THE JOHANNESBURG ATTORNEYS ASSOCIATION

Dear Members

City of Johannesburg to adopt a single Land Use Scheme

The City of Johannesburg is calling on all residents and businesses to participate in making inputs to the Single Land Use Scheme Draft. Public consultations will be convened in all of the City's seven regions to afford Johannesburg residents the opportunity to give their inputs.

a world class African city

Click here for the dates of these consultations.

Click here for the City of Johannesburg Draft Land Use Scheme 2017.

Civil Court Practice Directives 2017

The Civil Court Practice Directive embraces the constitutional principle that everyone has the right to have any dispute that can be resolved by the application of law decided in a fair public hearing before a court or, where appropriate, another independent and impartial tribunal or forum as well as the principle that justice must also be seen to be done. No interpretation of these Practice Directives should have the effect that access to justice is denied to any litigant, in particular the indigent.

The Regional Court Presidents' Forum hereby issues these revised Practice Directives which apply to all Regional Courts in the Republic of South Africa.

Click here for the Civil Court Practice Directives 2017.

Criminal Practice Directives for the Regional Courts in South Africa

The Chief Justice has issued Norms and Standards for the performance of judicial functions in terms of section 8(3) read with 8(5) of the Superior Courts Act, 10 of 2013.

In terms of the published Norms and Standards all current protocols and directives will remain extant.

The objectives of the Norms and Standards as well as these Practice Directives are to:

- Improve uniformity,
- Promote best practices,
- Improve the efficiency and effectiveness of court and case flow management, and
- Eliminate unnecessary and/or unreasonable delays in court proceedings.

The Practice Directives are binding as Regional Court Presidents' Forum directives and have legal force. Now, therefore, the Regional Court Presidents' Forum hereby issues these revised Practice Directives which apply to all Regional Courts in the Republic of South Africa.

Click here for a copy of the Criminal Court Practice Directives 2017.

CIPC Trademarks Division contact list

The Companies and Intellectual Property Commission has distributed its new contact list.

Click here for a copy of the CIPC's Trademarks Division contact list.

CIPC Drop off box

A CIPC drop off box for Co-operatives Registrations documents will be introduced with effect from 15 August 2017. It will be situated at the entrance of:

Block F
DTI Campus
77 Mentjies Street
Sunnyside, Pretoria.

Documents must be sealed in an envelope prior to posting into the drop off box to avoid pages being detached during the collection and/or during the sorting process. Customers should ensure that all supporting documents required are included to prevent delays. Furthermore, it must be noted that the normal transaction process and service delivery standards will apply.

Click here for a copy of the CIPC notice.

New Case Law



Please take note of the following new case law:

BARON V CLAYTILE

- Dealt with the provisions of ESTA and the duties of the City to provide alternative accommodation;
- Distinguished between the provisions of PIE and ESTA and when it may be appropriate for landlord to continue to provide accommodation.

MOKONE V TASSOS

The matter raised the following issues:

- Whether, when parties renew a lease without saying more (simpliciter), only terms that are "incident to the relation of lessor and tenant" are renewed;
- Whether a right of pre-emption granted orally or in writing without signature is invalid; and
- The circumstances under which a court may stay proceedings pending finalisation of other proceedings.
- This case also dealt with interpretation of contracts and the power of the Constitutional Court to develop the Common law.

NTLEMEZA V HELEN SUZMAN FOUNDATION

- Whether refusal of an application for leave to appeal stultifies application for leave to execute, notwithstanding that a further application for leave to appeal to next highest court envisaged;
- Whether applicant for execution order proved existence of exceptional circumstances as contemplated in s 18(1);
- Whether respondent, in terms of s 18(3), proved on balance of probabilities that it will suffer irreparable harm in the event of the execution order not being granted and that the appellant would not;
- Provisions of s 18(4) discussed: requirement that court must 'immediately record' its reasons for granting execution order: meaning of 'next highest court' not entirely clear;
- Whether two parallel appeal processes in the same appeal court in the same case desirable.

Click here for access to the new case law.

The Knysna Sheriff office is moving

The Knysna Sheriff office will move to and operate at the new premises with effect from 25th August 2017:

8 Church Street / 8 Kerk Straat
Knysna Town Central

Please update their new details:

Tel1: 044 382 1020
Tel2: 044 382 1157

P.O Box 3804, Knysna, 6570

A reminder to register for the 4th Annual Johannesburg Family Law Conference



Clarks Attorneys invite you to their 4th Annual Family Law Conference.

Date: 28-29 September 2017.
Day 1 – 8:00-17:30
Day 2 – 8:00-13:30
Conference Fee: R3900.00 (including VAT) per delegate.

Enquiries: Please contact Chontel Crouse by email at conference@clarks.co.za or by phone 011 783 1066.

Click here to access the conference details on our website.

JAA on Social Media

Our social media profiles are updated daily with legal news, overviews and opinions. It's a great way to stay on top of the fast pace of news in Johannesburg, and an easy avenue to contact us or share your thoughts. Like, follow and share on our platforms: