



## OFFICE OF THE JUDGE PRESIDENT

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

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25 March 2020

To:

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

### JUDGE PRESIDENT'S DIRECTIVE

#### RE: SPECIAL ARRANGEMENTS TO ADDRESS COVID-19 IMPLICATIONS FOR ALL LITIGATION IN THE PRETORIA AND JOHANNESBURG HIGH COURTS

1. This Directive is issued by virtue of the authority delegated to me by the Chief Justice per letter dated 24 March 2020, and for the purpose of ensuring compliance with the national lockdown Presidential directive under the provisions of the Disaster Management Act 57 of 2002.
2. This Directive will come into effect from midnight Thursday, 26 March 2020 until 09h00 on Monday, 20 April 2020. During this period, the only Court that shall be open to hear matters is the Urgent Court. The Registrar shall not issue any new case numbers, nor may new matters be enrolled during this period, except for urgent matters.
3. The Urgent Court shall operate as provided for below:
  - 3.1 Conduct hearings only via teleconferencing/videoconferencing and/or any other electronic means.



- 3.2 Only where it is impossible to arrange teleconferencing or alternative electronic means, the Judge seized with the matter may direct a hearing in which the representatives of the parties may physically appear.
- 3.3 The Urgent Court shall operate in the same manner in which urgent applications are dealt with after Court hours and as provided for in the Practice Manuals of the two Courts. The contact numbers for the Urgent Court of the respective Courts are:  
Pretoria – 065 859 4819  
Johannesburg – 081 727 7734 / 082 573 5233
- 3.4 The papers shall be uploaded onto CaseLines, or where that cannot be achieved, the papers shall be sent by email to an address as directed by the Urgent Court Judge.
- 3.5 Only when the provision in paragraph 3.4 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.
- 3.6 Any person applying for urgent relief in person, shall, before filing any papers, communicate with the urgent Judge’s Secretary to determine whether the Judge shall authorize the filing of papers, whether on CaseLines, via email or physically.
- 3.7 Any Order granted/issued shall be communicated by email to the Parties and/or uploaded onto CaseLines.
- 3.8 In respect of matters dealt with on CaseLines and in addition to the CaseLines helpdesk number, Litigants/Practitioners may contact the following numbers for support in relation to the utilization of the system:  
-for technical support in respect of Pretoria matters on CaseLines: 067 862 9339  
-for technical support in Johannesburg matters on CaseLines: 067 208 7754
- 3.9 The Counsel or the Attorney who is to appear in the matter shall sign a certificate in these terms:  
“ I .....certify that this matter is of such an urgent nature that it must be heard before Tuesday 21 April 2020.”
4. The enrollment of an allegedly urgent matter found not to warrant a hearing in this period may, at the discretion of the Judge seized with the matter, result in punitive costs being



awarded and the culpable Counsel and Attorney being interdicted from receiving any fees for all work relating to the matter.

5. Service of process in all urgent matters shall comply with the rules of court. 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*.
6. All other matters enrolled from 27 March to 17 April 2020 are hereby *ipso facto* removed from the Roll without any formalities being required from or by the parties or their representatives, and the files shall be endorsed to reflect the reason for such removal. In respect of Trial matters, the Registrar shall endeavor to accommodate the parties with the earliest dates after 28 April 2020 that can be allocated without crippling the Civil Trial Roll.
7. Interlocutory court matters may be re-enrolled by practitioners after 28 April 2020 on such dates as are appropriate to the exigencies that the relief is sought to achieve. The Chief Registrar shall accommodate a party's preferences in this respect regardless of the number of cases usually enrolled on any one day.
8. Opposed Motions shall be re-enrolled from 4 May 2020 to accommodate the preparation by the Judges assigned to hear them.
9. Appeals shall be re-enrolled from 4 May 2020 to accommodate the preparation by the Judges assigned to hear them.
10. All unopposed matters and case management conferences (CMCs) shall be automatically re-enrolled as follows:

27 and 30 March to 28 April

31 March to 29 April

1 April to 30 April

2 April to 4 May

6 April to 5 May

7 April to 6 May

8 April to 7 May

9 April to 11 May

14 April to 12 May

15 April to 13 May

16 April to 14 May



11. During the period from 09h00 Monday, 20 April 2020 until 09h00 Tuesday, 28 April 2020, the business of the Court shall resume as usual, save-as set out below:
  - 11.1 Opposed matters, whether civil trial, opposed motion or appeal, shall be postponed if agreement is reached among the parties that preparation to achieve readiness was materially affected by the Covid-19 lockdown.
  - 11.2 Where parties agree to such a postponement that agreement shall be communicated by a joint practice note to the presiding Judge.
  - 11.3 No costs orders shall be made in respect of such postponements.
  - 11.4 All unopposed motion matters shall be heard as usual.
  - 11.5 All Interlocutory applications shall be heard as usual.
  - 11.6 All case management conferences shall be heard as usual.
  - 11.7 All appeals shall be heard as usual.
12. Special arrangements for unopposed Divorce matters in Johannesburg already set down on Fridays, 27 March, 3 April and 17 April 2020:
  - 12.1 These divorce matters shall be removed from the roll.
  - 12.2 They shall be automatically re-enrolled on 24 April 2020 when extra Divorce courts shall be convened to deal with them.
  - 12.3 If any affected parties are unable to appear on 24 April 2020, they may re-enroll the matters on later dates as allocated by the Chief Registrar. A practice note to the Chief Registrar shall suffice to obtain the necessary further postponement.
13. Applications with Rules *Nisi* returnable during the lockdown period should be brought to the Judge on Urgent duty to extend the Rules *Nisi* to dates beyond this period. This shall be done in line with the directives in paragraph 3 above.



14. No practitioner/messenger/member of the public will be permitted to enter the Court building for purposes of issuing new process provided that matters deemed to be prescribing during the lockdown period, Parties may transmit the relevant process to the relevant email addresses, i.e., [JHBissuing@judiciary.org.za](mailto:JHBissuing@judiciary.org.za) for Johannesburg matters and [generalofficePTA@judiciary.org.za](mailto:generalofficePTA@judiciary.org.za) for Pretoria matters, for attention of the Court staff after the lockdown period. In this regard, the date of transmission of the email shall be regarded as the date of issuing of the process.
15. It is of the utmost importance that the lockdown directive by the President be complied with to aid the fight against the COVID-19 virus. For this reason this Directive and others will be strictly enforced to ensure that there is no unnecessary physical attendance at the Court buildings of the two High Courts.
16. Court Management is requested to issue letters of authorized passage to Court Officials involved in the operation of the Courts which will be required for presentation to the South African Police Services and National Defence Force during the lockdown period.

Sincerely



**D MLAMBO**

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

