

## High Court

(TAKE NOTICE OF THE FACT THAT CERTAIN DIVISIONS OF THE HIGH COURT APPLY DIFFERENT TIME LINES - SEE BELOW, THE PRACTICE DIRECTIONS IN RESPECT OF EACH COURT)

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### Court terms

Nature of act	Time allowed	Directive										
	<table border="1" style="margin: auto; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;">TERMS</th> <th style="width: 50%;">RECESS</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">30 Jan - 2 Apr</td> <td style="text-align: center;">3 Apr - 16 Apr</td> </tr> <tr> <td style="text-align: center;">17 Apr - 2 Jul</td> <td style="text-align: center;">3 Jul - 30 Jul</td> </tr> <tr> <td style="text-align: center;">31 Jul - 24 Sept</td> <td style="text-align: center;">25 Sept - 8 Oct</td> </tr> <tr> <td style="text-align: center;">9 Oct - 17 Dec</td> <td style="text-align: center;">18 Dec - 28 Jan 2018</td> </tr> </tbody> </table>	TERMS	RECESS	30 Jan - 2 Apr	3 Apr - 16 Apr	17 Apr - 2 Jul	3 Jul - 30 Jul	31 Jul - 24 Sept	25 Sept - 8 Oct	9 Oct - 17 Dec	18 Dec - 28 Jan 2018	<i>Government Gazette, 28 February 2014, No. 37390</i>
TERMS	RECESS											
30 Jan - 2 Apr	3 Apr - 16 Apr											
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### Action proceedings

Nature of act	Time allowed	Section or Rule
	<p><b><u>1. Essential pleadings and documents</u></b></p> <p>The period between 16 December and 15 January (both days inclusive) is not to be counted in the time allowed within which to deliver a notice of intention to defend in action proceedings or for the delivery of any pleading. There is no similar provision excluding this period in relation to other rules such as those applicable to application proceedings</p> <p>Normally <u>10 days</u> after service of summons but see exceptions below.</p> <p><i>Exceptions:</i></p> <ul style="list-style-type: none"> <li>. Actions against any Minister, Deputy Minister, Administrator, Officer of Servant of the State, in his office capacity, the State or the Provincial Administration) <u>20 days</u></li> <li>. Service outside area of jurisdiction: <u>1 (one) month</u> if service more than <u>150 km</u> from court; <u>2 weeks</u> in other cases</li> <li>. Notice of intention to defend may be given after expiry of time limits before grant of default judgment</li> </ul>	
<i>Dies Non</i>		Rules 19 (1) and 26
Notice of intention to defend		Rule 19 (1)
		Rule 19 (2)
Declaration (where simple summons used) (in all actions in which the plaintiff's claim is for a debt or liquidated demand and the defendant has delivered notice of intention to defend)	Within <u>15 days</u> after receipt of notice of intention to defend	Rule 20 (1)
Request for further Particulars (for purposes of trial)	After close of pleadings, not less than 20 days before trial commences	Rule 21 (2)
Response to Request for Further Particulars (for purposes of trial)	Within 10 days from receipt of request	Rule 21 (2)
Plea (or exception with or without application to strike out)	Within 20 days after receipt of declaration or delivery of notice of intention to defend in the case of having been served with a combined summons deliver a plea with or without a claim in reconvention, or an	Rule 22 (1)
		<a href="#">Section 24</a> (Superior Courts Act <a href="#">10 of 2013</a> )

	exception with or without application to strike out	
Claim in reconvention	Simultaneously with plea unless agreed, or court orders otherwise	Rule 24 (1)
Replication	Within 15 days after service of plea Simultaneously with replication	Rule 25 (1)
Plaintiff - Plea in reconvention	<ul style="list-style-type: none"> <li>No replication or subsequent pleading which would be a mere joinder of issue or bare denial of allegations in the previous pleading shall be necessary, and issue shall be deemed to be joined and pleadings closed in terms of paragraph (b) of Rule 29</li> </ul>	Rule 25 (1)
Plaintiff in Reconvention - Plea in reconvention	Within 10 days after delivery of Plea in Reconvention	Rule 25 (4)
Further pleadings	Within 10 days after delivery of previous pleading by opposite party	Rule 25 (5)
Close of pleadings	<ul style="list-style-type: none"> <li>If either party has joined issue without alleging any new matter;</li> <li>Failure to file replication or subsequent pleading within time limits;</li> <li>Written agreement of parties or court order</li> </ul>	Rule 29 (1) (a) Rule 29 (1) (b) Rule 29 (1) (c) and (d)
Set-down		
Upon allocation of a date or dates for trial, the registrar must inform all parties of the allocated dates	The party which applied for the trial date must, within 10 days of notification from the registrar, deliver a notice informing all other parties of the date or dates on which the matter is set down for trial May vary in each province	Rule 29 (2) See Practice Directives
<b><u>2. Other pleadings and documents</u></b>		
(a) <u>Notice of bar</u>	Pleading to be delivered within 5 (five) days after delivery of notice	Rule 26
(b) <u>Exception</u>		
<ul style="list-style-type: none"> <li>Exception</li> </ul>	Within period for filing subsequent pleading	Rule 23 (1)
<ul style="list-style-type: none"> <li>Notice to remove cause of embarrassment</li> </ul>	Within period to except Allow 15 days to comply Except within 10 days after compliance due or received	Rule 23 (1)
<ul style="list-style-type: none"> <li>Set-down</li> </ul>	Within 5 days	Rule 23 (1) read with Rule 6 (5) (f)
(c) <u>Amendments</u>		
<ul style="list-style-type: none"> <li>Objection to notice of intention to amend</li> </ul>	Within 10 days	Rule 28 (2)
<ul style="list-style-type: none"> <li>Application for leave to amend</li> </ul>	Within 10 days after receipt of objection	Rule 28 (4)
<ul style="list-style-type: none"> <li>Amendment may be effected</li> </ul>	Within 10 days after expiry of period for objection Within 10 days of an order authorised by court unless otherwise so directed	Rule 28 (5) Rule 28 (6)
(d) <u>Pleading to or amendment consequential upon amendment</u>	Within 15 days of receipt of amended pleading	Rule 28 (8)
(e) <u>Irregular proceedings</u>		
Notice to remove complaint	Within 10 days of becoming aware of irregular step	Rule 30 (2) (b)
Opportunity to remove step complained of	Within 10 days of notice to remove complaint	Rule 30 (2) (b)
Application to set aside	Within 15 days after expiry of second 10 day period in Rule 30 (2) (b)	Rule 30 (2) (c)
Set-down	Within 5 days ( <i>semble</i> )	Rule 6 (5) (f)
Application for order compelling compliance	10 days after notice	Rule 30A
(f) <u>Inspection</u>		

Notice requiring inspection of specified documents	After entry of appearance to defend	Rule 35 (14)
Compliance	Within 5 days of request	Rule 35 (14)
	<b>3. Pre-trial or non-trial judgments</b>	
(a) <u>Judgment by Confession</u>	At any time, save for relief in terms of Divorce Act or nullity of marriage	Rule 31 (1)
(b) <u>Default judgment</u>		
Set-down (Where claim is not for debt or liquidated demand and defendant is in default of delivery of notice of intention to defend or plea)	Not less than 5 days' notice to defaulting party. See exception below.	Rule 31 (2) (a) read with Rule 31 (4)
	<i>Exception:</i> · Notice of set-down need not be given to party in default of delivery of notice of intention to defend	Rule 31 (4)
Application by Defendant to set aside default judgment where claim not for debt or liquidated demand	Within 20 days of know-ledge of judgment	Rule 31 (2) (b)
Set-down by Defendant (Where Plaintiff barred from delivering declaration)	Not less than 5 days' notice to defaulting party	Rule 31 (3)
Set-down	Not less than 5 days' notice to party in default. See exception below. <i>Exception:</i> · Notice of set-down need not be given to party in default of delivery of notice of intention to defend	Rule 31 (4) Rule 31 (4)
Written application to Registrar for default judgment (Where judgment is for a debt or liquidated amount)	Not less than 5 days' notice to defendant if defendant is in default of delivery of a plea	Rule 31 (5) (a)
Application by Defendant to set aside default judgment where claim for debt or liquidated demand - Judgment by Registrar	Within 20 days of knowledge of judgment	Rule 31 (5) (d)
(c) <u>Summary judgment</u>		
· Application where defendant has delivered notice of intention to defend and claim is for:		
· on a liquid document;	Within 15 days of notice of intention to defend	Rule 32 (2)
· for a liquidated amount of money;		
· for delivery of specified movable property;		
· for ejectment.		
Set-down	On a stated day, not less than 10 days from delivery of application	Rule 32 (2)
Answering affidavit	Before noon on court day but 1 preceding hearing	Rule 32 (3) (b)
Declaration (if application refused)	Within 20 days of grant of leave to defend	Rule 32 (8A)
(d) <u>Provisional sentence</u>		
Appearance by defendant to admit or deny liability	Not less than 10 days after service of summons	Rule 8 (1)
Set-down by plaintiff	Before noon on court day but 1 preceding hearing date	Rule 8 (4)
Answering affidavit	Before noon on court day but 1 preceding call to appear	Rule 8 (5)
Notice of intention to enter principal case by defendant	Within 2 months of grant of provisional sentence	Rule 8 (11)
Plea by defendant (Where defendant delivered notice to enter principal case, summons deemed combined summons)	Within 10 days of notice of intention to enter principal case	Rule 8 (11)

#### **4. Preparation for trial**

(a) <u>Further particulars</u> Further Particulars (request for) (for purposes of trial) - Request	After close of pleadings, prior to 20 days before trial commences	Rule 21 (2)
Response to Request for Further Particulars (for purposes of trial)	Within 10 days from receipt of request	Rule 21 (2)
(b) <u>Discovery, inspection and production</u>		
Notice requiring discovery	After close of pleadings	Rule 35 (1)
Discovery affidavit	Within 20 days of notice to discover documents. See exception below. <i>Exception:</i> . Within 15 days where party receives notice of trial date and party has not yet made discovery in terms of Rule 35	Rule 35 (2)  Rule 37 (1)
Notice requiring further discovery (Where party believes that there are other documents relevant to be discovered)	After receipt of discovery affidavit	Rule 35 (3)
Further discovery affidavit	Within 10 days of notice for further discovery	Rule 35 (3)
Notice to produce documents	After receipt of discovery affidavit	Rule 35 (6)
Notice to inspect	Within 5 days of notice to produce	Rule 35 (6)
Inspection	Within 5 days of delivery of notice to inspect for period of 5 days thereafter	Rule 35 (6)
Notice requiring specification of documents to be used at trial	After close of pleadings	Rule 35 (8)
Notice specifying documents to be used at trial	Not less than 15 days before trial	Rule 35 (8)
Notice of avail	After close of pleadings ( <i>semble</i> )	Rule 35 (9)
Notice admitting execution of documents and what they purport to be	Within 10 days after receipt of notice of avail	Rule 35 (9)
Notice to produce original documents discovered	Not less than 5 days before trial	Rule 35 (10)
Notice to produce documents referred to in pleadings or affidavits	Any time before hearing	Rule 35 (12)
Notice to produce clearly specified document or tape recording	After appearance to defend and within 5 days	Rule 35 (14)
(c) <u>Inspections and examinations</u>		
Notice requiring medical examination (Notice to state nature of examination, persons to be examined by, and the place where and the time and date examinations to take place)	Examination on date not less than 15 days from date of notice	Rule 36 (2)
Objection to examination in relation to: . Nature of examinations . Person(s) by whom examination is to be conducted . Place, date and time of examination . Amount of expenses tendered to him	Within 5 days of service of notice	Rule 36 (3)
Notice requesting medical reports (Such report to include medical reports, hospital records, x-ray photographs or any other documentation relevant)	Reports requested to be furnished within 10 days	Rule 36 (4)
Notice to inspect property	Property available for inspection for not more than 10 days from date of receipt of notice	Rule 36 (6)

Notice of intention to call expert witness	Not less than 15 days before hearing	Rule 36 (9) (a)
Summary of expert's opinion	Not less than 10 days before hearing	Rule 36 (9) (b)
Notice of intention to use plans, diagrams etc.	Not less than 15 days before hearing	Rule 36 (10)
Notice admitting plans, diagrams etc.	Within 10 days of receipt of notice	Rule 36 (10)
(d) <u>Pre-trial conference</u>		
Delivery of discovery affidavit (Where party receives notice of a trial date and has not yet made discovery in terms of Rule 35)	Within 15 days after notice of trial date received	Rule 37 (1) read with Rule 35 (2)
Delivery of notice for pre-trial conference	<ul style="list-style-type: none"> <li>. By plaintiff within 5 days after receipt of notice of trial date</li> <li>. By defendant within 30 days after plaintiff has failed to so deliver</li> </ul>	<p>Rule 37 (2) (a)</p> <p>Rule 37 (2) (b)</p>
Date of pre-trial conference	Not later than 10 days prior to pre-trial conference	Rule 37 (4)
Delivery of list to other party of:		
<ul style="list-style-type: none"> <li>. Admissions required</li> <li>. Enquiries to be directed not included in request for further particulars</li> <li>. Other matters regarding preparation for trial</li> </ul>		
Minutes of pre-trial conference filed with registrar	Not later than 5 weeks before trial date	Rule 37 (7)
Minutes of pre-trial conference filed with registrar (Where pre-trial conference held before judge-in-chambers)	Within 5 days or such longer period as judge may determine	Rule 37 (8) (d)
Advocates' fees not allowed on party-and-party basis	Where pre-trial conference held more than 10 days prior to hearing	Rule 37 (9) (b)

### Application proceedings

Nature of act	Time allowed	Section or Rule
	<b><u>1. Ex parte applications</u></b>	
Application	Filed with registrar and set down before noon on the court day but 1 preceding hearing	Rule 6 (4)
Anticipation of return day	Not less than 24 hours' notice	Rule 6 (8)
	<b><u>2. Application on notice</u></b>	
Notice of intention to oppose	Not less than 5 days after service of notice of motion	Rule 6 (5) (b) (iii)
Set-down of application (Where respondent fails to deliver notice of intention to oppose)	Hearing on stated day not less than 10 days after service of notice on respondent	Rule 6 (5) (b) (iii)
Set-down of unopposed application	Before noon on court day but 1 preceding hearing	Rule 6 (5) (c)
Answering affidavit	Within 15 days of notice of intention to oppose	Rule 6 (5) (d) (ii)
Replying affidavit	Within 10 days of service of answering affidavit	Rule 6 (5) (e)
	<ul style="list-style-type: none"> <li>. No answering affidavit filed: apply for allocation of hearing date within 5 days of expiry of period for filing answering affidavit</li> <li>. Answering affidavit filed: apply for allocation of hearing date within 5 days of delivering replying affidavit or expiry of time to do so</li> <li>. Respondent may apply for allocation of hearing date immediately on expiry of time allowed for applicant</li> </ul>	Rule 6 (5) (f)
Set-down		

Counter Applications	to do so Time periods for applications to apply <i>mutatis mutandis</i> to counter applications	Rule 6 (7) (b)
Urgent application	Time limits imposed by court	Rule 6 (12) (a) and Practice Directives for each Division respectively (See Practice Directives)
Notice of intention to oppose/Return date in rule <i>nisi</i> in applications against: <ul style="list-style-type: none"> <li>. Minister</li> <li>. Deputy minister</li> <li>. Administrator</li> <li>. Officer or servant of State</li> <li>. The State</li> <li>. Administration of any province</li> </ul>	Not less than 15 days after service of notice of motion or rule <i>nisi</i>	Rule 6 (13)

### Other matters

Nature of act	Time allowed	Section or Rule
	<b>Quick guide</b> <ul style="list-style-type: none"> <li>. Change of attorney</li> <li>. Change of parties</li> <li>. Requesting particulars of partnership</li> <li>. Requesting particulars of association</li> <li>. Offer to settle</li> <li>. Application for judgment in accordance with offer</li> <li>. Application for costs</li> <li>. Sworn reply and Set-down of matter by registrar: rule 43</li> <li>. Notice for security for costs</li> <li>. Application for security for costs</li> <li>. Review of taxation</li> </ul>	
Change of attorney	Notification of new address for service within 10 days	Rule 16 (4) (b)
Change of parties	Application within 20 days of service of notice of change of parties	Rule 15 (4)
Compliance with notice requesting particulars of partnership	Within 10 days of delivery of notice	Rule 14 (5) (b)
Compliance with notice requesting particulars of association	Within 10 days of delivery of notice	Rule 14 (9) (b)
Acceptance of offer to settle	Within 15 days of receipt of notice	Rule 34 (6)
Application for judgment in accordance with offer (Where party failed to pay or perform in terms of offer)	10 days after delivery of notice of acceptance on 5 days written notice	Rule 34 (7)
Application for costs (accepted offer is not stated to be in satisfaction of claim and costs)	After notice of not less than 5 days	Rule 34 (9)
Delivery of sworn reply in the nature of a plea by respondent	Within 10 days of receipt of sworn statement by plaintiff	Rule 43 (3)
Set-down of matter by registrar	On 10 days' notice to parties, unless respondent is in default	Rule 43 (4)
Notice for security for costs	As soon as practical after commencement of proceedings	Rule 47 (1)
Application for security for costs where party from whom security is demanded: <ul style="list-style-type: none"> <li>. Contests liability to furnish security</li> <li>. Fails or refuses to comply with demand or amount fixed by registrar within 10</li> </ul>	Within 10 days where party refuses to comply with demand or amount fixed by registrar	Rule 47 (3)

days Notice for review of taxation: request for stated case (Where party dissatisfied with ruling by taxing master)	Within 15 days after <i>allocatur</i>	Rule 48 (1)
Delivery of taxing master's stated case	Within 20 days after receipt of notice to state case	Rule 48 (3)
Submissions by party on taxing master's stated case	Within 15 days after receipt of stated case	Rule 48 (5) (a)
Taxing master's report on submissions by party	Within 20 days after receipt of submissions	Rule 48 (5) (b)
Further submissions by party	Within 10 days after receipt of taxing master's report	Rule 48 (5) (c)

### Execution

Nature of act	Time allowed	Section or Rule
(a) <u>Movables</u>		
Movable property to be sold by auction to highest bidder	<ul style="list-style-type: none"> <li>. After advertisement by execution creditor in newspapers circulating in the district where property was attached</li> <li>. Expiration of not less than 15 days after seizure of movables</li> </ul>	Rule 45 (7) (a)
Sheriff to forward notice of sale to all sheriff's in area	Not later than 15 days before date of sale	Rule 45 (7) (c)
Sheriff to forward notice of sale to all sheriff's in area (Where goods to be sold in area and writ of execution lodged before or on the day of sale)	Not later than 10 days before date of sale	Rule 45 (11) (a) (i) read with Rule 45 (11) (a) (ii)
(b) <u>Immovables</u>		
No writ of execution to be issued against immovable property	<p>Until such time as:</p> <ul style="list-style-type: none"> <li>. A return of service has been made for movable</li> <li>. property and debtor has insufficient movable property</li> <li>. Such immovable property has been declared specially executable by court</li> </ul>	Rule 46 (1) (a) (i) and (ii)
Property subject to preferent claims	Preferent creditor to stipulate reasonable reserve price within 10 days of stated date of sale	Rule 46 (5) (a)
Sheriff to appoint date for sale in execution	Sale date not less than 1 month after service of notice of attachment	Rule 46 (7) (a)
Publication of notice of sale by execution creditor in:		
<ul style="list-style-type: none"> <li>. Newspaper circulating in the district in which the immovable property is situated</li> <li>. <i>Government Gazette</i></li> </ul> (Copies of advertisements to be furnished to sheriff conducting sale)	Not less than 5 days and not more than 15 days before date of sale	Rule 46 (7) (c)
Sheriff conducting sale to forward by registered post copy of notice of sale to:		
<ul style="list-style-type: none"> <li>. Every judgment creditor who caused immovable property to be attached</li> <li>. Every mortgagee whose address is known</li> <li>. All sheriffs appointed in that district</li> </ul>	Not less than 10 days prior to date of sale	Rule 46 (7) (d)
Sheriff conducting sale to:		
<ul style="list-style-type: none"> <li>. Affix copy of notice of sale of magistrate's court in district where property is situated</li> </ul>	Not less than 10 days prior to date of sale	Rule 46 (7) (e)

. Copy as near to place where sale is to take place		
Conditions of sale to be prepared by execution creditor and furnished to sheriff conducting sale to settle	Not less than 20 days before date of sale	Rule 46 (8) (a) (i)
Application for modification of conditions of sale by any interested party	Application not less than 10 days prior to sale on 24 hours' notice to execution creditor and bondholder	Rule 46 (8) (b)
Application for ejectment if purchaser already in possession of property (Where purchaser did not carry out obligations under conditions of sale)	10 days' notice apply for ejectment order	Rule 46 (11) (c)
Plan of distribution prepared by sheriff	Lie for inspection for 15 days	Rule 46 (14) (b)
Objection to distribution plan by any interested party	Notice within 5 days of expiry of inspection period	Rule 46 (14) (d)
Review by court of distribution plan	10 days' notice	Rule 46 (14) (d)

### Appeals

Nature of act	Time allowed	Section or Rule
<b>(a) <u>Civil appeals from Magistrates' Courts</u></b>		
Request for written judgment	Within 10 days after judgment . To be furnished within 15 days	Rule 51 (1) ( <i>Magistrates' Courts</i> )
Notice of appeal	Within 20 days after judgment or 20 days after receipt of written judgment, whichever is longer	Rule 51 (3) ( <i>Magistrates' Courts</i> )
Security for respondent's costs in the amount of R1000	Simultaneously with notice of appeal. Please see exception below. <i>Exception:</i> . No security shall be required from the State	Rule 51 (4) ( <i>Magistrates' Courts</i> )
Notice of cross-appeal	Within 10 days after delivery of notice of appeal	Rule 51 (6) ( <i>Magistrates' Courts</i> )
Reasons for judgment to be delivered by judicial officer to registrar or clerk of court	Within 15 days after delivery of notice of appeal	Rule 51 (8) ( <i>Magistrates' Courts</i> )
Application for hearing date for appeal	Appellant: within 40 days after noting appeal Respondent: if appellant does not apply, before expiry of following 20 days	Rule 50 (4) (a) Rule 50 (4) (b)
Power of attorney	Simultaneously with application for hearing date	Rule 7 (2)
Power of attorney to instruct advocate	Any time before hearing	Rule 7 (3)
Lapse of appeal	If prosecution of appeal not made within 60 days of noting appeal	Rule 50 (1)
Lapse of cross-appeal	Application not made within 20 days after lapse of appeal	Rule 50 (3)
Date of hearing to be assigned by registrar	Not less than 40 days after receipt of application for appeal	Rule 50 (5) (a)
Notice of date of hearing by Registrar to parties and clerk of court from which appeal originated	At least 20 days' notice	Rule 50 (5) (b)
Lodging of record of appeal by applicant	Simultaneously with lodging of application for date of hearing	Rule 50 (7) (a)
Heads of argument	Appellant: not less than 15 days before hearing Respondent: not less than 10 days before hearing	Rule 50 (9) Rule 50 (9)
<b>(b) <u>Appeals to full court</u></b>		

Leave to appeal (Where required)	Requested at time of judgment or order	Rule 49 (1) (a)
Leave to appeal (Where required and not requested at time of judgment or order)	Within 15 days after judgment or full reasons for judgment	Rule 49 (1) (b)
Application for leave to appeal to Supreme Court of Appeal if leave to appeal refused by court <i>a quo</i>	Within 1 month after such refusal	<a href="#">Section 17 (2) (b)</a> ( <i>Superior Courts Act</i> )
Referral for reconsideration by President of the Supreme Court of Appeal (Where majority of judges refuse application)	On application within 1 month or on own accord	<a href="#">Section 17 (2) (f)</a> ( <i>Superior Courts Act</i> )
Application for special leave to appeal in terms of <a href="#">section 16 (1) (b)</a>	On application within 1 month after decision sought to be appealed against	<a href="#">Section 17 (3)</a> ( <i>Superior Courts Act</i> )
Application for reasons for judgment (Where court orders that reason for order will be furnished on application to any party)	Within 10 days after date of the order	Rule 49 (1) (c)
Notice of appeal to be delivered to all parties (Where leave to appeal is granted)	Within 20 days after date leave to appeal is granted	Rule 49 (2)
Notice of cross-appeal	Within 10 days after delivery of notice of appeal	Rule 49 (3)
Application for hearing date	Appellant: within 60 days after delivery of notice of appeal Respondent: if appellant does not apply, within following 10 days	Rule 49 (6) (a) Rule 49 (6) (a)
Lapse of appeal and cross-appeal	Application not made within above time limits	Rule 49 (6) (a)
Security for respondent's costs	Before filing record of appeal	Rule 49 (13)
Record of appeal to be filed by Applicant	Simultaneously with application for hearing date or within 40 days after acceptance of application by written agreement or affidavit from appellant	Rule 49 (7) (a) read with Rule 49 (7) (d)
Power of attorney	Simultaneously with application for hearing date	Rule 7 (2)
Power of attorney to instruct advocate	Any time before hearing	Rule 7 (3)
Allocation of hearing date	Assigned by registrar after filing of record on at least 20 days' notice to parties	Rule 49 (7) (c)
Heads of argument	Appellant: not later than 15 days before hearing Respondent: not later than 10 days before hearing	Rule 49 (15) Rule 49 (15)
<b>(c) <u>Criminal Appeals to Full Court</u></b>		
Notice of full residential and postal address of appellant and legal representative	Within 10 days of leave to appeal granted	Rule 49A (1) (a)
Written arguments on behalf of appellant	Within time period as prescribed by registrar	Rule 49A (2) (a)
Set-down	On written notice by Registrar	Rule 49A (2) (b)
<b>(d) <u>Appeals to Supreme Court of Appeal</u></b>		
Leave to appeal (Where required)	Requested at time of judgment or order	Rule 49 (1) (a)
Leave to appeal (Where required and not requested at time of judgment or order)	Within 15 days after judgment or full reasons for judgment	Rule 49 (1) (b)
Application for leave to chief justice if leave refused	Within 21 days after refusal	Section 21 (2), Act <a href="#">59 of 1959</a>

Leave to appeal against judgment of full court on appeal	Application for leave within 21 days after judgment	Section 21 (2), Act <a href="#">59 of 1959</a>
Affidavit in answer to application for leave to appeal	Within 1 month after service of application on respondent	SCA Rule 6 (3)
Replying affidavit	Within 10 days after receipt of answering affidavit	SCA Rule 6 (4)
Notice of appeal	Within 1 month after date of: <ul style="list-style-type: none"> <li>. judgment or order;</li> <li>. granting of leave to appeal; or</li> <li>. setting aside of direction.</li> </ul>	SCA Rule 7 (1)
Notice of cross-appeal	Within 1 month after the receipt of notice of appeal	SCA Rule 7 (2)
Power of attorney may be required if disputed by notice	At any time before judgment and within 1 month after service of notice	SCA Rule 5 (1)
Record of appeal to be lodged with registrar	Within 3 months of lodging of notice of appeal	SCA Rule 8 (1)
Extension of time limit for lodging of record	Documents longer than ten pages lodged with the Registrar, including records of appeal, applications and heads of argument, must, in spite of the wording of the court rules, ordinarily be printed on both sides of the page <ul style="list-style-type: none"> <li>. Written agreement of all parties to the appeal; or</li> <li>. by registrar upon written request with notice to all parties to appeal.</li> </ul>	SCA Practice Direction 2014
Lapse of appeal	Failure to lodge record before expiry of prescribed period	SCA Rule 8 (2)
Prosecution of cross-appeal after withdrawal or lapse of appeal	Notification within 1 month from withdrawal or lapsing of appeal	SCA Rule 8 (3)
Submit issues of law to court	Within 10 days of noting appeal if decision of appeal is likely to hinge exclusively on specific issue of law or fact	SCA Rule 8 (4) (a)
Omitting unnecessary parts of record	Within 10 days thereafter by Respondent if Appellant fails to do so	SCA Rule 8 (8) (a)
Security for respondent's costs	Within 10 days of noting appeal if decision of appeal is likely to hinge exclusively on part of record of court <i>a quo</i>	SCA Rule 8 (9) (a)
Heads of argument	Within 10 days thereafter by Respondent if Appellant fails to do so	SCA Rule 8 (9) (b)
Lapse of appeal	Before lodgement of record	SCA Rule 9 (1)
Affidavit in answer to application for condonation to be filed by respondent	Appellant to lodge with registrar and respondent/s within 6 weeks from the lodging of the record	SCA Rule 10 (1) (a)
Replying affidavit to be filed by applicant	Respondent to lodge with registrar within 1 month from receipt of appellant's heads of argument	SCA Rule 10 (1) (b)
Matter to be argued in official language other than that used in heads of argument	If appellant fails to lodge heads of argument within prescribed time period	SCA Rule 10 (2A) (a)
<u>Taxations</u>	Within 1 month after service of the application on respondent	SCA Rule 12 (2)
Party dissatisfied with ruling of taxing master may require taxing master to state a case for decision by court	Within 10 days of receipt of the answering affidavit by applicant	SCA Rule 12 (3)
Parties may submit contentions in writing to stated case by taxing master	In writing at least 3 weeks before the hearing	SCA Rule 14 (2)
Submission of stated case and report before the court	Within 20 days of the <i>allocatur</i>	SCA Rule 17 (3)
	Within 15 days of receipt of copy of stated case	SCA Rule 17 (4)
	Immediately on completion of report	SCA Rule 17 (5)

<u>Amicus curiae submissions</u>		
Person may be admitted as <i>amicus curiae</i>	Within 1 month after record has been lodged with the registrar	SCA Rule 16 (1) read together with Rule 16 (5)
Application to be admitted as <i>amicus curiae</i>	Within 1 month after record has been lodged with registrar	SCA Rule 16 (5) read together with Rule 16 (4)
Written consent of all parties to be lodged	Within 10 days of consent having been obtained	SCA Rule 16 (2)
Constitutional issue: written consent	Within 20 days after filing of affidavit or pleading in which issue was first raised	Rule 16A (2)
Constitutional issue: application if consent not obtained	Within 5 days of the expiry of the 20-day period	Rule 16A (5)
Constitutional issue: answering affidavit	Within 5 days of service of application	Rule 16A (7) (a)
Constitutional issue: written consent of all parties	Within 5 days of consent having been obtained	Rule 16A (3)

### Review

Nature of act	Time allowed	Section or Rule
Record of proceedings to be forwarded to registrar	Within 15 days after receipt of notice of motion	Rule 53 (1) (b)
Amendment of application by way of notice and accompanying affidavit	Within 10 days after record made available	Rule 53 (4)
Notice of intention to oppose	Within 15 days after receipt of notice	Rule 53 (5) (a)
Answering affidavit	Within 30 days after expiry of time within which applicant may amend	Rule 53 (5) (b)
Replying affidavit	Within 10 days of service of answering affidavit	Rule 53 (6) read with Rule 6 (5) (e)
Set-down	<i>Mutatis mutandis</i> as in applications	Rule 53 (7) read with Rule 6 (5) (f)

### Filing

Nature of act	Time allowed	Section or Rule
Preparation and inspection of documents	Not later than 5 days prior to the hearing	Rule 62 (4)
Destruction of documents	After the lapse of 3 years	Rule 64
Records of evidence and proceedings	30 years after disposal	Rule 64A

### Small Claims Court (SCC)

Nature of act	Time allowed	Section or Rule
Plaintiff to contact opposing party either in: <ul style="list-style-type: none"> <li>. person;</li> <li>. writing;</li> <li>. telephonically,</li> </ul> and request them to satisfy claim.	At start of matter	Rule 8 (b)
Letter of demand to be dispatched to opposing party	To be delivered by hand or registered post	
Plaintiff to prove by affidavit or registered post slip that letter of demand delivered		
Response to letter of demand	Within 14 days from receipt of letter of demand	
If no response to letter of demand received, or response was not satisfactory, return to clerk of SCC with the following documents:		

<ul style="list-style-type: none"> <li>proof that letter of demand was delivered;</li> <li>any contract, document or other proof upon which claim is based;</li> <li>the full name, address and telephone number of opposing party.</li> </ul> <p>Clerk of the court will examine documents and will assist in the preparation of summons</p> <p>Clerk of the court will examine documents and will assist in the preparation of summons</p> <p>Clerk of the court will issue summons and hand to plaintiff for service</p> <p>Service of summons on opposing party</p> <p>Service of summons may be done by:</p> <ul style="list-style-type: none"> <li>Plaintiff personally</li> <li>Sheriff</li> </ul> <p>Plaintiff to deliver original summons and return of service to clerk of court</p> <p>Hearing to take place and Plaintiff to note:</p> <ul style="list-style-type: none"> <li>Plaintiff must appear in person;</li> <li>Plaintiff to ensure that all relevant documents and witnesses available;</li> <li>parties not entitled to legal representation;</li> <li>judgment by court is final, unless grounds for review exist.</li> </ul>	<p>Not less than 10 days before trial date</p> <p>As soon as possible</p>	<p>Rule 9 (2)</p> <p>Rule 9 (1)</p> <p>Rule 12 (4)</p>
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## Magistrates' and Regional Courts

[Magistrates' Courts](#) . [Regional Courts](#) .

### Magistrates' Courts

[Action proceedings](#) . [Application proceedings](#) . [Other matters](#) .  
[Execution](#) . [Appeals in civil cases](#) .

### Action proceedings

Nature of act	Time allowed	Section or Rule
<i>Dies non</i>	<p><b><u>1. Essential pleadings and documents</u></b></p> <p>The days between 16 December to 15 January, both inclusive (<i>dies non</i>), not to be counted in the time allowed within which to <u>deliver</u> a notice of intention to defend.</p> <p>A summons may be <u>served</u>. It follows that if no notice of intention to defend is delivered, no pleadings may be delivered during the <i>dies non</i>.</p>	Rule 13 (1)
Notice of intention to defend	<p>Within 10 days after service of summons on defendant. See exception below.</p> <p><i>Exception:</i></p>	Rule 13 (1)

	Actions against Minister, Deputy Minister, Provincial Premier, officer or servant of the State, in such official capacity, the State or Administration of any Province within 20 days after service	Rule 13 (2)
Declaration (Where plaintiff has issued a simple summons and defendant has delivered a notice of intention to defend)	Within 15 days after service of Notice of Intention to Defend	Rule 15 (1)
Plea	Within 20 days after service of Notice of Intention to Defend	Rule 17 (1)
Claim in reconvention	Simultaneously with plea	Rule 20 (1)
Notice requesting finding that claim in reconvention exceeds jurisdiction	Simultaneously with claim in reconvention or within 5 days	Rule 20 (5)
Application for stay	At time of finding or within 5 days	Rule 20 (6)
Reply to plea	Within 15 days after delivery of plea	Rule 21 (1)
Plea to claim in reconvention	Simultaneously with reply	Rule 21 (1)
	Pleadings considered closed when:	
	<ul style="list-style-type: none"> <li>. either party has joined issue without alleging new matter and without adding further pleading;</li> <li>. the last day allowed for filing a replication or subsequent pleading has lapsed and it had not been filed;</li> <li>. agreement in writing between parties, which agreement has been filed with the registrar of clerk of court;</li> <li>. upon application by parties to court.</li> </ul>	Rule 21A
Close of pleadings	<ul style="list-style-type: none"> <li>. Plaintiff - Within 15 days after close of pleadings</li> <li>. Defendant - Thereafter</li> </ul>	Rule 22 (1)
Set-down	At least 20 days before the trial date	Rule 22 (3)
Delivery of notice of set-down	In divorce actions or actions for nullity of marriage, (Set-down)	
Set-down in unopposed divorce matters	notwithstanding anything contained in this rule, the registrar of the court, shall at the written request of the plaintiff, set the action down for hearing at the time and place and on a date to be fixed by the registrar of the court	Rule 22 (5)
If the defendant has:		
(a) Failed to deliver the notice of intention to defend; or		
(b) Failed to deliver a plea after receiving a notice in terms of rule 21B (2); or		
(c) Given written notice to the plaintiff and the registrar or clerk of the court that he or she does not intend defending the action, but no notice of such request or set-down need be served on the defendant.		
	<b><u>2. Non-essential pleadings and documents</u></b>	
(a) <u>Amendment of pleadings or documents</u>		
Objection to notice of intention to amend	Within 10 days of notice of intention to amend	Rule 55A (2)
Application for leave to amend (Where intention to amend objected to)	Within 10 days of receipt of objection	Rule 55A (4)
Amendment may be effected (Where no objection to intention to amend delivered)	Within 10 days after the period allowed for objection to be delivered	Rule 55A (5)
Amendment authorised by court order	Not later than 10 days after such authorisation	Rule 55A (6)
Consequential adjustments by party affected by amendment	Within 15 days after amendment or within such other period as the court may determine	Rule 55A (8)
(b) <u>Exceptions and Applications to strike out</u>		
Exceptions and Application to strike out Pleading		

(Where pleading is vague and embarrassing or lacks averments which are necessary to sustain an action or defence)

Within period allowed for filing any subsequent Pleading

Rule 19 (1)

Provided that:

- . party is allowed 15 days to remove cause of complaint;
- . party excepting shall within 10 days from date on which reply to notice is received or due, deliver the exception.

Rule 19 (1)

Application to strike out and set-down of application  
(Where pleadings contain averments which are scandalous, vexatious or irrelevant)

Within period allowed for filing any subsequent pleading

Rule 19 (2)

Provided that:

- . court shall not grant application unless it is satisfied that the applicant will be prejudiced in the conduct of his or her claim or defence if it is not granted.

Rule 19 (2)

(c) Further particulars for purposes of trial

Request for further particulars  
(Only such particulars that are strictly necessary to enable him/her to prepare for trial)

Not less than 20 days before trial

Rule 16 (2) (a)

Compliance with request for further particulars

Within 10 days after receipt of request for further particulars

Rule 16 (2) (b)

**BAR**

NOTE: "Pleading" includes "amended pleading"

(a) Plea: Failure of defendant to deliver

Notice of bar: Delivery of plea within 5 days

Rule 12 (1) (b)

(b) Deliver a replication or subsequent pleading: Any party who fails to deliver a replication or subsequent pleading within the time stated in rule 21 is automatically barred

Automatically barred

Rule 21B (1) (proviso)

(c) Deliver any other pleading: Any party who fails to deliver within the time laid down in these rules or within any extended period. Bar time allowed in terms thereof in default of filing such pleading

Notice of bar: 5 days/5 days/agreement

Rule 21B (2)

(d) Failing to deliver the pleading referred to in the notice mentioned in rule 21B (2) within the time therein required or within such further period as may be agreed between the parties, shall be in default of filing such pleading: Provided that for the purposes of this rule, the days from 16 December to 15 January, both inclusive, shall not be counted in the time allowed for the delivery of any pleading

Automatically barred

(Note: dies non shall not be counted in the time allowed for the delivery of any these pleadings mentioned in Rule 21B)

Rule 21B (3)

**3. Pre-trial or non-trial judgments**

(a) Default judgment

Application for default judgment

(Where defendant has failed to deliver notice of intention to defend and has not consented to judgment)

No period of notice required

Rule 12 (1) (a)

Notice requesting notice of intention to defend in due form

(Where notice of intention to defend defective, registrar may not enter judgment, unless plaintiff has delivered such notice)	Delivery of notice of intention to defend in due form within 5 days of delivery of notice	Rule 12 (2) (a)
Application to rescind default judgment	Apply within 20 days of judgment coming to party's notice	Rule 49 (1)
(b) <u>Summary judgment</u> Application for summary judgment (Where defendant has delivered notice of intention to defend if claim is:		
<ul style="list-style-type: none"> <li>. on a liquid document</li> <li>. for a liquidated amount of money</li> <li>. for delivery of specified movable property</li> <li>. for ejection)</li> </ul>	Within 15 days of service of Notice of Intention to Defend	Rule 14 (1) read with Rule 14 (2)
Set-down (Date to be stated on notice of application)	Not less than 10 days from service of application	Rule 14 (2)
Defendant's affidavit	Not later than noon of day preceding hearing	Rule 14 (3) (b)
Declaration required when given leave to defend where court does not make order for delivery of declaration within specified time	Within 15 days of date when leave to defend was given	Rule 14 (9)
(c) <u>Provisional sentence</u> Appearance by defendant to admit or deny liability (Where defendant has failed to pay amount claimed)	Not less than 10 days after service of summons	Rule 14A (1)
Set-down	Not later than 3 days before date of hearing	Rule 14A (4)
Answering affidavit	Not later than 3 days preceding call to appear	Rule 14A (5) (a)
Notice of intention by defendant to enter principal case	Within 2 months of the grant of provisional sentence	Rule 14A (11) (a)
Plea by defendant	Within 10 days of delivery of notice of intention to enter principal case	Rule 14A (11) (a)
<b><u>4. Preparation for trial</u></b>		
(a) <u>Discovery</u> Delivery of discovery affidavit in response to notice calling for discovery	Within 20 days of receipt of notice	Rule 23 (1) (a)
Response to notice for further discovery (Where party believes there may be other documents that are relevant)	Within 10 days of such notice	Rule 23 (3)
Making available of discovered documents	Within 5 days of delivery of such notice	Rule 23 (6) (b)
Inspection of discovered documents	For period of 5 days from time stated	Rule 23 (7) (a)
Notice of documents to be used at trial	Not less than 15 days before trial	Rule 23 (9)
Response to notice requesting other party to admit document	Within 10 days of receipt of notice from party	Rule 23 (10) (a)
Notice to produce original document	Not less than 5 days before trial, but if court allows during course of trial	Rule 23 (11) (a) read with Rule 23 (11) (b)
Notice to make available for inspection document relevant to reasonably anticipated issue in action	After notice of intention to defend delivered	Rule 23 (15)
Request for documents to be made available for inspection (Where appearance to defend delivered and documents required for pleading)	Document made available within 5 days of such notice	Rule 23 (15)

(b) <u>Inspections and examinations</u>		
Notice requiring medical examination	Examination on date not less than 15 days from date of notice	Rule 24 (2) (a)
Objection to examination	Within 10 days of service of notice	Rule 24 (3) (a)
Notice requesting medical reports	Reports to be furnished within 15 days	Rule 24 (4)
Notice to inspect property	Not later than 15 days before trial	Rule 24 (6)
Inspection period of property	Period not exceeding 10 days from receipt of notice	Rule 24 (6)
Notice of intention to call expert witness	Not less than 15 days before trial	Rule 24 (9) (a)
Summary of expert's opinion	Not less than 10 days before trial	Rule 24 (9) (b)
Notice of intention to use plans, diagrams, etc.	Not less than 10 days before trial	Rule 24 (10) (a)
Notice admitting or objecting to plans, diagrams, etc.	Within 5 days	Rule 24 (10) (b)
Letter requiring attendance at pre-trial conference	At least 10 days prior to conference date	Rule 25 (3)

### Application proceedings

Nature of act	Time allowed	Section or Rule
	<b><u>1. Ex parte applications</u></b>	
Service of order made <i>ex parte</i> /interpleader summons	At least 10 days State: at least 20 days	Rule 9 (11)
Anticipation of return day	Not less than 24 hours' notice	Rule 55 (3) (d)
	<b><u>2. Applications on notice</u></b>	
Notice of Intention to Oppose	Date to be stipulated in notice of motion, being not less than 5 days after service of notice of motion	Rule 55 (1) (e) (iii)
Set-down of unopposed application	Applicant may enrol application by giving registrar of clerk of court notice of set-down 5 days before day upon which application is to be heard	Rule 55 (1) (f)
Answering affidavit	Within 10 days of notice of intention to oppose	Rule 55 (1) (g) (ii)
Replying affidavit	Within 10 days from service of answering affidavit	Rule 55 (1) (h) (ii)
	<ul style="list-style-type: none"> <li>. <i>No answering affidavit filed</i>: apply for allocation for hearing date within 5 days of expiry of period for filing answering affidavit;</li> <li>. <i>Answering affidavit filed</i>: apply for hearing date with 5 days of delivering replying affidavit or expiry of time to do so;</li> <li>. Respondent may apply for allocation of hearing date immediately on expiry of time allowed for applicant.</li> </ul>	
Set-down		Rule 55 (1) (j) (i)-(iii)
Notice of Set-down	Not less than 10 days before date allocated for trial	Rule 55 (1) (j) (iv)
Counter applications	Time periods for applications shall apply <i>mutatis mutandis</i> for counter applications	Rule 55 (2) (b)
Urgent applications	Time limits imposed by court	Rule 55 (5) (a)
Applications against Minister, Deputy Minister, Provincial Premier, officer or servant of State, in such capacity, the State or administration of any province	<ul style="list-style-type: none"> <li>. Notice of intention to oppose need only be delivered not less than 15 days after service of notice of motion;</li> <li>. Return day of rule <i>nisi</i> not less than 15 days after service of rule <i>nisi</i>.</li> </ul>	Rule 55 (6)
	<b><u>3. Irregular proceedings</u></b>	
Application to set aside	Within 10 days of becoming aware of step	Rule 60A (2) (b)
Compliance	Within 10 days of delivery of notice	Rule 60A (2) (b)
Delivery of Application	Within 15 days of expiry of 10 day period	Rule 60A (2) (c)

	<b><u>4. Index to defended action or opposed motions</u></b>	
Delivery of index	No later than 10 days prior to trial	Rule 63 (3)

#### Other matters

Nature of act	Time allowed	Section or Rule
Challenge of authority to act	Within 10 days after noticing that person is acting for party	Rule 52 (2)
Notice requesting information about co-partners	Compliance within 10 days	Rule 54 (2)
Notice for requesting Security for costs	As soon as practical after commencement of proceedings	Rule 62 (1)
Compliance with notice for Security for Costs	Within 10 days	Rule 62 (3)
Compliance	Within 10 days	Rule 62 (2)
Review of taxation	Within 15 days after knowledge	Rule 35 (1)
Notice to other parties	10 days	Rule 35 (2)
Request for stated case	Within 10 days of decision	Rule 35 (3)
Contentions	Within 10 days after stated case	Rule 35 (4)
Submission to judge	Not later than 15 days after receipt of contentions	Rule 35 (5)

#### Execution

Nature of act	Time allowed	Section or Rule
	<b><u>1. Section 65A procedure</u></b>	
<a href="#">Section 65A</a> notice	After 10 days from date of order  If judgment debtor absent when order given, notice only issued after 10 days elapsed since date of postage of registered letter advising terms of order	<a href="#">Section 65A (1)</a> , Act <a href="#">32 of 1944</a>  <a href="#">Section 65A (2)</a> , Act <a href="#">32 of 1944</a>
Service of <a href="#">section 65A</a> notice	At least 10 days before hearing date	<a href="#">Section 65A (1) (b)</a> , Act <a href="#">32 of 1944</a>
Re-enrolment of postponed proceedings	Delivered or registered letter posted at least 10 days before hearing	<a href="#">Section 65E (3)</a> , Act <a href="#">32 of 1944</a>
Postponement of hearing to obtain full statement of affairs	Order delivered to each creditor at least 3 days before further hearing	<a href="#">Section 65I (2)</a> , Act <a href="#">32 of 1944</a>
Issue of emoluments attachment order	If debt not paid within 10 days of postage of warning letter	<a href="#">Section 65J (2)</a> , Act <a href="#">32 of 1944</a>
	<b><u>2. Administration orders</u></b>	
Service of application on creditors	At least 3 days before hearing date	<a href="#">Section 74A (5)</a> , Act <a href="#">32 of 1944</a>
Objection by creditor not in receipt of notice	Within 20 days after grant of order has come to creditor's notice	Rule 48 (1)
Objection by creditor to debt included in administration order	Within 15 days after receipt of copy of order	Rule 48 (2)
	<b><u>3. Execution: general</u></b>	
Security by creditor	At least 10 days before date of sale	Rule 38 (2) (a)
Notice of sale to other Sheriffs	By sheriff conducting sale of not less than 10 days prior to date of sale	Rule 39 (2) (b)
	<b><u>4. Movables</u></b>	
Release of property from attachment if sale not pending	After 4 months	Rule 41 (7) (f) (i)
Date of sale	Not less than 15 days after attachment	Rule 41 (9)
Notice of sale: copies	Not later than 10 days before date of sale	Rule 41 (8) (b)
Notice of sale: publication	Not later than 10 days before date of sale	Rule 41 (8) (c)
	<b><u>5. Immovables</u></b>	
Date of sale	Not less than 1 month after service of notice of attachment	Rule 43 (6) (a)

Conditions of sale	Delivery not less than 20 days prior to date of sale	Rule 43 (7) (b)
Modification of conditions	Application on 24 hours' notice not less than 15 days before date of sale	Rule 43 (7) (c)
Notice of sale: publication	Not less than 5 days and not more than 15 days before date of sale	Rule 43 (6) (c)
Notice of sale: copies	Not later than 10 days before date of sale	Rule 43 (6) (e)
Notice to creditors	Not less than 10 days prior to date of sale	Rule 43 (6) (d)
Sale by auctioneer	Notice within 15 days after attachment	Rule 43 (9) (a)
Inspection of plan of distribution	Lie for inspection for 15 days	Rule 43 (14) (b)
Objection to plan	Within 10 days after expiry of inspection period	Rule 43 (14) (d)
Removal of objection	Within 15 days after expiry of objection period	Rule 43 (14) (d)
Review if objection not removed	On 5 days' notice	Rule 43 (14) (e)
Objection deemed withdrawn	Failure to give notice of review within 20 days after expiry of period for removal of objection	Rule 43 (14) (e)

### Appeals in civil cases

Nature of act	Time allowed	Section or Rule
<b><u>1. Appeals from Magistrates' Courts</u></b>		
Request for written judgment	Within 10 days after judgment To be furnished within 15 days	Rule 51 (1)
Notice of appeal	Within 20 days after judgment or 20 days after receipt of written judgment, whichever longer	Rule 51 (3)
Security for respondent's costs	Simultaneously with notice of appeal	Rule 51 (4)
Notice of cross-appeal	Within 10 days after delivery of notice of appeal	Rule 51 (6)
Reasons for judgment	Within 15 days after delivery of notice of appeal	Rule 51 (8)
Application for hearing date	Appellant: within 40 days after noting appeal  Respondent: if appellant does not apply, before expiry of following 20 days	Rule 50 (4) (a) ( <i>High Court</i> )  Rule 50 (4) (b) ( <i>High Court</i> )
Power of attorney	Simultaneously with application for hearing date	Rule 7 (2) ( <i>High Court</i> )
Power of attorney to instruct advocate	Any time before hearing	Rule 7 (3) ( <i>High Court</i> )
Lapse of appeal	Application not made within 60 days of noting appeal	Rule 50 (1) ( <i>High Court</i> )
Lapse of cross-appeal	Application not made within 20 days after lapse of appeal	Rule 50 (3) ( <i>High Court</i> )
Date of hearing	At least 40 days after receipt of application	Rule 50 (5) ( <i>High Court</i> )
Lodge of record of appeal	Simultaneously with lodge of application for hearing date	Rule 50 (7) (a) ( <i>High Court</i> )
Heads of argument	Appellant: not less than 15 days before hearing  Respondent: not less than 10 days before hearing	Rule 50 (9) ( <i>High Court</i> )
<b><u>2. Criminal Appeals</u></b>		
Notice by clerk of the court in terms of <a href="#">section 309B (2) (b)</a> of Act <a href="#">51 of 1977</a>	At least 10 days before date of hearing of application	Rule 67 (2) (a)
Power of attorney	Simultaneously with lodging of application for leave to appeal or immediately on appointment thereafter	Rule 67 (3) (a)
Reasons by judicial officer	Within 15 days of receipt of record	Rule 67 (5) read with Rule 67 (12) (a)

Amendment of grounds of appeal	By notice to clerk of the court within 15 days after judicial officer's statement has been furnished	Rule 67 (7)
Amendment of reasons by judicial officer	Within 10 days after receipt of amended grounds of appeal	Rule 67 (7)
Notice of appeal by Attorney-General in terms of <a href="#">section 310</a> of Act <a href="#">51 of 1977</a>	Within 20 days after dismissal of summons or charge	Rule 67 (9)
Appeal against decision on questions of law	Within 15 days of receipt of judicial officer's stated case	Rule 67 (13)
Transmission of record to registrar of the court of appeal	Within 10 days of receipt of statement in terms of Rule 67 (7), (10) or (13)	Rule 67 (15) (a)
<b>3. Review</b>		
Record of proceedings	Forwarded within 15 days after receipt of notice	Rule 53 (1) (b) ( <i>High Court</i> )
Amendment of application	Within 10 days after record available	Rule 53 (4) ( <i>High Court</i> )
Notice of intention to oppose	Within 15 days after receipt of notice	Rule 53 (5) (a) ( <i>High Court</i> )
Answering affidavit	Within 30 days after expiry of time within which applicant may amend	Rule 53 (5) (b) ( <i>High Court</i> )
Replying affidavit	Within 10 days of service of answering affidavit	Rule 53 (6) read with Rule 6 (5) (e) ( <i>High Court</i> )
Set-down	<i>Mutatis mutandis</i> as in applications	Rule 53 (7) read with Rule 6 (5) (f) ( <i>High Court</i> )
<b>4. Court-based Mediation</b>		
Referral to mediation	Prior to commencement of litigation	Rule 75 (1) (a)
	After commencement of litigation, but before judgment	Rule 75 (1) (b)
<u>(a) Before commencement of litigation</u>		
Conference to determine whether all or some of the parties agree to submit the dispute to mediation	Within 10 days from notice	Rule 77 (3)
Lodgement of statement of claim by party seeking relief	Within 10 days of signature of mediation agreement	Rule 77 (5)
Lodgement of statement of defence by parties against whom relief is being claimed	Within 10 days of receipt of statement of claim	Rule 77 (6)
<u>(b) After commencement of litigation</u>		
Request to refer to mediation	At any time, but before trial	Rule 78 (1) (a)
Conference to determine whether all or some of the parties agree to submit the dispute to mediation	Within 10 days from notice	Rule 78 (1) (b)
Action proceedings - Delivery of statement of defence if plea not delivered	Within 10 days of conclusion of mediation agreement	Rule 78 (4) (b)
Application proceedings - Delivery of statement of defence if answering affidavit not delivered	Within 10 days of conclusion of mediation agreement	Rule 78 (4) (d)
Mediator to submit report informing on outcome of report	Within 5 days after conclusion of mediation	Rule 80 (2)

### Regional Courts

. [Introduction](#) . [Motion Court](#) . [Civil trials](#) . [Withdrawal of Attorneys](#) .  
. [Delay in the prosecution of an action](#) . [Reserved judgments](#) .

### Introduction

Nature of act	Time allowed	Section or Rule
	These Practice Directives are procedures dictated by general experience and are not intended to	

impede the freedom of the presiding officer to determine the procedure in a particular case at a conference convened in terms of [section 54 \(1\)](#) of the Magistrates' Court Act as to facilitate the expeditious handling of disputes in a cost effective manner

### Motion Court

Nature of act	Time allowed	Section or Rule
Unopposed matters	Unopposed motion matters are heard on a day (or days) at such a seat (or seats) as determined by the Regional Court President in each Regional Division	Rule 3.1
Closure of roll	The roll closes at 12h00 at least five (5) court days prior the date determined for the hearing of the application. Longer periods may be determined by the Regional Court President for circuit sessions	Rule 3.2
Opposed roll		
Practice notes and heads of argument		Rule 3.11.1
Filing a practice note	On closing of the roll	Rule 3.11.1
Concise heads of argument	To be attached to the practice note at the time of filing of practice note	Rule 3.12
Filing in event of public holiday	In the event that the day on which the practice note and concise heads are to be filed falls on a public holiday, such documents shall be filed on the preceding court day	Rule 3.13

### Civil trials

Nature of act	Time allowed	Section or Rule
Allocation of Civil Trials	Only matters that are ready for a hearing and indexed and paginated on the date of the request for allocation, will be allocated a trial date	Rule 4.1.1
Trial date	The trial date will be determined by the presiding officer to whom the matter has been allocated to only after the pre-trial procedure is concluded satisfactorily	Rule 4.1.4
Closure of roll	The roll closes at 12h00 at least five (5) court days prior the date determined for the hearing of the matter. Longer periods may be determined by the Regional Court President for circuit sessions	Rule 4.1.8
Pre-trial or trial not proceeding	Parties must, as soon as they become aware of this, but no later than ten (10) court days before the allocated date, inform the registrar in writing that the pre-trial or trial will not proceed and/or that one or more parties will request a postponement	Rule 4.1.9
Pre-trial conference	When a trial date is applied for from the allocated presiding officer, he/she may direct that a pre-trial conference be held. Either party may request a pre-trial conference in terms of <a href="#">section 54</a> of the Magistrates' Court Act, <a href="#">32 of 1944</a> in writing as provided for in Rule 25	Rule 4.4.1
Party and party pre-trial conference: proceed or be settled	The parties must inform the registrar no later than ten (10) court days before the trial date, if already allocated	Rule 4.4.4

### Withdrawal of Attorneys

Nature of act	Time allowed	Section or Rule
Attorney, ceasing to act for a party	Written notice to the registrar and to all other interested parties of this fact or file the notice of withdrawal as attorney at least (14) fourteen days before the date of trial if the matter has been set down for trial	Rule 4.6.1

### Delay in the prosecution of an action

Nature of act	Time allowed	Section or Rule
Delay in the Prosecution of an Action	If a summons in an action is not served within 12 months of the date of its issue or, having been served, the plaintiff has not within that time after service, taken further steps in the prosecution of the action, the action may not be prosecuted unless a court, upon application, grants leave that the action may continue	Rule 4.7.1

### Reserved judgments

Nature of act	Time allowed	Section or Rule
Judgments may not be reserved <i>sine die</i>	Presiding officer shall indicate the date on which judgment will be delivered or handed down which should be within a reasonable time from date of hearing the matter	Rule 8.1

## Constitutional Court

- 
- [. Dies non](#) . [Court terms](#) . [Application proceedings](#) . [Parties](#) .  
[. Joinders of organs of State](#) . [Amici Curiae](#) .  
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[. Application for direct access or appeal](#) . [Appeals](#) .  
[. Lodging of records](#) . [Miscellaneous provisions](#) .
- 

### *Dies non*

Nature of act	Time allowed	Section or Rule
	The rules of the Court generally do not make provision for "non-days" [ <i>dies non</i> ], including the period between Christmas and New Year	Rule 6, Practice Direction 6 - no "NON-DAYS"

### Court terms

Nature of act	Time allowed	Directive										
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<b>Application proceedings</b>		
<b>Nature of act</b>	<b>Time allowed</b>	<b>Section or Rule</b>
Notice of intention to oppose	Not less than 5 days after service of notice of motion	Rule 11 (1)
Answering affidavit	Within 15 days of notice of intention to oppose	Rule 11 (3) (a) (ii)
Replying affidavit	Within 10 days of service of answering affidavit	Rule 11 (3) (b)
Registrar to place application before chief justice where no notice of opposition given or where no answering affidavit lodged	Within 5 days after expiry of relevant period	Rule 11 (3) (c) (i)
Registrar to place application placed before chief justice where answering affidavit is lodged	Within 5 days of the lodging of the replying affidavit	Rule 11 (3) (c) (ii)
Written arguments	To be filed timeously	Rule 13 (1)
Addressing court in official language other than language of written arguments	Written notice at least 7 days prior to trial	Rule 13 (4) (b)

<b>Parties</b>		
<b>Nature of act</b>	<b>Time allowed</b>	<b>Section or Rule</b>
Disputing power of attorney or authorisation to act	Within 21 days after notice	Rule 9 (1)

<b>Joinders of organs of State</b>		
<b>Nature of act</b>	<b>Time allowed</b>	<b>Section or Rule</b>
Take steps to join authority concerned as party to proceedings	Within 5 days of lodging of document with registrar raising contention	Rule 5 (1)

<b>Amici Curiae</b>		
<b>Nature of act</b>	<b>Time allowed</b>	<b>Section or Rule</b>
Application to be admitted as <i>amicus curiae</i>	Within 5 days after the lodging of the Respondent's written submissions or after expiry for lodging such submissions	Rule 10 (5)

<b>Application for constitutionality of an Act</b>		
<b>Nature of act</b>	<b>Time allowed</b>	<b>Section or Rule</b>
Chairperson of the National Council of Provinces to bring an application brought in terms of sections 80 (1) and 122 (1) to the attention of all political parties represented in the relevant house or legislature	Within 5 days of service of such application	Rule 15 (2)
Opposition of order sought	Within 15 days of service of such application of such intention to oppose	Rule 15 (5) (a)

**Confirmation of an order of constitutional invalidity**

Nature of act	Time allowed	Section or Rule
Lodgement of order	Within 15 days of such order	Rule 16 (1)
Appealing against order	Within 15 days of order, lodge notice of appeal with registrar of court	Rule 16 (2)
Application for confirmation of order	Within 15 days of order, lodge application for confirmation with registrar of court	Rule 16 (4)

### Application for direct access or appeal

Nature of act	Time allowed	Section or Rule
Notification of intention to oppose	Within 10 days after lodging application	Rule 18 (3)

### Appeals

Nature of act	Time allowed	Section or Rule
	<p>The procedure in this rule must be followed in an application for leave to appeal to the Court-</p> <ul style="list-style-type: none"> <li>where a decision on a constitutional matter, other than an order of constitutional invalidity under <a href="#">section 172 (2) (a)</a> of the Constitution, has been given by any court including the Supreme Court of Appeal;</li> <li>in any other matter, where leave to appeal is sought on the grounds that the matter raises an arguable point of law of general public importance which ought to be considered by the Court;</li> <li>and irrespective of whether any other Court has refused leave or special leave to appeal.</li> </ul>	<p><b>Rule 8, Practice Direction 6</b> (Replacing rule 19 pending revision of the rules of the court "old" rule 19's chronology is retained)</p>
Application for leave to appeal	<p>Within 15 days of the order Where the Supreme Court of Appeal has refused leave to appeal, the period runs from the date of the order refusing leave</p>	Rule 19 (2)
Response in writing indicating whether leave to appeal is being opposed	Within 10 days from service of application	Rule 19 (4), read with Rule 20 (1) (c) (iii)
Application for leave for cross-appeal	Within 10 days from service of application in terms of Rule 19 (2)	Rule 19 (5) (a)
Written argument in response to respondent's argument	Within 10 days of service of respondent's argument	Rule 20 (4)

### Lodging of records

Nature of act	Time allowed	Section or Rule
<p><u>General</u> The applicant must:</p> <ul style="list-style-type: none"> <li>lodge one copy of a supplemental volume to the record, consisting of all documents filed in this Court which do not form part of the record already lodged;</li> </ul>	<p>Until the formal amendment of rule 1 (3), parties lodging documents with the registrar are permitted to lodge only 12 (not 25) copies, plus an electronic version that is compatible with the court's software</p> <p>Not later than ten days before the hearing</p>	

- . number these documents consecutively beginning with the page immediately after the last page of the record already lodged;
- . and provide an updated index which includes the supplementary volume.

#### Direct Access Applications

An applicant for direct access shall, where the matter has been set down for a hearing:

lodge one bound and paginated bundle consisting of all documents filed in this Court;

collate the bundle according to date on which each document was lodged in this Court; and

provide an index for the bundle.

### Miscellaneous provisions

Nature of act	Time allowed	Section or Rule
Publication of hearing list	Registrar to affix hearing list to notice board at court not less than 15 days before each term	Rule 4 (8)
Models, diagrams and exhibits forming part of evidence to be placed in custody of Registrar	At least 10 days before hearing	Rule 26 (1)
Removal of models, diagrams and exhibits forming part of evidence	Within 40 days after trial	Rule 26 (2)
Application of certain of the Uniform Rules	Rule No. : 6 (7) to 6 (15) 28 35 (13) 38 (3) to 38 (8) 42 59 61 to 65	Rule 29
Application of certain sections of the Supreme Court Act <a href="#">59 of 1959</a>	Section No. : <i>19bis</i> 22 32 33	Rule 30

### Labour Court

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 . [Appeals to the Labour Court](#) . [Reviews in chamber](#) .  
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### Court terms

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Filing of original documents with registrar (Where documents were initially filed by fax)	31 Jul - 24 Sept	25 Sept - 8 Oct	Original filed with Registrar within 5 days of sending of fax	Rule 5 (3)
	9 Oct - 17 Dec	18 Dec - 28 Jan 2018		

### Referrals

Nature of act	Time allowed	Section or Rule
(a) <u>Statement of claim</u> Delivery of notice of intention to oppose  Delivery of Statement of Claim - (Where referral by Director in terms of <a href="#">section 191 (6)</a> of the Labour Relations Act <a href="#">66 of 1995</a> )	Within 10 days of service of statement of claim - Statement of claim must contain such notice	Rule 6 (1) (a) (iv) read with Rule 6 (3) (c)
(b) <u>Response</u> Response to statement of claim	Within 10 days of notification of referral	Rule 6 (2) (a)
(c) <u>Pre-trial conference</u> Pre-trial conference	Within 10 days of receipt of statement of claim	Rule 6 (3) (c)
Minutes of pre-trial conference to be drawn up and delivered by party initiating proceedings	Within 10 days of date of delivery of response to statement of claim	Rule 6 (4) (a)
(d) <u>Enrolment for hearing</u> Judge may enrol matter for hearing	Within 5 days of conclusion of conference	Rule 6 (4) (d)
Registrar to enrol matter and inform parties of time, date and place allocated for hearing	When Judge decides that directions given have been satisfied	Rule 8 (a)
(e) <u>Expert witnesses</u> Expert witnesses: notice and summary of evidence and opinion	Upon receipt of direction in terms of Rule 8 (a)	Rule 8 (b)
	At least 15 days before date of hearing	Rule 6 (10) (a)

### Applications

Nature of act	Time allowed	Section or Rule
Notice of opposition and answering affidavit	Within 10 days of service of application	Rule 7 (4) (b)
Replying affidavit	Within 5 days from delivery of notice of opposition and answering affidavit	Rule 7 (5) (a)
Registrar must allocate hearing date	Where: <ul style="list-style-type: none"> <li>· replying affidavit is delivered; or</li> <li>· lapse of time limit for delivery of replying affidavit.</li> </ul> (Whichever occurs first)	Rule 7 (6) (a)

### Reviews

Nature of act	Time allowed	Section or Rule
Notice of motion must call upon person performing reviewable function to deliver record of proceedings to registrar	Within 10 days after receipt of notice of motion	Rule 7A (2) (b)
Application to compel person to deliver record of proceedings to the registrar Confirmation, addition,	When person fails to timeously comply with direction of fails to apply for condonation	Rule 7A (4)

amendment or variation of notice of motion or notice that applicant stands by notice of motion	Within 10 days after record made available by registrar	Rule 7A (8) (a) and (b)
Answering affidavit in opposition to granting of order as prayed for in notice of motion	Within 10 days after receipt of notice of amendment or notice of confirmation of notice of motion	Rule 7A (9)
Replying affidavit	Within 5 days after receipt of answering affidavit	Rule 7A (10)

### Urgent relief

Nature of act	Time allowed	Section or Rule
Service of application by party bringing application	As soon as date of hearing has been allocated and information obtained from registrar	Rule 8 (5)
Notification of opposition	As soon as possible after becoming aware of the application	Rule 8 (7)
Anticipation of return date of interim interdict	On not less than 48 hours' notice, unless otherwise ordered	Rule 8 (10)

### Appeals to the Labour Court

Nature of act	Time allowed	Section or Rule
Notice of appeal	Within 10 days of notification of decision	Rule 9 (2)
Notice of appeal - Calling upon person whose decision is under appeal to file written record of proceedings and reasons for decision	Within 15 days of delivery of notice of appeal	Rule 9 (5)
Application to compel	If person fails to timeously comply with notice of appeal or fails to apply for condonation	Rule 9 (5A) (b)
Written representations:		
. Appellant	Within 10 days of receipt of written record	Rule 9 (6)
. Respondent	Within 10 days of receipt of appellant's representations	Rule 9 (7)

### Reviews in chamber

Nature of act	Time allowed	Section or Rule
Notice to review	Within 10 days of the decision that is subject to review	Rule 10 (2)
Duty of registrar:		
. draw up stated case of facts;		
. give reasons for decision;		
. provide all interested parties with copies of stated case and reasons.	As soon as possible after receipt of notice to review	Rule 10 (5)
Written representations:		
. Applicant	Within 7 days of receipt of registrar's stated case and reasons	Rule 10 (6)
. Any other party on whom notice to review was served	Within 5 days of delivery of applicant's representations	Rule 10 (7)

### Other

Nature of act	Time allowed	Section or Rule
Notice of withdrawal	As soon as possible	Rule 13 (1) (a)

Notice of settlement	As soon as possible after settlement	Rule 13 (2)
Notice of postponement	As soon as possible after agreement between parties	Rule 13 (3)
Default judgments: application to set aside or rescind	Within 15 days after acquiring knowledge of an order or judgment	Rule 16A (2) (b)
Consent to order by party opposing proceedings	At any time	Rule 17
Heads of argument	Court may call on parties at any time	Rule 18 (1)

### Submissions by *amicus curiae*

Nature of act	Time allowed	Section or Rule
Application to be admitted as <i>amicus curiae</i>	Not later than 15 days before date of hearing	Rule 19 (3)
Written argument: new matters raised by <i>amicus curiae</i>	Within 7 days of service of argument by <i>amicus curiae</i>	Rule 19 (6)

### Partnership, firms and unincorporated associations

Nature of act	Time allowed	Section or Rule
Request for names of partners, owners, members or office-bearers	Within 10 days of service of notice	Rule 20 (3) (a)

### Offer of settlement

Nature of act	Time allowed	Section or Rule
Offer in writing if sum of money or performance of act claimed	At any time	Rule 22A (1)
Acceptance of offer of settlement	Within 10 days after receipt of offer of settlement	Rule 22A (3)
Failure to pay or perform	Within 5 days' after delivery of acceptance	Rule 22A (4)
Application for judgment	On 5 days' written notice	Rule 22A (4)
Order for costs on dissatisfaction	On 5 days' written notice	Rule 22A (5)

### Pagination

Nature of act	Time allowed	Section or Rule
Compilation and delivery of index by party initiating proceedings	Before matter is heard To be delivered not less than 5 days before hearing	Rule 22B (2) Section 10.5.1 of 2013 Practice Manual (p.14)
Practice Note	To be filed and delivered before 12h00 not less than 5 days before hearing	Section 10.7.2 of 2013 Practice Manual (p.14)

### Application for leave to appeal to Labour Appeal Court

Nature of act	Time allowed	Section or Rule
Application for leave to appeal	. At time of judgment	Rule 30 (1)
	. 10 days after date on which reasons are given	Rule 30 (3)
Application for leave to appeal and grounds of appeal if application for leave to appeal not made at time of judgment	Within 15 days of date of judgment or order	Rule 30 (2)

## Labour Appeal Court

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Petition for leave to appeal	Within 10 days after date of refusal of leave to appeal	Rule 4 (5)										
Answering affidavit to petition for leave to appeal	Within 10 days of delivery of petition	Rule 4 (6)										
Notice of appeal to be delivered by appellant	Within 15 days of leave to appeal granted, or longer period allowed by court	Rule 5 (1)										
Notice of cross-appeal to be delivered by respondent	Within 10 days after receipt of notice of appeal, or longer period on good cause allowed	Rule 5 (5)										
Delivery of record	Within 60 days of date of order granting leave to appeal. See exception below.  <i>Exception:</i> <ul style="list-style-type: none"> <li>. Where appeal is noted after successful petition for leave to appeal, record must be delivered within period fixed by court under Rule 4 (9)</li> </ul>	Rule 5 (8)										
Appeal deemed to be withdrawn	If appellant fails to lodge record within prescribed period (60 days of date of order granting leave to appeal)	Rule 5 (17)										
Opposition to application for extension of time to deliver record: answering affidavit of any party opposing such application	Within 10 days of service of application	Rule 5 (17)										

### Notice of withdrawal

Nature of act	Time allowed	Section or Rule
Notice of intention to prosecute cross-appeal (Where appellant withdraws appeal or appeal deemed to be withdrawn)	Within 10 days of withdrawal or deemed withdrawal	Rule 5 (18)
Delivery of record in cross-appeal	Period prescribed in Rule 5 (8) calculated from date on which appeal is withdrawn or deemed to be withdrawn	Rule 5 (19)

### Urgent hearing of appeal

Nature of act	Time allowed	Section or Rule
Application for appeal to be heard urgently	On notice to all other parties	Rule 5 (22)

### Appeal from industrial court

Nature of act	Time allowed	Section or Rule
Notice of appeal	Within 15 days of judgment or order. See exceptions below. <i>Exceptions:</i> <ul style="list-style-type: none"> <li>. Where full reasons for court order is given at later stage appeal must be noted within 10 days after date reasons are given</li> <li>. Within any period as extended by court on good cause shown</li> </ul>	Rule 5A (1)  Rule 5A (1)
Notice of cross-appeal	Within 10 days of delivery of notice of appeal. See exception below. <i>Exception:</i> <ul style="list-style-type: none"> <li>. Within longer period permitted by court on good cause shown</li> </ul>	Rule 5A (3) (a)  Rule 5A (3) (a)

### Power of attorney

Nature of act	Time allowed	Section or Rule
Delivery of power of attorney authorising representative to prosecute appeal or cross-appeal	Within 10 days of delivery of notice of appeal or cross-appeal	Rule 6 (1)

### *Amicus curiae*

Nature of act	Time allowed	Section or Rule
Application to be admitted as <i>amicus curiae</i>	Not later than 15 days before date of hearing	Rule 7 (3)
Written argument by <i>amicus curiae</i>	Date fixed by Judge President	Rule 7 (5)
Written argument by other parties on new matters raised by <i>amicus curiae</i>	Within 5 days from delivery of argument by <i>amicus curiae</i>	Rule 7 (6)

### Heads of argument

Nature of act	Time allowed	Section or Rule
Appellant	Within 15 days before hearing. See exception below. <i>Exception:</i> <ul style="list-style-type: none"> <li>. Not later than earlier date determined by the Judge President</li> </ul>	Rule 9 (1)  Rule 9 (1)
Respondent	Not later than 10 days before hearing. See exception below. <i>Exception:</i> <ul style="list-style-type: none"> <li>. Not later than earlier date determined by the Judge President</li> </ul>	Rule 9 (2)  Rule 9 (2)

## Land Claims Court

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### Court terms

Nature of act	Time allowed	Directive

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### Organisation

Nature of act	Time allowed	Section or Rule
(a) <u>Destruction of documents</u> Removal of all diagrams, plans, photographs or models filed as exhibits by parties	Within 40 days after finalisation of case	Rule 6 (1)
Destruction of exhibits if not removed by parties	30 days after notice by registrar calling on parties to remove exhibits	Rule 6 (1)
Destruction of exhibits where case has not been adjudicated by court and has not been withdrawn	Within 3 years from filing of last document, but not less than 30 days after notice by registrar to all parties	Rule 6 (2)

### Parties

Nature of act	Time allowed	Section or Rule
(a) <u>Power of attorney</u>  Party disputing authority of person to act on behalf of other party	Deliver notice calling on that person to prove authority: <ul style="list-style-type: none"> <li>. within 10 days after it has come to attention person is acting so</li> <li>. at any other time with leave of court on good cause shown</li> </ul>	Rule 7 (2)
Delivery of power of attorney proving authority	Within 20 days of receipt of notice by disputing party	Rule 7 (3)
(b) <u>Termination of authority</u> Termination of legal representative's authority to act	At any time	Rule 8 (1)
Notice giving a new service address by party whose attorney ceased to act	Not later than 10 days after receipt of notice of withdrawal	Rule 8 (3)
(c) <u>Cases by and against partnerships, trusts, organisations, associations and communities</u> Process by which a case is initiated to be brought to the attention of: <ul style="list-style-type: none"> <li>. all partners, if entity is a partnership;</li> <li>. all trustees, if the entity is a trust;</li> <li>. all office bearers, in any other case.</li> </ul>	Within 10 days of such service by person on whom such process was served	Rule 10 (3) (b)
Response to notice requesting: <ul style="list-style-type: none"> <li>. constitution of entity or other document in terms of which it was established;</li> <li>. registration certificate;</li> <li>. list of names and addresses of members or office bearers.</li> </ul>	Within 10 days of receipt of notice	Rule 10 (5) read with Rule 10 (4)
(d) <u>Joinder of alleged office bearers or members of entities</u> Notice of appearance if disputing allegation of being member or office bearer of	Within 10 days of receipt of notice	Rule 11 (2) (b) (i)

entity		
Answering affidavit in response to allegations of being member or office bearer	Within 15 days of delivery of notice of appearance	Rule 11 (2) (b) (ii)
Replying affidavit	Within 10 days of receipt of answering affidavit	Rule 11 (3)
(e) <u>Intervention of persons</u> Application to intervene by any person affected by relief claimed in case	Within a reasonable time after becoming aware of case	Rule 13 (1)
(f) <u>Admission of amicus curiae</u>		
In application proceedings	Agreement delivered or application made within 10 days after applicant's replying affidavit	Rule 14 (1A) (a) read with Rule 14 (1)
In action proceedings	Agreement delivered or application made within 10 days after plaintiff's reply	Rule 14 (1A) (b) read with Rule 14 (1)
Referral	Agreement delivered or application made within 10 days after response filed or time to file response has expired	Rule 14 (1A) (c)
Answering affidavit	Within 5 days of receipt of formal application	Rule 14 (3)
Replying affidavit	Within 5 days of receipt of answering affidavit	Rule 14 (4)
(g) <u>Substitution of party</u> Court may on application: . set aside, vary or confirm substitution; . make order as to postponement or as to costs or otherwise as it considers just.	Within 10 days of receipt of notice of substitution	Rule 15 (3) (a)
(h) <u>Security for costs</u> Demand by party entitled in law to demand security	As soon as practicable after commencement of the case	Rule 16 (1)
Application for security by party demanding such security	Within 10 days of demand for security of registrar's decision (Where party from whom security is demand fails or refuses to furnish security)	Rule 16 (4)

### Documents

Nature of act	Time allowed	Section or Rule
(a) <u>Amendment of documents</u> Objection to notice of intention to amend	Within 10 days of receipt of notice of intention to amend	Rule 22 (2)
Application to court for permission to amend	Within 10 days of receipt of objection	Rule 22 (3)
Delivery of amended document	Within 10 days after expiry of prescribed period or permission granted by court	Rule 22 (4)
Consequential amendments by any party of its plea, reply of further particulars	Within 15 days of receipt of amended document	Rule 22 (5)
(b) <u>Service of process</u> Service of any process	In accordance with Rule 4 (1) Uniform Rules of Court	Rule 24 (1)
(c) <u>Notice of appearance</u> Delivery of notice of appearance of any party that wants to participate	Within 10 days of service of process by which case is initiated	Rule 25 (1)
Filing of answering affidavits, responses or pleas as the case may be	Within 15 days after receipt of notice requesting delivery of affidavit, response or plea as the case may be	Rule 25 (3)
(d) <u>Withdrawal of case</u> Delivery of notice of withdrawal	. Any time before a date for the hearing has been determined	Rule 27 (1) (a)

- Thereafter, only with consent of all participating parties or by leave of court

### Procedure

Nature of act	Time allowed	Section or Rule
(a) <u>Allocation to a judge</u> Request for case to be allocated to a Judge	On written request at any stage of the proceedings of the case	Rule 29 (1)
(b) <u>Conferences</u> Presiding Judge on own accord or at request of party to convene conference to promote the expeditious, economic and effective disposal of case	At any time before or during hearing of case	Rule 30 (1)
(c) <u>Offer to settle</u> Written notice of offer to settle	At any time before or during proceedings	Rule 31 (1)
Acceptance of offer to settle	<ul style="list-style-type: none"> <li>Within 10 days of receipt of notice, if offer made not less than 15 days prior to the hearing of the proceedings</li> <li>Within 72 hours of receipt of the notice, if offer made later than 15 days but not less than 5 days prior to the hearing of the proceedings</li> <li>Within 24 hours of receipt of the notice, if offer made later than 5 days prior to the hearing of the proceedings but before termination of the hearing</li> <li>After expiry of periods concerned, only with consent of party that made offer or of Court</li> </ul>	Rule 31 (3) (a)  Rule 31 (3) (b)  Rule 31 (3) (c)
Application for reconsideration of any order for costs made in ignorance of an offer	Within 10 days	Rule 31 (7)
(d) <u>Non-compliance with rules</u> Response to notice of bar	Within 5 days of receipt of notice of bar	Rule 32 (1)
Delivery of notice of irregular step	Within a reasonable time of becoming aware of irregular step	Rule 32 (5)
Complying with notice of irregular step	<ul style="list-style-type: none"> <li>Within 5 days rectify or withdraw irregular step</li> <li>Within 5 days comply with applicable provision of rules or order or direction of court</li> </ul>	Rule 32 (5) (a)  Rule 32 (5) (b)

### Application proceedings

Nature of act	Time allowed	Section or Rule
(a) <u>Applications in general</u> Notice of appearance to oppose the grant of an order sought in the notice of motion	Within 10 days of service of process by which case is initiated	Rule 33 (4) (a) read with Rule 25 (1)
Answering affidavit	Within 15 days of receipt of notice listing participating parties together with any relevant documentation	Rule 33 (4) (b)
If opposing party intends only raising a question of law	Within 15 days of receipt of notice deliver notice setting out question of law	Rule 33 (4) (c)
Replying affidavit	Within 10 days of receipt of answering affidavit	Rule 33 (5)
Counter applications	Time periods relating to applications will apply <i>mutatis mutandis</i> to counter applications	Rule 33 (7)
(b) <u>Urgent applications</u>		

Court may dispense with time limits for urgent applications		Rule 34 (1) (a)
Order granted <i>ex parte</i>	Return day upon delivery not less than 24 hours' notice	Rule 34 (6)
(c) <u>Heads of argument in opposed applications</u>		
By applicant	No later than 10 days before hearing	Rule 59 and Practice Direction 4 dated 22 September 1998
By respondent	No later than 5 days before hearing	
(d) <u>Applications for review</u>		
Delivery by person or entity whose decision or action is to be reviewed of:		
<ul style="list-style-type: none"> <li>. record of all proceedings and all documents to the decision or action sought to be reviewed;</li> <li>. reasons for decision or action.</li> </ul>	Within 15 days of receipt of notice of motion	Rule 35 (1)
Applicant to ensure that copies are made, certified and delivered	Within 20 days after record being made available by registrar	Rule 35 (4) (a), (b) and (c)
Notice of appearance to oppose application for review	Within 10 days of service of process by which case is initiated	Rule 35 (6) (a) read with Rule 25 (1)
Answering affidavit	Within 15 days of receipt of: <ul style="list-style-type: none"> <li>. a notice listing the participating parties under Rule 25 (3); and</li> <li>. copies of the relevant portions of the record under Rule 35 (4).</li> </ul>	Rule 35 (6)
		Rule 35 (6) (b) (i)
		Rule 35 (6) (b) (ii)
Raising question of law	Within period stipulated in Rule 35 (6) (b)	Rule 35 (6) (c)
(e) <u>Automatic review in terms of Extension of Security of Tenure Act 62 of 1997</u>		
Time allowed by Magistrate for review process in determining the date for the vacation of the land and the date on which the eviction order may be carried out	Not less than 15 days unless the urgency of the matter justifies a shorter period	Rule 35A (1) (a)
Transmit record of proceedings and reasons for order	Immediately	Rule 35A (1) (b)
(f) <u>Applications for Interlocutory orders</u>		
Delivery of application for interlocutory order	Not later than 15 days before the date of hearing, if such a date has been determined	Rule 37 (3) (c)
Answering affidavit	Within 5 days after receipt of formal application	Rule 37 (4)
Replying affidavit	Within 5 days after receipt of answering affidavit	Rule 37 (5)
Separate notice of set-down (Where notice of application for interlocutory order does not contain time, date and venue for hearing)	Only if answering and replying affidavits have been delivered and it does not contain time date and venue for hearing, not later than 5 days prior to date of hearing	Rule 37 (6)
(g) <u>Referrals under the Restitution of Land Rights Act 22 of 1994</u>		
Claim deemed to be withdrawn	Within 10 days unless notice of appearance has been filed	Rule 38 (6) (a) read with Rule 25 (1)
Notice to participating parties to file answering affidavits, responses or pleas	After the initiating process has been served on all parties and after all of them have filed a notice of appearance or the time therefor has expired	Rule 38 (6) (c) read with Rule 25 (3)
Notice of appearance by any party on whom a notice of referral was served	Within 10 days of service of process by which case is initiated	Rule 38 (7) (a) read with Rule 25 (1)
Response to any report or document filed by the Commission	Within 15 days of receipt of notice of participating parties	Rule 38 (7) (b) read with Rule 25 (3)
Application for rescission or		

variation of an order i.t.o. <a href="#">section 35 (11)</a> or <a href="#">(12)</a> or i.t.o. sub-rule (1) (h) <u>Referrals by arbitrators under the Land Reform (Labour Tenants) Act 3 of 1996</u> Each party to arbitration proceedings must deliver the following:	Within 10 days from becoming aware of the order	Rule 64 (2)
<ul style="list-style-type: none"> <li>notice of acceptance of determination as it stands;</li> <li>notice of acceptance of determination but request for technical variations;</li> <li>notice of motion if party intends to bring determination under review;</li> <li>notice of appeal if party intends appealing against determination.</li> </ul>	Within 15 days after receipt of the arbitrator's determination and notice of rights under Labour Tenancy Arbitration Rules	Rule 42 (2) (a)
		Rule 42 (2) (b)
		Rule 42 (2) (c) read with Rule 35 (1)
		Rule 42 (2) (d) read with Rule 70 (1)

### Action proceedings

Nature of act	Time allowed	Section or Rule
(a) <u>General</u> Notice of appearance to oppose relief claimed in action	Within 10 days of service of process by which case is initiated	Rule 44 (3) (a) read with Rule 25 (1)
Plea	Within 15 days after receipt of notice listing participating parties	Rule 44 (3) (b) read with Rule 25 (3)
Reply	Within 10 days of receipt of plea	Rule 44 (5)
Counter-claim	Rules relating to plea and reply apply <i>mutatis mutandis</i> to counter-claims	Rule 44 (6)
Further particulars	<ul style="list-style-type: none"> <li>With leave of court, at any time</li> <li>Without leave of the court, only once and after a reply has been delivered or time therefor has expired</li> </ul>	Rule 45 (1)
Response to request for further particulars	Within 15 days from receipt of such request	Rule 45 (3)
(b) <u>Discovery of documents</u> Reply under oath to request for discovery	Within 15 days of receipt of notice for discovery	Rule 46 (1)
Statement under oath regarding whereabouts of documents or tape recordings (inspection)	Within 10 days of receipt of notice	Rule 46 (5)
(c) <u>Use of documents, plans, diagrams, photographs or models</u> Notice of intention to use together with copy of such document	At least 5 days before date of hearing	Rule 47 (1) (a)
Notice of intention to use plan, diagram, photograph or model as exhibit	At least 15 days before hearing	Rule 47 (2)
Request to every party to admit the exhibit	Within 10 days of receipt of notice	Rule 47 (2) (b)
(d) <u>Expert evidence</u> Summary of opinions and reasons	Not later than 15 days before hearing	Rule 49 (1) (a)
Intention to use interpreter	Arrange with registrar at least 5 days in advance	Rule 51 (2)
(e) <u>Direct Access to the Court in respect of the Restitution of Land Rights Act 22 of 1994</u> Case initiated on notice of motion	In accordance with applications/actions in general	Rule 53A read with Rules 33 and 44
Report by Director-General or regional land claims	Not later than 30 days after delivery of: <ul style="list-style-type: none"> <li>replying affidavit or reply;</li> </ul>	

commissioner in terms of section 38C of Restitution of Land Rights Act [22 of 1994](#)

the last day for filing such replying affidavit or reply, whichever is earlier.

Rule 53A (5)

### Hearings

Nature of act	Time allowed	Section or Rule
(a) <u>Date of hearing</u> Notice of set-down	Within 10 days of being informed of hearing date	Rule 55 (4)
(b) <u>Collation and index of documents</u> Collation, index and delivery of documents	Not later than 5 days before hearing	Rule 56
(c) <u>Hearing where party in default</u> Failure to deliver notice of appearance: hearing may be set down without notice to defaulting party Party barred from delivering an answering affidavit, response or plea; or is no longer entitled to the rights given to a participating party in terms of Rule 26 (2) Application to rescind or vary any judgment or order granted in party's absence	Within 10 days  Matter may be set down for hearing on at least 5 days' written notice to that party  Within 20 days after party became aware of the judgment or order	Rule 58 (3) read with Rules 25 (1) and 55  Rule 58 (4) read with Rule 26 (2)  Rule 58 (6)

### Execution

Nature of act	Time allowed	Section or Rule
(a) <u>Superannuation</u> No writ of execution without debtor's consent or revived by the court	After 3 years	Rule 68 (1)

### Appeals

Nature of act	Time allowed	Section or Rule
(a) <u>Appeals to the Supreme Court of Appeal and Constitutional Court</u> Oral application for leave to appeal Notice of application for leave to appeal Request for reasons for refusing or granting leave to appeal, if not given	At time when order is made Within 15 days after order was made or full reasons given, if given on a later date Within 10 days of order	Rule 69 (1) (a) Rule 69 (1) (b) Rule 69 (4)
(b) <u>Appeals against determinations by arbitrators</u> Notice of appeal Notice of Cross-appeal Opposition to appeal or cross-appeal - Notice of appearance Arbitrator's statement Request for allocation of judge Lapse of appeal: cross-appellant to request allocation	Within 15 days of receipt of determination Within 10 days of receipt of notice of appeal Within 10 days of receipt of notice of appeal or cross-appeal Within 15 days of receipt of notice of appeal or cross-appeal Within 30 days of noting of appeal Within 15 days after lapse of appeal	Rule 70 (1) (a) Rule 70 (2) Rule 70 (3) Rule 70 (5) Rule 70 (7) Rule 70 (8)

of judge		
Notice of set-down	Within 10 days of being informed of the hearing date	Rule 70 (10)
Ensure complete record and deliver sufficient copies	No later than 20 days before the hearing of the appeal or cross-appeal	Rule 70 (12)

## Commission for Conciliation, Mediation and Arbitration (CCMA)

- [. Allocation of dates](#) . [. Serving and filing documents](#) .  
[. Conciliation of disputes](#) .  
[. Conduct of Con-Arb in terms of section 191 \(5A\)](#) .  
[. Arbitrations](#) . [. Application proceedings](#) .  
[. Pre-dismissal arbitration in terms of section 188A](#) . [. General](#) .

### Allocation of dates

Nature of act	Time allowed	Section or Rule
	The allocation of dates for conferences and hearings is dealt with in rule 30 (2) and rule 55 of the Land Claims Court Rules	

### Serving and filing documents

Nature of act	Time allowed	Section or Rule
Filing of original document (Only where original was filed by fax and party is requested to do so by commission or commissioner)	Within 7 days of request	Rule 7 (3)
Documents and notices sent by registered post	Presumed to have been received 7 days after posted	Rule 8

### Conciliation of disputes

Nature of act	Time allowed	Section or Rule
Notice of conciliation hearing by Commission	At least 14 days' notice in writing, unless parties agree on shorter notice. If notice sent by registered mail, additional 7 days must be allowed	Rule 11

### Conduct of Con-Arb in terms of [section 191 \(5A\)](#)

Nature of act	Time allowed	Section or Rule
Matter scheduled for Con-Arb	At least 14 days' notice in writing. If notice sent by registered mail, additional 7 days must be allowed	Rule 17 (1)
Objection to dispute being dealt with in terms of <a href="#">section 191 (5A)</a>	At least 7 days prior to scheduled date	Rule 17 (2)

### Arbitrations

Nature of act	Time allowed	Section or Rule
Pre-arbitration conference minutes to be delivered by referring party to Commissioner	Within 7 days of conclusion of conference	Rule 20 (5)

Notice of arbitration	At least 21 days' notice in writing unless parties agree on shorter period	Rule 21
Written agreement for postponement without parties appearing	More than 7 days prior to scheduled date	Rule 23 (2) (b)

### Application proceedings

Nature of act	Time allowed	Section or Rule
Notice of opposition and answering affidavit to be delivered	Within 5 days after service of application	Rule 31 (5) (a)
Replying affidavit to be delivered	Within 3 days of receipt of notice of opposition and answering affidavit	Rule 31 (6) (a)
Application for variation or rescission of arbitration award	Within 14 days of date on which applicant became aware of award or mistake common to parties to the proceedings	Rule 32
Application in terms of <a href="#">section 191 (6)</a> for matter to be referred to Labour Court	Within 90 days of a certificate being issued that dispute not resolved	Rule 33 (1) (a)
	Within 14 days of referral for arbitration being filed by party that has not requested arbitration	Rule 33 (1) (b)
Grounds for objecting to matter being referred to Labour Court	Within 7 days of receipt of application	Rule 33 (4)
Commission to notify parties of its decision	Within 14 days of receipt of objection	Rule 33 (5)

### Pre-dismissal arbitration in terms of [section 188A](#)

Nature of act	Time allowed	Section or Rule
Commission to notify parties of time and place where pre-dismissal to be held	Within 7 days of receipt of request	Rule 34 (4)
Notice of commencement of pre-dismissal arbitration	At least 7 days, unless parties agree otherwise	Rule 34 (5)

### General

Nature of act	Time allowed	Section or Rule
Application for subpoena to be filed	At least 14 days before arbitration hearing, or as directed by Commissioner hearing arbitration	Rule 37 (3)
Served	At least 7 days before scheduled date of arbitration	Rule 37 (5)
Expert witnesses	Notice and summary of evidence of expert witness to be given to Commission and other party 7 days prior to hearing	Rule 37A

## Tax Court

[. Court terms](#) . [General provisions](#) .  
[. Reasons for assessment, objection, appeal and test cases](#) .  
[. Alternative Dispute Resolution \(ADR\)](#) . [Procedures of tax board](#) .  
[. Procedures of tax court](#) . [Applications on notice](#) .

Nature of act	Time allowed	Directive										
	<table border="1"> <thead> <tr> <th>TERMS</th> <th>RECESS</th> </tr> </thead> <tbody> <tr> <td>30 Jan - 2 Apr</td> <td>3 Apr - 16 Apr</td> </tr> <tr> <td>17 Apr - 2 Jul</td> <td>3 Jul - 30 Jul</td> </tr> <tr> <td>31 Jul - 24 Sept</td> <td>25 Sept - 8 Oct</td> </tr> <tr> <td>9 Oct - 17 Dec</td> <td>18 Dec - 28 Jan 2018</td> </tr> </tbody> </table>	TERMS	RECESS	30 Jan - 2 Apr	3 Apr - 16 Apr	17 Apr - 2 Jul	3 Jul - 30 Jul	31 Jul - 24 Sept	25 Sept - 8 Oct	9 Oct - 17 Dec	18 Dec - 28 Jan 2018	Government Gazette, 28 February 2014, No. 37390
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### General provisions

Nature of act	Time allowed	Section or Rule
Request for extension of a time period provided for in Act or Rules to be delivered to other side	Before expiry of time period prescribed	Rule 4 (2)
Commencement of time period within which next step must be taken if time period is extended by agreement or final order	On the day the extended period ends	Rule 4 (4)
All documents to be delivered under these rules, must be:	Before delivery of the documents	Rule 5 (1)
<ul style="list-style-type: none"> <li>. divided into paragraphs numbered consecutively;</li> <li>. paginated;</li> <li>. arranged in chronological order.</li> </ul>		Rule 5 (1) (a)
		Rule 5 (1) (b)
		Rule 5 (1) (c)

### Reasons for assessment, objection, appeal and test cases

Nature of act	Time allowed	Section or Rule
Request for reasons for assessment to formulate objection	Within 30 days from date of assessment	Rule 6 (2) (c)
Possible extension of period within which reasons for assessment may be requested if SARS official satisfied that reasonable grounds exist for delay	For period not exceeding 45 days	Rule 6 (3)
Notice in the event that SARS official satisfied that reasons to enable taxpayer to formulate objection has been provided	Within 30 days after delivery of request	Rule 6 (4)
Reasons in the event that SARS official satisfied that reasons to enable taxpayer to formulate objection has not been provided	Within 45 days after delivery of request for reasons	Rule 6 (5)
Notice for possible extension of period within which SARS may deliver reasons	Not more than 45 days	Rule 6 (7)
Notice of objection if taxpayer objects to an assessment	Within 30 days after: <ul style="list-style-type: none"> <li>. delivery of notice under Rule 6 (4) or reasons requested under Rule 6; or</li> <li>. where no reasons requested, date of assessment.</li> </ul>	Rule 7 (1) (a) and (b)
Delivery of complete objection	Within 30 day period	Rule 7 (2) (e)
SARS to notify taxpayer of invalidity of objection if objection does not comply with Rule 7 (2)	Within 30 days of delivery of objection	Rule 7 (4)
Delivery of new objection if		

taxpayer received notice of invalidity, without applying for extension under section 104 (4)	Within 20 days of delivery of notice of invalidity	Rule 7 (5)
Notice to taxpayer to deliver additional substantiating documents if requested by SARS	Within 30 days after delivery of objection	Rule 8 (1)
Taxpayer to deliver additional substantiating documents as requested by SARS	Within 30 days after delivery of notice	Rule 8 (2)
Possible extension of time period for taxpayer to deliver additional substantiating documents, where reasonable grounds exist	For period not exceeding 20 days	Rule 8 (3)
SARS to inform taxpayer of allowance or disallowance of objection and basis thereof:		Rule 9 (1)
<ul style="list-style-type: none"> <li>. after delivery of objection</li> <li>. where SARS requested supporting documentation under Rule 8, after: <ul style="list-style-type: none"> <li>(a) delivery of requested documentation; or</li> <li>(b) expiry of period within which documents were to be delivered.</li> </ul> </li> </ul>	60 days thereafter	Rule 9 (1) (a)
	45 days thereafter	Rule 9 (1) (b) (i) and (ii)
Possible extension of 60 day period, if more time required to make decision on objection	For a period not exceeding 45 days	Rule 9 (2)
Notification of taxpayer than official will decide on objection within 45 day period	Before expiry of 60 day period	Rule 9 (3)
Delivery of notice of appeal by taxpayer who wishes to appeal against assessment	30 days after delivery of notice of disallowance of objection under Rule 9	Rule 10 (1) (a)
Notice to taxpayer to produce substantiating documents if taxpayer relies on a ground not raised in objection under Rule 7	Within 15 days	Rule 10 (4)
Delivery of substantiating documents if taxpayer relies on a ground not raised in objection under Rule 7	Within 15 days after delivery of notice by SARS, unless SARS extends period for further period not exceeding 20 days	Rule 10 (5)
Appellant to request clerk to set matter down if appeal is to be dealt with by tax board and no alternative resolution procedures are pursued	Within 35 days of delivery of notice of appeal	Rule 11 (2)
Taxpayer or appellant may deliver the following notices, if a test case notice is received:	Within 30 days of delivery of notice	Rule 12 (3)
<ul style="list-style-type: none"> <li>. opposing the decision that an objection or appeal is designated as a test case;</li> <li>. opposing the decision than an objection or appeal is stayed pending final determination of test case on similar objection or appeal;</li> <li>. requesting right to participate in test case if objection or appeal is stayed.</li> </ul>		Rule 12 (3) (a)
		Rule 12 (3) (b)
		Rule 12 (3) (c)
A senior SARS official may after receipt of notice under Rule 12 (3):	Within 30 days after receipt of notice	Rule 12 (5)
<ul style="list-style-type: none"> <li>. withdraw decision to select objection or appeal as test case or stay objection or appeal pending outcome of test case;</li> </ul>		Rule 12 (5) (a)

<ul style="list-style-type: none"> <li>agree that taxpayer or appellant may participate;</li> <li>apply to tax court on notice for an order under Rule 52.</li> </ul>		Rule 12 (5) (b)
Termination of stay of objection or appeal	On the date of the: <ul style="list-style-type: none"> <li>expiry of the 30 day period prescribed under Rule 12 (5);</li> <li>delivery of the notice that the decision has been withdrawn;</li> <li>agreement between the taxpayer/appellant and the official that the stay of the objection or appeal is terminated;</li> <li>dismissal of the application by the official under Rule 12 (5) (c).</li> </ul>	Rule 12 (5) (c)
		Rule 12 (6) (a)
		Rule 12 (6) (b)
		Rule 12 (6) (c)
		Rule 12 (6) (d)
Stay of objection or appeal instituted, but not determined by the tax board, tax court or any other court of law	From delivery of notice under Rule 12 (1) until stay terminated under Rule 12 (6)	Rule 12 (8)

### Alternative Dispute Resolution (ADR)

Nature of act	Time allowed	Section or Rule
SARS to inform appellant whether matter is appropriate for ADR, where appellant has indicated willingness to participate in ADR	Within 30 days of receipt of notice of appeal	Rule 13 (1)
SARS to inform appellant whether matter is appropriate for ADR, where appellant has not indicated willingness to participate in ADR	Within 30 days of receipt of notice of appeal	Rule 13 (2) (a)
Appellant to deliver notice stating whether ADR is agreed to or not	Within 30 days of delivery of notice from SARS	Rule 13 (2) (b)
Commencement of ADR	On date of delivery of notice in terms of Rule 13 (1)	Rule 15 (1)
Termination of ADR	On the date the dispute is resolved under Rule 23 or 24 or terminated under Rule 25	Rule 15 (1)
Period within which parties must finalise ADR proceedings	Within 90 days of commencement of ADR referred to in Rule 15 (1)	Rule 15 (3)
Senior SARS official to appoint facilitator from list of facilitators, where parties agree to use facilitator	Within: <ul style="list-style-type: none"> <li>15 days after the commencement date of the proceedings under Rule 15;</li> <li>5 days after the removal of a facilitator under Rule 16 (4) or the withdrawal of a facilitator under Rule 18 (2).</li> </ul>	Rule 16 (3) (a)
		Rule 16 (3) (b)
Withdrawal of facilitator due to conflict of interest	As soon as facilitator becomes aware of conflict of interest	Rule 18 (2)
Facilitator to notify parties in writing of place, date and time where parties must convene for ADR meeting	Within 20 days of facilitator's appointment	Rule 19 (1) (a)
Parties to determine date, place and time of ADR meeting if facilitator not appointed	Within 30 days	Rule 19 (2) (b)
Facilitator report to be delivered to taxpayer and SARS	Within 10 days of cessation of proceedings	Rule 20 (7)
SARS, the appellant and the facilitator may agree that facilitator may make written recommendations at the conclusion of the proceedings, if no agreement of settlement is reached	At the commencement of the ADR proceedings	Rule 21 (1)

Delivery of recommendation by facilitator	Within 30 days after termination of proceedings under Rule 25, unless parties agree to extension of period	Rule 21 (2)
Assessment by SARS to give effect to agreement, where dispute resolved by agreement	Within 45 days of last signing of agreement	Rule 23 (3)
Delivery of notice of appeal if appellant wishes to pursue appeal on unresolved issues where dispute resolved by agreement	Within 15 days from date of agreement	Rule 23 (4)
Assessment by SARS to give effect to settlement, where dispute resolved by settlement	Within 45 days of last signing of settlement	Rule 24 (3)
Delivery of notice of appeal if appellant wishes to pursue appeal on unresolved issues where dispute resolved by settlement	Within 15 days from date of settlement	Rule 24 (4)
Termination of ADR proceedings	Day after expiry of 90 period under Rule 15, unless parties agreed to extension of period	Rule 25 (1)
Termination of ADR proceedings, before expiry of 90 day period under Rule 15, if no agreement under Rule 23 or settlement under Rule 24 in concluded	On the date that: <ul style="list-style-type: none"> <li>. facilitator terminates proceedings under Rule 19;</li> <li>. the parties so agree;</li> <li>. a party delivers a notice of termination to the other party.</li> </ul>	Rule 25 (2) (a), (b) and (c)

#### Procedures of tax board

Nature of act	Time allowed	Section or Rule
<u>Appeal procedure</u>		
Set down of appeal before tax board, after receipt of: <ul style="list-style-type: none"> <li>. notice by appellant under Rule 11 (2) (a), 23 (4), 24 (4) or 25 (3); or</li> <li>. decision by chairperson to condone non-appearance before tax board under Rule 30; or</li> <li>. order by tax court to condone non-appearance before tax board under Rule 53.</li> </ul>	Within 30 days of receipt	Rule 26 (1)
Written notice by clerk to parties of date, time and place for hearing of appeal	At least 20 days before hearing	Rule 26 (1) (a)
Clerk to prepare and deliver dossier to chairperson and parties	At least 10 days before hearing of appeal	Rule 26 (1) (b)
Clerk to deliver copy of tax board's decision to both parties	Within 10 days of receipt of decision	Rule 26 (1) (c)
SARS to issue assessment to give effect to decision of tax board, if no referral of appeal to tax court is requested	Within 45 days after delivery of copy of tax board's decision	Rule 26 (3)
Delivery of notice referring appeal to tax court for <i>de novo</i> hearing	Within the 21 day period prescribed in <a href="#">section 115</a> or the period extender under this rule, after: <ul style="list-style-type: none"> <li>. delivery by clerk of tax board's decision under Rule 28 (4); or</li> <li>. delivery by registrar of tax court's decision to extend period under Rule 53; or</li> <li>. expiry of the 60 day period within which the chairperson must deliver the decision under <a href="#">section 114 (2)</a>.</li> </ul>	Rule 27 (4)
Request for extension within which to deliver referral notice	Within 21 day period prescribed under <a href="#">section 115</a>	Rule 28 (4)
		Rule 28 (5)
		Rule 29 (2)
		Rule 29 (2) (a)
		Rule 29 (2) (b)
		Rule 29 (2) (c)
		Rule 29 (3)

Delivery of request for extension to chairperson in terms of <a href="#">section 115 (1)</a> (Where party seeking referral is unable to deliver notice within prescribed period)	Within 21 day period described in <a href="#">section 115</a>	Rule 29 (3)
Clerk to deliver request for extension of period within which to deliver request for referral to chairperson and other party	With 10 days of receipt of request	Rule 29 (4)
Chairperson to determine whether good cause exists for extension and inform clerk	Within 15 days of receipt of request	Rule 29 (5)
Clerk to inform parties of chairperson's decision on the extension of the period within which to deliver referral notice	Within 10 days of delivery of chairperson's decision	Rule 29 (5)
Delivery of request to chairperson for withdrawal of tax board's decision due to non-appearance at hearing, together with reasons for the non-appearance	Within 10 days after: <ul style="list-style-type: none"> <li>. the date of hearing, if tax board decided the matter on the day of the hearing when the party failed to appear; or</li> <li>. the date of delivery of a copy of the tax board's decision, if tax board decided the matter after the day of the hearing; or</li> <li>. the date the party becomes aware of the tax board's decision, in any other case.</li> </ul>	Rule 30 (2) (a)
		Rule 30 (2) (b)
		Rule 30 (2) (c)
Clerk to deliver request for withdrawal to chairperson and copy to other side	Within 10 days from receipt of request	Rule 30 (3)
Decision by chairperson whether non-appearance by party is due to sound reason and inform clerk accordingly	Within 15 days of receipt of request	Rule 30 (4)
Clerk to deliver chairperson's decision in respect of non-appearance to parties	Within 10 days of receipt of chairperson's decision	Rule 30 (5)

### Procedures of tax court

Nature of act	Time allowed	Section or Rule
SARS to deliver to appellant statement of grounds of assessment	Within 45 days after delivery of: <ul style="list-style-type: none"> <li>. documents required by SARS under Rule 10 (4); or</li> <li>. the notice by the appellant of proceedings with the appeal under Rule 24 (4) or 25 (3), if ADR proceedings were followed; or</li> <li>. the notice of a <i>de novo</i> referral of the appeal to the tax court under Rule 29 (2) if the matter was decided by the tax board; or</li> <li>. the notice of appeal under Rule 10, in any other case.</li> </ul>	Rule 31 (1) (a), (b), (c) and (d)
Appellant to deliver to SARS statement of grounds of appeal	Within 45 days after delivery of: <ul style="list-style-type: none"> <li>. documents requested by SARS under Rule 36 (1); or</li> <li>. statement by SARS under Rule 31.</li> </ul>	Rule 32 (1) (a) and (b)
Reply by SARS to statement of grounds of appeal	Within: <ul style="list-style-type: none"> <li>. 15 days after appellant has discovered the required documents; or</li> <li>. 20 days after delivery of statement under Rule 32.</li> </ul>	Rule 33 (1) (a)
		Rule 33 (1) (b)

Appellant may deliver notice to discover to SARS	Within 10 days after delivery of statement under Rule 31	Rule 36 (1)
SARS may deliver notice to discover to appellant	Within 10 days after delivery of statement under Rule 32	Rule 36 (2)
Party may deliver notice of discovery to other party after delivery of statement under Rule 32 or 33	Within 15 days after delivery of statement under Rule 32 or 33	Rule 36 (3)
Discovery of documents	Within 20 days after delivery of discovery notice	Rule 36 (4)
Parties to agree on venue and manner for production and inspection of documents	After delivery of documents	Rule 36 (5)
Notice of further discovery if party believes that further documentation to be discovered, requiring other party to:	Within 10 days of discovery under Rule 36 (4) or inspection of the documents under Rule 36 (5)	Rule 36 (6)
<ul style="list-style-type: none"> <li>. make further documents available for inspection; or</li> <li>. state under oath that the documents requested are not in that party's possession.</li> </ul>	Within 10 days	Rule 36 (6) (a)
	Within 10 days	Rule 36 (6) (b)
Notice of intention to call person as expert witness	Not less than 30 days before hearing of appeal	Rule 37 (a)
Summary of expert opinions and relevance thereof	Not less than 20 days before hearing of appeal	Rule 37 (b)
SARS must arrange pre-trial conference	Not later than 60 days before hearing of appeal	Rule 38 (1)
SARS must prepare and deliver pre-trial minute setting out parties' discussion and agreement in respect of each matter referred to in Rule 38 (2)	Within 10 days of conclusion of pre-trial conference	Rule 38 (4)
Appellant to deliver differentiating minute, if appellant does not agree with minute prepared and delivered by SARS	Within 10 days of delivery of minute by SARS	Rule 38 (5)
Application by appellant to registrar for allocation of hearing date	Within 30 days after delivery of appellant's statement of grounds of appeal under Rule 32 or SARS's reply under Rule 33	Rule 39 (1)
SARS to apply for hearing date if appellant fails to do so	Within 30 days after expiry of period	Rule 39 (2)
Registrar to deliver written notice of time and place appointed for hearing of appeal	At least 80 days before hearing of appeal	Rule 39 (4)
SARS to deliver dossier to appellant and registrar	At least 30 days before hearing of appeal	Rule 40 (1)
Registrar to deliver copies of dossier to tax court	At least 20 days before hearing of appeal	Rule 40 (3)
Registrar must deliver notice of written judgment of tax court to parties	Within 21 days of delivery thereof	Rule 44 (6)
Payment by appellant for:		
<ul style="list-style-type: none"> <li>. transcript of evidence</li> <li>. copy of recording of evidence</li> </ul>	Within 20 days of delivery of transcript and invoice by registrar	Rule 49 (2) (a)
	Upon receipt of copy and invoice by registrar	Rule 49 (2) (b)

#### Applications on notice

Nature of act	Time allowed	Section or Rule
Registrar must deliver by notice the written judgment of tax court to applicant and respondent	Within 10 days from date of delivery	Rule 50 (6)

Application to chairperson for the withdrawal of that chairperson from hearing	Before or during hearing	Rule 54 (1) (a)
Applicant to request clerk to convene or reconvene tax board under Rule 26	Within 10 days of delivery of judgment by tax court by registrar under Rule 50 (6)	Rule 54 (4)
Applicant must request registrar to postpone hearing of appeal <i>sine die</i> , if application is made for withdrawal of member of tax court	After the appeal has been set down, but before the hearing	Rule 55 (2) (a)
Tax court must postpone hearing of appeal <i>sine die</i> , if application is made for withdrawal of member of tax court	During the hearing of the appeal	Rule 55 (2) (b)
Applicant to request registrar to set appeal down under Rule 39, where application for withdrawal of member of tax court is successful	Within 10 days of delivery of order by tax court	Rule 55 (4)
Party may apply to tax court for a final order under <a href="#">section 129 (2)</a> due to non-compliance with rules of court, in the event that defaulting party does not remedy default	Within 15 days of delivery of notice	Rule 56 (1) (a)
Application brought on notice of motion and affidavit	Within 20 days of action giving rise to application	Rule 57 (1), read with Rule 57 (2)
Date specified on notice of motion for delivery of notice of intention to oppose	Not less than 10 days after delivery on respondent	Rule 58 (b)
Application to be set-down for hearing if no notice of intention to oppose given	Not less than 15 days after service of notice on respondent	Rule 58 (c)
Applicant may apply to set matter down if respondent does not timeously deliver notice of intention to oppose	If respondent does not deliver notice of intention to oppose on or before date set out in Rule 58 (b)	Rule 59 (1)
Registrar to deliver written notice of time and place appointed for hearing where no intention to oppose delivered	At least 10 days before date on which hearing has been set down	Rule 59 (3)
Notice of intention to oppose	Before or on date set out in Rule 58 (b)	Rule 60 (a)
Answering affidavit	Within 15 days of notifying applicant of intention to oppose	Rule 60 (c)
Replying affidavit	Within 10 days of delivery of answering affidavit	Rule 61 (1)
Applicant to apply for matter to be set down where no answering affidavit delivered within time period under Rule 62 (1)	Within 5 days of expiry of period	Rule 62 (1)
Registrar to deliver written notice of time and place appointed for application where no answering affidavit delivered and matter set down	At least 10 days before date on which matter has been set down	Rule 62 (2)
Respondent may apply for matter to be set down, where applicant fails to set matter down	Within 10 days of expiry of period referred to in Rule 59 or 62	Rule 63 (1)
Registrar to deliver written notice of time and place appointed for application where respondent applied for set down of matter	At least 10 days before date on which matter has been set down	Rule 63 (2)
Registrar to deliver written judgment of tax court by notice to parties	Within 10 days of delivery thereof	Rule 64 (2)

## Competition Commission

- . [Court terms](#) . [Withdrawal of complaint](#) . [Multiple complaints](#) .
- . [Consent orders](#) . [Procedures relating to exemption applications](#) .
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- . [Small merger notification](#) . [General merger notification requirements](#) .
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- . [Apparently false or misleading information](#) .
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### Court terms

Nature of act	Time allowed	Directive										
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### Withdrawal of complaint

Nature of act	Time allowed	Section or Rule
Withdrawal of complaint	At any time before Commission has referred complaint to Tribunal	Rule 16 (1)

### Multiple complaints

Nature of act	Time allowed	Section or Rule
Commission to publish notice disclosing alleged prohibited practice	At any time after complaint has been initiated by Commission	Rule 17 (1)

### Consent orders

Nature of act	Time allowed	Section or Rule
Complainant to respond to Commission if respondent may agree to terms of proposed order: <ul style="list-style-type: none"> <li>. whether complainant prepared to accept damages; and</li> <li>. if so, amount of damages</li> </ul>	Within 10 days of receiving notice	Rule 18 (1) (b)

### Procedures relating to exemption applications

Nature of act	Time allowed	Section or Rule
Response by applicant to Form CC 10 (3)	Within 20 days after being served with Form CC 10 (3), failing which application deemed to be abandoned	Rule 19 (2) (a)

### Procedures concerning practices that are not prohibited

Nature of act	Time allowed	Section or Rule
Withdrawal by Commission of notice of refusal to grant an exemption	Issue Form CC 11 (3) at least 60 business days before withdrawal takes place	Rule 20 (1) (b) (i)

### Small merger notification

Nature of act	Time allowed	Section or Rule
Fulfilling the notification requirement in small merger	Within 20 days after receiving Form CC 9	Rule 25 (2)

### General merger notification requirements

Nature of act	Time allowed	Section or Rule
Apply to Tribunal to reconsider direction given by Commission with respect to calculation of the filing fee or application of the threshold calculation	Within 5 days from receiving direction from Commission	Rule 26 (3) read with Rule 26 (2)

### Separate merger notification

Nature of act	Time allowed	Section or Rule
Application by primary firm to file any document on behalf of other primary firm	Where primary firm has failed, within 10 days, to file: <ul style="list-style-type: none"> <li>· document ordered by Commission or tribunal;</li> <li>· any other document of information required by Commission.</li> </ul>	Rule 28 (2) (a) and (b)

### Review of notification

Nature of act	Time allowed	Section or Rule
Commission to deliver to filing firm either: <ul style="list-style-type: none"> <li>· notice of complete filing in Form CC 13 (1); or</li> <li>· notice of incomplete filing in Form 13 (2).</li> </ul>	Within 5 business day after receiving merger notice of large merger or within 10 business days for any other merger	Rule 30 (1) (a) and (b)
Firm concerned may appeal to Tribunal for order setting aside requirements of Form CC 13 (2)	Within 5 business days after receiving Form CC 13 (2)	Rule 30 (4)

### Apparently false or misleading information

Nature of act	Time allowed	Section or Rule
Appeal to Tribunal for order confirming or setting side demand for correct information by Commission	Within 5 business days after being served with demand	Rule 32 (2)

### Questions of jurisdiction and categories

Nature of act	Time allowed	Section or Rule
Appeal to tribunal for order		

setting aside opinion by Commission that: <ul style="list-style-type: none"> <li>merger is within the jurisdiction of the act; or</li> <li>in the case of Form CC 13 (2), that merger falls within a particular category other than that declared on merger notice.</li> </ul>	Within 5 business days after receiving Form CC 13 (1) or (2)	Rule 33 (3)
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#### Abandonment of merger

Nature of act	Time allowed	Section or Rule
Application for remission of filing fee when intended merger transaction is abandoned	Within 10 days of filing Form CC 6, abandoning intended merger transaction	Rule 34 (2) (b)

#### Participation by Minister in Commission merger proceedings

Nature of act	Time allowed	Section or Rule
Minister to file Minister's Notice of Intention to Participate	Within 10 days of receiving merger notice from Commission	Rule 35 (1)
Minister may file statement of public interest grounds	At any time between: <ul style="list-style-type: none"> <li>the date on which Minister filed the notice of intention to participate; and</li> <li>10 business days after receiving advice from Commission.</li> </ul>	Rule 35 (4) (a) and (b)
Response by participant to statement of public interest grounds	Within 5 business days after service	Rule 35 (6)

#### Intervention by Minister of Finance

Nature of act	Time allowed	Section or Rule
Minister may issue notice to Commission in terms of section 18 (2) (b) by filing Form CC 5(3)	At any time between: <ul style="list-style-type: none"> <li>the date on which Commission sends notice; and</li> <li>10 business days after receiving advice from Commission.</li> </ul>	Rule 36 (2) (a) and (b)

#### Participation by trade union of employee

Nature of act	Time allowed	Section or Rule
Filing Form CC 5 (1) signalling intention to participate in merger proceedings (Where person receives notice in terms of section 13A (2))	Within 5 business days after receiving notice	Rule 37

#### Breach of merger approval conditions or obligations

Nature of act	Time allowed	Section or Rule
Response to notice of apparent breach	Within 10 business days of receiving notice	Rule 39 (2)

#### Revocation of approval of small or intermediate merger

Nature of act	Time allowed	Section or Rule
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Firm concerned may request Tribunal to appeal against notice of revocation of merger decision	Within 10 business days after receiving notice	Rule 40 (4)
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### Large merger

Nature of act	Time allowed	Section or Rule
Commission must submit recommendation of large merger	Within 40 business days after receiving merger notice	Rule 41 (1)

## Competition Tribunal

- . [Initiating complaint referral proceedings](#) . [Answer to complaint referral](#) .
- . [Reply to complaint referral](#) . [Pre-trial conference](#) . [Settlement conference](#) .
- . [Initiating consent hearings](#) . [Initiating interim relief procedures](#) .
- . [Participation by Minister in merger proceedings](#) .
- . [Request for consideration of small or intermediate mergers](#) .
- . [Small or intermediate merger pre-hearing procedures](#) .
- . [Small or intermediate hearing procedures](#) . [Referral of large mergers](#) .
- . [Revocation of approval or conditional approval](#) . [Initiating exemption appeals](#) .
- . [Other appeals, reviews, variations or enforcement proceedings](#) . [Intervenors](#) .

### Initiating complaint referral proceedings

Nature of act	Time allowed	Section or Rule
Complaint referral may be filed after Commission issue notice of non-referral	Within 20 business days of notice of non-referral issued	Rule 14 (1) (b)
Complainant to serve copy of complaint referral on: <ul style="list-style-type: none"> <li>. Respondent;</li> <li>. Commission, if the commission did not file referral;</li> <li>. any other person, who has previously filed a complaint referral in that matter.</li> </ul>	Within 3 business days after filling complaint referral	Rule 14 (3) (a), (b) and (c)

### Answer to complaint referral

Nature of act	Time allowed	Section or Rule
Answer to complaint referral filed by Commission: <ul style="list-style-type: none"> <li>. serve a copy of answer on commission;</li> <li>. file answer with service of proof.</li> </ul>	Within 20 business days after service of complaint referral filed by Commission	Rule 16 (1)
Answer to complaint referral filed by other person: <ul style="list-style-type: none"> <li>. serve copy of answer on commission, person who filed referral and on each person who previously filed complaint referral;</li> <li>. file answer with proof of service.</li> </ul>	Within 20 business days after service of complaint referral filed by other person	Rule 16 (2)

### Reply to complaint referral

Nature of act	Time allowed	Section or Rule
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Reply to answer to complaint referral that raises issues not addressed in complaint referral	Within 15 business days of service of answer	Rule 17 (1)
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#### Pre-trial conference

Nature of act	Time allowed	Section or Rule
Convening of pre-trial conference by member of Tribunal assigned by Chairman	Before or within 20 business days after filing of documents completed	Rule 21 (1)

#### Settlement conference

Nature of act	Time allowed	Section or Rule
Adjournment of proceedings to attempt agreement on outstanding issues	At any time before Tribunal makes final order in complaint proceedings	Rule 23

#### Initiating consent hearings

Nature of act	Time allowed	Section or Rule
Inviting complainant to inform Commission: <ul style="list-style-type: none"> <li>. whether complainant will accept damages;</li> <li>. if so, that amount of damages.</li> </ul>	Within 10 business days after receiving such notice of motion for consent order	Rule 24 (3) (b)

#### Initiating interim relief procedures

Nature of act	Time allowed	Section or Rule
Applicant to serve notice of motion for interim relief on Commission and each respondent named in notice of motion	Within 3 business days after filing	Rule 26 (2)
Answering affidavit and proof of service	Within 15 business days after service of notice of motion	Rule 27 (1)
Replying affidavit and proof of service	Within 10 business days after service of answering affidavit	Rule 27 (2)

#### Participation by Minister in merger proceedings

Nature of act	Time allowed	Section or Rule
Minister may file Notice of Intention to Participate (Where minister did not participate in merger proceedings before commission)	Within 5 days after: <ul style="list-style-type: none"> <li>. Commission refers a large merger to Tribunal;</li> <li>. after person files a request for consideration of an intermediate merger.</li> </ul>	Rule 29 (2) (a) and (b)
Minister may file statement of public interest grounds	At any time between: <ul style="list-style-type: none"> <li>. the date on which Minister filed the notice of intention to participate; and</li> <li>. 10 business days after receiving advice from the registrar.</li> </ul>	Rule 29 (5) (a) and (b)
Response to statement of public interest grounds	Within 5 business days after service	Rule 29 (7)
Minister of finance may issue	At any time between: <ul style="list-style-type: none"> <li>. the date on which the Commission refers large merger to Tribunal or</li> </ul>	

notice to Tribunal in terms of section 18 (2) (b) by filing Form CC 5 (3)	<p>person files a request for consideration in terms of <a href="#">section 16 (1)</a>; and</p> <ul style="list-style-type: none"> <li>10 business days after receiving advice from registrar.</li> </ul>	Rule 30 (1) (a) and (b)
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### Request for consideration of small or intermediate mergers

Nature of act	Time allowed	Section or Rule
Filing of request for consideration	Within 10 business days after commission issues decision on merger	Rule 32 (1)

### Small or intermediate merger pre-hearing procedures

Nature of act	Time allowed	Section or Rule
When request for consideration has been filed, the Registrar must schedule date for either: <ul style="list-style-type: none"> <li>the beginning of the hearing of the request; or</li> <li>the beginning of the pre-hearing conference.</li> </ul>	Within 10 business days after the filing date	Rule 33 (1) (a) (i) and (ii)
Extension of period in Rule 33 (1)	<ul style="list-style-type: none"> <li>By Chairman for further 10 business days</li> <li>For further period with consent of primary acquiring firm and primary target firm</li> </ul>	<p>Rule 33 (2) (a)</p> <p>Rule 33 (2) (b)</p>

### Small or intermediate hearing procedures

Nature of act	Time allowed	Section or Rule
After completing hearing the Tribunal must either, by issuing a certificate: <ul style="list-style-type: none"> <li>approve merger;</li> <li>approve merger subject to conditions;</li> <li>prohibit merger.</li> </ul>	Within 10 business days after end of hearing	Rule 34 (a)
After completing hearing the Tribunal must, after issuing certificate in Rule 34 (a): <ul style="list-style-type: none"> <li>issue written reasons for decision;</li> <li>publish a notice of its decision in the <i>Gazette</i>.</li> </ul>	Within 20 business days after issuing certificate	Rule 34 (b)

### Referral of large mergers

Nature of act	Time allowed	Section or Rule
When merger referral has been filed, the Registrar must schedule date for either: <ul style="list-style-type: none"> <li>the beginning of the hearing of the request; or</li> <li>the beginning of the pre-hearing conference.</li> </ul>	Within 10 business days after the filing date	Rule 35 (1) (a) (i) and (ii)
Extension of period in Rule 35 (1)	<ul style="list-style-type: none"> <li>By Chairman for further 10 business days</li> <li>For further period with consent of primary acquiring firm and primary target firm</li> </ul>	<p>Rule 35 (2) (a)</p> <p>Rule 35 (2) (b)</p>
Member of Tribunal assigned by Chairperson may convene a pre-hearing conference	At any time after receiving notice of a large merger, but before the hearing	Rule 35 (3)

<p>After completing hearing the Tribunal must either, by issuing a certificate to:</p> <ul style="list-style-type: none"> <li>. approve merger;</li> <li>. approve merger subject to conditions;</li> <li>. prohibit merger.</li> </ul> <p>After completing hearing the Tribunal must, after issuing certificate in Rule 35 (5) (a):</p> <ul style="list-style-type: none"> <li>. issue written reasons for decision;</li> <li>. publish a notice of its decision in the <i>Gazette</i>.</li> </ul>	<p>Within 10 business days after end of hearing</p>	<p>Rule 35 (5) (a)</p>
<p>After completing hearing the Tribunal must, after issuing certificate in Rule 35 (5) (a):</p> <ul style="list-style-type: none"> <li>. issue written reasons for decision;</li> <li>. publish a notice of its decision in the <i>Gazette</i>.</li> </ul>	<p>Within 20 business days after issuing certificate</p>	<p>Rule 35 (5) (b) (i) and (ii)</p>

### Revocation of approval or conditional approval

Nature of act	Time allowed	Section or Rule
Request to review notice of revocation	Within 10 business days after receiving notice	Rule 37 (6)

### Initiating exemption appeals

Nature of act	Time allowed	Section or Rule
Initiation of exemption appeal proceedings by filing notice of appeal in Form CT 7	Within 20 business days after notice of relevant decision is published in the <i>Gazette</i>	Rule 38 (1)
Service of notice of appeal by appellants on each respondent	Within 3 business days after filing	Rule 38 (5)
Appeal record - Commission to file record of exemption proceedings	Within 20 business days after service of notice of appeal	Rule 39 (1)
Appellant to file: <ul style="list-style-type: none"> <li>. Heads of argument;</li> <li>. proof of service.</li> </ul>	No later than 15 business days before date of hearing of appeal	Rule 40 (1)
Respondent to file: <ul style="list-style-type: none"> <li>. Heads of argument;</li> <li>. proof of service.</li> </ul>	No later than 10 business days before hearing of appeal	Rule 40 (2)

### Other appeals, reviews, variations or enforcement proceedings

Nature of act	Time allowed	Section or Rule
Applicant to serve copy of notice of motion on each respondent for proceedings not otherwise provided for in rules	Within 5 days after filing	Rule 42 (2)
Answering affidavit	Within 10 business days after service of notice of motion	Rule 43 (1)
Replying affidavit	Within 10 business days after service of answering affidavit	Rule 43 (2)

### Interveners

Nature of act	Time allowed	Section or Rule
Application to intervene	At any time after initiating document filed	Rule 46 (1)
Member of tribunal assigned by Chairperson must either: <ul style="list-style-type: none"> <li>. make order allowing application to intervene; or</li> <li>. deny application.</li> </ul>	No more than 10 business days after receiving motion to intervene	Rule 46 (2) (a) and (b)

## Competition Appeal Court

. [Court terms](#) . [Notice of appeals](#) . [Application to review](#) .  
 . [Amicus curiae submissions](#) .

### Court terms

Nature of act	Time allowed	Directive										
Set down of matter before single Judge	<table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;">TERMS</th> <th style="text-align: center;">RECESS</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">30 Jan - 2 Apr</td> <td style="text-align: center;">3 Apr - 16 Apr</td> </tr> <tr> <td style="text-align: center;">17 Apr - 2 Jul</td> <td style="text-align: center;">3 Jul - 30 Jul</td> </tr> <tr> <td style="text-align: center;">31 Jul - 24 Sept</td> <td style="text-align: center;">25 Sept - 8 Oct</td> </tr> <tr> <td style="text-align: center;">9 Oct - 17 Dec</td> <td style="text-align: center;">18 Dec - 28 Jan 2018</td> </tr> </tbody> </table>	TERMS	RECESS	30 Jan - 2 Apr	3 Apr - 16 Apr	17 Apr - 2 Jul	3 Jul - 30 Jul	31 Jul - 24 Sept	25 Sept - 8 Oct	9 Oct - 17 Dec	18 Dec - 28 Jan 2018	<i>Government Gazette</i> , 28 February 2014, No. 37390  Rule 15 (1) (a)
	TERMS	RECESS										
30 Jan - 2 Apr	3 Apr - 16 Apr											
17 Apr - 2 Jul	3 Jul - 30 Jul											
31 Jul - 24 Sept	25 Sept - 8 Oct											
9 Oct - 17 Dec	18 Dec - 28 Jan 2018											
Not less than 3 business days' notice												

### Notice of appeals

Nature of act	Time allowed	Section or Rule
Notice of appeal to be filed by person who has a right to appeal	<ul style="list-style-type: none"> <li>. Within time prescribed by Act or Competition Tribunal Rules, if any</li> <li>. Within 15 business days after decision or order, if no time is prescribed in Act or Competition Tribunal Rules</li> </ul>	Rule 16 (1) (a) and (b)
Notice of cross appeal	Within 10 business days after receipt of notice of appeal	Rule 18
Filing of appeal record by appellants	Within 40 business days after filing notice of appeal	Rule 19 (1) read with Rule 19 (5) (b)
Notice of intention to prosecute cross appeal	Within 10 business days after withdrawal of appeal	Rule 19 (4)
Heads of argument by appellants	15 business days before hearing	Rule 21 (1) (a)
Heads of argument by respondent	10 business days before the hearing	Rule 21 (2) (a)

### Application to review

Nature of act	Time allowed	Section or Rule
Application to review decision of Tribunal	<ul style="list-style-type: none"> <li>. Within time prescribed by Act or Competition Tribunal Rules, if any</li> <li>. Within 15 business days after decision or order, if no time is prescribed in Act or Competition Tribunal Rules</li> </ul>	Rule 23 (2) (a) and (b)
Amend, add or vary terms of application or supplement supporting affidavit	Within 10 business days after record made available by Tribunal	Rule 23 (6)
Opposing/answering affidavit	Within 15 business days after receipt of application to review	Rule 24 (1)
Replying affidavit if answering/opposing affidavit raises new issues of fact or law	Within 5 business days after receipt of answering affidavit	Rule 25
Heads of argument by appellants	15 business days before hearing	Rule 27 read with Rule 21 (1) (a)
Heads of argument by respondent	10 business days before the hearing	Rule 27 read with Rule 21 (2) (a)

### Amicus curiae submissions

Nature of act	Time allowed	Section or Rule
Person may be admitted as <i>amicus curiae</i>	Within one month after record has been lodged with the registrar	Rule 28 read with SCA Rule 16 (1)
Written consent of all parties to be lodged	Within 10 days of consent having been obtained	Rule 28 read with SCA Rule 16 (2)
Application to Judge President	Within one month after record has been lodged with the registrar	Rule 28 read with SCA Rule 16 (4)

## Patent Regulations

- [. Microbiological processes and products . Declaration .](#)  
[. Use of indigenous biological resource . Examination . Acceptance .](#)  
[. Renewals and restoration . Opposition proceedings .](#)  
[. Assignments, licenses and endorsements .](#)  
[. Procedure in patent office relating to international applications .](#)  
[. Patent agents and patent attorneys . The court of the commissioner of patent .](#)

Nature of act	Time allowed	Section or Rule
Change address for service where any change is made in the authorisation of an agent	Within 1 month of such change	Reg 8 (6)
Lodgement of certified copy of priority document in respect of convention application	Within 6 months of lodgement of convention application or within such further period as the registrar may allow on request	Reg 25

## Microbiological processes and products

Nature of act	Time allowed	Section or Rule
Lodgement of information specified in reg 28A (1) (b) if not contained in complete specification when lodged	At any time before the date of publication in terms of <a href="#">section 42</a> or date of becoming open for public inspection in terms of <a href="#">section 43 (3)</a> , whichever is earlier	Reg 28A (2)
Patentee to: <ul style="list-style-type: none"> <li>. make new deposit of culture of micro-organism;</li> <li>. furnish international depository authority with new deposit;</li> <li>. apply to substitute the accession number given to new deposit.</li> </ul>	Within 6 months of notice: <ul style="list-style-type: none"> <li>. by international depository authority that it is unable to furnish samples of culture; or</li> <li>. by requesting party that depository institution is unable to furnish sample of culture.</li> </ul>	Reg 28A (9)
Patentee, if notified in terms of reg 28A (9) (i) and (ii) to inform the requesting party of: <ul style="list-style-type: none"> <li>. the accession number of new deposit; and</li> <li>. if applicable, the name of the international depository authority where new deposit made.</li> </ul>	Within 2 months of complying with regs 28A (9) (i) and (iii)	Reg 28A (10)

## Declaration

Nature of act	Time allowed	Section or Rule
Lodgement of Declaration in the Form P3	Within 6 months of lodging of the application	Reg 33

## Use of indigenous biological resource

Nature of act	Time allowed	Section or Rule
	Within 6 months of lodgement of	

Lodgement of Form P26	application accompanied by complete specification	Reg 33A (1)
Lodgement of proof of title or authority to make use of indigenous biological resource	Before acceptance of the application	Reg 33A (2)

### Examination

Nature of act	Time allowed	Section or Rule
Applicant to remedy any defect or comply with any direction under reg 18, 22 (2), 40 or 41	Within 3 months or, subject to <a href="#">section 40</a> , within such further period as the registrar may allow on request	Reg 42

### Acceptance

Nature of act	Time allowed	Section or Rule
Registrar to accept application and give written notice thereof	As soon as Registrar is satisfied application accompanied by complete specification complies with requirements of Act	Reg 44
Applicant may request Registrar to delay acceptance	To a date not later than 18 months from date of application	Reg 45
Applicant to advertise acceptance by registrar in journal	Within 3 months of acceptance	Reg 46

### Renewals and restoration

Nature of act	Time allowed	Section or Rule
Payment of renewal fees, if it is desired to keep the patent in force, before the expiration of that year	At the date of sealing or at the expiration of the third year from the date referred to in <a href="#">section 46 (1)</a> , whichever is the later, or at the expiration of any succeeding year during the term of the payment	Reg 48
Opposition of application of restoration	Within 2 months of the date of advertisement	Reg 51

### Opposition proceedings

Nature of act	Time allowed	Section or Rule
Opposition of amendment advertised in journal	Within 2 months of date of advertisement	Reg 53
Opposition of: <ul style="list-style-type: none"> <li>. notification of proposed action by registrar;</li> <li>. action advertised in journal in matter to be determined by registrar.</li> </ul>	Within 2 months of: <ul style="list-style-type: none"> <li>. dispatch of such notice;</li> <li>. advertisement in journal.</li> </ul>	Reg 54
Application by any person to become party to proceedings	Within 2 months from notice or advertisement	Reg 56

### Assignments, licenses and endorsements

Nature of act	Time allowed	Section or Rule
Application to record assignment	Within 6 months of event entitling applicant to request recording	Reg 59
Application to record license	Within 6 months of: <ul style="list-style-type: none"> <li>. event entitling applicant to request recording; or</li> <li>. grant of patent, if license agreement was before such grant.</li> </ul>	Reg 62

Application for endorsement or the cancellation of the endorsement " <i>licenses of right</i> "	Within 2 months of date giving rise to such endorsement or cancellation	Reg 66
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### Procedure in patent office relating to international applications

Nature of act	Time allowed	Section or Rule
Payment of transmittal fee specified in Schedule 1 to the Act	Within 1 month of lodgement of international application	Reg 67A (a)
Payment of international and search fee as specified in Rules 15 and 16 of the Patent Co-operation Treaty	Within the time limits specified in the Patent Co-Operation Treaty, being 1 month from the date of receipt of the international application	Reg 67A (b)
Lodgement of translation referred to in section 43E (1) (b) of the Act	Within 6 months of lodgement of Form P25	Reg 67B (2)
Lodgement of Form P2	Within 1 month of complying with section 43E (1) (a) of the Act	Reg 67B (3)
Lodgement of Form P3	Within 6 months of complying with section 43E (1) (a) of the Act	Reg 67B (4)
Lodgement of statement in terms of section 30 (3A) of the Act on Form P26	Within 6 months of complying with section 43E (1) (a) of the Act	Reg 67B (5)
Entering the National Phase under Chapter 1 of the PCT - time limit applicable under article 22 of the PCT as referred to in section 43E (1)	31 months from the priority date	Reg 67C (a)
Entering the National Phase under Chapter 2 of the PCT, before expiration of 19 months from priority date referred to in Treaty, been elected for purposes of international prelim examination - time limit applicable under article 39 of the PCT as referred to in section 43E (1)	31 months from the priority date	Reg 67D (a)
Applicant to file translation upon request of the Registrar if the Applicant failed to file translation in terms of reg 67C or 67D	Within a time limit which is reasonable in the circumstances	Reg 67E (1)
Appointment of agent	Within 6 months from compliance with section 43E (1)	Reg 67F
Lodgement of priority documentation, where applicant has failed to comply with Rule 17.1 of the PCT	Within 6 months of compliance with section 43E (1)	Reg 67G (1)
Lodgement of translation of priority documents, if priority documents are in a language other than English	Within 6 months of compliance with section 43E (1)	Reg 67G (2)
Application of reg 48 if patent issues on application filed in terms of <a href="#">section 43</a>	If application issues 3 months or more before the expiration of 36 months	Reg 67I (1)
Payment of renewal fees if patent issued on an application after expiration of 36 months from the international filing date or less than 3 months prior to such expiration date	Within 6 months of the date of publication in terms of <a href="#">section 42</a>	Reg 67I (2)

### Patent agents and patent attorneys

Nature of act	Time allowed	Section or Rule
Registrar to remove the name of a patent agent or patent attorney from the register	If no objection is received within 2 weeks of the date of service of copies of the request on the South African	Reg 72 (1)

<p>upon request in terms of <a href="#">section 23 (1) (a)</a></p> <p>Objection by South African Institute of Intellectual Property Law on application by a patent agent or patent attorney suspended from practice and whose name has been removed from the register, failing which the Registrar may decide the matter in the absence of the South African Institute of Intellectual Property Law</p> <p>Objection by South African Institute of Intellectual Property Law on application by an agent who wishes to employ a patent agent or patent attorney suspended from practice and whose name has been removed from the register, failing which the Registrar may decide the matter in the absence of the South African Institute of Intellectual Property Law</p>	<p>Institute of Intellectual Property Law and Law Society concerned</p> <p>Within 1 month of service of the application on the South African Institute of Intellectual Property Law</p> <p>Within 1 month of service of the application on the South African Institute of Intellectual Property Law</p>	<p>Reg 74 (1)</p> <p>Reg 74 (2)</p>
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### The court of the commissioner of patent

Nature of act	Time allowed	Section or Rule
Request by Applicant for the Registrar's written reason for the decision and data used by him	Within 1 month of the registrar's order	Reg 78
Lodgement of notice of appeal	Within 2 months of receipt of written reasons referred to in reg 78	Reg 79
Procedure for opposition application:		
. Notice of opposition, together with statement of particulars of grounds of opposition by opponent	At any time unless otherwise specified (see for example reg 48 and reg 53)	Reg 82
. Counter-statement in the form of a plea by applicant	Within 2 months of the service of the notice of opposition, failing which the application shall be deemed as abandoned	Reg 83
. Evidence in the form of an affidavit by opponent	Within 2 months of the service of the counter-statement	Reg 84
. Answering evidence in the form of an affidavit by the applicant	Within 2 months of the service of the opponent's evidence	Reg 85
. Replying evidence in the form of an affidavit by the opponent	Within 2 months of the filing and service of the applicant's answering evidence	Reg 86
. Opponent may request hearing date, or applicant may request hearing date if opponent fails to do so	Applicant may request hearing date within 6 weeks of completion of evidence if opponent fails to do so.	Reg 88
Procedure on application for revocation:		
. Application for revocation, together with statement of particulars of grounds on which application is based by the applicant	At any time prior to expiry of patent	Reg 89
. Counter-statement in the form of a plea by the patentee	Within 2 months of the service of the application for revocation, failing which the patent shall be deemed to be revoked	Reg 90 (1)
. Evidence in the form of an affidavit by the applicant	Within 2 months of the service of the counterstatement	Reg 90 (2)

<ul style="list-style-type: none"> <li>· Answering evidence in the form of an affidavit by the patentee</li> </ul>	Within 2 months of the service of the applicant's evidence	Reg 90 (3)
<ul style="list-style-type: none"> <li>· Replying evidence in the form of an affidavit by the applicant</li> </ul>	Within 2 months of the service of the patentee's answering evidence	Reg 91
<ul style="list-style-type: none"> <li>· Applicant may request hearing date, or patentee may request hearing date if applicant fails to do so</li> </ul>	Patentee may request hearing date within 6 weeks of completion of evidence if applicant fails to do so.	Reg 94
Lodgement of notice of intention to oppose an application by party resident or incorporated outside of the Republic	Within 1 month from date of service of such application	Reg 97

## Trade Mark Regulations

- [. Proceedings before the registrar in terms of sections 21, 24, 26, 27 and 45 .](#)  
[. Entry on the trade mark register . Dissolution of association of trade marks .](#)  
[. Renewals . Assignment or transmission . Caveat .](#)  
[. Extension of opposition period .](#)  
[. Discovery, inspection and production of documents .](#)  
[. Registrar's written reasons . Certification and collective trade marks .](#)

Nature of act	Time allowed	Section or Rule
No document shall be deemed to have been sent until it is received by the Registrar		Reg 6 (1)
Filing of original affidavit on Registrar of Trade Marks if affidavit served by means of facsimile transmission or authorised electronic services	Before noon on the court day, but 1 day preceding the day upon which the matter is to be heard, or within 15 days, whichever is earlier	Reg 6 (3)
Filing of any other document on Registrar if document served by means of facsimile transmission or electronic transfer	Within 15 days of date of signature thereof	Reg 6 (4)
Lodgement of certified copy of application in convention country if applicant is claiming in convention priority under <a href="#">section 63</a> of Act	Within 3 months of lodgement of the application in South Africa	Reg 12
Submitting of arguments or extension of time if trade mark applicant objects to conditions, modifications or amendments subject to which the Registrar accepted trade mark application	Within 3 months	Reg 15 (4) and (5)

### Proceedings before the registrar in terms of [sections 21, 24, 26, 27 and 45](#)

Nature of act	Time allowed	Section or Rule
Time period stipulated in TM3 to deliver notice of intention to oppose application	Not less than 1 month after service	Reg 19 (2) (d)
Matter may be set down for hearing if notice of intention to oppose not delivered	Not less than 10 days after expiry of period stipulated	Reg 19 (2) (d)
Delivery of Notice of set-down to Registrar in unopposed application	Before noon on the court day, but 1 day preceding the day upon which matter is to be heard	Reg 19 (2) (e)
Delivery of answering affidavit	Within 2 months of delivery of notice of intention to oppose	Reg 19 (2) (f) (iii)
Delivery of replying affidavit	Within 1 month of service of answering affidavit Within 10 days of:	Reg 19 (2) (g)

Application for a hearing date by Applicant	<ul style="list-style-type: none"> <li>the expiry of the period to file the answering or replying affidavit, if no answering or replying affidavit delivered;</li> <li>delivery of replying affidavit;</li> <li>expiry of period within which Applicant could have filed replying affidavit.</li> </ul>	Reg 19 (2) (h)
Filing of founding affidavit in interlocutory application in which applicant replies to facts not apparent from official record	At least 10 court days before hearing	Reg 19 (3) (b)
Filing of answering affidavit in interlocutory application in which applicant replies to facts not apparent from official record	At least 7 court days before hearing	Reg 19 (3) (c)
Filing of affidavit setting out facts that other party may consider relevant in the event that applicant does not file founding affidavit	At least 7 court days before hearing	Reg 19 (3) (c)
Filing of replying affidavit in interlocutory application in which applicant replies on facts not apparent from official record	At least 4 court days before hearing	Reg 19 (3) (d)
Delivery of notice of set-down	At least 10 court days before hearing	Reg 19 (3) (f)
Filing of heads of argument by both parties	Not later than 2 court days before hearing	Reg 19 (4) (a)

### Entry on the trade mark register

Nature of act	Time allowed	Section or Rule
Registrar to enter, subject to the provisions of reg 52 (1) and 52 (5) and <a href="#">section 29 (1) (b)</a> , the trade mark and the date of issue of the certificate of registration on the register	As soon as practically possible after expiry of the 3 months opposition period	Reg 21 (1)

### Dissolution of association of trade marks

Nature of act	Time allowed	Section or Rule
Payment of registration fee for recording dissolution of association of trade marks	Upon lodgement of application in terms of <a href="#">section 30 (5)</a> of the Act	Reg 22 (2)

### Renewals

Nature of act	Time allowed	Section or Rule
Registrar to send notice in terms of <a href="#">section 37 (3)</a>	Not less than 6 months prior to expiration of last registration	Reg 24 (1)
Application for renewal by proprietor of trade mark registration	Within 6 months prior to the expiration of the last registration and ending 6 months after expiration	Reg 25 (1)
Possible additional renewal fees	If renewal fee is not paid before expiration of last registration and expiration of time period in reg 25 (1)	Reg 25 (2)
Registrar to advertise the fact that renewal not paid within the 6 month expiry period	Immediately	Reg 26
Payment of renewal fee after advertisement by Registrar to renew trade mark registration	Within 1 month of expiry of 6 month expiry period	Reg 26
Removal of trade mark from		

register if renewal fee not paid after 1 month advertisement period	As from date of the expiration of the last registration	Reg 27
Filing of evidence confirming authority to apply for renewal on behalf of trade mark proprietor	Within 2 months from request by Registrar	Reg 28
Registrar shall send the proprietor of trade mark notice on Form TM5 to that effect upon renewal	Upon renewal of trade mark registration	Reg 30 (1)
Registrar to advertise renewal in Patent Journal	After notice of renewal has been sent to proprietor	Reg 30 (2)

#### Assignment or transmission

Nature of act	Time allowed	Section or Rule
Person entitled to trade mark by assignment or transmission to apply to registrar to register title in trade mark	Within 12 months of effective date	Reg 31
Penalties payable if assignment or transmission not recorded within stipulated period	For each successive 12 month period or part thereof	Reg 31

#### Caveat

Nature of act	Time allowed	Section or Rule
Application for notice to be given by the Registrar relating to the publication of the acceptance of the trade mark application, the registration of the trade mark application or of any entry made in the register of trade marks	At any time from the date of lodgement of the application to date of registration of the trade mark	Reg 48 (1) (a)
Application for notice to be given by the Registrar of any entry made in the register of trade marks	At any time for the period 12 months from the date of lodgement of the application	Reg 48 (1) (b)
Registrar to give notice of such action	As soon as possible after such action	Reg 48 (2)

#### Extension of opposition period

Nature of act	Time allowed	Section or Rule
Application for the extension of the opposition period for a period of 3 months	Before the expiry of current opposition period	Reg 52 (1)

#### Discovery, inspection and production of documents

Nature of act	Time allowed	Section or Rule
Delivery of notice to permit person to make copy or transcription of any document or recording referred to in affidavit or sworn declaration	At any time before hearing of proceedings	Reg 53 (1)

#### Registrar's written reasons

Nature of act	Time allowed	Section or Rule
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Application for registrar's written reasons for decision or order	Within 3 months of the date of the registrar's decision or order	Reg 54 (1)
Registrar to publish written reasons for decision or order if so directs	Within 3 months from date of signing reasons	Reg 54 (2)

### Certification and collective trade marks

Nature of act	Time allowed	Section or Rule
Applicant to file amended rules relating to certification trade marks	Within 1 month of the approval thereof by the Registrar	Reg 56 (5)
Applicant to file amended rules relating to collective trade marks	Within 1 month of the approval thereof by the Registrar	Reg 57 (5)

### Design Regulations

[. Application in terms of section 44 of the Act .](#)  
[. Procedure on receipt of application . Withdrawal by Registrar .](#)  
[. Renewal . Procedure on opposition .](#)

Nature of act	Time allowed	Section or Rule
Notice of new address for service upon termination of agent's authority to be furnished to the Registrar and request Registrar to change address in terms of <a href="#">section 51</a> of the Act	Within 1 month of such termination	Reg 5 (5)
The Registrar shall allocate an official application number which shall include the symbol 'A' or 'F', as the case may be	On receipt of application	Reg 8 (1)
Application will be accorded a lodging date by the Registrar	Provided application is complemented by:	Reg 12 (4)
	<ul style="list-style-type: none"> <li>. Prescribed fee;</li> <li>. Form D1 signed by applicant or agent;</li> <li>. Form 2 in duplicate;</li> <li>. Form D6 containing statement;</li> <li>. One copy of representations;</li> <li>. Information on form D1 whether application being filed in Part A or F of the register.</li> </ul>	Reg 12 (4) (a) Reg 12 (4) (b) Reg 12 (4) (c) Reg 12 (4) (d) Reg 12 (4) (e)
Provisions of reg 12 (4) (d) and (4) (e) shall be deemed to have been complied with in an application in terms of <a href="#">section 44</a> of the Act by inclusion of the country, number and date of the . . . . . application in a convention country on Form D1	On lodgement of the definitive statement and representations within 14 days of the date on which application lodged	Reg 12 (5)
Subreg 12 (4) (f) deemed to be complied with if information on whether application to be filed in Part A or Part F of the register is supplied	Within 14 days of lodgement of application	Reg 12 (6)

### Application in terms of [section 44](#) of the Act

Nature of act	Time allowed	Section or Rule
Where application for registration of design is made		

pursuant to an application in a convention country a certificate verifying such application is to be provided to Registrar	Within 6 months of lodging of convention application or within further period as Registrar may request	Reg 17 (3)
If applicant wishes to insert a claim to a priority right or to a further right after a design has been lodged	Applicant to submit request on Form D4 along with the prescribed fee within 2 months from date on which application for registration was lodged	Reg 17 (5)
A document/ documents which were omitted from an application in terms of reg 12 (1) or 17 (2) to be lodged on Form D5	Within 6 months from date of lodgement of application	Reg 23

### Procedure on receipt of application

Nature of act	Time allowed	Section or Rule
Registrar to issue applicant with a copy of Form D1 with the official application number and filing date entered thereon	On receipt of application	Reg 25
Request for statement from Registrar if a party does not agree with any decision of the Registrar at a hearing before him/her	Application to be made, on Form D17, requesting the Registrar for written statement stating grounds for and facts relied on in making his decision, within 1 month of Registrar's decision	Reg 28
Registrar's written statement in reply to Form D17 request for such statement	<ul style="list-style-type: none"> <li>· Registrar to submit to the applicant his written grounds for his decision</li> <li>· Date on which such statement sent to be deemed the date of the Registrar's decision for purposes of appeal</li> </ul>	Reg 29
Appeal	To be lodged within 3 months from date of statement or such further period as Registrar may allow, on good cause shown	Reg 29
Notice of registration	Upon receipt of notification issued by Registrar applicant shall publish the particulars as reflected in Form D8 in the journal within 3 months of the issue date or such further time the Registrar may allow after receipt of request by applicant made on Form D4	Reg 31 (1)
Certificate of registration	Upon publication referred to in reg 31 (1)	Reg 31 (2)

### Withdrawal by Registrar

Nature of act	Time allowed	Section or Rule
Notice of non-finalisation from Registrar where an application for registration of a design not finalised by applicant	Registration to be finalised within 12 months of date of lodgement or within 6 months from date of statement as referred to in reg 27	Reg 32 (1)
Notice of withdrawal by Registrar	After 1 month from date of notice of non-finalisation if no application for an extension of time is received	Reg 32 (2)

### Renewal

Nature of act	Time allowed	Section or Rule
Renewal of a design registration	Renewal fees to be paid by lodging Form D10 in duplicate: <ul style="list-style-type: none"> <li>· for a design registered under the repealed Act at the end of the last year of a first or second period of 5 years which the registration endured in terms of section 14 of that Act; or</li> </ul>	Reg 34  Reg 34 (1) (a)

	<ul style="list-style-type: none"> <li>for a design registered under the Act at the end of the third year from the date referred to in <a href="#">section 22 (1)</a> of the Act; or</li> <li>in either of the above, at the end of any succeeding year during term of the registration.</li> </ul>	Reg 34 (1) (b)
		Reg 34 (1) (c)
Opposition to a restoration of a registration which has lapsed through non-payment of renewal fees	Any time within 2 months of the date of date of the advertisement of the application as set out in the procedure set out in reg 36	Reg 35 (3)

### Procedure on opposition

Nature of act	Time allowed	Section or Rule
	<i>Reg 36 (1) (a) - (e) (ii)</i>	
Answering affidavit	Within 2 months	Reg 36 (1) (e) (iii)
Replying affidavit	Within 1 month of service upon him of the answering affidavit	Reg 36 (1) (f)
Application for hearing date by opponent	Where no answering affidavit within 10 court days of the expiry of the said period	Reg 36 (1) (g)
	Where an answering affidavit is delivered within 10 court days of delivery of his replying affidavit or where no replying affidavit is delivered, within 10 court days of the expiry of the period referred to in reg 36 (1) (f)	Reg 36 (1) (h)
	Opponent may apply for date within 10 court days after receipt of a notice in terms of reg 36 (1) (e) (iv)	Reg 36 (1) (i)
Application for hearing date by respondent	Immediately upon expiry of the appropriate period if the opponent fails to apply for same	Reg 36 (1) (j)
Notices in respect of an interlocutory or other applications incidental to pending proceedings or a pending application including applications for an extension of time and condonation	On notice supported by affidavits	Reg 36 (2) (a)
If applicant in such an application wishes to rely on particulars fact not apparent from official record	Affidavit to be filed at least 10 court days before hearing	Reg 36 (2) (b)
Answering affidavit by other party	At least 7 court days before hearing	Reg 36 (2) (c)
Applicant's reply to facts set out in answering affidavit	At least 4 court days before hearing	Reg 36 (2) (d)
Notice of set-down	To be served upon every party at least 10 court days before hearing	Reg 36 (2) (f)
Heads of argument	In opposed proceedings before Registrar, to be filed by both parties not later than 2 days before hearing	Reg 36 (3) (a)
Application to record an assignment	Application to be made within 6 months of the event entitling applicant to request a recording	Reg 37 (2)
Removal of an entry of attachment	On request from the Registrar	Reg 38 (2)
Application for the recording of a licence against a design application or registration	Within 6 months of the event entitling such recording of such licence	Reg 39 (1)
Removal of a recording of a hypothec	On application to the registrar	Reg 40 (3)
Opposition of an application for a correction or amendment to a design registration	Within 2 months of the date of the publication of the particular to be amended or corrected	Reg 41 (7)