



CHAMBERS OF THE JUDGE PRESIDENT NORTHERN CAPE HIGH COURT

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2 December 2024

DIRECTIVE 1 OF 2024: ISSUED BY THE JUDGE PRESIDENT

TO:

1. All Judges
2. Regional Court President
3. Chief Magistrate
4. The Master of the High Court, Northern Cape Kimberley
5. Director Public Prosecutions, Northern Cape Kimberley
6. The Legal Practice Council
7. Northern Cape Society of Advocates
8. Black Lawyers Association
9. Circle 16 – Attorneys
10. National Forum of Advocates
11. The Registrars
12. The Court Manager
13. The Director Court Operations
14. Northern Cape High Court (All)

Kind regards

L.P TLALETSI
JUDGE PRESIDENT



DIRECTIVE 1 OF 2024: ISSUED BY THE JUDGE PRESIDENT

This Directive is issued in terms of section 17 of the Constitution Act 108 of 1996 (the Constitution) read with section 8(4)(b) of the Superior Courts Act 10 of 2013 (the Act). The Directive is issued after consultation with the Legal Practice Council, the Northern Cape Society of Advocates and Circle 16 of Attorneys. The Directive is directed at amending the *“Rules Regulating the Conduct of Proceedings of the Northern Cape Division of the Supreme Court of South Africa”* as hereunder. It is to be read with Directive 2 of 2020 issued by the Judge President.

By replacing rule 3 with the following: [The underlined words reflect the amendment/changes]

MOTION COURT

1. (a) The Motion Court shall sit at 09:30 on every Friday of the year except the Friday between Christmas and New Year’s Day, unless a Friday is a public Holiday, in which event the motion court shall sit on the next succeeding court day.

(b) The Motion Court shall close at 12:00 on the Tuesday preceding the day of the trial/hearing.
2. Trial dates in respect of each opposed application shall be allocated by the registrar on the basis-
 - a) that not more than three shall be heard on any one day;

- b) that the exact number determined by the registrar shall depend upon the expected duration of arguments and the length of the papers; and
 - c) that if the registrar has doubts concerning the number of opposed applications to be enrolled for a day, or if a party is dissatisfied with the registrar's decision in that regard, the Judge President shall be approached for a ruling.
3. If there are valid reasons why a particular opposed application should be heard sooner than the first available motion court day, the parties may approach the Judge President through the registrar for the allocation of another available court day for hearing of the application, depending on the availability of earlier days.
4. In respect of each opposed application, heads of argument shall be filed with the registrar and served on the opposing party-
- a) before 12:00 on the Friday preceding the trial date on behalf of the applicant; and
 - b) before 12:00 on the Tuesday preceding the trial date on behalf of the respondent:
- Provided that in respect of long or complicated applications the heads of argument shall be filed and served at least twelve and nine days, respectively, before the trial date.
5. '*Heads of arguments*' mean full heads of argument with references, where appropriate, to the record and to the authorities relied upon, together with a list of authorities, and chronology of the events.
6. If it is the parties' intention that an opposed application be heard on the day for which it is enrolled, the applicant's attorney shall notify the Registrar accordingly in writing before 12:00 on the preceding Tuesday. In the absence of such notice the trial Judge shall assume that the matter will not be heard.
7. For purposes of these Rules an opposed application under rule 43 of the uniform rules shall not be regarded as an opposed application, and the registrar shall not enrol more than three such applications.

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THIS DIRECTIVE SHALL OPERATE WITH EFFECT FROM 15 JANUARY 2025

Issued on 2 December 2024.




**L.P. TLALETSI
JUDGE PRESIDENT
NORTHERN CAPE DIVISION**