



OFFICE OF THE DEPUTY JUDGE PRESIDENT  
WESTERN CAPE HIGH COURT

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TO : THE LEGAL PROFESSION  
FROM : GOLIATH, AJP  
SUBJECT : AMENDMENTS TO PRACTICE NOTES 42(2) AND 43 (1)  
DATE : 28 FEBRUARY 2023

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**NEW DIRECTIVE**

**Practice Notes 42 (2) and 43(1)**

**All matters set down for hearing on multiple days (2 days and more) require an early allocation as stipulated in PN43 below and must accordingly be dealt with as an early allocation.**

43. **Early Allocation of Opposed Matters**

- (1) If any matter on the continuous roll requires early allocation, the legal representatives for the plaintiff, excipient or applicant (as the case may be), shall after compliance with the provisions of Rule 62 (4), deliver to the secretary of the Judge President, **not less than seven (7) days** before the date of hearing, the relevant court file, together with a notice to that effect, setting out the case number, the names of the parties and their legal representatives, and the date of hearing.

**Practitioners are reminded of Directive 42(2) issued on 8 September 2016**

42. Allocation of Opposed Matters

(2) **Not less than two (2) days** before a matter on the continuous or opposed motion roll is set down to commence, the plaintiff's / applicant's counsel (or in the event of the plaintiff's / applicant's counsel not being available, his/her instructing attorney) shall advise the secretary to the Judge President in writing (including facsimile and/or e-mail-

- (a) whether or not the matter has been settled;
- (b) if not settled, what the prospects are of the matter being settled;
- (c) of the likely duration of the matter;
- (d) the names and telephone numbers of counsel on both sides; and
- (e) a brief description of the issues involved.
- (f) when and by which case managing Judge the matter has been released as 'trial ready'.

Practitioners are reminded that "days" means **court days**.

**All Practice Notes must be filed with Mr Zane Booyesen. No Practice Notes will be accepted at the Office of the Acting Judge President.**

**Practice Notes must reflect the contact details (address, telephone and email) of the instructing attorney as well as the correspondent attorney, if applicable.**

**Practitioners are requested to file hard copies of Heads of Argument in all matters.**



**ACTING JUDGE PRESIDENT GOLIATH**

To be issued to:

The Magistracy;

The National Prosecuting Authority;

Legal Aid South Africa;

Western Cape Bar;

Cape Town Attorneys' Association

Western Cape Association for Legal Practitioners

Tygerberg Attorneys' Association

Coastal Winelands Attorneys' Association

Legal Practice Council;

Family Advocate;

State Attorney;

NADEL;

BLA;