REVISION 1 /2023

Office of the Acting Judge President PL Goliath

Western Cape Division of the High Court, Cape Town

12 September 2023

Hereunder the revision to the Western Cape Division of the High Court, Cape Town Practice Directives which will take effect from 2 October 2023.

[redacted]

PL GOLIATH

Acting Judge President

Western Cape Division of the High Court

Cape Town

Replacement of Practice Directives dated 1 June 2022 with effect from 2 October 2023

For ease of reference the revisions and additions are:

(a) deletion of PD 6(4), a portion of PD 6(6) and PD 6(9) and (10);

(b) replacement of PD 24C;

(c) replacement of PD 24H;

(d) revision to PD 24J;

(e) revision and addition to PD 33A;

(f) addition to PD 45;

(g) replacement of PD 51;

(h) revision of PD 54

(i) addition and revision of PD 54A;

(j) addition to PD 55

(k) revision of PD 56

(l) replacement of PD 58

(m) replacement and revision of PD 59

(n) revision of PD 60

REPLACEMENT OF THE WESTERN CAPE HIGH COURT PRACTICE DIRECTIVES DATED 1 JUNE 2022 EFFECTIVE 1 SEPTEMBER 2023

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6. ADMISSIONS

1) During term all applications for admission and enrolment as a legal practitioner, notary, conveyancer and sworn translator will be heard by two Judges on the first Friday of every month, unless the Judge President, on prior request and for good reason, orders otherwise.

2) The Presiding Judge will deliver a short address at the commencement of proceedings.

3) In order to minimise disruptions and to enhance the dignity of the occasion, all persons attending the proceedings (including practitioners appearing for applicants) are requested to remain in court until the roll has been completed.

4) Applicants must be properly dressed (colour code) and properly robed.

5) A maximum of 70 applications may be scheduled by the registrar's office on any given admission date.

6) The attached allocation form marked "E" hereto, must be completed. A date will be allocated by the Third Division clerk based on the available dates on the admission roll. The applicant may then approach the issuing clerk with the relevant application for issuing.

7) All matters in which certificates have been issued by the Legal Practice Council will be attended to in Court 1 or any other designated court;

C. MOTION COURT AND 'FAST LANE' (INCLUDING AFTER HOUR URGENT APPLICATIONS)

14. The Judge President will allocate three duty Judges to Motion Court ("Third Division") each week of the year, excluding court recesses, starting at 17h00 on each Friday.

15. Enquiries as to which Judge is on duty after court hours each day and during weekends must be directed only to the registrar on duty.

16. One of the Judges will hear all unopposed matters as well as opposed Rule 43 applications in Third Division.

17. The Duty Judge, presiding in what is known as the "Fast Lane" Court, will deal with the following matters:

    17.1 all unopposed urgent applications brought under Rule 6(12) not on the ordinary Third Division roll;

    17.2 all matters which, even if unopposed, are in the opinion of the Senior Duty Judge such as to warrant a hearing in a separate court, either by reason of the complexity of the matter or the volume of papers;

    17.3 all chamber book applications;

    17.4 all matters referred to the Fast Lane Court by the Judge President

18. In all matters to be heard in the Third Division a notice of set down must be filed with the registrar by no later than noon (12pm) on the court day but one prior to the date of hearing. **NO** matter will be included on the roll after the roll has closed.

19. Save where the court is prepared to condone the defect, matters in which the set-down has preceded the expiry of the *dies induciae* may be struck from the roll with an appropriate order as to costs.

20. In all opposed matters in Third Division –

20.1 if a matter is to be postponed the parties shall, in their draft order, set out a timetable for the filing of further papers as well as heads of argument;

20.2 the applicant's legal representative must file a practice note when setting the matter down, indicating –

(a) whether or not the matter is likely to proceed on the allocated date;

(b) where applicable, the grounds of urgency;

(c) if the matter is to be postponed, the reason(s) for the postponement;

(d) full details, including contact numbers and e-mail addresses, of the legal representatives of all the parties;

(e) in all matters concerning minor children, confirmation that there has been service of the papers, duly indexed and paginated, on the Family Advocate.

20.3 where the matter is likely to proceed on the allocated date, the papers in the court file must be collated, indexed and properly paginated before the matter is set down.

20.4 where it is anticipated that argument is likely to last for more than half a day, the parties must approach the Judge President for directions regarding the hearing of the matter.

21. The Judge hearing opposed matters in Third Division may, after hearing the legal representative(s), make an order with or without reasons. Parties may apply for reasons in terms of Rule 49(1)(c).

22. Whenever reasons for a court's order are required the provisions of

Practice Note 45A shall apply.

23. The papers in the court file must likewise be collated, indexed and paginated –

23.1 in all return days; and

23.2 in all matters where the papers exceed 50 pages, whether the matters are opposed or unopposed.

24. It is the responsibility of the applicant's (or plaintiff's) legal representative in all matters to ensure that the court file is in order when filing the notice of set down. The case management form must be included in the file, preferably after the Practice Note confirming the date of set down or postponement date.

24A Practice notes, especially in lengthy matters, must indicate which pages should not be read for purposes of the hearing.

24B. It shall be in the discretion of the Senior Judge to direct that urgent applications in Third Division must be referred to him/her for determination or allocation to another Duty Judge. To this end, the parties shall simultaneously notify the Senior Judge of any urgent application delivered to the Duty Judge(s).

24C. There will be 85 matters allocated per day, with the only limitations as to category being default judgments capped at 15 per day and rule 46A applications capped at 5 per day.

24D. All matters shall be accompanied by a practice note stating any issues the Judge should have regard to, and the status of the matter. In applications for the appointment of a curator ad litem and/or a curator bonis the details referred to in paragraph 24G below must be included. Where a party is represented the legal practitioner shall certify that the papers are in order. It is incumbent on the legal practitioner to indicate to the Judge, any issues to be addressed on the papers. The practice note must be placed as the first document in the court file prior to the roll closing. No practice note will

be accepted after the roll closes. An updated practice note must be filed on each occasion following a postponement. Matters will be removed from the roll if there no practice note filed timeously.

24E. Dates in respect of eviction matters, i.e. S4(1) and S4(2) (PIE Act 19 of 1998) applications shall be obtained from the Third Division clerk. Both dates are to be obtained at the same time.

24F. Rule 46A applications may be set down in accordance with the dates obtained from the Third Division or designated clerk. The Chief Registrar may with the permission of the Judge President assign a separate Rule 46A roll on a Friday for bulk Rule 46A applications.

24G. In respect of curatorship applications (both for curator ad litem and a curator bonis) the applicant shall file the written consent of three (3) potential curators on the roll of legal practitioners having regard to transformation imperatives.

24H. Parties are to approach the Third Division clerk for the availability of dates for set downs and postponements. Where a postponement is sought a draft order must be provided and it must clearly set out the reason for the postponement. In the case of a second or subsequent postponement an affidavit must be filed explaining the reason for the postponement sought. Failure to comply herewith may result in the matter being struck from the roll.

24I. The attached Third Division allocation form marked "E" hereto, must be completed and presented to the Third Division clerk who will allocate a date based on the available dates on the roll. The form will be returned to the applicant who must approach the court with the relevant application for issuing.

24J. In respect of postponements the form is to be placed in the court file or handed up to the Judge for the postponement of a matter already on the unopposed motion roll.

24K. When an application is alleged to be of extreme urgency (to a maximum of 48 hours), the applicant's legal representative shall approach the registrar to arrange a hearing as soon as possible in consultation with the Duty Judge.

24L. Practitioners are expected to adhere as far as possible to the basic requirement of Rule 6(5)(a) that Form 2(a) be used in applications, including applications with an element of urgency. (In this regard, the attention of practitioners is drawn to the judgment in Gallagher v Norman's Transport Lines 1992 (3) SA 500 (W) at 502D – 504C.)

24M. Opposed matters which are not of extreme urgency but which are nevertheless too urgent to await a hearing in the ordinary course on the continuous roll, will be granted some preference. For convenience these matters are called 'semi-urgent' matters.

24N. The applicant's legal representative shall, in matters concerning minor children, ensure that the duty registrar is provided with a copy of the papers for service (if necessary electronically) on the duty Family Advocate, who may be requested to attend the hearing in the discretion of the Duty Judge.

24O. Afterhour urgent applications (after 3pm and on weekends) may only be issued once the Duty Judge determines that it may be issued and heard on an urgent basis.

24P. The Senior or Duty Judge will make a determination based on the papers presented electronically to him/her.

24Q. Communication regarding these matters must be made through the relevant Judge's Secretary or afterhour registrar (after 5pm) on 0836252790.

24R. Save in exceptional circumstances, an urgent application with more than 100 pages may not be set down and delivered to the Senior Judge on the day of the hearing.

25. **Matrimonial Matters**

In all divorce actions –

(1) there shall be personal service of the summons on the defendant unless service other than personal service has been authorised;

(2) where more than six months have elapsed between the date of service of the summons and the date of set-down, notice of set-down shall be given to the defendant, unless the court in the exercise of its discretion dispenses with this requirement.

(3) the original or a certified copy of the marriage certificate of the parties shall be handed in at the hearing;

(4) failure to comply with the requirements set out above may result in the matter being postponed or struck from the roll with an appropriate order as to costs.

(5) In divorce actions on the Third Division roll, the original consent paper, report of the Family Advocate (if any) and the original marriage certificate or a certified copy thereof must be placed in a separate plastic sleeve immediately beneath the practice note and third division allocation form. These documents must **NOT** be indexed and paginated. However, as indicated above, a full set of indexed and paginated papers must have been served on the Family Advocate, even for purposes of consideration of the Consent Paper.

33A RESERVE PRICE/RULE 46A

(1) In applications to adjust the reserve price in the sale of immovable property in terms of Rule 46A where the reserve price set is not achieved, it shall be in the sole discretion of the Judge fixing the initial price to order that he or she will retain the matter and this must be reflected in his or her order. The application shall be heard in open court.

(2) In the event that the latter is not available, the Judge President must be approached to allocate a Judge to give appropriate directives.

(3) Papers shall be served on all the parties. Personal service on the judgment debtor is required.

(4) Given the practical difficulties highlighted in Standard Bank of South Africa Ltd v Tchibamba and Another (5642/2018) [2022] ZAWCHC 169; 2022 (6) SA 571 (WCC) the following procedure pertaining to applications for reconsideration of a fixed reserve price shall apply:

(a) No new application shall be required; and it must be brought on the same papers, duly supplemented, as set out in (b) below;

(b) The notice of motion shall be headed "Application in terms of rule 46A(9)(c) to (e)", and shall be supported by a supplementary affidavit containing updated information in accordance with rule 46A(9)(b) and the Sheriff's report referred to in rule 46A(9)(d);

(c) There shall be personal service on the execution debtor and the provisions of rule 6(5)(b) to (g) shall apply; and save where the Judge fixing the initial price has ordered that he or she shall retain the matter (and subject to

paragraph (2) above) the application, if unopposed, shall be enrolled for hearing in open court.

36. HAGUE CONVENTION, SURROGACY MATTERS AND THOSE GENERALLY WHERE MINOR CHILDREN ARE INVOLVED

A. Hague Convention Matters

(1) All applications brought pursuant to the provisions of The Hague Convention on the Civil Aspects of International Child Abduction 1980 will, as a matter of course, be treated as urgent, with the aim of achieving finalisation within a maximum of 6 weeks from the date on which proceedings were instituted, save where exceptional circumstances render this impossible.

(2) The applicant shall set out in the founding affidavit whether there are any other proceedings pending in relation to the child or children concerned, whether at the instance of any Central Authority or otherwise, with relevant details as well as the current status thereof.

(3) The Judge President shall designate from time to time a Judge or Judges who shall be responsible for Hague Convention matters (Hague Judges).

(4) It is the responsibility of the applicant's legal representative to ensure that the court file is clearly endorsed so as to indicate that it is a "Hague Convention" matter, together with the date on which the 6-week period will expire. Where an applicant is not represented, the registrar must assist litigants as far as is possible.

(5) After issue of proceedings the court file must be taken to the Judge President who should allocate, if possible, a Hague Judge to case manage the matter and ultimately hear it when ripe for hearing, given that the interests of minor child(ren) are at stake. If no such Judge is available, the Judge President may direct that it is placed before the Urgent Duty Judge at the earliest opportunity. The application must also be served on the Family Advocate prior to the court file being taken to the Judge President, and the details of the specific Family

Advocate to whom it has been allocated by that Office must be reflected in the practice note.

(6) Should the matter not be disposed of by the Urgent Duty Judge during the course of that particular week, that Duty Judge or a Hague Judge designated by the Judge President should ordinarily be seized with the matter and manage the case, with due regard to the urgency thereof, until it is ripe for hearing.

(7) The attention of legal representatives is drawn to the following:

7.1 Regulations 17 to 30 of the Regulations relating to Children's Courts and International Child Abduction (GN R250 dated 31 March 2010) which deal, *inter alia*, with the role of the Family Advocate as Central Authority and procedure in the High Courts;

7.2 The recommendation of the International Special Commission ("SC") on Hague Convention Matters that *'to ensure compliance and avoid delays, a court order for return should be as detailed as possible, and include the manner and timing of the return, specifying, for example, with whom, where, when and how the child should be returned. Where possible, the order should make provision for voluntary return and specify the progressive coercive measures to be applied in the event of non-compliance'*;

7.3 The recommendation of the SC that, subject to the best interests of a particular child, competent authorities hearing a child abduction case should consider *'at the earliest opportunity and without undue formality, what appropriate contact and communication should take place between the left-behind parent and the child and proceed to make a determination in those terms as an urgent protective measure. Seeking and/or exercising interim contact per se should not be construed as acquiescence or consent to the wrongful removal or retention and should not produce additional delays in the return procedure.'*

7.4 Due regard should be had to paragraphs 7.1 to 7.3 above when drafting a notice of motion and/or a draft order for consideration by the Presiding Judge.

B. Matters generally where minor children are involved

(1) In all matters where, minor children are involved pleadings, including properly paginated documents must be served on the relevant Office of the Family Advocate. Jurisdiction of the Office of the Family Advocate will be the office where the minor child/ren reside.

(2) Proof of timeous filing at the relevant Office of the Family Advocate together with the annexures to pleadings and (or) reports drafted by the Office of the Family Advocate must accompany pleadings when a matter is enrolled for hearing and should form part of the paginated and indexed court file.

(3) Should pleadings be filed electronically at the Office of the Family Advocate for investigation and comment, the Office of the Family Advocate should be provided with at least five (5) working days to evaluate the pleadings and (or) affidavits and provide their interim report except in urgent matters.

(4) Issued court orders requesting the Office of the Family Advocate to conduct an investigation should be duly furnished to the Family Advocate's office together with all the relevant pleadings and (or) affidavits and expert reports by the parties.

(5) The Judge shall, as far as possible, retain and manage files where the interests of the minor children are at stake. Any other proceedings pending in this Court in respect of the same child or children should be managed by the same Judge to avoid fragmentation of matters impacting on the same children.

(6) Any of the parties or the Office of the Family Advocate may

approach the Judge President by way of a practice note for the appointment of an overseeing/supervising Judge should that be deemed necessary.

C. Application for confirmation of surrogacy agreements in terms of section 295 of the Children's Act

1) The identity of the parties to court proceedings with regard to a surrogate motherhood agreement may not be published without the written consent of the parties concerned. All such applications shall be allocated by the Judge President to be heard by a Judge in Chambers, after completion of the steps set out in paragraph 2 below.

2) The applicant's attorneys must apply through the Chamber Book for an order authorizing the Family Advocate to conduct an investigation. Once such order has been granted, the applicant's attorneys must serve the application on the Family Advocate and obtain its report prior to approaching the Judge President for allocation, and such report must be placed in the court file before the matter is enrolled. The report shall deal with the following matters: (a) whether or not the provisions of section 295 of the Act have been complied with; and (b) the matters set out in paragraph 5 below.

3) The applicant's attorneys must also specifically refer the Judge hearing the application to the provisions of section 295 of the Act.

4) The parties must comply in all respects with such further directions and requirements as may be stipulated by the Judge seized with the application, which may include police clearance certificates in respect of the commissioning parents.

5) The affidavit must set out:

5.1 All factors referred to in Chapter 19 of the Act with documentary proof where applicable;

5.2 Whether there have been any previous applications for surrogacy, the Divisions in which the application was brought, and whether such application was granted or refused (the reasons for the refusal must be set out);

5.3 A report by a clinical psychologist in respect of the commissioning parents and a separate report in respect of the surrogate mother (and her spouse or partner, if applicable);

5.4 A medical report regarding the surrogate mother;

5.5 Details and proof of payment of any compensation for services rendered, as well as details of those to be rendered, either to the surrogate mother herself or to the intermediary, the donor, the clinic or any third party involved in the process;

5.6 All agreements between the surrogate and any intermediary or any other person who is involved in the process;

5.7 Full particulars if any agency was involved, including any payment to such agency, supported by an affidavit by that agency; and

5.8 Whether either of the commissioning parents have at any stage been charged with or convicted of a violent crime or a crime of a sexual nature.

6) The Judge must be satisfied:

6.1 That on the available evidence the best interests of the child to be born will be served.

6.2 There has been full compliance with the provisions of Chapter 19 of the Act;

6.3 That there is no payment in relation to the surrogacy other than as provided for in section 301 of the Act;

6.4 That all parties including their spouses or partners are sufficiently mature to understand the consequences, particularly where the respective parties may be friends or have known each other prior to the application; and

6.5 If the respective parties already have children, that the children will be properly sensitized to the events that will unfold.

PN 37. Chamber Book Applications

Applications may be brought through the Chamber Book in the following matters: –

(1) to authorise the issue of process on Saturdays, Sundays, public holidays and outside the times specified in Rule 3;

(2) for directions as to the set down of applications referred to in Rule 6(11);

(3) for judgment on confession as provided for in Rule 31(1);

(4) for judgment following acceptance of an offer or tender and failure to pay or perform within the period specified in Rule 34(7);

(5) for an order for payment of unpaid costs following acceptance of an offer or tender made in terms of Rule 34(9);

(6) for an order as to the conditions for the conduct of an examination as provided for in Rule 36(3);

(7) for an order to resolve a dispute as contemplated in Rule 36(7);

(8) for an order for the transcription of a record (see Rule 39(19));

(9) for an order by consent of the parties for the transfer of a trial to the magistrate's court subject to the proviso in Rule 39(22);

(10) for leave, in an *in forma pauperis* matter, to withdraw, settle or compromise the proceedings or to discontinue assistance therein and for the giving of directions as to the appointment of a substitute(s) (see Rule 40(5));

(11) for directions for service in applications involving the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act *(PIE)* 19 of 1998;

(12) for an order on a case submitted by the taxing master (including an award as to costs) in terms of Rule 48(2);

(13) for an order by consent of the parties for the promotion of a matter on the roll (old Cape Rule 34(4)*(a)*);

(14) for an order by consent of the parties removing a matter to another division of the High Court or to a circuit court or for the removal of a matter from the circuit court to the court sitting in Cape Town or for the removal of a matter to the Divorce Court;

(15) for an order for the substitution of a *curator ad litem*; subject to the application being referred to the Judge that made the initial order for appointment of the *curator ad litem*;

(16) for an order referring any matter concerning the best interests of minor children to the Family Advocate for investigation and report;

(17) for an order authorising the Family Advocate to conduct an investigation in a surrogacy matter;

(18) for the grant of an interdict (or the amendment or the setting aside thereof) by consent of the parties pursuant to the provisions of the Domestic Violence Act, 1998;

(19) applications by minors for leave to marry or to enter into apprenticeships or other contracts where the court's sanction is sought;

(20) applications to compel the filing of opposing papers where a notice of opposition has been filed, but no further steps have been taken by the respondent, failing which the matter may be enrolled on the unopposed roll;

(21) applications for a rescission of judgment, where the credit provider has been informed that the application has been issued and has consented for the rescission to be granted;

(22) applications for guardianship as contemplated in terms of section 24 of the Children's Act 38 of 2005 in the event where both biological parents are deceased;

(23) for any order which is required to be brought in Chambers by reason of the provisions of any Act or law or these practice notes.

D. TRIALS AND OPPOSED MATTERS

38. Upon the close of pleadings, the plaintiff's legal representative, or if he or she fails to do so, any party, may apply for a trial date by entering the relevant particulars as required by the registrar in a register kept for that purpose.

39. Before applying for a date of set-down, the legal representative in question shall collate, number consecutively and suitably secure all pages of the pleadings and documents in the court file. A complete index thereof, together with a questionnaire substantially in accordance with Form E in the Schedule hereto, shall also be prepared and delivered.

40. The registrar will not allocate a trial date in any trial matters until such time as the provisions of Practice Note 39 above have been complied with.

40A. The Judge President will determine from the civil trials set down, if any matter shall be assigned for hearing. To assist the Judge President in making that determination, the parties must email the Judge President's secretary on jpwchcpracticenotes@judiciary.org.za, a joint practice note four (4) days before the set down date containing the following:

i) Case No;

ii) Names of the parties and their legal representatives and their full contact details including mobile numbers and e-mail addresses;

iii) A brief description of the nature of the claim and the main issue/s for determination;

iv) An assessment of the possibility of the matter being resolved by mediation, arbitration or settlement;

v) Whether the services of an interpreter are required and the relevant language;

vi) Whether the matter can be determined without a hearing in open court, and if so, how and if not, why not;

vii) Duration of the trial/hearing;

viii) Indicate if there is a need for an *Inspection in Loco;*

ix) Any other information that may be relevant to the decision to be made by the Judge President.

Where the Joint Practice Note has been filed electronically and acknowledgement of receipt via e-mail is not received within two (2) days, the duty remains on the person filing the Joint Practice Note to ensure that such Joint Practice Note was in fact received.

41. Pre-Trial Procedure and Case Management in Civil Matters

1) In order to ensure that it is effective, a pre-trial conference should be held after discovery and after the parties have exchanged documents and further particulars.

2) At a pre-trial conference the parties must genuinely endeavour to achieve the objects of Rule 37 (by defining triable issues, thereby curtailing proceedings) and the minute must show this.

3) A document which purports to be a pre-trial minute but which does not achieve the objects of Rule 37 (e.g. if it is a mere recordal or paraphrase of the agenda items for discussions at a Rule 37 conference), shall not be accepted as a proper pre-trial minute. Proper compliance with Rule 37A is required to ensure a meaningful conference.

4) All applications lodged once the matter has been referred for case management shall as far as possible be dealt with by the pre-trial Judge, including but not limited to the following matters:

4.1 Application for postponements;

4.2 Application for further particulars in terms of Rule 35;

4.3 Rule 28 – Amendment of the plea;

4.4 Rule 33 (4) – Separation of issues;

4.5 Rule 30 – Application to declare a particular step or process irregular;

4.6 Special plea;

4.7 Exceptions

5) The case management Judge will have a discretion to defer to the Judge President where necessary, for the appointment of another Judge if the interest of justice requires that the matter be dealt with by another Judge. Any deviation in the appointment of another Judge must be sanctioned by the Judge President.

43. Early Allocation of opposed matters and filing of heads of argument in all Fourth Division matters

(1) If any matter on the continuous roll requires early allocation, the legal representatives for the plaintiff, excipient or applicant (as the case may be), shall after compliance with the provisions of Rule 62 (4), deliver to the 4th division clerk, **not less than seven (7) days** before the date of hearing, the relevant court file, together with a practice note to that effect, setting out the case number, the names of the parties and their legal representatives, and the date of hearing. Practitioners are reminded that "days" means **court days**.

(2) The Practice Note together with the heads of argument must be filed in the court file prior to the file being presented to the Judge President for allocation.

(3) Parties must indicate which pages should not be read.

(4) Matters will be deemed to require early allocation, as contemplated above: -

(a) where the papers (including annexures) in the matter exceed 200 pages; or

(b) where the issues are such that the Judge allocated to hear the matter would, in order to prepare for the hearing, reasonably need to receive the papers earlier than he or she would normally do so (that is, the day before the hearing).

(5) Matters will not be allocated if the requirements are not met.

(6) Where heads of argument have been filed electronically and acknowledgement of receipt via e-mail is not received within two (2) days, the duty remains on the person filing the heads of argument to ensure that such documents were in fact received.

45. Reasons for Orders and Leave to appeal

45A. Whenever reasons for a court's order are required (whether in a Third Division matter, in terms of Rule 49(1)(c) or otherwise) the legal representative or in person litigant concerned shall file such request for reasons with the registrar and thereupon deliver same <u>together with the court file</u> to the Judge from whom the reasons are required.

45B. Whenever an application for leave to appeal to the Supreme Court of Appeal or to the Full Court of this Division is lodged with the registrar, the following procedure will apply, both to civil and criminal matters:

(1) Legal representative/s for the applicant for leave to appeal shall simultaneously therewith deliver a copy of such application together with the court file to the Judge against whose judgment and/or order the application is directed.

(2) Legal representative/s or the attorney for the applicant for leave to appeal shall, after consultation with legal representative/s for the

respondent, and not later than 10 days after the lodging of the application, approach the Judge in chambers in order to arrange for a convenient time and date for the hearing of the application.

(3) Whenever legal representative/s for the applicant fail to take the steps provided in para (2) above, the legal representative/s for the respondent may not later than 15 days after the lodging of the application and on 48 hours' notice to the legal representative for the applicant approach the Judge to arrange a time and date for the hearing of the application.

(4) An unrepresented party who lodges an application for leave to appeal shall simultaneously therewith deliver to the registrar of the civil or criminal section an additional copy of the application which is endorsed for delivery to the Judge against whose judgment/order the application is directed.

(5) Whenever a party in a civil matter is unrepresented, the provision of paragraphs (2) and (3) shall be complied with as if such party was his/her own legal representative save, however, that the unrepresented party and/or the legal representative of any other party shall approach the Chief Registrar who will in turn approach the Judge in order to arrange for a convenient time and date for the hearing of the application.

(6) Whenever the applicant for leave to appeal in a criminal matter is unrepresented, the Director of Public Prosecutions or his/her representative shall not later than 15 days after the filing of the application approach the registrar who will in turn approach the Judge in order to arrange for a convenient time and date for the hearing of the application. The registrar shall give the applicant written notice of the date fixed, which notice shall be delivered (via post and/or e-mail) to the applicant not less than 10 (ten) days before the hearing.

(7) Where legal representative/s for a party or the party, as the case may be, fails to comply with the provisions aforesaid, the Judge may take such steps as he/she deems necessary to deal with the application, including striking the application from the roll with costs.

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

48A Criminal Leave to Appeal Applications

(1) The application for leave to appeal is to be furnished to the criminal registrar who will draw the court file and process the application to the relevant Judge. The registrar shall provide the Director of Public Prosecutions with a copy of the application for leave to appeal.

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

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

51A. Criminal matters

(1) Criminal matters shall be enrolled on the High Court roll by the Director of Public Prosecutions, in consultation with the Office of the Judge President and the Chief Registrar.

(2) The number of criminal matters to be enrolled for trial in the High Court shall be determined by the Judge President.

(3) The consideration whether a criminal matter should be adjudicated in the High Court, alternatively the Regional Court with concurrent jurisdiction,

shall be made by the Director of Public Prosecutions (DPP) after consultation with the Judge President for the purposes of efficient Roll planning and effective case flow management, prior to the transfer of such matter in terms of section 144(4) of the CPA.

(4) A criminal matter may only be transferred and enrolled for trial in the High Court if, prior to the transfer thereof by the regional or magistrate's court in terms of s 144(4) of the CPA, a Practice Note has been filed by the Office of the Director of Public Prosecutions. Such Practice Note shall be forwarded to the Chief Registrar and the Office of the Judge President (for attention the Chair, Criminal Practice Committee) by the Office of the Director of Public Prosecutions no less than 1 (one) calendar month before the transfer and shall set out and confirm the following:

(a) The police station, CAS number and the name and contact telephone number of the investigating officer, and the court case number and court from which the matter is to be transferred, together with a copy of the proposed indictment, summary of substantial facts and list of proposed witnesses;

(b) that the investigation has been finalized (i.e. all necessary investigative processes in order to render the matter ready for trial in the High Court have been completed including the obtaining of all witness statements and all evidentiary processes such as identification parades, post-mortems, fingerprint, ballistic, photographic, video, blood, DNA, cellphone, computer, IT and data analyses, and reports in respect thereof);

(c) that the accused has/have exercised his/her/their right to legal representation, private or state-funded (legal aid or Judicare); and that such representation has been secured and appointed, and the date(s) when this occurred;

(d) the names and contact details of the accused's legal representatives (including telephone/cellphone numbers and email addresses) and whether they are private or state-funded (legal aid or Judicare);

(e) the name and contact details (including telephone/cellphone numbers and email address) of the prosecutor who has been designated to prosecute the matter in the High Court, and confirmation that he/she has consulted with all state witnesses;

(f) that the State has provided each of the accused's legal representatives with a copy of the indictment and summary of substantial facts and list of witnesses, and such further particulars (including witness statements and such contents of the docket) as he/she/they may be entitled to, and the dates when, and the manner and form in which, such particulars were supplied;

(g) that the Chief Registrar has confirmed (in consultation with the office of the Judge President), that sufficient resources (including a courtroom, interpreter (if needed) and the necessary security arrangements and holding facilities required), are or will be made available for the trial of the matter;

(h) the date which the Chief Registrar has provided for the first appearance of the accused in the High Court, at which time a pre-trial conference is to be held, and the date for trial (which date shall be provisional and shall be confirmed or varied at the said pre-trial conference), and that the accused has/have been informed of such dates.

(5) Where an accused is on trial, or is awaiting trial, in the High Court (in this division or any other), save with the prior authorisation of the Judge President no other matter in which he or she is to be tried in this division may be transferred to this Court until the matter in which the accused is

on trial or is awaiting trial in the High Court (in this division or any other), has been completed.

(a) In the event of non-compliance with the filing of a Practice Note as prescribed in 51A(4) and the provisions of 51A(5), the relevant matter may be struck from the High Court Roll.

(6) A criminal matter which has been enrolled for trial in the High Court for 1 (one) term only shall, save in exceptional circumstances, proceed to completion on the basis of a continuous roll, in the term in which it has been set down and no trial matter, part-heard or otherwise, which has been set down for hearing in 1 (one) term only shall not be postponed to the following term without the Judge President's knowledge and prior authorisation. The following guidelines apply:

(a) the designated prosecutor and the legal representatives appointed to represent the accused in matters in the High Court shall ensure that they are available to attend thereto on an uninterrupted basis, until the completion thereof, and shall not render themselves unavailable to prosecute and/or represent the accused on a continuous basis, to completion of the matter, by taking up, or by virtue of appointments in other matters; and

(b) prosecution and representation in criminal matters in which trials have commenced in the High Court shall enjoy preference over any other matters in which trials have not yet commenced (either in the High Court, or in any other court) and

(c) a trial which has been enrolled for hearing will not ordinarily be postponed on the grounds that a prosecutor or a legal representative who has been appointed to prosecute or to represent an accused therein is not available, either for the period for which the matter has been enrolled or until it will run to completion, or any part thereof.

(7) In the event that a prosecutor or legal representative who has been appointed to prosecute or to act for an accused in a criminal trial in this division of the High Court, is aware of any circumstances which may render him/her unable to prosecute or represent such accused in such matter on trial, on a continuous basis to completion thereof, as envisaged in para 51A(6), he/she shall immediately disclose same to the Office of the Judge President and the allocated/presiding Judge, for his/her direction, at the first, or any subsequent, pre-trial conference, or at the trial, as the case may be, at which the accused appears.

(8) A Judge presiding in a criminal trial which has been allocated for hearing in 1 (one) term, which for reasons beyond the control of the Court or any of the parties cannot be completed by the end of that term, shall be required to submit a secretarial note notifying the Office of the Judge President thereof by the Monday of the 2nd last week of such term, in which note a report is given of the status of the matter and the progress which has been made in the proceedings and an indication of how many additional days or weeks are required in the following term for the matter to be finalized. In the event that a part-heard matter cannot be completed at the end of a court term but may be completed in 5 (five) further days of hearing or less, it shall be completed in the recess that follows upon the end of that term.

(9) Practitioners acting at the request of the Court, or upon legal aid instructions in High Court criminal trials will be allowed to retain their briefs to appear in respect of unopposed matters in 3rd Division on the same day; provided that they shall (a) notify the registrars of the respective Judges presiding in their criminal trial and in 3rd Division thereof in advance (b) appear in 3rd Division at 10h00 when their matters will receive preference; and (c) report to the registrar of the Judge presiding in the criminal trial as soon as their 3rd Division matters have been disposed of.

51B. Pre-trial conferences in criminal matters

(1) Every criminal matter which is transferred to the High Court for trial in accordance with the provisions of paragraph 51A shall be required to be confirmed trial-ready and to be remanded for trial to an allocated date as determined in terms of paragraph 51A(1), by a Judge at a pre-trial conference.

(2) The first appearance of a criminal matter which is transferred for trial to the High Court in accordance with the provisions of paragraph 51A, shall be in the form of a pre-trial conference before a Judge, at 09h00 on the date allocated for it, which conference shall be attended by the accused and his/her/their appointed legal representative(s), private or State-funded (legal aid or Judicare), and the prosecutor who has been designated by the Director of Public Prosecutions to prosecute the matter in the High Court.

(3) The purpose of the pre-trial conference shall be to confirm (as per Form 'Pre-Trial Crim' annexed) (a) that the matter has been properly transferred and is ready for trial in the High Court in accordance with the requirements of paragraph 51A (b) whether the accused is in custody or on bail or warning (c) that the accused's legal representatives have been provided with a copy of the indictment and summary of substantial facts and list of witnesses and such further particulars (including witness statements and such contents of the docket) as he/she/they may be entitled to (d) that the legal representatives have consulted with the accused and their witnesses, if any, and are in possession of the requisite instructions and are ready for trial (failing which, the steps they will take and the date by which they will be ready for trial) (e) that the prosecutor has consulted with the investigating officer and the state witnesses and the matter is ready to proceed to trial as far as the State is concerned (f) whether the matter is to be disposed of by way of a plea and sentence agreement in terms of s 105A of the CPA, and if so, the date when this is to occur (g) if the matter is to proceed to trial whether it

is possible for any admissions to be made in terms of s 220 of the CPA and if so, what such admissions will entail and when they will be made (h) the estimated duration of the trial and (i) the date on which the trial is to commence and the allocated period over which it is to run (j) whether an interpreter and/or intermediary is required and (j) to deal with any other matter, including any interlocutory or ancillary applications and security, intermediary and audio-visual arrangements which may be necessary, in order to render the matter ready for trial.

(4) The 1st pre-trial conference may be adjourned or postponed only for such further pre-trial conference(s) as may be strictly necessary, for the purpose of rendering a matter which has been transferred to the High Court ready to proceed to trial on the date to which it has been, or will be, allocated.

(5) The prosecutor who has been designated to prosecute the matter in the High Court shall be responsible for filing a pre-trial minute with the registrar of the Judge who is to preside over each pre-trial conference, no later than 5 (five) days before it, in which he/she deals with the matters referred to in sub-paragraph 51B(3)(a)-(j), and/or any other matters which may require determination, and the directives which it is proposed be made by the Judge at the pre-trial conference, in order to render the matter ready for trial.

(6) The Judge who presides over a pre-trial conference shall compile a minute of the decisions which were taken and the Orders or directives which were made during the proceedings, and any outstanding issues or matters which require attention and/or which are to be dealt with by the date of any future pre-trial conference, or otherwise, which minute shall be retained in the court file.

(7) Prior to the commencement of the trial in a criminal matter which has been transferred to the High Court in terms of paragraph 51A, the Judge dealing with a pre-trial conference in such matter, or his/her successor

(or alternatively such Judge as may be allocated for this purpose by the Judge President), shall deal with any interlocutory and/or ancillary applications which are necessary to render the matter ready for trial (including applications to compel the furnishing of further and/or better particulars or information or documents, and bail applications, or applications for the variation of bail conditions or the withdrawal and/or forfeiture of bail), and no such applications shall be brought by way of motion proceedings in a civil court.

(8) All applications pertaining to (a) the charges which have been preferred against an accused (b) joinder or separation of accused (c) the prosecution or stay of proceedings (temporary or permanent) and (d) evidentiary or admissibility issues, in criminal matters which have been transferred to the High Court in terms of paragraph 51A, are to be dealt with by the trial Judge, and no such applications shall be heard by the Judge dealing with a pre-trial conference, nor shall such applications be brought by way of motion proceedings in a civil court, unless otherwise authorised by the Judge President.

54A. RAF MATTERS

(1) Road Accident Fund (RAF) matters, whether unopposed or opposed, will not be allocated to a Judge for hearing without the RAF being notified of such application. No hearing will proceed without a RAF representative or State Attorney or designated legal practitioner present.

(2) The State Attorney is to inform the Registrar's office of the details of the attorneys designated by it to deal with RAF matters. Such notice shall include the legal representatives contact details including their email addresses. Notice of any changes regarding the legal representative must be communicated to the registrar's office timeously.

(3) In a Summons or application commencing proceedings the RAF link

number, details of the claims handler, and details of the State Attorney are to be included. Such process is to be served on the local RAF office as well as the State Attorney. All subsequent pleadings, correspondence and pre-trial minutes must also contain the same information, which should be forwarded to the dedicated email addresses, as per the below table:

Description of email address	Mailbox	Document Type to be submitted to this email address
Notice of Setdown	cptnoticeofsetdown@raf.co.za and SetdownNotice.CPT@raf.co.za	Notice of Setdown and all related queries
Notice of Pre-trial	cptnoticeofpretrial@raf.co.za	Notice of Pre-trial and all related queries
Cape Town Court Orders	courtorderscpt@raf.co.za and CourtOrders.CPT@raf.co.za	All Court Order related queries
Summons	cpt_summons@raf.co.za and Summons.CPT@raf.co.za	Service of Summons
Writs	CPTWrits@raf.co.za and Writs.HO@raf.co.za .	Servicing of writs for the region

(4) The Registrar shall despatch notices of set down, whether for pre-trial case management or trial, by email to the plaintiff's attorney, the relevant claims handler and the State Attorney. The most recent contact information for the parties provided on the court file will suffice for service.

(5) Draft pre-trial minutes should be filed/exchanged in Word format and not pdf, to facilitate any amendments that may be required by the parties.

(6) Where an expedited date for pre-trial case management is requested the provisions of rule 37A(1)(b) shall apply, provided that notice of such request shall simultaneously be served by the applicant by email on the

relevant RAF claims handler and the State Attorney on the e-mail address provided on the table above.

(7) Where a request for an expedited trial date is made to the Judge President, such request shall be brought to the attention of the State Attorney and all parties involved in the litigation. The State Attorney shall, if there is an objection thereto, respond in writing to the plaintiff's attorney, duly motivating the objection, within 10 working days of receipt of such request, failing which it will be accepted that there is no such objection. Upon expiry of the 10-day period aforesaid the aforementioned correspondence together with the formal request for an expedited date shall be delivered to the Office of the Judge President as per the process in PD55, and simultaneously forwarded to all parties involved in the litigation. The Judge President shall determine whether a preferential date should be allocated based on the documentation provided.

(8) The State Attorney shall cooperate fully with the plaintiff's attorney in the preparation of a Joint Practice Note for trial allocation purposes within 10 working days of the request. In the event that the State Attorney fails or refuses to do so, this must be recorded by the plaintiff's attorney or advocate in the Practice Note and emailed to the State Attorney. Proof of email delivery must be annexed to the plaintiff's Practice Note.

(9) Any RAF matter certified trial ready for a trial duration of more than 2 days is an early allocation and must reach the office of the Judge President in accordance with PD 43.

54. COMMUNICATION REGARDING THE ALLOCATION OF CASES TO JUDGES

1) Once a matter has been allocated to a Judge, the Judge President's office will deliver the file to the relevant Judge's chambers.

2) The relevant Judge's secretary to whom the matter is allocated will inform the parties of the allocation and of any further instructions or directives given by the Judge President or Judge concerned. If any party is unrepresented the legal representative of the other party shall inform the unrepresented party of the Judge to whom the matter has been allocated.

3) In the event that matters which are set down for hearing and allocated become settled prior to the date of hearing, the parties are to immediately inform the Office of the Judge President.

55. PROCESSING OF COURT FILES TO THE JUDGE PRESIDENT'S OFFICE

1) Fourth Division files together with the relevant draft order or letter to the Judge President for early allocation, settlements, postponements, exceptions, opposed motion set downs and expedited pre-trials may be delivered to the Fourth Division clerk.

2) Where a request for an expedited trial date is made to the Judge President, such request shall simultaneously be brought to the attention of all parties involved in the litigation.

3) The Fourth Division clerk will deliver the files to the Judge President's secretary.

4) Arrangements for indexing and pagination should be made with the Fourth Division clerk.

5) In matters already enrolled and/or set down before the court, where settlement has been reached between the parties, the settlement agreement and/or orders together with proof that all relevant parties' legal representatives and/or unrepresented parties are seeking leave for the order to be granted shall be forwarded to the Judge President via the Fourth Division clerk.

6) Settlements for transmission to the Judge President's office must be delivered together with the court file to the Fourth Division clerk. The accompanying draft order shall include the information as indicated in the attached examples in order to expedite the issuing of the order by the registrar's office. Non-compliant draft orders will be returned without being processed. If compliant, the file together with the order will be processed to the Judge President's Office.

56. VIRTUAL HEARINGS

1) All hearings shall revert to open court save where the Judge, upon receiving reasonable notice, is satisfied that, given the particular circumstances, a virtual or so-called "hybrid" hearing should be held.

2) Factors which shall weigh in support of the consideration of a virtual and/or hybrid hearing include (but are not limited to) parties and/or witnesses who do not reside in the Western Cape; where the party concerned lacks the means to pay for their physical attendance; advanced age and/or ill-health of a party or witness; and an undertaking by the party requesting such a hearing to bear all associated costs and provide, to the extent necessary, all equipment and infrastructure to facilitate same. Pure convenience of legal representatives shall not be a persuasive factor.'

3) The request for a virtual hearing must be made by e-mail, if not possible, by hand delivered letter to the relevant Judge's secretary on the day of allocation of the file and be incorporated in an electronically submitted practice note. The parties should also indicate in the practice note whether legal representative/s and all other interested parties (i.e. the instructing legal practitioner/s and client/s) have access to a device and reliable internet for purposes of the remote hearing, and provide the email addresses of all the participants to be invited to the virtual hearing.

4) The link to the virtual hearing will be set up by the relevant Judge or the Judge's secretary and disseminated to all the parties. The control room is

to be included on all virtual hearings (JDonaldson@judiciary.org.za), so that matters may where possible be recorded directly on the CRT machines. The OCJ is responsible for the recording, storage and maintenance of all court recordings. Thus, recordings and the setting up and communication of the virtual links must be attended to by the court officials/Judge's secretary ONLY.

5) The recordings of all virtual hearings are to be saved in MP3/MP4 format and must be forwarded/delivered to the CRT Control room (Room 20) on the ground floor for purposes of storage and/or transcription immediately after the hearing, unless otherwise directed by the Judge concerned.

6) The recording done by the court will be considered as the official court record in the event of any dispute.

57. ELECTRONIC DELIVERY OF JUDGMENTS

1) Signed and dated judgments and issued orders may be delivered electronically. The date indicated on the judgment must reflect the date of electronic delivery. Proof of electronic service and acknowledgment of receipt are to be filed with the original judgment in the court file. It is incumbent on the Plaintiff/Applicant to ensure that the Defendant/Respondent does have knowledge of the judgment/order.

58. DRAFT ORDERS

1) When draft orders are presented to a Judge the draft order must comply with the requirements of the registrar as per the attached examples.

2) If a non-compliant draft order is granted by a Judge, it will not be issued by the registrar until the legal practitioner or in person litigant, as the case may be, provides the registrar with one that does comply. Enquiries in this regard may only be directed to the registrar if such order is not received within 14 days of being granted. It shall also be the responsibility of the legal practitioner or in person litigant to thereafter approach the Judge's secretary with the file, the order previously granted and the corrected version thereof in accordance with the registrar's requirements. IT SHALL NO LONGER BE THE RESPONSIBILITY OF THE JUDGE CONCERNED AND/OR HIS/HER SECRETARY TO CORRECT NON-COMPLIANT ORDERS.

3) Non-compliant orders in eviction matters, return dates and postponements will result in the matter being struck from the roll on the date concerned even though it has been placed on the roll by the registrar.

59. INTRODUCTIONS BY PRACTITIONERS

1) Such introductions may resume in person in the Judge's chambers.

2) In applications for the appointment of a curator, the legal practitioner moving the application may approach the Judge concerned in chambers on the morning before the calling of the roll commences.

60. ACCESS CONTROL MEASURES IN RESPECT OF ACCESS TO JUDGES

1) The Court Manager will be responsible for access control measures in respect of access to Judges' chambers.

61. EASTERN CIRCUIT LOCAL DIVISION AT THEMBALETHU

1) The registrar's office has been opened at the Thembalethu, George Circuit Court on 28 February 2022.

2) As of 28 February 2022, no filing and issuing will take place at the Magistrate's Court, George or any other Magistrates court within the Eastern Circuit Court jurisdiction.

3) The office hours for filing of documents and for issuing are from:

   9am to 1pm; and

   2pm to 3pm.

4) Ms Thembisa Kama may be contacted as follows:

   Office Tel: (044) 801010 0 or (044) 801010 1

   E-mail: thkama@judiciary.org.za

SCHEDULE – FORMS

1.	Third Division allocation form	(PN 6 - pages 4 & PN 24l - page 8)
2.	Form E (Annexure A) – Rule 37 questionnaire	(PN 39 - page 20)
3.	Draft orders marked (2a) to (2h)	(PN 55 - page 35 & PN 58 - page 38)

E

Version 3 of 2020

OFFICE OF THE CHIEF JUSTICE
REPUBLIC OF SOUTH AFRICA
Western Cape High Court

35 Keerom Street
CAPE TOWN
8001

Private Bag X 9020
CAPE TOWN
8000

3RD DIVISION HEARING/ POSTPONEMENT DATE ALLOCATION FORM

(Once a date is obtained kindly provide the court with the application/ set down and include this document with so that the matter can be physically placed on the court roll.)

CASE NO.	
PARTIES (PLAINTIFF\ APPLICANT & DEFENDANT\ RESPONDENT)	
PLAINTIFF/S or APPLICANT/S or ATTORNEYS DETAILS	
DEFENDANTS or RESPONDENTS or ATTORNEYS DETAILS	
APPLICANTS HC BOX NO. ALTERNATIVELY E-MAIL ADDRESS	

NATURE OF APPLICATION: COMPULSORY

ADMISSION		SUMMARY JUDGMENT	
RULE NISI		PROVISIONAL SENTENCE	
APPLICATION		EVICTION	
DEFAULT JUDGMENT		DIVORCE	
RULE 46A			

FOR REGISTRARS OFFICE USE ONLY

DATE ALLOCATED	
NAME & SIGNATURE OF REGISTRAR	
DATE STAMP	

Form **"E"**

RULE 37 QUESTIONNAIRE

NOTE 1: This questionnaire must be completed on behalf of each of the parties to the action by the Attorney who on behalf of his/her client is responsible for the running of the action or where a party is unrepresented, by such party personally,

NOTE 2: The completed questionnaire must be file with the Registrar and a copy thereof must be delivered to all other parties not later than THREE MONTHS after the entry date.

CASE NO: /20

TITLE OF ACTION:

(1st) Plaintiff

(2nd) Plaintiff

and

(1st) Defendant

(2nd) Defendant

NATURE OF THE ACTION:

PARTY FILING THIS FORM:

NAME OF ATTORNEY COMPLETING THIS QUESTIONAIRE:

CONTACT TELEPHONE NUMBER:

NAME/S OF COUNSEL REPRESENTING YOUR CLIENT:

1. **DISCOVERY**

(a) Have discovery and inspection been completed?

(b) If not, what is outstanding?

2. **PARTICULARS FOR TRIAL**

(a)(i) Are any replies to Requests for Particulars for Trial in respect of your pleadings outstanding?

(ii) If so, when will the Particulars be delivered?

(b)(i) Have you received all the Particulars that you require?

(ii) If not, have you requested them?

3. **AMENDMENTS**

(a)(i) Do you at present intend to amend your pleadings?

(ii) If so, when?

(b) Can you make any additional admissions?

(c)(i) Are you intending to join any further parties?

(ii) If so, whom and when?

4. **ISSUES**

(a) What are the important issues in the action?

(b)(i) Are any of them capable of resolution by agreement?

(ii) If so, have steps been taken to seek the required agreement?

(c)(i) Are any of the issues in the action suitable for trail as preliminary or separate question in terms of Uniform Rule 33(4)?

(ii) If so, what issues are they?

5. EXPERT EVIDENCE

(a) On what topics issues may you wish to call expert evidence?

(b)(i) How many experts do you expect to call?

(ii) Can you at this stage indicate –

(aa) their names? and/or

(bb) the nature of their expertise? and/or

(cc) the topics/issues upon which each will testify?

(c) By what date can you deliver their written reports to all the other parties?

(d)(i) Is there scope for agreement between any of the parties' experts?

(ii) Would a meeting of such experts be useful? If not, why not?

5. TRIAL

(a) What is you present estimate of the length of the trial?

(b) What is the earliest date that you believe that you can be ready for trial?

7. INDEXING OF PLEADINGS

Has there been compliance with the provisions of Court Notice 3(5)?

8. SETTLEMENT OF THE PARTIES' DISPUTES

Is there any way in which the Court can assist the parties to fully or partially resolve their dispute without the need for a trial/full trial?

Does any party request that a conference be held before a judge in chambers, as contemplated by Rule 37(8)?

9. ALTERNATIVE DISPUTE RESOLUTION

Have the parties considered mediation or another alternative dispute

resolution procedure?

If not, could such consideration be worthwhile?

DATE:

SIGNATURE OF ATTORNEY

IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)

Case No. 1215/2019

IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)
CAPE TOWN: Thursday 23 July 2020

BEFORE THE HONOURABLE MR JUSTICE WILLE

In the matter between:

KELLY PATRICIA WESTERMAN	**First Applicant**
NTOMBIZINE ELIZABETH MAKANANDA	**Second Applicant**
TINASHE CHIPATIKO	**Third Applicant**

And

ANTHONY PAUL PETER TEUCHERT	**Respondent**

Having heard the Legal Representative for the Applicants and having read the documents filed of record;

IT IS ORDERED:

That the matter is postponed to 07 SEPTEMBER 202 on the Semi-Urgent Roll for hearing.

BY ORDER OF THE COURT

COURT REGISTRAR

Fareed Moosa & Assoc. Inc.
23 Coniston Road
RONDEBOSCH

/avz

IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)

VOLUNTARY SURRENDER

CASE NO. 3807/2020

IN THE HIGH COURT OF SOUTH AFRICA

(WESTERN CAPE DIVISION, CAPE TOWN)

CAPE TOWN: Tuesday 3 March 2020

Before the Honourable Ms Justice Slingers

In the Ex Parte application of:

GEAN SIMON NOTHNAGEL
I.D.NO. 700403 5283 08 9

First Applicant

And

KAREN MICHELLE NOTHNAGEL
I.D.NO. 680917 0287 08 8
(Married in Community of Property)
Both Residing at
25 Three Fountains Estate
Old Mamre Road
PHILLADELPHIA
Cape Town

Second Applicant

Having heard Counsel for the Applicants
and having read the documents filed of record;

IT IS ORDERED:

1. That the Applicant's estate is accepted as insolvent and placed under Sequestration.
2. That the costs of this application will be borne by the Applicant's insolvent estate; provided that the legal costs by the Applicant's attorney, inclusive of value added tax, does not exceed the amount as set out in the Dividend Calculation of the Applicant's Founding Affidavit.

R Hendricks & Assoc.
Unit 12, Block A
1st Floor, Clareview Business Park
236 Imam Haron Road
CLAREMONT

/avz

BY ORDER OF THE COURT

COURT REGISTRAR

2c

IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)

Case No. 3732/2020

FINAL LIQUIDATION

IN THE HIGH COURT OF SOUTH AFRICA

(WESTERN CAPE DIVISION, CAPE TOWN)

CAPE TOWN: Tuesday 14 July 2020

Before the Honourable Mrs Justice Salie-Hlophe

In the matter between:

AFRILINE CIVILS (PTY) LTD — Applicant
(Registration Number: 2008/016280/07)

And

NL BIOLOGISTICS (PTY) LTD — Respondent
(Registration Number: 2019/151242/07)
Registered Address:
Unit 5, 5 Cecil Morgan Road
STIKLAND
Western Cape

Having heard the Legal Representative for the Applicant and having read the documents filed of record:

IT IS ORDERED:

That the rule nisi granted on 1 June 2020 is made absolute and Respondent is placed under Final Liquidation.

BY ORDER OF THE COURT

COURT REGISTRAR
Van der Meer & Partners Inc.
DURBANVILLE
c/o 77 Schneider Galloon Reef & Co.
CAPE TOWN
/avz

IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)

RULE EXTENDED
IN THE HIGH COURT OF SOUTH AFRICA

(WESTERN CAPE DIVISION, CAPE TOWN)

CASE NO. 1622/2020

CAPE TOWN: Friday 29 May 2020

Before the Honourable Mr Justice Le Grange

In the application of:

CHRISTIAN MORKEL — Applicant

And

MORKEL AND VILJOEN ELECTRICAL (PTY) LTD — Respondent
(Registration Number: 2013/092460/07)
(Registered Address:
4 Sonop Street, Arauna
BRACKENFELL
Western Cape Province

Having heard the Legal Representative for the Applicant and having read the documents filed of record;

IT IS ORDERED:

That the rule nisi granted on 28 February 2020 is extended to 29 JUNE 2020.

BY ORDER OF THE COURT

COURT REGISTRAR
Voss Wiese Haggard Inc.
DURBANVILLE
c/o 665 Knowles Husain Lindsay Inc.
CAPE TOWN
/avz

IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)

RULE DISCHARGED

IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)

Case No. 9160/2019

CAPE TOWN: Tuesday 5 May 2020
Before the Honourable Mr Acting Justice Sievers

In the matter between:

SB GUARANTEE COMPANY (RF) (PTY) LTD — Applicant

And

ZUNRUMODE (PTY) LTD — Respondent
(Registration Number: 2018/326074/07)
13 Riethaan Row, Woodlands Hills
BLOEMFONTEIN
Free State

Having heard Counsel for the Applicant
and having read the documents filed of record;

IT IS ORDERED:

1. That the Provisional Liquidation Order granted on 3 March 2020 is set aside, the Rule Nisi is discharged and the Application is dismissed.

BY ORDER OF THE COURT

COURT REGISTRAR
31 Werksmans Att.
CAPE TOWN
/avz

2f

IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)

PROVISIONAL LIQUIDATION
IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)
CAPE TOWN: Wednesday 27 May 2020
Before the Honourable Mr Acting Justice Sievers

Case No. 14235/2019

In the matter between:

DB CONTRACTING CC
(Registration Number: 1996/007005/23)

Applicant

And

LUSIZIS CONTRACTORS CC
(Registration Number: 1999/044558/23)
Registered address at:
22B Church Street
DURBANVILLE
Western Cape

Respondent

Having heard Counsel for the Applicant
and having read the documents filed of record;

IT IS ORDERED:

1. That the respondent is placed under a provisional order of liquidation.
2. That a rule nisi is issued calling on all persons concerned to appear and show cause at 10h00 on 14 JULY 2020 as to why a final order of liquidation should not be granted and why the costs of this application should not be costs in the liquidation.
3. That this order be served:
   a) on the respondent at its registered address;
   b) on SARS;
   c) by one publication in each of DIE BURGER and THE CAPE TIMES newspapers.

19 Laäs & Scholtz Att.
DURBANVILLE

BY ORDER OF THE COURT

/avz

COURT REGISTRAR

IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)

FINAL SEQUESTRATION
CASE NO. 2608/2020

IN THE HIGH COURT OF SOUTH AFRICA

(WESTERN CAPE DIVISION, CAPE TOWN)

CAPE TOWN: Friday 31 July 2020

Before the Honourable Mr Acting Justice Martin

In the matter between:

ELIZABETH MAGDALENA ADOLINA BREUGEM — Applicant

And

PIETER BREUGEM — Respondent
(I.D.NO. 490119 5031 08 8)
Married out of community of property to each other
Residing at
1302 Casper Road
PRINGLE BAY
Province of the Western Cape

Having heard the Legal Representative for the Applicant and having read the documents filed of record;

IT IS ORDERED:

That the rule nisi granted on 28 February 2020 is made absolute and the Respondent's estate is placed under Final Sequestration.

BY ORDER OF THE COURT

COURT REGISTRAR
132 AS Hurter Att.
BELLVILLE

/avz

2h (j)

IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)

PROVISIONAL SEQUESTRATION Case No. 10515/2004
IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)
CAPE TOWN: Thursday 22 July 2020
Before the Honourable Mr Justice Saldanha

In the matter between:

MITIPROP LIMITED (INCORPORATED THE REPUBLIC OF MAURITIUS) **Applicant**

and

CRAIG YOUNG **First Respondent**
I.D.NO. 650924 5033 08 3
MICHELLE YOUNG **Second Respondent**
Both Residing at
Winelands Estate
Simonsvlei Road
SIMONDIUM

Having heard Counsel for the Applicant
and having read the documents filed of record;

IT IS ORDERED:

1. That the estate of the First Respondent be placed under sequestration in the hands of the Master of the High Court of Sout Africa.
2. That a rule nisi is hereby issued calling upon all persons concerned to show cause, if any, to this Honourable Court on 21 NOVEMBER 2005 at 10h00 or soon thereafter as Counsel may be heard why:
   2.1 a final sequestration order should not be granted;
   2.2 the costs of this application should not be costs in the sequestration of the first respondent's estate;
3. That service of this Order shall be effected by the Sheriff as follows:
   3.1 on the respondents personally;

3.2 on the South African Revenue Service;

3.3 on such employees of the first respondent as may exist:-

3.3.1 by affixing a copy of the application to any notice board to which the Sheriff and such employees have access inside the premises of the first Respondent; or

3.3.2 if there is no access to the premises by the Sheriff and the employees, by affixing a copy of the application to the front gate of the premises, if applicable, failing which to the front door of the premises from which the first respondent conducted any business at the time of the presentation of the application herein.

4. That notice of this Order shall be given by prepaid registered post to all creditors which claims in excess of R5 000.00

127 Cliffe Dekker Inc.
CAPE TOWN

BY ORDER OF THE COURT

/avz

COURT REGISTRAR