



OFFICE OF THE DEPUTY JUDGE PRESIDENT

(HIGH COURT OF SOUTH AFRICA, GAUTENG DIVISION, JOHANNESBURG)
OFFICE 1210

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NOTICE

TO:

1. Judges of the Gauteng Division, Johannesburg
2. Chief Registrar, Gauteng Division, Johannesburg
3. Legal Practice Council – Gauteng
4. Law Society of South Africa
5. Gauteng Family Law Forum
6. Gauteng Attorneys Association
7. Pretoria Attorneys Association
8. Johannesburg Attorneys Association
9. West Rand Attorneys Association
10. South African Black Women in Law
11. National Association of Democratic Lawyers
12. Black Lawyers Association
13. South African Women Lawyers Association
14. South African Medical Malpractice Lawyers Association
15. Personal Injury Plaintiff Lawyers Association
16. South African Medico-Legal Association
17. Office of the Director of Public Prosecutions, Pretoria and Johannesburg
18. Office of the State Attorneys, Pretoria and Johannesburg
19. Solicitor General
20. Office of the Family Advocate, Pretoria and Johannesburg
21. Legal Aid South Africa
22. Johannesburg Society of Advocates
23. Pretoria Society of Advocates
24. Gauteng Society of Advocates
25. Pan African Bar Association of South Africa
26. General Council of the Bar of South Africa

27. **National Bar Council of South Africa**
28. **South African Bar Association**
29. **National Forum of Advocates**
30. **North Gauteng Association of Advocates**
31. **Church Square Association of Advocates**
32. **Advocates for Transformation**
33. **Legal Division of the Department of Health: Gauteng**
34. **Legal Division of the Department of Sport, Arts, Culture and Recreation**
35. **Gauteng Department of Agriculture and Rural Development**
36. **Legal Services - Gauteng Provincial Department of Education**
37. **Gauteng Society of Advocates**
38. **Tshwane Society of Advocates**

DATE : 26 April 2023

REF : DJP/21/2012/lt

RE : **ESTABLISHMENT OF A DEDICATED ROAD ACCIDENT FUND DEFAULT JUDGMENT COURT**

1. Legal Practitioners in the field of Road Accident Fund (RAF) litigation will be aware of the unconscionably long lead time for RAF default Judgment cases and for RAF defended cases. The present roll for default judgments reaches May 2025. The Roll for RAF defended cases reaches August 2025. This calls for drastic intervention.
2. The explanation for the predicament is plain: the sheer volume of cases has overwhelmed the capacity available to process the matters within a reasonable time. Set out in this Directive are measures to ameliorate the situation.

RAF DEFAULT JUDGMENT COURT

3. There shall be established a dedicated roll for RAF DEFAULT JUDGMENT CASES. The roll shall be introduced in two phases.
 - 3.1. Phase 1 shall involve all the RAF default cases which, as at 30 April 2023, have already been set down in the general civil trial roll on dates from January 2024 until May 2025. This shall involve the removal of all such cases set down in that period and their automatic set-down in the third and fourth terms of 2023 in accordance with the transfer table set out hereunder.

3.2. Phase 2 shall involve all fresh requests received, as from **2 May 2023**, for a set-down date for a RAF default judgment. This will take effect immediately and set-down dates shall be allocated from the first week of term 1 of 2024.

3.3. All RAF default judgment cases set down during 2023 shall remain as they are on the general Civil trial roll and shall not be removed.

PHASE 1:

4. RAF default judgments cases set-down dates are being automatically advanced. There is no procedural step required from plaintiffs to effect the advanced set down. However, Plaintiffs must take note of the transfers and diarize accordingly. **THIS NOTICE CONSTITUTES NOTICE TO ALL PARTIES OF THE NEW SET-DOWN DATES**
5. All default judgments in a particular month shall be transferred to a specified week in accordance with this table:

Present Set-down in 2024: Transferred to a week in term 3 of 2023:

January	week 1 (17 July 2023 – 21 July 2023)
February	week 2 (24 July 2023 – 28 July 2023)
March	week 3 (31 July 2023 – 04 August 2023)
April	week 4 (07 August 2023 – 11 August 2023; 09 August 2023 is a public holiday)
May	week 5 (14 August 2023 – 18 August 2023)
June & July	week 6 (21 August 2023 – 25 August 2023)
August	week 7 (28 August 2023 – 01 September 2023)
September	week 8 (04 September 2023 – 08 September 2023)
October	week 9 (11 September 2023 – 15 September 2023)

Present set-down in 2024 and 2025: Transferred to a week in term 4 of 2023:

November	week 1 (02 October 2023 – 06 October 2023)
January	week 2 (09 October 2023 – 13 October 2023)
February	week 3 (16 October 2023 – 20 October 2023)
March	week 4 (23 October 2023 – 27 October 2023)

April	week 5 (30 October 2023 – 03 November 2023)
May	week 6 (06 November 2023 – 10 November 2023)

6. The transfers of cases shall be strictly as prescribed to the designated weeks. In the event that a case that is subject to a transfer does not eventually appear on the published roll, an appropriate ad hoc directive shall be made by the DJP upon an emailed query being received.
7. The procedure to be followed in respect of the hearings of these transferred matters shall be as addressed in the Directive about Phase 2.

Effect of the transfers on opening space on the general civil roll

8. The result of these transfers shall be that from January 2024, there shall be spaces in the general civil trials roll to fill as a result of the vacancies resulting from the transfers
9. An invitation to plaintiffs in defended cases set down in 2025 (not in 2024) to withdraw those set-downs and apply afresh for an earlier date in 2024. For practical reasons trials of short duration only, ie, 1 -2 days can be accommodated.

PHASE 2:

10. With effect from 02 May 2023, requests for a set-down date for a RAF default judgment shall be dealt with as follows:
 - 10.1. In each week of term, 200 default judgment cases shall set down.
 - 10.2. 50 will be set down on each Tuesday, Wednesday, Thursday and Friday. In a week where one or more of these days is a public holiday, the number of matters set down shall be reduced by 50 per day.
 - 10.3. Monday is a reading day.
 - 10.4. The hearing will be physical.
 - 10.5. 4 judges shall be rostered to each hear 12 or 13 cases per day.
11. THE FIRST WEEK IN WHICH SUCH MATTERS SHALL BE SET DOWN IS THE FIRST WEEK OF TERM 1 OF 2024.
12. No RAF default judgments shall be set down in recess periods.

13. The roll for a particular week shall be published to the Legal Profession on the Friday of the week preceding the previous week: i.e., a full 10 calendar days before the Monday of the week in which the cases are set down.
14. The judges rostered to hear the cases must be given access to the digital files on that Friday.
15. Plaintiffs must upload to the digital file a practice note by not later than the Friday before the Friday on which the roll is published. There shall be no late practice notes received.
 - 15.1. Failure to meet the deadline shall result in the case being not being enrolled.
 - 15.2. A practice note that does not comply with the prescribed contents shall also result in the case being struck off the roll with no costs allowed.
16. The practice note must **succinctly** state:
 - 16.1. Number on roll
 - 16.2. Legal representatives' name and cell.
 - 16.3. The details proving effective service on the RAF of the set down.
 - 16.4. That the matter is ripe to be heard.
 - 16.5. What material evidence is in affidavit form and what material evidence must be orally adduced.
 - 16.6. A succinct explanation why the quantum on each head of damage is justifiable.
 - 16.7. Where necessary the documents must be cross referenced to the practice note.
 - 16.8. That there is an attached draft order.
17. Reckless inaccurate or misleading statements in the practice note shall attract sanctions for counsel and attorney including the disallowance of costs.
18. At the hearing draft orders must be available to handed up and Counsel must be able to effect amendments to the drafts where so directed by the Judge so that the final orders can be uploaded on the set-down date.

STAFFING OF THE DEFAULT JUDGMENT COURT

19. The rostering of the 4 judges to hear matters on this roll is dependent on the recruiting of pro bono acting judges willing to undertake a week' service in a term. Therefore, an appeal is issued to the members of Legal Profession to volunteer a week in the third and fourth terms of 2023. Advocates and Attorneys with the appropriate seniority and experience are invited to submit offers to assist to tmotswasele@judiciary.org.za, stating in which week of term they offer to serve. They must also include a *curriculum vitae*.

Yours faithfully

*Dictated by the Deputy Judge President
Electronically transmitted, therefore no signature*

**ROLAND SUTHERLAND
DEPUTY JUDGE PRESIDENT**