

A RECENT PRACTICE DIRECTIVE TO REGULATE CASE MANAGEMENT, TRIAL ALLOCATION AND ENROLMENT OF TRIAL MATTERS AT CERTAIN COURTS

Category: Administrative and Procurement Law, Commercial Law
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The practice directive (“**directive**”) applies to both the Pretoria and Johannesburg High Courts. The provisions of the directive prevail over any provision in the practice manuals of either court.

Some of the changes brought by the directive

Application for trial dates will resume on 1 August 2019. When a summons is issued (a court stamp is affixed to the summons and is allocated a case number), in which the defendant is the **Road Accident Fund, the Member of the Executive Council Health, Gauteng or Passenger Rail Agency of South Africa**, please alert the registrar to add “**Y**” to the case number. Where a defendant is neither of the above, the registrar shall classify the matter as Commercial “**C**”, Family law “**F**”, Delictual “**D**” or Public law “**P**”.

When filing the return of service of the summons, the Plaintiff must advise the registrar (i) when the notice of intention to defend is due; and (ii) when the plea will be due if the notice of intention to defend is delivered within *dies*.[\[1\]](#) Where parties fail to comply with this provision, a registrar shall send a message by email directing compliance within 10 days of the message, failing which the matter shall be referred to the Deputy Judge President (DJP).

The DJP may then request case management to be deferred in order to complete the process either unconditionally or conditionally, designate a judge to deal with case management, direct the registrar to inform the parties accordingly.

Do you have any pending interlocutory applications?

The Trials Interlocutory Court dedicated to interlocutory matters *in trial matters* will sit Mondays to

Thursdays every week, except during the period of *dies non*^[2] (between 15 December and 15 January).

1. Matters shall be set down on notice filed before noon on the Thursday before the next week's session, be succinct and rarely more than five pages of affidavit, and, where appropriate, brief heads of argument shall be submitted at the hearing.
2. Ordinary unopposed interlocutory matters not involving non-compliance in a trial matter must not be enrolled in this Court.
3. Draft orders in duplicate bearing the name of counsel, attorney and the email addresses of the parties attorneys, shall be presented to the court and the registrar shall prepare orders with the draft orders as annexures, on the same day as they are granted, which shall be available to the parties immediately, and which shall be emailed to the parties thereafter as soon as possible.

It appears that our high courts are gradually becoming digitised and adopting the technological changes. From previously passing judgements recognising service of process through social media platforms like Facebook and WhatsApp, our courts are now recognising service of practice notes for civil trial purposes, special motions, 3rd court applications and opposed motions, unopposed motions (including Rule 43 and interlocutory applications) and appeals via email. Likewise Heads of Argument for purposes of special motions, 3rd court applications and opposed motions and for purpose of Full Bench and Full Court Appeals must (now) be filed electronically.

Did you know that no pleading, notice or process will be accepted unless an email address of the attorney(s) and/or party issuing the relevant document is provided? This means that having an email address is now a legal requirement for all legal practitioners.

If one has voluminous processes to file at the Gauteng Division of the High Court, Johannesburg, one might want to get one's ducks in a row and reshuffle some 'deck' because the Gauteng Division of the High Court, Johannesburg takes no more than five (5) process per law firm per day.

^[1] *Dies* means all days given in term to the parties in court.

^[2] *Dies non* means a day without judiciary, i.e. the court is not in sitting.