RULES BOARD FOR COURTS OF LAW
REPUBLIC OF SOUTH AFRICA

2nd Floor, Centre Walk East Tower, 266 Pretorius Street, PRETORIA • P.O. Box 13106, The Tramshed, 0126 • Tel (012) 326 8014/ 8045, Fax (012) 326 8018

9 March 2021 Our ref: C Kemp Your ref:

Per email

Dear Sir/Madam,

PROPOSED NEW E-RULES AND AMENDMENTS TO THE UNIFORM AND MAGISTRATES' COURTS RULES FOR THE ELECTRONIC CIVIL JUSTICE SYSTEM

The Rules Board for Courts of Law (Rules Board) has considered that the benefits of technology should be utilized and incorporated into the Civil Justice System to improve the efficiency of our courts and the processes of litigation which would optimally utilize resources and enhance access to justice for users of the Civil Justice System.

To assist it in the process, the Rules Board established a Task Team in 2018 to investigate and make recommendations on the amendment of the rules of the Superior Courts and the Magistrates' Courts to facilitate the use of electronic systems and to recommend new rules where necessary.

With the assistance of the recommendations made by the Task Team, the Rules Board has drafted proposed new "e-Rules" and amendments to the Uniform Rules of Court and the Rules of the Magistrates' Courts to regulate the processes relating to filing and service of pleadings and documents and the hearing of cases, electronically.

The draft rules are based on electronic systems which the Office of the Chief Justice and the Department of Justice and Constitutional Development are developing for electronic filing and service of documents and pleadings and for the electronic hearing of cases in the High Court and Lower Courts respectively. Although litigants and legal practitioners would be required to register on the e-justice systems when they are functional, as reflected in the draft rules, the Rules Board has taken into account that some unrepresented litigants may not have access to electronic mechanisms or sufficient data. The draft rules therefore provide for such litigants.

The system and the draft rules will be incrementally developed and further rules will be considered as the electronic Civil Justice System develops.

As part of its consultative process in rule amendment, making and development, the Rules Board invites your comments on the following sets of draft rules which accompany this letter:

Board members appointed in terms of Section 3 of the Rules Board for Courts of Law Act 107 of 1985
Justice N Dambuza (Chairperson) I Justice F E Mokgohloa (Vice-Chairperson) I Adv L Haupt SC I Ms J Wessels I Mr P Hundermark
Adv M Sishuba I Adv M Basdew I Mr G Bellairs I Mr T Thupaatlase

(a) E-Rules and certain amended rules for the High Court **(Annexure A)**
(b) E-Rules and certain amended rules for the Magistrates' Courts **(Annexure B)**

Comments must be submitted on or before Friday, 14 May 2021 and may be delivered to the Secretariat of the Rules Board in any of the following ways:
By hand delivery to the offices of the Secretariat, 2nd Floor, East Tower, Centre Walk, 266 Pretorius Street, Pretoria; or
By email to Ms C Kemp at ChKemp@justice.gov.za; or
By Post to P O Box 13106, The Tramshed (0126).
Enquiries may also be directed to Ms Kemp 012 326 8014.

The Rules Board looks forward to your comments (if any) and thanks you for same.

Yours sincerely,

JK Balkishun

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