OFFICE OF THE DEPUTY JUDGE PRESIDENT
HIGH COURT OF SOUTH AFRICA, GAUTENG LOCAL DIVISION

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DJP CIRCULAR 06/2017

TO	:	All Stakeholders Local Efficiency Enhancement Committee High Court of South Africa (Gauteng Local Division)
REF	:	DJP/70/2013/lt
DATE	:	21 September 2017
RE	:	**CIRCULAR FROM THE RULES BOARD ON JUDICIAL CASE MANAGEMENT**

Dear Sir/Madam

1. Please find herewith the circular of this office to judges in this Division dated on even date (21 September 2017) together with a copy of the letter dated 03 April 2017 from the Rules Board.

2. If your organisation has not previously received the invitation for comment from the Rules Board, please circulate immediately amongst your members for their information.

3. It is of utmost importance that interested parties without our Division should not miss the opportunity to submit their comments directly to the Rules Board without delay.

Yours faithfully

P. M. MOJAPELO
DEPUTY JUDGE PRESIDENT

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DJP CIRCULAR 05/2017

TO	:	All Judges High Court of South Africa (Gauteng Local Division)
REF	:	DJP/70/2013/lt
DATE	:	21 September 2017
RE	:	**CIRCULAR FROM THE RULES BOARD ON JUDICIAL CASE MANAGEMENT**

Dear Colleagues

1. As the writer explained on 19 September 2017 in the Judges Meeting, the process of amending the Uniform rules of Court is underway at the Rules Board.

2. Please find herewith a letter from the Rules Board which was sent to all stakeholders for comments on 03 April 2017.

3. It appears that the invitation for comments by the Rules Board was circulated during the writer's absence and did not come to the attention of judges in this Division. The existence of the invitation from the Rules Board only came to the writer's attention on 20 September 2017. It has not yet been established whether the invitation from the Rules Board was circulated to this Division and why it has not come to the attention of judges.

4. In the meantime, although the initial period for comments requested by the Rules Board have already passed, colleagues who wish to comment are requested to do so by 12h00 on 27 September 2017. The writer will endeavour to request an extension from the Rules Board. Submitting comments in the meantime will strengthen the writer's request.

Yours faithfully

P. M. MOJAPELO
DEPUTY JUDGE PRESIDENT

RULES BOARD FOR COURTS OF LAW
REPUBLIC OF SOUTH AFRICA

2nd Floor, Centre Walk East Tower, 299 Pretorius Street, PRETORIA • P.O. Box 13106, The Tramshed, 0126 • Tel (012) 326 9014/ 9045, Fax (012) 326 9018

3 April 2017 Our ref: Raj Daya /Jay Balkishun Your ref:

Dear Sir/Madam,

PROPOSED AMENDMENTS TO CERTAIN UNIFORM RULES AND NEW RULES SUBMITTED BY THE JUDICIAL CASE FLOW MANAGEMENT COMMITTEE OF THE OFFICE OF THE CHIEF JUSTICE

The Judicial Case Flow Management Committee (JCFMC), which operates under the auspices of the Chief Justice, has submitted to the Rules Board for Courts of Law for consideration and approval , proposed amendments to certain Uniform Rules of Court as well as proposed new rules for insertion into the Uniform Rules.

The JCFMC has indicated that:
(a) The object of the proposed amendments and new rules is to attain the speedy finalisation of cases in the High Court in order to enhance access to justice and to clear backlogs in the courts;
(b) A pilot project to test the feasibility of the proposed expedited system has been running for the past 3 years in all Divisions of the High Court;
(c) The success of the pilot project has culminated in the proposed draft rules, which have been circulated to Judges in all Divisions of the High Court; and
(d) The proposed amendments and new rules have been approved by the Heads of Court.

The draft amended and new Uniform Rules which have been submitted to the Rules Board for consideration and approval are:
(a) A new rule on superannuation;
(b) Draft amended rule 30A;
(c) Draft amended rule 36(9) and (10)*(a)*;
(d) Draft amended rule 37; and
(e) A new rule 37A.

The proposed draft rules are attached hereto, marked **"ANNEXURE A".**

In addition, the JCFMC has submitted a Memorandum which explains the rationale for the proposed amended and new rules. The Memorandum is attached, marked **"ANNEXURE B".**

Board members appointed in terms of Section 3 of the Rules Board for Courts of Law Act 107 of 1985
Justice SA Majiedt(Chairperson), Justice FE Mokgohloa(Vice-Chairperson)Adv.M Motimele SC, Ms. J Wessels,Mr.P Hundermark , Adv.P Farlam SC, Adv.A Platt SC, Professor.M Paleker ,Ms.E de Klerk, Mr.G Bellairs, Ms.N Ndlovu, Mr.M Kutama, Mr.A Essa ,Mr.R Isaacs

As part of its consultative process in rule making and amendment, the Rules Board invites your comments and input on the draft amended and new rules proposed by the JCFMC.

Your comments must kindly be sent to the Rules Board by 31 May 2017 and may be delivered physically or emailed to JBalkishun@justice.gov.za

The Rules Board looks forward to receiving your comments or input which you may submit.

Yours sincerely,

Raj Daya
Deputy Chief State Law Adviser
Secretary to the Rules Board
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"ANNEXURE A"

DRAFT RULE RE SUPERANNUATION FOR INSERTION IN UNIFORM RULES OF COURT; ALTERNATIVELY, IN THE SUPERIOR COURTS ACT 10 OF 2013

(1) Subject to the further provisions of this rule, if an application in writing has not been made to the registrar by any party to a case within two years of the date of the issue of the summons or notice of motion for the setdown of the case for hearing, or if the matter is not ready at the expiry of that period for reference by the registrar to case management in terms of rule 37A, as the case might be –

(i) the initiating process in the action or the application shall be deemed to have become superannuated; and

(ii) the registrar shall, after giving the parties 15 days' written notice, archive the court file and remove the case from the administrative record of pending matters.

(2) Any party to a case in which notice has been given by the registrar in terms of sub-rule (1) may apply to a Judge in chambers on notice to the other parties to the case, within 15 days of the date the notice by the registrar, and on good cause shown, for an extension of time within which to render the matter ready for an application to be made to the registrar for the setdown of the case for hearing.

(3) A Judge seized of an application in terms of sub-rule (2) may –

(a) grant the application on such terms as he or she may consider meet, or

(b) refer the application for argument in open court on appropriate directions, or

(c) refuse the application, and

(d) make such order as to costs as may be meet.

(4) Any order made in terms of sub-rule (3)(a) granting an application in terms of sub-rule (2) must incorporate a timetable for the further conduct of the matter that must include provision for a date by which application must have been made in writing to the registrar for the setdown of the case for hearing.

(5) Any matter in which an application in terms of sub-rule (2) has been granted must be referred by the registrar to a Judge for case management, in which event the provisions of rule 37A shall apply *mutatis mutandis*.

AMENDED RULE 30A

(1) Where a party fails to comply with these Rules or with a request made or notice given pursuant thereto, **or with an order or direction made in a judicial case management process,** any other party may notify the defaulting party that he or she intends, after the lapse of 10 days, to apply for an order that such rule, notice, request, **order or direction** be complied with or that the claim or defence be struck out.

(2) Failing compliance within 10 days, application may be made on notice to the court and the court may make such order thereon as to it seems meet.

36 Inspections, examinations and expert testimony

(1) Subject to the provisions of this rule any party to proceedings in which damages or compensation in respect of alleged bodily injury is claimed shall have the right to require any party claiming such damage or compensation, whose state of health is relevant for the determination thereof to submit to medical examination.

(2) Any party requiring another party to submit to such examination shall deliver a notice specifying the nature of the examination required, the person or persons by whom, the place where and the date (being not less than fifteen days from the date of such notice) and time when it is desired that such examination shall take place, and requiring such other party to submit himself for examination then and there. Such notice shall state that such other party may have his own medical adviser present at such examination, and shall be accompanied by a remittance in respect of the reasonable expense to be incurred by such other party in attending such examination. Such expense shall be tendered on the scale as if such person were a witness in a civil suit before the court: Provided, however, that —

(a) if such other party is immobile, the amount to be paid to him shall include the cost of his travelling by motor vehicle and, where required, the reasonable cost of a person attending upon him;

(b) where such other party will actually lose his salary, wage or other remuneration during the period of his absence from work, he shall in addition to the aforementioned expenses be entitled to receive an amount not exceeding R75,00 per day in respect of the salary, wage or other remuneration which he will actually lose;

(c) any amounts paid by a party as aforesaid shall be costs in the cause unless the court otherwise directs.

(3) The person receiving such notice shall within five days after the service thereof notify the person delivering it in writing of the nature and grounds of any objection which he may have in relation to—

(a) the nature of the proposed examination;

(b) the person or persons by whom the examination is to be conducted;

(c) the place, date or time of the examination;

(d) the amount of the expenses tendered to him;

and shall further —

(i) in the case of his objection being to the place, date or time of the examination, furnish an alternative date, time or place as the case may be; and

(ii) in the case of the objection being to the amount of the expenses tendered, furnish particulars of such increased amount as may be required.

Should the person receiving the notice not deliver such objection within the said period of five days, he shall be deemed to have agreed to the examination upon the terms set forth by the person giving the notice. Should the person giving the notice regard the objection raised by the person receiving it as unfounded in

whole or in part he may on notice make application to a judge to determine the conditions upon which the examination, if any, is to be conducted.

(4) Any party to such an action may at any time by notice in writing require any person claiming such damages to make available in so far as he is able to do so to such party within ten days any medical reports, hospital records, X-ray photographs, or other documentary information of a like nature relevant to the assessment of such damages, and to provide copies thereof upon request.

(5) If it appears from any medical examination carried out either by agreement between the parties or pursuant to any notice given in terms of this rule, or by order of a judge, that any further medical examination by any other person is necessary or desirable for the purpose of giving full information on matters relevant to the assessment of such damages, any party may require a second and final medical examination in accordance with the provisions of this rule.

(5A) If any party claims damages resulting from the death of another person, he shall undergo a medical examination as prescribed in this rule if this is requested and it is alleged that his own state of health is relevant in determining the damages.

(6) If it appears that the state or condition of any property of any nature whatsoever whether movable or immovable, may be relevant with regard to the decision of any matter at issue in any action, any party may at any stage give notice requiring the party relying upon the existence of such state or condition of such property or having such property in his possession or under his control to make it available for inspection or examination in terms of this subrule, and may in such notice require that such property or a fair sample thereof remain available for inspection or examination for a period of not more than ten days from the date of receipt of the notice.

(7) The party called upon to submit such property for examination may require the party requesting it to specify the nature of the examination to which it is to be submitted, and shall not be bound to submit such property thereto if this will materially prejudice such party by reason of the effect thereof upon such property. In the event of any dispute whether the property should be submitted for examination, such dispute shall be referred to a judge on notice delivered by either party stating that the examination is required and that objection is taken in terms of this subrule. In considering any such dispute the judge may make such order as to him seems meet.

(8) Any party causing an examination to be made in terms of subrules (1) and (6) shall —

(a) cause the person making the examination to give a full report in writing of the results of his examination and the opinions that he formed as a result thereof on any relevant matter;

(b) after receipt of such report and upon request furnish any other party with a complete copy thereof; and

(c) bear the expense of the carrying out of any such examination: Provided that such expense shall form part of such party's costs.

(9) No person shall, save with the leave of the court or the consent of all parties to the suit, be entitled to call as a witness any person to give evidence as an expert upon any matter upon which the evidence of expert witnesses may be received unless he shall —

(a) not [less than fifteen days before the hearing]more than sixty days after the close of pleadings but in any event before a first case management conference held in terms of Rule 37A(6) and(7) or as directed by a case management judge, have delivered notice of his intention so to do; and

(b) not less than ten days [before the trial] after the filing of the notice referred to in subrule (a), have delivered a summary of such expert's opinion and his reasons therefor.

(c) The parties shall-

(i) endeavour, as far as possible, to appoint a single joint expert on any one or more or all issues in the case;

(ii) file a joint minute of experts relating to the same area of expertise within 10 days of the date of the last filing of such expert reports.

(10)*(a)* No person shall, save with the leave of the court or the consent of all the parties, be entitled to tender in evidence any plan, diagram, model or photograph unless he shall not less than [fifteen days before the hearing]sixty days after the close of pleadings have delivered a notice stating his intention to do so, offering inspection thereof and requiring the party receiving notice to admit the same within ten days after receipt of the notice.

(b) If the party receiving the notice fails within the said period so to admit, the said plan, diagram, model or photograph shall be received in evidence upon its mere production and without further proof thereof. If such party states that he does not admit them, the said plan, diagram, model or photograph may be proved at the hearing and the party receiving the notice may be ordered to pay the cost of their proof.

37 Pre-trial conference

(1) A party who receives notice of the trial date of an action shall, if he has not yet made discovery in terms of rule 35, within 15 days deliver a sworn statement which complies with rule 35(2).

(2) *(a)* In cases not subject to judicial case management as contemplated in Rule 37A a [A] plaintiff who receives the notice contemplated in subrule (1) shall within five days deliver a notice in which he appoints a date, time and place for a pre-trial conference.

(b) If the plaintiff has failed to comply with paragraph *(a)*, the defendant may, within 30 days after the expiration of the period mentioned in that paragraph, deliver such notice.

(3) *(a)* The date, time and place for the pre-trial conference may be amended by agreement: Provided that the conference shall be held not later than six weeks prior to the date of hearing.

(b) If the parties do not agree on the date, time or place for the conference, the matter shall be submitted to the registrar for his decision.

(4) Each party shall, not later than 10 days prior to the pre-trail conference, furnish every other party with a list of —

(a) the admissions which he requires;

(b) the enquiries which he will direct and which are not included in a request for particulars for trial; and

(c) other matters regarding preparation for trial which he will raise for discussion.

(5) At the pre-trial conference the matters mentioned in subrules (4) and (6) shall be dealt with.

(6) The minutes of the pre-trial conference shall be prepared and signed by or on behalf of every party and the following shall appear therefrom:

(a) The date, place and duration of the conference and the names of the persons present;

(b) if a party feels that he is prejudiced because another party has not complied with the rules of court, the nature of such non-compliance and prejudice;

(c) that every party claiming relief has requested his opponent to make a settlement proposal and that such opponent has reacted thereto;

(d) whether any issue has been referred by the parties for mediation, arbitration or decision by a third party and on what basis it has been so referred;

(e) whether the case should be transferred to another court;

(f) which issues should be decided separately in terms of rule 33(4);

(g) the admissions made by each party;

(h) any dispute regarding the duty to begin or the onus of proof;

(i) any agreement regarding the production of proof by way of an affidavit in terms of rule 38(2);

(j) which party will be responsible for the copying and other preparation of documents;

(k) which documents or copies of documents will, without further proof, serve as evidence of what they purport to be, which extracts may be proved without proving the whole document or any other agreement regarding the proof of documents.

(7) The minutes shall be filed with the registrar not later than five weeks prior to the trial date.

(8) *(a)* A judge, who need not be the judge presiding at the trial, may, if he deems it advisable, at any time at the request of a party or *mero motu*, call upon the attorneys or advocates for the parties to hold or to continue with a conference before a judge in chambers and may direct a party to be available personally at such conference.

(b) No provision of this rule shall be interpreted as requiring a judge before whom a conference is held to be involved in settlement negotiations, and the

contents of a reaction to a request for a settlement proposal shall not be made known to a judge except with the consent of the judge and all parties.

(c) The judge may, with the consent of the parties and without any formal application, at such conference or thereafter give any direction which might promote the effective conclusion of the matter, including the granting of condonation in respect of this or any other rule.

(d) Unless the judge determines otherwise, the plaintiff shall prepare the minutes of the conference held before the judge and file them, duly signed, with the registrar within five days or within such longer period as the judge may determine.

(9) *(a)* At the hearing of the matter, the court shall consider whether or not it is appropriate to make a special order as to costs against a party or his attorney, because he or his attorney —

(i) did not attend a pre-trial conference; or

(ii) failed to a material degree to promote the effective disposal of the litigation.

(b) Except in respect of an attendance in terms of subrule (8)*(a)* no advocate's fees shall be allowed on a party-and-party basis in respect of a pre-trial conference held more than 10 days prior to the hearing.

(10) A judge in chambers may, without hearing the parties, order deviation from the time limits in this rule.

(11) A direction made in terms of this rule before the commencement of the trial may be amended.

RULE 37A: JUDICIAL CASE MANAGEMENT

(1) The purpose of this rule is to establish and regulate a judicial case management system to apply at any stage after a notice of intention to defend or to oppose is filed:

(a) for such categories of defended actions and opposed applications as the Judge President of any Division may determine in a Practice Note or Directive and

(b) for any other proceedings in which judicial case management is determined by the Judge President, *mero motu*, or upon the request of a party to be appropriate.

The provisions of rule 37 shall not apply, save to the extent expressly provided in this rule, in matters which are referred for judicial case management.

(2) The nature and extent of judicial case management as provided in terms of this rule shall be complemented by the relevant directives or practices of the Division in which the proceedings are pending.

(3) This rule shall be construed and applied in accordance with the principle that, notwithstanding the provisions herein providing for judicial case management, the primary responsibility remains with the parties and their legal representatives to prepare properly, comply with all rules of court, and act professionally in expediting the matter towards trial and adjudication. The objectives of case management through judicial intervention in the interests of justice are to alleviate congested trial rolls and to address the problems which cause delays in the finalisation of cases. Any failure by a party to adhere to these principles may be penalised by way of an adverse costs order..

(4) In all matters designated to be subject to judicial case management in terms of subrules (1)(a) and (b) at any stage before the close of pleadings, the Registrar shall direct compliance letters to any party which fails to comply with the time limits for the filing of pleadings or any other proceeding in terms of the Rules. In the event of non-adherence to the directions stipulated in a letter of compliance, the Registrar may refer a matter to a case management ~~judge~~Judge designated by the Judge-President who shall have the power to deal with the matter in terms of the practice directives of the particular Division concerned. A date shall not be allocated for the hearing of any case that is subject to judicial case management unless the case has been certified

trial-ready by a case management ~~judge~~Judge after a case management conference as provided for in sub-rule (7)~~(6)~~ has been held.

(5) A case management ~~judge~~Judge shall not certify a case as trial-ready unless he or she is satisfied –

(a) that the case is ready for trial or hearing, and in particular that all issues that are amenable to being resolved without a trial have been dealt with,

(b) that the remaining issues that are to go to trial have been adequately defined,

(c) that the requirements of rule 36(9) have been complied with if they are applicable, and

(d) that any potential causes of delay in the commencement or conduct of the trial have been pre-empted to the extent practically possible.

(6) In every defended action and application in a category of case which has been identified in terms of sub-rule (1)(a) or (b) as being subject to judicial case management in which any party makes application for a trial date following the close of pleadings, the registrar shall issue a notice by telefax and/or email to the parties, at the addresses furnished in terms of rules 17(3)(b) or 19(3)(a), in respect of the holding of a case management conference.

(7) The notice by the registrar in terms of sub-rule (6) shall advise the parties -

(a) of the date, time and place of a case management conference in the matter to be presided over by a case management ~~judge~~Judge;

(b) of the name of the case management ~~judge~~Judge (if available);

(c) that they are required to have held a pre-trial meeting before the case management conference at which the questions identified in sub-rule (10) in relation to the conduct and trial of the action must have been considered;

(d) that the plaintiff or applicant, as the case may be, is required, not less than 48 hours before the time appointed for the case management conference, to –

i. ensure that the court file has been suitably ordered, secured, paginated and indexed

ii. deliver an agreed minute of the proceedings at the meeting held in terms of paragraph (c), alternatively, in the event that the parties have not reached agreement on the content of the minute, a minute signed by the party filing the document together with an explanation why agreement on its content has not been obtained.

(8) The minute referred to in sub-rule (7)~~(7)~~(d)(ii) shall particularise the parties' agreement or respective positions on each of the questions identified in sub-rule (10)~~(10)~~ and, to the extent that further steps remain to be taken to render the matter ready for trial, explicitly identify them and set out a timetable according to which the parties propose, upon a mutually binding basis, that such further steps will be taken.

(9) In the event that the parties consider that the matter is ready to be certified trial-ready at any case management conference, there shall, in addition to the minute referred to in sub-rule (7)~~(7)~~(d)(ii), be delivered a detailed statement of issues, which shall indicate:

(a) the issues in the case that are not in dispute

(b) the issues in the case that are in dispute, describing the nature of the dispute and setting forth the parties' respective contentions in respect of each such issue..

(10) The matters that the parties must address at the pre-trial meeting to be held in terms of sub-rule (7)~~(6)~~ are:

(a) The matters set forth in rules 35,36 and 37(6);

(b) 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;

(c) The time periods within which the parties propose that any matters outstanding in order to bring the case to trial readiness will be undertaken;

(d) Subject to Rule 36(9), the instruction of witnesses to give expert evidence and 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;

(e) The identity of the witnesses they intend to call and, in broad terms, the nature of the evidence to be given by each such witness; and

(f) Any other matter germane to expediting the trial-readiness of the case.

(11) Without limiting the scope of judicial engagement at a case management conference, the case management ~~judge~~Judge shall:

(a) explore settlement, on all or some of the issues, including, if appropriate, enquiring whether the parties have considered voluntary mediation;

(b) endeavour to promote agreement on limiting the number of witnesses that will be called at the trial, eliminating pointless repetition or evidence covering facts already admitted;

(c) identify and record the issues to be tried in the action.

(12) The case management ~~judge~~Judge may at a case management conference:

(a) certify the case as trial-ready; or

(b) refuse certification; and

(c) put the parties on such terms as are appropriate to achieve trial readiness, and direct them to report to the case management ~~judge~~Judge at a further case management conference on a fixed date; or

(d) strike the matter from the case management roll and direct that it be re-enrolled only after any non-compliance with the rules or case management directions has been purged;

(e) give directions for the hearing of opposed interlocutory applications by a motion court on an expedited basis;

(f) order a separation of issues in appropriate cases notwithstanding the absence of agreement by the parties thereto;

(g) at the conclusion of a case management conference, summarise the decisions made and may, if deemed convenient, direct the plaintiff, or applicant as the case may be, to file a minute thereof;

(h) make any order as to costs, including an order *de bonis propriis* against the parties' legal representatives or any other person whose conduct has conduced unreasonably to frustrate the objectives of the judicial case management process.

(13) The record of the case management conferences including the minutes submitted by the parties to the case management ~~judge~~Judge and any directions issued by the ~~judge~~Judge and the ~~judge~~Judge's record of the issues to be tried in the action or application, as the case may be,but excluding any settlement discussions and offers, shall be included in the court file placed before the trial ~~judge~~Judge, who shall be entitled to have regard thereto in regard to the conduct of the trial including the determination of any applications for postponement and issues of costs.

"ANNEXURE B"

EXPLANATORY MEMORANDUM OF OBJECTIVES AND MOTIVATION UNDERLYING THE DRAFT RULES SUBMITTED BY THE JUDICIAL CASE FLOW MANAGEMENT COMMITTEE

Judicial case flow management is the coordination of court processes and resources so that court cases progress in a timely fashion from filing to disposition. Judges and the administrative support staff can enhance justice when a court supervises case progress from the time of filing, sets meaningful events and deadlines throughout the life of a case, and provides credible trial dates. Case flow management entails the assignment and allocation of cases to a judicial officer at the earliest opportunity. It then becomes the responsibility of that judicial officer to manage the flow of that case in an efficient and effective manner to ensure its speedy finalisation.

Broadly stated, the principles for the successful implementation of case flow management are that early in the litigation process court intervention and continuous control over the progress of the case by a judicial officer must be established. Pre-trial conferences will be held to ensure cases are trial ready and can be certified as such by a judicial officer. This results in firm and credible trial dates being set and adhered to by all parties. To assist with this, provision must be made to all a court to impose appropriate sanctions if a party does not comply with these rules, time-lines or an order of the court. Through engaging the litigants at pre-trial phase, the case management Judge can encourage settlement where appropriate in an effort to finalise the dispute between the parties in a speedy, efficient and cost-effective manner.

Draft court rules to facilitate this process have been prepared by the Judicial Case Flow Management Committee under the auspices of the Chief Justice and have been approved by the Heads of Court. These draft rules have been used, with some amendments and in some instances for selected cases only, in all Divisions of the High Court in a pilot project over the last three years. The purpose of these draft rules is to facilitate the just and expeditious resolution of the real issues in civil proceedings at a minimum of expense. Accordingly, these rules are to be applied by the courts with the objective of avoiding undue delay, expense and technicality and facilitating the purpose of these rules. In a proceeding in a court, a party impliedly undertakes to the court and to the other parties to proceed in an expeditious way. The draft rules establish a system to facilitate the just and timely disposition of proceedings, with the minimum necessary commitment of resources by the court and litigants, by monitoring the progress of individual proceedings against predetermined timelines, and intervening when a proceeding is not progressing satisfactorily.

The rule on superannuation provides for a procedure for matters to become superannuated if, after a period of two years from the issuing of summons, no application for the set down of the matter has been made or the matter is not ready for referral for case management, as the case may be.

.Rule 30A has been amended only insofar as it is necessary to include court orders and directions related to judicial case flow management in its ambit.

Rule 36 has been amended to include specific timeline for the filing of intention to call an expert witness to give evidence, to include the intention to call an expert witness as part of the case management conference and to encourage the parties to appoint a single joint expert on any one or more or all issues in the case where possible.

The amended Rule 37 together with the insertion of Rule 37A provide for the process, establishment and regulation of a judicial case management system. The amendment to Rule 37 distinguishes the process to be followed when cases are not managed in terms of the Rule 37A prescribed process, as only certain designated cases will fall under Rule 37A. Rule 37A provides for the process to be followed when a case is to undergo judicial case management and further provides that the nature and extent of judicial case management as provided in terms of this rule shall be complemented by the relevant directives or practices of the Divisions of the High Court.