

**HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION**

**Term 3 2021
Week 5: 16 August 2021- 20 August 2021**

**NOTICE REGARDING IMPLEMENTATION OF THE JUDGE PRESIDENT'S
DIRECTIVES FOR THE UNOPPOSED MOTION COURT BEFORE JUDGE E
VAN DER SCHYFF**

1. With the exception of opposed Rule 46A applications, Rule *nisi* return dates, or upon request by the judge, applications shall be adjudicated “**on paper only**” (i.e. without an oral hearing) unless there is a written request for an oral hearing which **has to be necessary**, in which event reasons for the necessity must be stated for consideration by the court.
2. Matters to be heard in open court will be heard on a virtual platform from 10h00. Where a matter is opposed an individual arrangement will be made with counsel.
3. A complete practice note, stating the nature of the application for the date on which the application is on the roll, should be filed at **least one day prior to the hearing**. Counsel must have regard to the Judge President's Directive of 11 June 2021. The practice note must contain at least address the following:
 - 3.1 Was the matter previously postponed? If so, what was the reason for the postponement;
 - 3.2 If the papers consist of more than just the application concerned, (for instance previous applications or pleadings not relevant to the application) the application must be properly identified by reference to the page number to avoid a search for it;
 - 3.3 The return of service relevant to the date of hearing must be identified by reference to the page number;
 - 3.4 If service by the Sheriff was not necessary, the reason for that must be stated. The other form of service must then be identified by reference to the page number;

- 3.5 If personal service is necessary, (for instance in sequestration applications) it must be stated and if this requirement was not complied with, reasons must be provided;
- 3.6 Where certain practice or legal requirements have to be complied with (for instance in Rule 46A applications) compliance with those requirements must be clearly stated and identified in the papers by reference to the page number(s) and par;
- 3.7 If any Regulation (relating to Covid-19 or not) or Statute is applicable it must be stated and compliance therewith be identified in the papers by reference to the page number and paragraph;
- 3.8 If there is a problem with the application, it must be clearly identified. If there is no problem, **it must be stated that the papers are in order**;
- 3.9 Name and contact details of counsel (tel. nr and email address) must be stated.
4. If there is any other information to be considered by the court, it may also be stated in the practice note.
5. Failure to file a practice note **in compliance with this Notice, dealing with each of the paragraphs above separately**, may result in the application being struck off the roll.
6. In all applications where heads of argument must be filed, a failure to do so will also result in the application being struck off the roll.
7. A proper and complete **Draft Order (using MS Word enabling variation thereof)** must be e-mailed and uploaded for the court to consider.
8. Filing must be done by **email** to Mr S Tshetlho (sello.tshetlho@webmail.co.za / stshetlho@judiciary.org.za) **AND uploaded to CaseLines in clearly demarcated sections.**
9. Counsel is requested to have regard to the 'Widely Shared Note' function on CaseLines as queries will be raised using this function.

E VAN DER SCHYFF
JUDGE OF THE HIGH COURT