



**RULES BOARD FOR COURTS OF LAW
REPUBLIC OF SOUTH AFRICA**

2nd Floor, Centre Walk East Tower, 266 Pretorius Street, PRETORIA • P.O. Box 13106, The Tramshed, 0126 • Tel (012) 326 8014/ 8045, Fax (012) 326 8018

03 June 2021

Our ref: JB/ASebola/SCC

Your ref:

Per: e-mail

Dear Sir/Madam,

**PRACTICE DIRECTIVES OVERLAPPING WITH RULE MAKING FUNCTIONS OF THE
RULES BOARD**

The Rules Board for Courts of Law (Rules Board) has considered that there appear to be Practice Directives made by the individual Divisions of the High Court which overlap with the rule making functions of the Rules Board.

Whilst the Rules Board understands that Practice Directives are intended to improve the functioning of individual Divisions, the Board is concerned with *inter alia* the following difficulties which arise from certain Practice Directives:

- (a) The functions of the Rules Board and the Judiciary are not distinct, as they should be; and
- (b) The Practice Directives made by different Divisions result in practice requirements which are not of uniform application nationally and result in confusion to litigants and practitioners.

The Rules Board considered that the views of role-players should be obtained on:

- (a) Whether it is considered that rule-users also perceive the same difficulties and concerns as the Board, as indicated in paragraph two above; and
- (b) In such event, to indicate the Practice Directives which rule users consider create the difficulties perceived.

Your views and inputs should be submitted to the Secretariat on or before 30 July 2021 and may be sent via hand delivery, post, facsimile or email to:

Physical: 2nd Floor, Centre Walk East Tower, 266 Thabo Sehume (Andries) Street, Pretoria

Postal: P.O. Box 13106, The Tramshed, 0126

Facsimile: (012) 326-8018

Email: AmSebola@justice.gov.za

Board members appointed in terms of Section 3 of the Rules Board for Courts of Law Act 107 of 1985

Justice N Dambuza (Chairperson) | Justice F E Mokgohloa (Vice-Chairperson) | Adv L Haupt SC | Ms J Wessels | Mr P Hundermark
Adv M Sishuba | Mr G Bellairs | Mr T Thupaatlase | Ms N S Khanyile | Mr R R Titus | Mr V P Maluleke | Adv S Makoasha | Ms M O Phahlane

The Rules Board looks forward to receiving your inputs (if any) and thanks you for same.

Yours sincerely,

JK Balkishun

J Balkishun
Acting Secretary: Rules Board for Courts of Law
Email: JBalkishun@justice.gov.za
tel: +27 (0)12 3268045 | fx : +27 (0)12 3268018
www.justice.gov.za