



# **CIVIL PRACTICE DIRECTIVES**

**FOR THE**

**REGIONAL COURTS**

**IN SOUTH AFRICA**

**2024 Revision**

## **PREAMBLE**

**Whereas** the Chief Justice has issued Norms and Standards for the performance of judicial functions in terms of section 8(3) read with 8(5) of the Superior Courts Act, 10 of 2013;

Whereas in terms of the published Norms and Standards all current protocols and directives will remain extant;

And whereas the objectives of the Norms and Standards as well as these Practice Directives are to

- improve uniformity,
- promote best practices,
- improve the efficiency and effectiveness of court and case flow management and
- eliminate unnecessary and/or unreasonable delays in court proceedings.

The Civil Practice Directives embraces the constitutional principle that everyone has the right to have any dispute that can be resolved by the application of law decided in a fair public hearing before a court or, where appropriate, another independent and impartial tribunal or forum as well as the principle that justice must also be seen to be done.

No interpretation of these practice directives should have the effect that access to justice is denied to any litigant, in particular the indigent.

Now, therefore, the Regional Court Presidents' Forum hereby issues these revised Practice Directives which apply to all Regional Courts in the Republic of South Africa.

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## **1. GENERAL DIRECTIVES**

- 1.1 Appearances and hearings in civil matters may be done through audio-visual links.
- 1.2 The presiding Regional Magistrate may direct that unopposed and opposed civil matters be heard remotely on the virtual platform where the parties have agreed thereto in writing.
- 1.3 Parties must, when filing their requests for dates of hearing or notices of set down with the Registrar/Assistant Registrars, indicate whether they agree to the use of any virtual platform or electronic/digital hearing of the matter and/or remote audio-visual testimony by any witness.

## **2. SUBSTITUTED SERVICE AND EDICTAL CITATION**

- 2.1 When a party is resident in a foreign country, the application for Substituted Service must include an application for Edictal Citation [Rule 10(1)(a)].
- 2.2 A summons or order of court to be served by way of publication in a newspaper or other publication must be published in the language of the newspaper or publication unless otherwise ordered.
- 2.3 As proof of such publication the whole page showing the name and the date of the newspaper should be filed. If only a cutting of the summons or order is produced, the date and newspaper in which it was published should be proved by way of an affidavit. An explanation as to why the whole page was not submitted should also be given.
- 2.4 If substituted service is to be effected by service at the electronic mail address of a party, the following is applicable:
  - 2.4.1 The application in terms of Rule 10 must be accompanied by an affidavit confirming the identity of the respondent, postal/physical address and the electronic mail address at which the respondent will receive service of the summons (See Rule 10 (1) (b) read with the Rule 55).

- 2.4.2 A copy of any electronic mail correspondence including attachments between the parties may be attached as proof of the validity of the electronic mail address.
- 2.4.3 The sheriff is ordered to serve the summons, annexures and pleadings by way of electronic mail on the address as is ordered by the court, indicating what processes have been served by way of electronic mail and the number of pages that were mailed.
- 2.4.4 In applications for Substituted Service in foreign countries, where service could be effected as provided for in terms of Rule 9(14) and/or Rule 9(15), an application in terms of Rule 10(1)(b) must be accompanied by an affidavit in which proper and fully motivated reasons must be furnished as to why service as provided for in Rule 9(14) and/or Rule 9(15) cannot be effected.

### **3. JUDICIAL CASE MANAGEMENT: PRE-TRIAL CONFERENCES AND TRIAL-READINESS CERTIFICATION**

- 3.1 Every Regional Magistrate presiding in civil matters must take judicial control and management of all civil cases allocated to him/her by the Regional Court President or delegate.
- 3.2 For purposes of efficient judicial case management, the following provisions of Rule 1 must be considered:  
*(2) These rules are to be applied so as to facilitate the expeditious handling of disputes and the minimization of costs involved.*  
*(3) In order to promote access to the courts or when it is in the interest of justice to do so, a court may, at a conference convened in terms of section 54(1) of the Act, dispense with any provision of these rules and give directions as to the procedure to be followed by the parties so as to dispose of the action in the most expeditious and least costly manner.*
- 3.3 Regional Magistrates must judicially manage all opposed actions as provided for in Rule 25 and a pre-trial conference must be held in all opposed action proceedings.
- 3.4 For the purpose of judicial case management the presiding regional magistrate may at any time of the proceedings, *mero motu* direct that a pre-trial conference be held in terms of section 54(1) of the MCA to limit and clarify issues [Rule 22(4) read with Rule 25].

- 3.5 The decision regarding how the matter should be dealt with must be taken within 10 days after receiving the matter in order to ensure compliance with Rule 22(4).
- 3.6 Any party may request a pre-trial conference in terms of section 54 of the Magistrates' Court Act, 32 of 1944 (MCA) in writing as provided for in Rule 25(4).
- 3.7 The Registrar/Assistant Registrar must send the Form 19 Pre-Trial Notice to all parties to attend such judicial case management and pre-trial conference at least 15 days prior to the date fixed for the pre-trial conference in accordance with the provisions of Rule 9(9)(a) [Rule 25(6)].
- 3.8 The judicial case management and pre-trial conference in terms of Rule 25 read with section 54 of the Magistrates' Court Act, 32 of 1944 should be regarded as an on-going procedure which can be adjourned for further hearing and/or compliance with the directives of the presiding officer.
- 3.9 Failure, refusal or neglect by any party to attend a pre-trial conference after due notice has been given must be noted in the record and the presiding officer may make any equitable order [s 54(4) and (5) MCA and Rule 25(12)].
- 3.10 Parties are expected to be suitably prepared for the pre-trial conference to facilitate case management and to formulate issues [Rule 25(2)(c)].
- a) Parties are obliged to engage in party-to-party pre-trial discussions before their appearance at the judicial case management and pre-trial conference hearing and to file with the Registrar/Assistant Registrar a minute signed by both parties no later than 2 or 5 days as the case may be before the date of the hearing [Rule 25(7)(d)(ii) and Rule 22A(6)].
- b) The plaintiff must, not less than 2 days before the date of the judicial case management and pre-trial conference hearing, ensure that the court file has been suitably ordered, secured, paginated and indexed [Rule 25(7)(d)(i)].
- 3.11 In order to facilitate judicial case management and to formulate issues, the court must make necessary orders in terms of Rule 25 read with section 54(2) of the Magistrates' Court Act, 1944 in all

pre-trial conferences including party to party pre-trial conferences.

- a) Regional Magistrates must interrogate all aspects as provided for in Rule 25, in particular Rule 25(7) and Rule 25(10) to ensure effective judicial case management before certifying a matter trial ready.
- b) Regional Magistrates must take note of the orders that can be made under Rule 25(12), which includes giving directions for the hearing of opposed interlocutory applications by a motion court on an expedited basis.
- c) Where there is non-compliance with the Rules or pre-trial conference directives the court may order that the matter be struck off the pre-trial roll and direct that it be enrolled only after compliance with the Rules or directions [Rule 25(12)(d) and Rule 60(2)].
- d) Where the template is used for the judicial case management and pre-trial conference in court, the Regional Magistrate must engage the parties on all the relevant aspects as provided for in Rule 25 and cannot just rubberstamp without interrogating.

3.12 The court must certify the case as trial-ready and allocate a trial date. If the matter cannot be certified trial-ready the necessary orders to facilitate compliance and trial-readiness must be made. Trial dates should be allocated only to matters certified as trial ready. [Rule 25(5) and (12) read with Rule 22(4)(b). See also Rule 1(2) and (3)].

3.13 Unless impractical, the same presiding officer that chairs the pre-trial should preside over the hearing.

3.14 In all divorce matters involving children the office of the Family Advocate must be notified of the date the matter is set down for hearing [Rule 22(5)(b)].

3.15 Where the Family Advocate has submitted a report or a report is required, the assistant registrar must notify the Office of the Family Advocate of the date of any pre-trial proceedings and notify thereafter of applicable directives given at the pre-trial conference [Rule 22(5)(b)].

3.16 Pre-trial proceedings may not be postponed *sine die*.

**4. SERVICE INCLUDING SERVICE BY REGISTERED POST**

- 4.1. Service of any processes by registered post by the Sheriff must be in compliance with Rule 9(9) and (13). [See also Rule 12(3)]
- 4.2. Where service or delivery of any document by registered post is prescribed or authorized in any action or application, such service shall be proven by the production of documentary proof of such posting, a track and trace report where applicable, as well as an affidavit by the party who procured the dispatch of such document, in which he/she-
  - (a) confirms the date of dispatch together with the name and address of the addressee;
  - (b) describes the document so dispatched; and
  - (c) confirms, that the registered item in question had been delivered by attaching proof of delivery.
- 4.3 Whenever the court is not satisfied as to the effectiveness of any service in terms of Rule 9(3), it may order such further steps to be taken as it deems fit [Rule 9(3) proviso].

**5. ADJOURNMENTS, POSTPONEMENTS, WITHDRAWALS, SETTLEMENTS, NON-APPEARANCE OF PARTIES AND DISMISSALS [RULES 27, 31, 32 AND 52A]**

- 5.1 If in any proceedings a settlement or an agreement to postpone or withdraw the action or application is reached, the attorney of the Plaintiff or Applicant must inform the Registrar/Assistant Registrar and other parties thereto by delivering such notice as soon as possible. [Rule 27(5)]. Such settlement or other agreement to postpone or withdrawal of such action or application should be filed together with the notice.
  - 5.1.1 If the parties have reached an agreement to postpone the proceedings, the plaintiff or applicant must file a notice of the parties' agreement to postpone with the Registrar/Assistant Registrar at least 15 days prior to the date of hearing [Rule 27(5) and Rule 31(2)].
  - 5.1.2 Where the action, application or matter has been certified trial-ready and a trial date has been allocated or arranged at a pre-trial



conference referred to in section 54 of the Act, any party seeking a postponement shall file a notice with the Registrar/Assistant Registrar at least 15 days prior to the allocated or arranged trial date requesting the allocation of another trial date [Rule 31(4)].

5.1.3 The Registrar/Assistant Registrar must immediately inform the Regional Magistrate to enable other cases to be scheduled on the roll in addition to ensuring the notice is filed in the relevant court file [Rule 31(1)(b)(ii)].

5.2 Where an attorney acting in any proceedings for a party withdraws, get appointed or is substituted, such attorney must comply with Rule 52A and deliver such notices as required in terms of the said Rule.

5.2.1 An attorney, ceasing to act on behalf of a party, shall give written notice to the registrar and to all other interested parties, including the Family Advocate where applicable and file a notice of withdrawal as attorney of record as soon as he/she ceases to act for the party as provided for in Rule 52A. The last known address and contact details of the client should be included in the notice of withdrawal.

5.2.2 The attorney should state in writing which steps he/she has taken to advise his/her client of the fact that he/she intends to withdraw, and that his/her client was notified in writing of such notification informing him/her of his/her rights and obligations and of the possible consequences of the attorney's withdrawal.

5.2.3 Where a date of hearing has already been allocated at the time the attorney withdraws, the notice of withdrawal should state whether and in what manner the client has been informed of the date of the hearing.

5.3 Should there be no appearance by or on behalf of any of the parties when a matter is enrolled and called, the court must strike it off the roll [Rule 32(4)].

5.3.1 Where an action, application or a matter has been struck off the roll due to the non-appearance of the parties on the date of trial or hearing, the request must be accompanied by an affidavit setting out the reasons for the non-appearance and for the reinstatement of the matter [Rule 31(2)(ii)].

## **6. MOTION COURT**

- 6.1. 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.
- 6.2. 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.
- 6.3. Once the roll is closed the parties are not entitled to access the court file and may only insert or remove documents from it under exceptional circumstances and when authorized by the presiding officer.
- 6.4. The Family Advocate must be informed of all set-downs, removals and postponements in all matters involving children. [Rule 22(5)(b)]
- 6.5 Draft orders in triplicate are to be submitted in all matters.
- 6.6 Prior to the hearing of the application, the applicant must deliver a complete index of all documentation of the matter to be heard. The index should describe each affidavit and annexure as a separate item. This practice is applicable to opposed and unopposed motion proceedings. In the case of unrepresented litigants, the assistant registrar should assist in the binding, indexing and pagination of all documentation.
- 6.7 Binding of Documents: Documents shall be bound in such a way that allows easy and unhindered turning of pages and each bundle shall not consist of more than 100 pages each.
- 6.8 Where practicable and if necessary, handwritten documents are to be copied and typed versions prepared and inserted immediately thereafter in the record. Exceptions should be considered for indigent litigants.
- 6.9 All the documents should be properly paginated. Applicant must ensure that all the documents including the Notice of motion, founding affidavit and annexures and any replying affidavit are properly paginated before service on the respondent. The respondent must also ensure that the answering affidavit and annexures are properly paginated prior to serving on the applicant.
- 6.10 All urgent applications shall be filed with Registrar/Assistant Registrar who will liaise with the Regional Magistrate on urgent duty

who upon receipt thereof will give directions as to how the application will be dealt with further.

6.11 Unopposed applications and default judgments shall be dealt with on the papers which shall include heads of arguments or written submissions from the party concerned where necessary. Such heads of argument shall be filed electronically with the Registrar/Assistant Registrar or where so directed, with the presiding officer concerned.

6.12 In opposed applications the parties shall endeavour to reach an agreement dispensing with the presentation of oral argument and shall so advise the presiding officer concerned through the Registrar five (5) days before the hearing of the matter. The presiding Regional Magistrate will give directions regarding the manner in which oral submissions are to be presented.

6.13 In opposed applications a Practice Note containing

- (a) contact information of the respective parties,
- (b) whether parties will appear in person or virtually,
- (c) a brief summary,
- (d) the relief sought by the parties, estimated duration of the application, and
- (e) directing the court to the relevant pleadings required to be read;

must be filed with the registrar 5 days prior to the hearing together with the heads of argument.

#### **6.14 Requests for default judgment**

- a) Requests for default judgment referred by the Registrar or Assistant Registrar to the Court for consideration in terms of Rules 12(4), (5) or (7), shall be placed on the motion roll and be heard in open court, unless it has been arranged for the matter to be dealt with through a virtual hearing.
- b) The plaintiff must lodge with the Registrar or Assistant Registrar the request for default judgment in writing similar to Form 5 of Annexure 1, in duplicate, together with the original summons and the return of service as provided for in Rule 12(1).
- c) The Registrar or Assistant Registrar must in terms of Rule (7A) record the referral to court on the cover of the court file,

date and sign it and notify the plaintiff of the referral to court.

- d) Once a court date has been allocated, the Registrar/ Assistant Registrar must notify the plaintiff of the court date as well as of any directives the court may have made. [See Rule 12(7)(f) read with Rule 9(9)].
- e) Where the court deems it necessary or in the interest of justice, it may order that the defendant/s be notified of the court date. [See Rule 12(7)(f) read with the proviso in Rule 9(3) as well as Rule 9(9) in respect of the service of such a notice].

### **6.15 Opposed Motions**

- a) In an opposed motion each party or the legal representative must exchange and file concise heads of arguments, including replies and Practice Notes with the Registrar or Assistant Registrar before the closing of the roll or as directed by the court.
- b) In court parties will be restricted to amplifications of issues from the heads of argument and replies to issues raised by the other party only.
- c) Motions may not be postponed *sine die*, unless good cause is shown.

## **7. CIVIL (WHICH INCLUDE DIVORCE) TRIALS**

### **7.1 Allocation of Civil Trials**

- 7.1.1 Only matters that are certified trial-ready, properly indexed and paginated will be allocated a trial date.
- 7.1.2 If it appears at the trial-readiness certification that the parties have opposing expert witnesses, the matter will not be certified trial-ready and allocated a trial date until a joint expert minute is filed as required by Rule 24(9A).
- 7.1.3 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.

- 7.1.4 Once the roll is closed the parties are not entitled to access the court file and may only insert or remove documents from it under exceptional circumstances and when authorized by the presiding officer.

## **7.2 Case Flow Management**

- 7.2.1 In order to facilitate efficient case flow management, the parties must as soon as they agree that that any trial will not proceed on the allocated date/s due to settlement, agreement to postpone or withdrawal, file the notice with the Registrar/Assist Registrar [Rule 27(5)].

- 7.2.2 Civil proceedings may not be postponed *sine die*, unless good cause is shown.

- 7.2.3 Where a trial necessitates the leading of viva voce evidence as in unopposed settled divorce matters, or default judgment, witnesses can testify remotely through an audio-visual link as provided in section 51C of the Magistrates Court Act.

- 7.2.4 Subject to the discretion of the presiding Regional Magistrate, the evidence necessary for the granting of a decree of divorce may be presented on affidavit [see rule 29(16)], which shall be attached to the Notice of enrolment or request for enrolment, provided that

–

- (a) Where there are minor children involved the prayers regarding the status of the minor children are as per endorsement and recommendation by the Family Advocate;
- (b) All the necessary evidence is set out in the affidavit. In this regard it is emphasised that primary facts and not conclusion of fact must be contained in the affidavit.
- (c) The Regional Magistrate may, if needs be, still require oral evidence and may give further directions regarding how such evidence should be given.

- 7.2.5 All opposed trials including divorce matters where a party requests that it be enrolled for hearing, the parties must, at the pre-trial specify the manner in which the oral evidence will be adduced. The Regional Magistrate must give directions regarding the future conduct of the trial including virtual testimony of

witnesses.

- 7.2.6 The use of written affidavits [see Rule 29(16)] and written submissions in undefended actions, including divorces that would ordinarily have required the use of oral evidence and oral addresses, may be considered especially where parties agree thereto. Such affidavits and written submissions are to be filed together with the requests for trial dates or notices of set down.
- 7.2.7 The parties in pending civil matters where the leading of evidence has been concluded may, in consultation with the presiding Regional Magistrate, submit their heads of argument and agree that the matter be decided on the evidence and the written submissions without the need for the presentation of oral argument.

### **7.3 Bundles of Documents**

- 7.3.1 Where a party or the parties to a civil trial intend utilizing documents in their conduct of the trial, such documents must be collated, numbered consecutively and suitably bound.
- 7.3.2 Each bundle must be indexed and the index must briefly describe each document in the bundle as a separate item.
- 7.3.3 The parties should preferably agree upon a joint bundle of documents-
- (a) Where the parties are unable to agree upon a joint bundle, the parties must agree which party's bundle/s shall be the dominant bundle;
  - (b) The subservient bundle or bundles must not contain documents contained in the dominant bundle or bundles.
- 7.3.4 The documents should preferably not be bound in volumes of more than 100 pages, unless a lever arch type file is used.
- 7.3.5 The bundle of documents must be bound in a manner that does not hinder the turning of pages and which enables it to remain open without being held open.
- 7.3.6 The parties must agree prior to the commencement of the trial upon the evidential status of the documents contained in the bundle:
- a) This agreement must be contained in a pre-trial minute;

- b) The agreement must also cover the issue as to which document will be part of the record before the court, to deal with the eventuality of an appeal.

7.3.7 If unnecessary documents are included in the bundle the court may on the application of any party to the trial, or *mero motu*, make a punitive cost order in respect thereof.

## **7.4 Expert Witnesses**

7.4.1 Where a party intends calling an expert witness, there must be compliance with Rule 24(9) and must be dealt with at any party and party meeting in terms of Rule 22A as well as at any judicial case management and pre-trial conference as provided for in Rule 25.

7.4.2 The summary of the evidence to be given by an expert witness must contain at least sufficient information to enable the other party to determine the extent to which he agrees or disagrees with the evidence of such expert.

7.4.3 Parties upon request are entitled to be furnished with an amplification of the summary.

7.4.4 A joint expert minute in the case of opposing expert witnesses must be filed prior to trial-readiness certification and must set out in writing the points in dispute and points agreed on and must be signed by the experts. [See also Rule 24(9) and Rule 24(9A).]

## **7.5 Divorce Matters**

7.5.1 In all divorce and related matters, where there are children involved, including Rule 58 applications, the Office of the Family Advocate must be furnished copies of all the pleadings and set-downs (see Rule 22(5)(b) in respect of set downs).

7.5.2 In all divorce matters where children are involved, no matter can be finalised without an endorsement or rapport from the Office of the Family Advocate, unless the court directs otherwise.

7.5.3 Where Family Advocate Reports are older than 6 months at the time of the hearing, the Court should consider whether it will be necessary in the interest of the children, that an updated recommendation be filed and issue such directive.

7.5.4 Endorsement from the Family Advocate need not be sent for re-

evaluation by the Family Advocate, unless either party requests an amendment that will change the original endorsed position in respect of the children.

- 7.5.5 No notice of set down need to be served in unopposed divorces as provided for in Rule 22(5)(a).
- 7.5.6 Where the court deems it necessary or in the interest of justice in unopposed divorces, with due consideration of factors such as the length of time since the service of the summons on the defendant, the interests and requested relief in respect of children, relief requested in respect of maintenance order, proprietary consequences such as requests for forfeiture and pension/retirement/provident fund interest orders, especially where no information regarding the fund is apparent in the pleadings, it may order that the defendant be notified of the court date. [See Rule 9(9) in respect of the service of such a notice]

#### **7.5.7 Financial Disclosure Forms in divorce actions and Rule 58 applications**

- (a) A financial disclosure form ("FDF") annexed to these directives as "FDF1" must be completed under oath, together with the supporting documentation referred to in FDF1 by each party in an opposed divorce action in which maintenance or proprietary relief is in dispute and/or in every opposed Rule 58 application in which maintenance is in dispute. Each party must index and paginate his/her duly completed FDF with supporting documents, prior to the exchange and delivery thereof referred to below.
- (b) In any opposed divorce action in which maintenance or proprietary relief is in dispute, both parties must exchange (*inter partes*), their respective FDFs no later than 10 court days after the Defendant delivers his/her Plea.
- (c) In any opposed Rule 58 Application in which maintenance is in dispute:
- (i) the Applicant and Respondent must exchange (*inter partes*), their respective FDFs no later than 5 days after the Respondent has delivered his/her sworn reply;
  - (ii) each party must place his/her FDF in the court file



simultaneously with the filing of his/her Practice Note and a comparative table detailing:

- the relief sought by each party in respect of maintenance and/or the regime to regulate care and contact with minor children, clearly distinguishing –

- items of relief which are agreed or common cause.
- items of relief that are in dispute.
- items of relief sought by the applicant that are in competition with items of counter relief sought by the respondent;

- The information shall be set out so that the competing propositions are immediately in juxtaposition to facilitate proper and swift comparison, and to enable the Judge to identify exactly what is controversial.

- (d) The FDF documents must be paginated and incorporated in a separate bundle;
- (e) The regional magistrate hearing the Rule 58 application will determine whether or not further affidavits in terms of Rule 58 (5) are necessary.
- (f) In any matter where a divorce Summons and a Rule 58 application are issued simultaneously (or where a Rule 58 application precedes the issuing of a divorce Summons), the FDFs must be exchanged in accordance with the time periods relating to Rule 58 applications.
- (g) Where a party fails to deliver his/her FDF within the stipulated period, the complying party may bring an application, on notice, to the defaulting party that on the date set out therein, (which shall be at least 5 days from such notice) he/she will apply for an order that the defaulting party deliver his/her FDF within 5 days of such order, failing which the complying party may, on the same papers duly supplemented apply for the defaulting party's claim or defence to be struck out.

## **7.6 Orders**

- 7.6.1 Regional Magistrates must ensure that all orders made are executable, including in respect of settlement agreements.
- 7.6.2 Where any party to a settlement agreement is not present at the time when the terms of a settlement agreement are recorded or made an order of court, the presiding Regional Magistrate may call for the verification of the authenticity of any signature of a party to a settlement agreement before recording the terms thereof or recording same as an order of court or granting judgment in terms thereof. [Rule 27(6)(b)]
- 7.6.3 The wording of pension/retirement/provident fund orders, including in settlement agreements, must be done correctly and contain the relevant details required by the pension, retirement and provident funds in order to enable them to comply with the order as required in Section 37D of the Pension Fund Act, Act 24 of 1956 (for examples of correct wording, see the pro forma RC form).
- 7.6.4 As far as possible a letter of confirmation from the relevant pension / retirement/provident fund should be obtained to verify the details of the pension/retirement/provident fund interest.
- 7.6.5 In the case of maintenance orders in divorce cases, the commencement date of payment and method of payment should be specified as well as other relevant details to ensure execution of the order.

## **8. FINALIZATION OF CIVIL CASES**

- 8.1 All Regional Magistrates must strive to finalise civil matters within nine months from the date of issuing in compliance with paragraph 5.2.5(i)(b) of the Norms and Standards.
- 8.2 In order to ensure the expeditious finalization of cases involving children, which have not yet been finalised after a period of 6 months, the Office of the Family Advocate must submit a monthly list of such cases together with the reasons for such delays to the RCP.

- 8.3 Regional magistrates must report monthly to the RCP on all part-heard cases that had not been finalised within six months from the date of commencement of the trial.
- 8.4 Regional Magistrates should not have more than 15 part heard cases at any given time. A Regional Magistrate with 15 or more part heard cases should not start any new cases without a written approval from the RCP or delegate.
- 8.5 Regional Magistrates who have more than 10 part heard cases must submit an action plan on how they are going to reduce their part heard cases and monthly report on progress.

## **9. RESERVED JUDGMENTS**

- 9.1 Judgments may not be reserved *sine die* and the presiding officer shall indicate the date on which judgment will be handed down in open court by the presiding officer of record, or be handed down electronically. The written judgment can also be handed down by another judicial officer at the instance of the presiding officer within a reasonable time from date of hearing the matter.
- 9.2 Although the Norms and Standards in paragraph 5.2.6 state that judgments should be handed down within three months after the last date of hearing, regional magistrates must submit reasons why a judgment cannot be delivered within 30 days after the last date of hearing to the RCP.

## **10. SECURITY OF COURT FILES**

- 10.1 Files may not be removed from the Records Office of the Registrar or the Assistant Registrar. [Rule 63(6) read with Rule 3].
- 10.2 Any inspection of the contents of a file, or indexing of the papers, must be done under the supervision of the Registrar or Assistant Registrar [Rule 63(6) read with Rule 3].
- 10.3 No attorney, party or third party may uplift and/or remove anything from the court file in any circumstances. Parties to request copies from the Registrar or Assistant Registrar. [Rule 63(6) read with Rule 3].

## **11. GENERAL PROVISIONS**

- 11.1 The presiding officer must note in the Civil Record Book the duration of each sitting.
- 11.2 The presiding officer must note on the record of the proceedings in respect of each case: –
- (a) the time of the day when the proceedings actually commenced and actually ended; and
  - (b) the time of the day of the commencement and conclusion of each adjournment on that day.
- 11.3 Upon the direction of the RCP a regional magistrate must submit any information and any assessment material including statistics, roll collapse reports, other reports, etc. required by the RCP to assess the functioning and efficiency of the court. (See paragraph 6(ii) of the Norms and Standards).

## **12. COMMENCEMENT**

The amended practice directives will take effect on 2 January 2025 as per resolution of the Regional Court Presidents' Forum on 10 December 2024.