

Western Cape High Court (Action and application proceedings)

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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>
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Motion court

Nature of act	Time allowed	Directive
Two judges will be allocated for motion court hearings (3rd Division) each week First Judge will hear:	Starting 17h00 on each Friday, including court recesses	Directive 14
<ul style="list-style-type: none"> . unopposed matters; . opposed Rule 43 applications in third division. 		Directive 16
Second Judge will:	Not on ordinary Third Division Roll	Directive 17
<ul style="list-style-type: none"> . all unopposed urgent applications brought under Rule 6 (12); . all matters becoming opposed on the third division roll; . all matter, even if unopposed, which warren hearing in separate court; . all chamber book matters; . all matters referred by Judge President. 		
Notice of set-down in third division matters	No later than noon on the day, but one day prior to date of hearing	Directive 18
Indexing and pagination of matters likely to proceed in third division	Before matter is set down	Directive 20 (2)
All matters comprising of more than 50 pages must be indexed and paginated		Directive 23 (2)

Trials and opposed matters

Nature of act	Time allowed	Directive
Pre-trial conferences must be held after discovery and exchange of documentation		Directive 41 (1)
Pre-trial minute must show that parties endeavoured to comply with Rule 37		Directive 41 (2)
Only minutes which comply with Rule 37 (4) will be accepted		Directive 41 (3)
The Judge President may		

<p>refuse to enrol matter for hearing in there is not compliance with Rules 37 (1) (a) and 62 (4)</p> <p>Applicant to inform secretary to Judge President:</p> <ul style="list-style-type: none"> . whether matter has been settled or not; . what are the prospects of matter being settled; . likely duration of matter; . names and contact particulars of counsel on both sides; . brief description of issues involved. <p>Any matter on the continuous roll may require early allocation - Applicant to deliver letter to Judge President to this effect</p> <p>Matters will be deemed to require early allocation where:</p> <ul style="list-style-type: none"> . papers in matter exceed 200 pages; . issues are such that the Judge hearing that matter will require the papers earlier than normal. <p>Registrar to inform parties of set down in opposed matters</p>	<p>Before 09h30 on the day before matter is set to commence</p> <p>Not less than 1 week before hearing</p> <p>Not less than 25 days from date of such notice</p>	<p>Directive 42 (1)</p> <p>Directive 42 (2)</p> <p>Directive 43 (1)</p> <p>Directive 43 (3) (a) and (b)</p> <p>Directive 44 (3)</p>
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Appeals and Heads of Argument

Nature of act	Time allowed	Directive
<p>Delivery of relevant court file to Judge against whose judgment application is directed</p> <p>After consultation, legal representatives for appellant will approach Judge in chambers to arrange convenient time and date for hearing of application for leave to appeal</p> <p>Legal representative for respondent to take steps in directive 45 (2), where legal representatives for appellant fails to do so</p> <p>An unrepresented party will lodge additional copy of application, together with relevant court file to Judge against whom application is directed</p> <p>Director of Public Prosecutions to approach Judge to arrange for convenient time and date for hearing of application, where applicant is unrepresented</p> <p>Registrar to give written notice to unrepresented applicant</p> <p>Heads of argument in criminal appeals from Magistrate's Court shall be delivered in accordance with Rule 51 (4), pursuant to which Judge President has determined:</p>	<p>Simultaneously with delivery of application for leave to appeal</p> <p>Not later than 10 days after lodging of application</p> <p>Not later than 15 days after lodging of application and on 48h notice</p> <p>Simultaneously with lodgement of application for leave to appeal</p> <p>Not later than 15 days after filing of application</p> <p>Not less than 10 days before hearing</p>	<p>Directive 45 (1)</p> <p>Directive 45 (2)</p> <p>Directive 45 (3)</p> <p>Directive 45 (4)</p> <p>Directive 45 (6)</p> <p>Directive 45 (6)</p>

<ul style="list-style-type: none"> Appellant heads of argument and list of authorities 	Not less than 15 days before date on which appeal is set down	Directive 48 (1)
<ul style="list-style-type: none"> Respondent heads of argument and list of authorities 	Not less than 10 days before date on which appeal is set down	Directive 48 (1)
<p>Heads of argument in all matters, except trials or civil or criminal appeals:</p>		Directive 50 (1)
<ul style="list-style-type: none"> Plaintiff/applicant/ excipient 	Not less than 10 days before hearing date	Directive 50 (1) (a)
<ul style="list-style-type: none"> Defendant/ respondent 	Not less than 5 days before hearing date	Directive 50 (1) (b)
Applicant to file practice note	Together with heads of argument	Directive 44 (4)