEY**

INSERT NAME OF FIRM

ATTORNEYS FOR THE PLAINTIFF

INSERT FULL ADDRESS

Tel: \_\_\_\_\_

Email: \_\_\_\_\_

REF: \_\_\_\_\_



**ANNEXURE 5.3: COMPLIANCE STATEMENT –PRETORIA SETTLEMENT ROLL DATE**

**IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, [PRETORIA / JOHANNESBURG]**

Case number: \_\_\_\_\_

In the matter between:

\_\_\_\_\_  
Plaintiff

and

\_\_\_\_\_  
Defendant

**STATEMENT BY ATTORNEY APPLYING FOR SETTLEMENT ROLL DATE (PRETORIA)**

I, \_\_\_\_\_ the attorney for the party applying for a date on the **Pretoria settlement roll** in this matter hereby confirm that I have personally verified and hereby certify that there has been full compliance with the prescripts of Practice Directive 1/2023 (revised) in relation to the requirements for the allocation of the date applied for as set out below:

<b>Nr</b>	<b>Narration</b>	<b>Tick off</b>
1	No duplicate file for the matter exists on CaseLines.	
2	In respect of matters dealt with on CaseLines the matter name has been appropriately prefixed.	
3	The case bundle has been created in line with the indexing requirements set out in PD1/2023 (revised).	
4	In respect of matters dealt with on CaseLines, all the parties/their representatives have been invited to the matter and their names,	



	telephone numbers and email addresses are listed at the end of this declaration.	
5	The following documentation have been uploaded:	
5.1	All pleadings and notices comprising the motion to be heard have been uploaded	
5.2	The settlement agreement, alternatively the documentation (offer and acceptance and / or settlement confirmation letter) from which the conclusion of a settlement agreement and the terms of the agreement are evident.	
5.3	A joint memorandum of settlement signed by both parties and where it is not possible to obtain a joint memorandum of settlement, a unilateral memorandum of settlement along with an explanation of why it was not possible to deliver a joint memorandum of settlement;	
5.1	The draft order of court.	

The list of all the parties/their representatives that have been invited to the matter and their names, designations, telephone numbers and email addresses are listed below:

[Insert list here]

DATED AT \_\_\_\_\_ ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024.

(SGD) \_\_\_\_\_

**INSERT NAME OF ATTORNEY**

INSERT NAME OF FIRM

ATTORNEYS FOR THE PLAINTIFF

INSERT FULL ADDRESS

Tel: \_\_\_\_\_

Email: \_\_\_\_\_

REF: \_\_\_\_\_





**ANNEXURE 5.4: COMPLIANCE STATEMENT – UNOPPOSED MOTION DATE**

**IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, [PRETORIA / JOHANNESBURG]**

Case number: \_\_\_\_\_

In the matter between:

\_\_\_\_\_

Plaintiff

and

\_\_\_\_\_

Defendant

**STATEMENT BY ATTORNEY APPLYING FOR AN UNOPPOSED MOTION DATE**

I, \_\_\_\_\_ the attorney for the party applying for **an unopposed motion date** in this matter hereby confirm that I have personally verified and hereby certify that there has been full compliance with the prescripts of Practice Directive 1/2023 (revised) in relation to the date applied for, the estimated hearing duration of which is \_\_\_\_\_, as set out below:

<b>Nr</b>	<b>Narration</b>	<b>Tick off</b>
1	No duplicate file for the matter exists on CaseLines.	
2	In respect of matters dealt with on CaseLines the matter name has been appropriately prefixed.	
3	The case bundle has been created in line with the indexing requirements set out in PD1/2023 (revised).	
4	In respect of matters dealt with on CaseLines, all the parties/their representatives have been invited to the matter and their names, telephone numbers and email addresses are listed at the end of this declaration.	



5	The following requirements for the allocation of an unopposed motion date have been met:	
5.1	The duly served motion documents (notice of motion and founding affidavit) have been uploaded	
5.2	A properly completed notice of set down with a blank space for a date has been uploaded	
5.3	A compliant practice note has been uploaded	

The list of all the parties/their representatives that have been invited to the matter and their names, designations, telephone numbers and email addresses is as follows:

[Insert list here]

DATED AT \_\_\_\_\_ ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024.

(SGD) \_\_\_\_\_

**INSERT NAME OF ATTORNEY**

INSERT NAME OF FIRM

ATTORNEYS FOR THE PLAINTIFF

INSERT FULL ADDRESS

Tel: \_\_\_\_\_

Email: \_\_\_\_\_

REF: \_\_\_\_\_



**ANNEXURE 5.5: COMPLIANCE STATEMENT – OPPOSED MOTION DATE**

**IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, [PRETORIA / JOHANNESBURG]**

Case number: \_\_\_\_\_

In the matter between:

\_\_\_\_\_

Plaintiff

and

\_\_\_\_\_

Defendant

**STATEMENT BY ATTORNEY APPLYING FOR AN OPPOSED MOTION DATE**

I, \_\_\_\_\_ the attorney for the party applying for **an opposed motion date** in this matter hereby confirm that I have personally verified and hereby certify that there has been full compliance with the prescripts of Practice Directive 1/2023 (revised) in relation to the date applied for, the estimated hearing duration of which is \_\_\_\_\_, as set out below:

<b>N</b>	<b>Narration</b>	<b>Tick off</b>
1	No duplicate file for the matter exists.	
2	In respect of matters dealt with on CaseLines the matter name has been appropriately prefixed.	
3	The case bundle has been created in line with the indexing requirements set out in PD1/2023 (revised).	
4	In respect of matters dealt with on CaseLines, all the parties/their representatives have been invited to the matter and their names, telephone numbers and email addresses are listed at the end of this declaration.	
5	Pleadings have closed.	





6	No amendment of the pleadings are outstanding or anticipated.	
7	No interlocutory applications are outstanding or anticipated.	
8	The following specific requirements for the allocation of an opposed motion date have been met:	
8.1	The party applying for a hearing date has filed heads of argument.	
8.2	The other party -	
8.2.	Has filed heads of argument, or	
8.2.	Has not filed heads of argument, the period within which same had to be filed expired on ____ and application is made for a hearing date in the absence of such heads.	
8.3	The party applying for a hearing date has filed a chronology table.	
8.4	The party applying for a hearing date has filed a list of authorities.	
8.4.	Have been filed, or	
8.4.	Have not been filed for the following reasons:  _____  _____  _____	
8.5	Expert reports and expert joint minutes comply in all respects with the provisions of this directive	
8.6	A copy of a pre-trial conference minute has been signed by all parties, which conference was held not earlier than 90 calendar days before the date this application is being made and which is compliant with the provisions of this directive, has been uploaded to the bundle	
8.7	A compliant practice note by the attorney / counsel has been uploaded to the bundle.	



The list of all the parties/their representatives that have been invited to the matter and their names, telephone numbers and email addresses is as follows:

[Insert list]

I understand and will ensure that a properly completed date application form should only be uploaded as final step in the date application process after the signature and uploading of this statement **AND** thereafter (and only if the matter is dealt with on Caselines) should the relevant registrar’s office CaseLines profile be invited to the electronic file for the case.

**DATED AT \_\_\_\_\_ ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024.**

(SGD) \_\_\_\_\_

**INSERT NAME OF ATTORNEY**

INSERT NAME OF FIRM

ATTORNEYS FOR THE PLAINTIFF

INSERT FULL ADDRESS

Tel: \_\_\_\_\_

Email: \_\_\_\_\_

REF: \_\_\_\_\_



**ANNEXURE 5.6: COMPLIANCE STATEMENT – SPECIAL INTERLOCUTORY COURT**

**IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, [PRETORIA / JOHANNESBURG]**

Case number: \_\_\_\_\_

In the matter between:

\_\_\_\_\_

Plaintiff

and

\_\_\_\_\_

Defendant

**STATEMENT BY ATTORNEY APPLYING FOR A SPECIAL INTERLOCUTORY COURT  
DATE**

I, \_\_\_\_\_ the attorney for the party applying for a **Special Interlocutory Court date** in this matter hereby confirm that I have personally verified and hereby certify that there has been full compliance with the prescripts of Practice Directive 1/2023 (revised) in relation to the date applied for, the estimated hearing duration of which is \_\_\_\_\_, as set out below:

<b>Nr</b>	<b>Narration</b>	<b>Tick off</b>
1	No duplicate file for the matter exists on CaseLines.	
2	In respect of matters dealt with on CaseLines the matter name has been appropriately prefixed.	
3	The case bundle has been created in line with the indexing requirements set out in PD1/2023 (revised).	
4	In respect of matters dealt with on CaseLines, all the parties/their representatives have been invited to the matter and their names,	



	telephone numbers and email addresses are listed at the end of this declaration.	
5	The following requirements for the allocation of an SIC motion date have been met:	
5.1	The duly served motion documents (notice of motion and founding affidavit) have been uploaded	
5.2	A properly completed notice of set down with a blank space for a date has been uploaded	

The intervention of the Special Interlocutory Court is required for the reason(s) set out below:

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I confirm that the relief sought in this application is strictly interlocutory in nature, in respect of procedural delinquency and not of a substantive nature.

This matter is set down for trial on

---

The list of all the parties/their representatives that have been invited to the matter and their names, telephone numbers and email addresses is as follows:

[Insert list]

I understand and will ensure that a properly completed hearing date application form will only be uploaded as final step in the date application process after the signature and uploading of this statement AND thereafter (and only if the matter is dealt with on Caselines) will the relevant registrar's CaseLines office profile be invited to the electronic file for the case.



DATED AT \_\_\_\_\_ ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024.

(SGD) \_\_\_\_\_

**INSERT NAME OF ATTORNEY**

INSERT NAME OF FIRM

ATTORNEYS FOR THE PLAINTIFF

INSERT FULL ADDRESS

Tel: \_\_\_\_\_

Email: \_\_\_\_\_

REF: \_\_\_\_\_



**ANNEXURE 5.7: COMPLIANCE STATEMENT – URGENT MOTION COURT**

**IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, [PRETORIA / JOHANNESBURG]**

Case number: \_\_\_\_\_

In the matter between:

\_\_\_\_\_

Plaintiff

and

\_\_\_\_\_

Defendant

**STATEMENT BY ATTORNEY APPLYING FOR AN URGENT MOTION COURT DATE**

I, \_\_\_\_\_ the attorney for the party applying for **an urgent motion court date** in this matter hereby confirm that I have personally verified and hereby certify that there has been full compliance with the prescripts of Practice Directive 1/2023 (revised) in relation to the date applied for, the estimated hearing duration of which is \_\_\_\_\_, as set out below:

<b>Nr</b>	<b>Narration</b>	<b>Tick off</b>
1	No duplicate file for the matter exists on CaseLines.	
2	In respect of matters dealt with on CaseLines the matter name has been appropriately prefixed.	
3	The case bundle has been created in line with the indexing requirements set out in PD1/2023 (revised).	



4	In respect of matters dealt with on CaseLines, all the parties/their representatives have been invited to the matter and their names, telephone numbers and email addresses are listed at the end of this declaration.	
5	The following requirements for the allocation of an urgent motion date have been met:	
5.1	The duly served motion documents (notice of motion and founding affidavit) have been uploaded	
5.2	A properly completed notice of set down with a blank space for a date has been uploaded	
5.3	A compliant practice note has been uploaded	

The list of all the parties/their representatives that have been invited to the matter and their names, telephone numbers and email addresses is as follows:

[Insert list]

I understand and will ensure that a properly completed hearing date application form will only be uploaded as final step in the date application process after the signature and uploading of this statement AND thereafter (and only if the matter is dealt with on Caselines) will the relevant registrar’s CaseLines office profile be invited to the electronic file for the case.

**DATED AT \_\_\_\_\_ ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024.**

(SGD) \_\_\_\_\_  
**INSERT NAME OF ATTORNEY**  
 INSERT NAME OF FIRM  
 ATTORNEYS FOR THE PLAINTIFF  
 INSERT FULL ADDRESS  
 Tel: \_\_\_\_\_  
 Email: \_\_\_\_\_  
 REF: \_\_\_\_\_



**ANNEXURE 5.8: COMPLIANCE STATEMENT – FAMILY LAW MATTERS**

**IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, [PRETORIA / JOHANNESBURG]**

Case number: \_\_\_\_\_

In the matter between:

\_\_\_\_\_

Plaintiff

and

\_\_\_\_\_

Defendant

**STATEMENT BY ATTORNEY APPLYING FOR A HEARING DATE IN THE FAMILY COURT**

I, \_\_\_\_\_ the attorney for the party applying for **hearing date in the family court** in this matter hereby confirm that I have personally verified and hereby certify that there has been full compliance with the prescripts of Practice Directive 1/2023 (revised) in relation to the date applied for, the estimated hearing duration of which is \_\_\_\_\_, as set out below:

<b>Nr</b>	<b>Narration</b>	<b>Tick off</b>
1	No duplicate file for the matter exists on CaseLines.	
2	In respect of matters dealt with on CaseLines the matter name has been appropriately prefixed.	
3	The case bundle has been created in line with the indexing requirements set out in PD1/2023 (revised).	





4	In respect of matters dealt with on CaseLines, all the parties/their representatives have been invited to the matter and their names, telephone numbers and email addresses are listed at the end of this declaration.	
5	The following requirements for the allocation of a date in the family court have been met:	
5.1	The duly served matter documents have been uploaded.	
5.2	A properly completed notice of set down with a blank space for a date has been uploaded.	
5.3	A compliant practice note has been uploaded.	

The list of all the parties/their representatives that have been invited to the matter and their names, designations, telephone numbers and email addresses is as follows:

[Insert list here].

I understand and will ensure that a properly completed date application form should only be uploaded as final step in the date application process after the signature and uploading of this statement **AND** thereafter (and only if the matter is dealt with on Caselines) should the relevant registrar's office CaseLines profile be invited to the electronic file for the case.

**DATED AT** \_\_\_\_\_ **ON THIS** \_\_\_\_\_ **DAY OF** \_\_\_\_\_ **2024.**

(SGD) \_\_\_\_\_

**INSERT NAME OF ATTORNEY**

INSERT NAME OF FIRM

ATTORNEYS FOR THE PLAINTIFF

INSERT FULL ADDRESS

Tel: \_\_\_\_\_

Email: \_\_\_\_\_

REF: \_\_\_\_\_



**ANNEXURE 5.9: COMPLIANCE STATEMENT – UNOPPOSED DIVORCES**

**IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, [PRETORIA / JOHANNESBURG]**

Case number: \_\_\_\_\_

In the matter between:

\_\_\_\_\_ Plaintiff  
and  
\_\_\_\_\_ Defendant

**STATEMENT BY ATTORNEY APPLYING FOR UNOPPOSED DIVORCE DATE**

I, \_\_\_\_\_ the attorney for the party applying for **an unopposed divorce date** in this matter hereby confirm that I have personally verified and hereby certify that there has been full compliance with the prescripts of Practice Directive 1/2023 (revised) in relation to the date applied for, the estimated hearing duration of which is \_\_\_\_\_, as set out below:

<b>Nr</b>	<b>Narration</b>	<b>Tick off</b>
1	No duplicate file for the matter exists.	
2	In respect of matters dealt with on CaseLines the matter name has been appropriately prefixed.	
3	The case bundle has been created in line with the indexing requirements.	
4	In respect of matters dealt with on CaseLines, all the parties/their representatives have been invited to the matter and their names, telephone numbers and email addresses are listed at the end of this declaration.	



5	Pleadings have closed.	
6	No amendment of the pleadings are outstanding or anticipated.	
7	No interlocutory applications are outstanding or anticipated.	
8	A compliant practice note by the attorney / counsel has been uploaded to the bundle.	

The list of all the parties/their representatives that have been invited to the matter and their names, telephone numbers and email addresses is as follows:

[Insert list]

I understand and will ensure that a properly completed date application form should only be uploaded as final step in the date application process after the signature and uploading of this statement **AND** thereafter (and only if the matter is dealt with on Caselines) should the relevant registrar's office CaseLines profile be invited to the electronic file for the case.

**DATED AT \_\_\_\_\_ ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024.**

(SGD) \_\_\_\_\_

**INSERT NAME OF ATTORNEY**

INSERT NAME OF FIRM

ATTORNEYS FOR THE PLAINTIFF

INSERT FULL ADDRESS

Tel: \_\_\_\_\_

Email: \_\_\_\_\_

REF: \_\_\_\_\_



**ANNEXURE 5.10: COMPLIANCE STATEMENT – ADMISSION OF LEGAL PRACTITIONERS**

**IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, [PRETORIA / JOHANNESBURG]**

Case number: \_\_\_\_\_

In the matter between:

\_\_\_\_\_ Plaintiff  
and  
\_\_\_\_\_ Defendant

**STATEMENT BY ATTORNEY APPLYING FOR AN ADMISSION DATE**

I, \_\_\_\_\_ the attorney for the party applying for **a date for admission as legal practitioner** in this matter hereby confirm that I have personally verified and hereby certify that there has been full compliance with the prescripts of Practice Directive 1/2023 (revised) in relation to the date applied for, the estimated hearing duration of which is \_\_\_\_\_, as set out below:

<b>Nr</b>	<b>Narration</b>	<b>Tick off</b>
1	No duplicate file for the matter exists on CaseLines.	
2	In respect of matters dealt with on CaseLines the matter name has been appropriately prefixed.	
3	The case bundle has been created in line with the indexing requirements set out in PD1/2023 (revised).	



4	In respect of matters dealt with on CaseLines, all the parties/their representatives have been invited to the matter and their names, telephone numbers and email addresses are listed at the end of this declaration.	
5	The following requirements for the allocation of an admission date have been met:	
5.1	The duly served motion documents (notice of motion and founding affidavit) have been uploaded.	
5.2	The LPC, Pretoria Society of Advocates, Johannesburg Society of Advocates and Pan African Bar Association of South Africa have been added / invited as parties to the bundle.	
5.3	The attorney for the applicant has uploaded to CaseLines / Court Online an affidavit stating that he or she has examined the original documents, i.e., identity document of the candidate and those documents relating to the qualification(s) conferred on the candidate for admission and confirming that the documents appear to be authentic.	

The list of all the parties/their representatives that have been invited to the matter and their names, designations, telephone numbers and email addresses is as follows:

[Insert list here]

**DATED AT \_\_\_\_\_ ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024.**

(SGD) \_\_\_\_\_

**INSERT NAME OF ATTORNEY**

INSERT NAME OF FIRM

ATTORNEYS FOR THE PLAINTIFF

INSERT FULL ADDRESS

Tel: \_\_\_\_\_

Email: \_\_\_\_\_

REF: \_\_\_\_\_



**ANNEXURE 5.11: COMPLIANCE STATEMENT – LEAVE TO APPEAL**

**IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, [PRETORIA / JOHANNESBURG]**

Case number: \_\_\_\_\_

In the matter between:

\_\_\_\_\_

Plaintiff

and

\_\_\_\_\_

Defendant

**STATEMENT BY ATTORNEY APPLYING FOR LEAVE TO APPEAL**

I, \_\_\_\_\_ the attorney for the party applying for **a date for hearing for an application for leave to appeal** in this matter hereby confirm that I have personally verified and hereby certify that there has been full compliance with the prescripts of Practice Directive 1/2023 (Revised) in relation to the date applied for, the estimated hearing duration of which is \_\_\_\_\_, as set out below:

<b>Nr</b>	<b>Narration</b>	<b>Tick off</b>
1	No duplicate file for the matter exists on CaseLines.	
2	In respect of matters dealt with on CaseLines the matter name has been appropriately prefixed.	
3	The case bundle has been created in line with the indexing requirements set out in PD1/2023 (revised).	



4	In respect of matters dealt with on CaseLines, all the parties/their representatives have been invited to the matter and their names, telephone numbers and email addresses are listed at the end of this declaration.	
5	The following specific requirements for the allocation of a date for an application for leave to appeal OR for the hearing of an appeal have been met, namely:	
5.1	The duly served motion documents (notice of motion and founding affidavit) have been uploaded.	
5.2	In the event that an Acting Judges presided, the fact that an application for leave to appeal has been brought has been additionally communicated per e-mail to the Office of the Judge President: JP.Gauteng@judiciary.org.za. The subject of the email must read: "ACTING JUDGE LEAVE TO APPEAL".	
5.3	In respect of matters dealt with on CaseLines, all the parties/their representatives have been invited to the matter and their names, telephone numbers and email addresses are listed at the end of this declaration.	

The list of all the parties/their representatives that have been invited to the matter and their names, designations, telephone numbers and email addresses is as follows:

[Insert list here]

I understand and will ensure that a properly completed date application form should only be uploaded as final step in the date application process after the signature and uploading of this statement **AND** thereafter (and only if the matter is dealt with on Caselines) should the relevant registrar's office CaseLines profile be invited to the electronic file for the case.

DATED AT \_\_\_\_\_ ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024.



(SGD) \_\_\_\_\_

**INSERT NAME OF ATTORNEY**

INSERT NAME OF FIRM

ATTORNEYS FOR THE PLAINTIFF

INSERT FULL ADDRESS

Tel: \_\_\_\_\_

Email: \_\_\_\_\_

REF: \_\_\_\_\_





**ANNEXURE 5.12: COMPLIANCE STATEMENT – TAXATION DATE**

**IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, [PRETORIA / JOHANNESBURG]**

Case number: \_\_\_\_\_

In the matter between:

\_\_\_\_\_

Plaintiff

and

\_\_\_\_\_

Defendant

**STATEMENT BY ATTORNEY APPLYING FOR TAXATION DATE**

I, \_\_\_\_\_ the attorney for the party applying for a **taxation date** in this matter hereby confirm that I have personally verified and hereby certify that there has been full compliance with the prescripts of Practice Directive 1/2023 (Revised), the rules of court and the Practice Directive in relation to the date applied for.

The bill of cost pertains to-

<b>Taxation type</b>	<b>Mark "X"</b>	<b>Taxation type</b>	<b>Mark "X"</b>
Trial – liability only		Trial – quantum only	
Trial – liability and quantum		Interlocutory application	
Substantive motion hearing		Urgent application	
Other (Describe)			

The notice of intention to tax the bill of cost was served on the respondent on

\_\_\_\_\_.



The 20 (twenty) days to file a notice of intention to oppose the taxation expired on

\_\_\_\_\_.

Or

The Respondent's notice of intention to oppose was filed on

\_\_\_\_\_.

The estimated hearing duration of the taxation is

\_\_\_\_\_.

Furthermore,

Nr	Narration	Tick off
1	No duplicate file for the matter exists.	
2	In respect of matters dealt with on CaseLines the matter name has been appropriately prefixed.	
3	A separate section has been created in the Case Bundle named "Taxation"	
4	All documentation relating to the taxation process (including their annexures) have been uploaded in chronological order.	
5	For matters on CaseLines, the bill of cost has been uploaded to the electronic case file in both PDF and in an editable MS Word or Excel version	

The list of all the parties/their representatives that have been invited to the matter and their names, telephone numbers and email addresses is as follows:

[Insert list]



I understand and will ensure that a properly completed date application form should only be uploaded as final step in the date application process after the signature and uploading of this statement **AND** thereafter (and only if the matter is dealt with on Caselines) should the relevant registrar’s office CaseLines profile be invited to the electronic file for the case.

**DATED AT** \_\_\_\_\_ **ON THIS** \_\_\_\_\_ **DAY OF** \_\_\_\_\_ **2024.**

(SGD) \_\_\_\_\_

**INSERT NAME OF ATTORNEY**

INSERT NAME OF FIRM

ATTORNEYS FOR THE PLAINTIFF

INSERT FULL ADDRESS

Tel: \_\_\_\_\_

Email: \_\_\_\_\_

REF: \_\_\_\_\_



**ANNEXURE 6.1: TRIAL PRACTICE NOTE TEMPLATE – NON RAF MATTERS**

**IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, [PRETORIA / JOHANNESBURG]**

Case number: \_\_\_\_\_

In the matter between:

\_\_\_\_\_

Plaintiff

and

\_\_\_\_\_

Defendant

**PRACTICE NOTE**

Trial Date	
Number on Court Roll	
Attorney Plaintiff for	Name of Firm:
	Name of Attorney:
	Reference Number:
	Telephone Number and/or cell phone number:
	E-mail address:
Counsel Plaintiff for	Name:
	Telephone Number and/or cell phone number:
	E-mail address:
	*If counsel for Plaintiff is not known to the person compiling the practice note, please make inquiries as to who is briefed
Attorney for Defendant	Name of Firm:
	Name of Attorney:
	Reference Number:
	Telephone Number and/or cell phone number:
	E-mail address:



Counsel for Defendant	Name:
	Telephone Number and/or cell phone number:
	E-mail address:
	*If counsel for Defendant is not known to the person compiling the practice note, please make inquiries as to who is briefed
Nature of Matter	Brief Description
Issues not in dispute	
Issues in dispute	
Separation of issues	
Postponement	Is the matter expected to be postponed?
Pre-trial conference	Yes/No
	Date of Pre-trial Conference
Pre-trial minutes filed	Yes/No
	Date when minutes registered filed:
Estimated duration	
Is Judge required to read papers	Yes/No
Urgency	Yes/No
Witnesses	Expert Witnesses: Yes/No
	How many?
	Lay Witnesses: Yes/No
	How many?
Interpreter	Yes/No
Trial Ready	Yes/No



-118-

	If no, please give reason
Logistics of trial	Physical Court: Yes/No
	Virtual Court: Yes/No If yes, please give reason

**DATED AT \_\_\_\_\_ ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024.**

(SGD) \_\_\_\_\_ (SGD) \_\_\_\_\_

[INSERT NAME OF ATTORNEY / [INSERT NAME OF ATTORNEY /  
ADVOCATE SIGNING OBO PLAINTIFF] ADVOCATE SIGNING OBO  
DEFENDANT]

Telephone nr:

Telephone nr:

Email address:

Email address:

**\*\*PLEASE DO NOT APPEND ANY ATTACHMENTS TO PRACTICE NOTE\*\***



**ANNEXURE 6.2: TRIAL PRACTICE NOTE TEMPLATE – RAF (3<sup>rd</sup> party claims), PRASA,  
MINISTER OF POLICE AND MEC DEPARTMENT OF HEALTH MATTERS**

**IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, [PRETORIA / JOHANNESBURG]**

Case number: \_\_\_\_\_

In the matter between:

\_\_\_\_\_ Plaintiff  
and  
\_\_\_\_\_ Defendant

**PRACTICE NOTE**

Trial Date	
Number on Court Roll	
Attorney for Plaintiff	Name of Firm:
	Name of Attorney:
	Reference Number:
	Telephone Number and/or cell phone number:
	E-mail address:
Counsel for Plaintiff	Name:
	Telephone Number and/or cell phone number:
	E-mail address:
	*If counsel for Plaintiff is not known to the person compiling the practice note, please make inquiries as to who is briefed
Attorney for Defendant	Name of Firm:
	Name of Attorney:
	Reference Number:



	Telephone Number and/or cell phone number:
	E-mail address:
Counsel for Defendant	Name:
	Telephone Number and/or cell phone number:
	E-mail address:
	*If counsel for Defendant is not known to the person compiling the practice note, please make inquiries as to who is briefed
Claims Handler	Name of Claims Handler:
	Telephone Number and cell phone number:
	E-mail address:
	*If the identity of the claims handler is not known by the time of preparing the practice note, the person compiling the practice note must enquire who the claims handler will be
State Attorney assigned by the RAF (applicable to matters against the RAF)	Name of State Attorney:
	Telephone Number and cell phone number:
	E-mail address:
	*If the identity of the State Attorney assigned by the RAF is not known by the time of preparing the practice note, the person compiling the document must enquire from the RAF who the State Attorney will be
	Name of Claims Handler:
Nature of Matter	Brief Description
Issues not in dispute	
Issues in dispute	
Separation of issues	
Pre-trial conference	Yes/No
	If no, please provide reason





	Date of Pre-trial Conference
Pre-trial minutes filed	Yes/No
	Date when minutes registered filed:
When was the last interaction between the Plaintiff and Defendant prior to the trial date? Provide brief description and outcome of interaction	
Estimated duration	
Is Judge required to read papers	Yes/No
Postponement	Is matter expected to be postponed?
Urgency	Yes/No
Witnesses	Expert Witnesses: Yes/No
	How many?
	Lay Witnesses: Yes/No
	How many?
Interpreter	Yes/No
Trial Ready	Yes/No
	If no, please give reason
Logistics of trial	Physical Court: Yes/No
	Virtual Court: Yes/No If yes, please give reason
Indication whether the matter proceeds by default judgment	Yes/No
Defendant's defence struck out?	Yes/No



Claim for merits (liability)	Yes/No
Claim for quantum	Yes/No
Heads of damages (specify)	
Expert reports filed?	Yes/No
Heads of argument to be filed	Plaintiff: Yes / No
	If not yet filed, when?
	Defendant: Yes / No
	If not yet filed, when?
Joint minutes	

**DATED AT \_\_\_\_\_ ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024.**

(SGD) \_\_\_\_\_ (SGD) \_\_\_\_\_

[INSERT NAME OF ATTORNEY / [INSERT NAME OF ATTORNEY /  
 ADVOCATE SIGNING OBO PLAINTIFF] ADVOCATE SIGNING OBO  
 DEFENDANT]

Telephone nr:

Telephone nr:

Email address:

Email address:

\*\*PLEASE DO NOT APPEND ANY ATTACHMENTS TO PRACTICE NOTE\*\*



**ANNEXURE 7: NOTICE OF REFERRAL TO REGISTRAR ITO RULE 37(3)(b)**

**IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, [PRETORIA / JOHANNESBURG]**

Case number: \_\_\_\_\_

In the matter between:

\_\_\_\_\_

Plaintiff

and

\_\_\_\_\_

Defendant

---

**SUBMISSION TO REGISTRAR IN TERMS OF RULE 37(3)(b) FOR DECISION ON DATE,  
TIME AND PLACE FOR PRE-TRIAL CONFERENCE**

---

Whereas the [Plaintiff / Defendant] has called upon the [Plaintiff / Defendant] to attend a pre-trial conference by way of service of a notice in terms of rule 37(2), which notice was filed on the court file on [insert date of filing].

And whereas no response has been received to said notice from the [Plaintiff / Defendant] to date hereof.

or

The parties do not agree on the date, time or place for the pre-trial conference.

The matter is hereby submitted to the registrar for decision in terms of Rule 37(3)(b) of the Uniform Rules of Court of the appropriate date, time, and place for the pre-trial conference to be held.

**SIGNED AT \_\_\_\_\_ ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024.**



-124-

(SGD)

**INSERT NAME OF ATTORNEY**

INSERT NAME OF FIRM

ATTORNEYS FOR THE PLAINTIFF

INSERT FULL ADDRESS

Tel: \_\_\_\_\_

Email: \_\_\_\_\_

REF: \_\_\_\_\_

**TO: THE REGISTRAR OF THE NORTH GAUTENG HIGH COURT  
PRETORIA  
FILING BY UPLOAD TO CASELINES / COURT ONLINE**

**AND TO: DEFENDANT NAME  
RESPONDENT  
INSERT NAME OF FIRM  
ATTORNEYS FOR THE PLAINTIFF  
INSERT FULL ADDRESS  
Tel: \_\_\_\_\_  
Email: \_\_\_\_\_  
REF: \_\_\_\_\_**



**ANNEXURE 8: TRIALS INTERLOCUTORY COURT ORDER: *IPSO FACTO* STRIKING OF DEFENCE**

**DRAFT ORDER SPECIAL INTERLOCUTORY COURT – *IPSO FACTO* STRIKING OF DEFENCE**

**IN THE HIGH COURT OF SOUTH AFRICA  
(GAUTENG DIVISION, PRETORIA)**

On this the **[insert]<sup>th</sup>** day of **[insert month and year]**.  
Before the Honourable Justice **[insert Judge's name]**.  
Nr **[insert nr]** on the Special Interlocutory motion roll.  
In open court / Microsoft teams **[choose applicable]**

In the matter between:

**[INSERT SURNAME, INITIALS]**

and

**THE ROAD ACCIDENT FUND**

LINK NO.: [INSERT IF KNOWN]  
CLAIM NO: [INSERT IF KNOWN]

Case No. [Insert case nr]

Applicant /Plaintiff

Respondent / Defendant

---

**DRAFT ORDER**

---

After reading the papers and having heard counsel, the following order is made:

1. The respondent is ordered to [insert compliance required], within 10 (ten) days of service of this order in terms of the Rules of court.
2. In the event that the respondent fails to comply with Par 1. of this order, the respondent's defence will *ipso facto* be struck out on the day of default (i.e., on day 11 after service



of this order) and the applicant may then approach the registrar for a date for hearing on the default trials roll.

3. The Respondent is to pay the costs of this application on a scale as between [insert applicable scale of costs].

*Disclaimer: This Order is made an Order of Court by the Judge whose name is reflected herein, duly stamped by the Registrar of the Court and is submitted electronically to the Parties/their legal representatives by email. This Order is further uploaded to the electronic file of this matter on Case Lines by the Judge or his/her Secretary / Registrar. The date of this Order is deemed to be [insert date of hearing].*

---

**BY ORDER  
THE REGISTRAR**

Appearing for the Applicant [Insert name]  
[Insert address]  
E-mail: [insert]  
Mobile: [insert]

Attorney for the Applicant: [Insert name]  
Ref: [Insert reference]  
E-mail: [insert]  
Mobile: [insert]

Appearing for the Respondent [Insert name]  
[Insert address]  
E-mail: [insert]  
Mobile: [insert]

Attorney for the Respondent: [Insert name]



Ref: [Insert reference]

E-mail: [insert]

Mobile: [insert]



**ANNEXURE 9.1: TAX COURT DATE APPLICATION FORM**

**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...





**ANNEXURE 9.2: TAX APPEAL DATE APPLICATION FORM**

**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...



**ANNEXURE 9.3: TAX COURT HEARING DATE NOTIFICATION**

**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>21</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:**

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<sup>21</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..

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*(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.



**ANNEXURE 9.4: TAX COURT APPLICATION FOR TAXATION DATE**

**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

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**NOTICE OF TAXATION**

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**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 \_\_\_\_\_ 20\_\_

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



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**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)**



**ANNEXURE 9.5: TAX COURT NOTICE OF TAXATION**

IT46 Taxation

**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

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**NOTICE OF TAXATION**

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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 \_\_\_\_\_ 20\_\_

