



SUPREME COURT OF APPEAL PRACTICE DIRECTIONS

The President of the Supreme Court of Appeal hereby issues the following Practice Directions in respect of the Supreme Court of Appeal and replaces all previous practice directions. Changes are underlined.

1. (a) The Registrar must be informed immediately it becomes known that an appeal is to be postponed or has been settled.
(b) An attorney who wishes to withdraw as attorney of record must comply with the procedure prescribed by Uniform rule 16(4).
2. Unless the President orders otherwise the heads of argument to be lodged in terms of rule 10(1) shall be lodged, in the case of the appellant, within two months from the lodging of the record and in the case of the respondent, within one month from the receipt of the appellant's heads of argument.
3. (1) The heads of argument of each party must be accompanied by a brief typed note indicating:
 - (a) the name and number of the matter;
 - (b) the nature of the appeal;
 - (c) the issues on appeal succinctly stated (for example 'negligence in MVA case', 'admissibility of a confession', 'interpretation of ...');
 - (d) an estimate of the duration of the argument;
 - (e) if more than one day is required for argument, the reasons for the request;
 - (f) which portions or pages of the record are in a language other than English;
 - (g) a list reflecting those parts of the record that, in the opinion of counsel, are necessary for the determination of the appeal;
 - (h) a summary of the argument, not exceeding two folios;

- (i) an indication of those authorities to which particular reference will be made during the course of argument;
 - (j) that there was due and timeous compliance with rule 8(8) and (9), and if not, why not.
- (2) an appeal will not be enrolled until this direction has been complied with.
- 4. If a core bundle has not been prepared in terms of rule 8(7), the heads of argument of the appellant must be accompanied by one. If a core bundle is not appropriate for the appeal, the reasons for the conclusion must be stated in the practice note referred to in para 3.
- 5. Cross-appeals do not require a separate set of heads of argument. In all cases where there is an appeal and a cross-appeal, the appellant's main heads of argument under rule 10(1) (b) must follow the same pattern.
- 6. Because of problems experienced in obtaining orders from registrars in High Courts, the Registrar will for the time being accept applications for leave to appeal or notices of appeal without the certified copy of the order as required by rule 6(2) (c) or 7(3) (c). Instead, a letter from the Registrar of the Court certifying the date of the order will be sufficient.
- 7. The Registrar may not accept documents in relation to an appeal on the date of the hearing of that appeal.
- 8. Each communication from any practitioner directed to the President of the Court or any presiding Judge must be done through the offices of the Registrar and not directly with that Judge.
- 9. If an application for leave to appeal is filed within 21 court days instead of within 21 ordinary days as required by s 21(2) of the Supreme Court Act 59 of 1959, it will for the time being not be necessary for the applicant to apply formally for condonation for the failure to comply with that provision.
- 10. The use of plastic ring binders (not files) for heads of argument and in applications would be appreciated. Annexures to the heads, such as authorities or subsidiary legislation must be separately bound.
- 11. If any party to a pending appeal is of the view that it warrants preferent enrolment whether by reason of urgency or other good cause, such view must be conveyed immediately by letter to the Registrar for the attention of the President.

12. Where a pending appeal is awaiting enrolment the Registrar must be informed
- (a) if counsel for either party is due to be unavailable in the next ensuing term.
 - (b) if enrolment may clash with religious holidays which any of the legal representatives or parties in the case wish to observe.
13. If the heads of argument of any party to an appeal are not filed after due time for lodging and after written reminder from the Registrar, the appeal will be enrolled and the court may at the hearing in the absence of the defaulting party, and after hearing argument, make such order as it deems fit.

14. MODE OF ADDRESS

With effect from the court term beginning on 2 May 2007 the mode of address to the Bench in proceedings before this Court will no longer, in English, employ the expressions 'My Lord', 'My Lady', 'Your Lordship(s)' or 'Your Ladyship(s)'. Instead, the Bench will be addressed through the presiding Judge and be referred to as the 'Court'. Where an individual member of the Bench is referred to this should be by using the Judge's surname preceded by the word 'Justice'. The current mode of address used in Afrikaans will continue to apply.

Dated at Bloemfontein on 17 August 2007.