OFFICE OF THE CHIEF JUSTICE
REPUBLIC OF SOUTH AFRICA

GAUTENG LOCAL DIVISION, JOHANNESBURG
Cnr. Pritchard and Kruis Streets
Johannesburg 2000

9th of October 2020

To: Johannesburg Court User-

Johannesburg Bar

Johannesburg Attorney's Association(s)

The GLD Judges Secretaries'

Johannesburg Corporate and Resident Communities

Re: Advisory note on the Administrative Process-flow related to the Setting-down of Applications in the Motion Court as provided for in the New Consolidated Directive.

1. **General**

   All practitioners are advised to follow the applicable procedures as outlined in the New Consolidated Practise Directive in compliance with the Rules of Court and as well with proper regard to the applicable administrative tools within the Registrar's office;

   The above referenced Consolidated Directive was issued on the 18th of September 2020 by the Judge President and it became effective immediately, changing the relevant processes as would be indicated below.

   There is not one application that would be heard in court, without having been enrolled through the dictates of the directive.

2. **Profile Usage and Communication Times.**

   The only permissible activity times are between 9AM and 3PM, anything before or beyond will not be processed and the office (case lines profile) will un-invite it 'self from it.

3. **Walk-in Enquiries**

   There is no expected increase in the number of walk-in enquiries and any such, is discouraged as the processing of applications is now practitioner central and fully undertaken on the Case Lines system. Practitioners are advised against visiting the court on question and or queries that are fully covered by the Directive.

4. **Email Usage**

The emails are no longer relevant in the enrolment of matters and must not be used, the only applicable platform is now the Case Lines system. No communication related to provisional date request (JHBUprovisional@judiciary.org.za) final enrolment (JHBUenrolment@judiciary.org.za or JHBUOenrolment@judiciary.org.za) made through the Judiciary email platform will be accepted and or processed.

5. **Creation of Matters on Case Lines (As per paragraph 5-13 of the CD)**

5.1 All practitioners are advised and expected to create all their matters on to the Case Lines system.
5.2 In so creating, the practitioners are advised to ensure that the matters aren't duplicated and as well make use of an existing on line file where one has already been created.
5.3 The practitioner must as well ensure to upload and or file the compliance affidavit, without which the office, wouldn't allocate a hearing date for the matter (paragraph 6, last sentence).
5.4 There shouldn't be modification or additions undertaken on the front page of the relevant template on the creation of the matter. The front page is only for the court officials' use (paragraph 7.3)

6. **Case Lines Calendar**

The calendar is only as well to be used by the court officials only as indicated below. The practitioners are advised against any fiddling with the calendar item as this is open to abuse as it has been already and recently observed.

The court officials will update the calendar only twice in an application and this will be done in confirmation with other applicable office's administrative tools.

7. **Invitations and Permissions to Office Profiles (Paragraph 12)**

7.1 Invite @ JHBUprovisional@judiciary.org.za for date requests and subsequent entry to the Provisional Roll.
7.2 Invite @ JHBUenrolment@judiciary.org.za for final enrolment in the Unopposed Motion Court.
7.3 Invite @ JHBOenrolment@judiciary.org.za for enrolment in the Opposed Motion Court.
7.4 Practitioners are expected to give each of the above profiles all permissions to a case, without which we aren't able to process the application, for whatever purpose, it only remains stuck in the profile.
7.5 Practitioners will successfully give the office profile all permissions through ticking all the boxes before inviting the profile, still this can only be when the practitioner already has those permissions themselves.
7.6 In all matters wherein the Practitioner isn't the creator of the online file, the practitioner must first obtain the permissions from the creator of the file before commencing any activity on that file.

7.7 The above point is of great importance as any other activity will be a futile exercise in that the office will not receive the permissions in the matter even though a practitioner would be left with an understanding that the office did. It has been established as a fact that technically, you can't give the office permissions you don't have and systematically, you will be able to tick all the boxes still.

7.8 Practitioners are urged to categorise all matters where they don't have permissions and interact with Case Lines help desk on 086 1500 052 and or present all such to the Motions' office, as a last resort.

8. <u>The Provisional Date Request (Paragraph 89).</u>

8.1 All "pending date requests" dating before the 18th of September must be re-applied for anew (paragraph 89).

8.2 Any date request must be communicated through the date request form (Annexure A of the Directive) or the J118 form, both must be filled up with all details of the matter and be left BLANK on the hearing date space.

8.3 No usage of the Rule 6 (short notice of set down) will be accepted in an enrolment administrative process as these do not indicate the application type, which becomes unworkable in categorising a matter for a specific roll.

8.4 The office will only allocate a date out of understanding the type of an application, for an example *exparte* applications will receive dates in the immediate while an eviction application will be allocated a date long in advance, the office will give out a single date until the provisional roll is full with 120 matters.

8.5 The date request form must be uploaded onto the Case Lines file and onto a section referenced as Provisional Date, if the sections isn't there, the Practitioners are expected to have it created. The office when invited and given all permissions on the **JHBUprovisional office profile**, will only look into this section and will not attempt fiddle find with the other sections of the online file.

8.6 All applications that are in order will then be allocated a date and this is how it happens;

- 8.6.1 The office will allocate a single available date for a specific matter.
- 8.6.2 The matter will be ascribed into a provisional roll (matters not on this not roll will not form part of the final roll).
- 8.6.3 The Next Hearing date tab on the online file will be updated by the office and noted as Provisional Date.
- 8.6.4 The office will un-invite itself from the matter.
- 8.6.5 The office will only be able to undertake the above when it's been given all permissions to the case.

8.7 The office will as of Monday, the 12th of October start with an exercise of communicating dates that the office would be allocating for the following days in the

week. As above stated, the office will allocate nearer dates and long coming dates, should a date not be suitable, the practitioners would than get an understanding of when their suitable dates would be provided.

9. Final Enrolment

9.1 Opposed Motion Court

9.1.1 All matters not on case lines will not be enrolled, in asking for a date the matter must be complete with all pleadings and other documents.

9.1.2 The court office will enrol only 50 opposed Motions matters per week plus 10 opposed summary judgments per week and only 5 of either per firm per week.

9.1.3 The opposed motion court roll closes 20 clear court days preceding the date of hearing.

9.1.4 Priority must be given to paragraphs 98 to 110 in clarification on how the matters would be dispensed with. '

9.1.5 In finally enrolling a matter, the practitioner will update the set down to reflect the provided date on request and upload the same on the notice of set down section of the online file and thereafter invite the JHBOenrolment@judiciary.org.za with all permissions granted to the case.

9.2 Unopposed Motion Court

9.2.1 The practitioner will have a matter finally enrolled after successfully having their matter provisionally enrolled. The provisional roll is the most important tool in the enrolment process as the same roll will make the final roll.

9.2.2 The unopposed motion court will hear 60 matters a day and each firm can only enrol 5 matters. There is two motion courts seating in Johannesburg between Monday and Thursday.

9.2.3 The rule 43 matters would be accommodated separately in the rule 43 court as per the dictates of paragraph 3 of Directive 2 of 2020.

9.2.4 In enrolling a matter, the practitioner will update the notice of set down to reflect the date as updated on the case lines file and endorsed onto the provisional roll. The updated computerized notice of set down must be uploaded onto the notice of set down section of the online file. The practitioner must then invite the JHBUenrolment@judiciary.org.za and give to the profile all permissions to the case.

9.2.5 The office will cross reference the date on the updated computerized notice of set down as uploaded by the practitioner with the provisional roll for the specific date and as well as the updated next hearing date on the online file, the three dates must correspond.

9.2.6 Final enrolment must be undertaken in 7 clear court days preceding the date of hearing, parties are urged to rather enrol their matters in advance than later then 7 clear court days (the office will be strict in application of this provision and when the roll closes, no other late enrolment attempts would be accommodated and the affected practitioner will have to apply for a provisional date anew.

9.2.7 Divorce and Rule 43 applications will follow the same above process, save to say, the rule 43 court will only set on Tuesdays and Thursdays whereas the Divorce court will seat only on Fridays.

9.2.8 On successful final enrolment, the provisional date words would be changed to read as "Final Enrolment" to indicate to the practitioner that the matter has been finally enrolled.

9.3 Matters with provisional dates allocated out of the old Directive

9.3.1 All matters that were provided with date before the 18th of September will be finally enrolled in line with the dictates of this prevailing directive and in this way;

9.3.2 The practitioner must update their notice of set down and have the same sent to JHBUenrolment@judiciary.org.za profile together with a scanned email print out of the date request email and the office's response providing the date to the applicant and where applicable, any email attempt to enrol using the old method, especially in matters that are now late in as far the 7 clear court days requirement goes.

9.4 Matters with canvassed expedited hearing dates

9.4.1 Where a matter ought to have been enrolled and was not for whatever technical reason, the registrar would when feasible, canvass an expedited hearing date with the practitioner in the matter;

9.4.2 Whatever canvassed date must still be communicated out the of set process by sending to the JHBUprovisional@judiciary.org.za profile a blank date request form together a summarised note, reflecting on a verbal conversation wherein the date was canvassed and advising of that particular date.

9.4.3 The practitioner must confirm with the registrar that the above was actioned and thereafter proceed to finally enrol matter, as well as required in the directive.

10. Request for Return dates (*rule nisi* matters)

Return date must be requested in a similar format applicable as when the normal date request and as per paragraph 89 of the directive, long before the matter is in court, from which hearing, the matter would require postponement through a court order.

The practitioners are advised to make a double date request where it is known that the matter will in all likelihood be postponed, for an example: Eviction Applications

In undertaking the double date request, practitioners are advised to have a single date request form on the provisional date section. The date request form must be accompanied by a written note advising of a need for two dates.

Where a return date is required urgently, and especially when the matter is being heard in court, the communication must be sent through jhbmotionsenquiry@judiciary.org.za or by calling 011 335 0491 (the email is currently for this purpose alone) and or the communication may be undertaken through assistance by the Judge secretary through other communication channels like WhatsApp where such is feasible.

Such matters would be postponed through an order of court and after being so postponed, the practitioner must still have the matter finally enrolled by the practitioner, 7 clear court days preceding the date of hearing.

11. General Enquires

Practitioners are advised to prepare their queries and or questions and advance the same to the JAA and other Associations for them to be shared with the office of the Chief Registrar, the Head of Section or through the Webinar Platforms as organized by the Judge President.

Urgent enquiries are to be communicated with the office telephonically and preferably only after 10:30 AM while the emails are down.

Practitioners are advised against enrolling matters with the seating court or before a Judge. It is understood that in the majority of times practitioner would attempt to do out desperation but we here note that in the majority of such incidents, its practitioners that had not fully complied.

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12. Vote of thanks

The office will wish to thank the counsels', attorneys', CA's, messengers and independent litigators in the work undertaken during the last term.

On the same note I would like to dearly thank all the Judges secretaries that we processed so many applications together with in the past term, with rolls ballooning beyond the ordinary numbers.

Equally so, as an office, we thank the ADJP, the JP, the Chief Registrar in the support afforded to the office.

Personally, my many thanks to Motions' Office team. A team really in Motion!!

Regards.

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