

CHAPTER 7 CIVIL APPEALS

1. Once a date has been allocated for the hearing of any civil appeal, the parties may not agree to postpone the appeal without the leave of the Deputy Judge President or the judges to whom the appeal has been allocated for hearing.
2. In all civil appeals, the appellant's heads of argument must be delivered not later than fifteen days before the appeal is heard and the respondent's heads of argument must be delivered not later than ten days before the appeal is heard.
3. If counsel intend to rely on authority not referred to in their heads of argument, copies thereof should be available for the judges hearing the appeal and counsel for each other party.
4. In regard to the content of their heads of argument, counsel are reminded of the dicta in *Catheram Car Sales & Coachworks Ltd v Birkin Cars (Pty) Ltd and Another 1998 (3) SA 938 SCA at 955 B-F and Ensign-Bickford (South Africa) (Pty) Ltd and Others v AE & CI Explosives and Chemicals Ltd 1999 (1) SA 70 SCA 844-85C.*
5. Counsels' names and contact details, including cell phone numbers, must appear on the heads of argument.
6. When allocating a date for the hearing of an appeal, the Deputy Judge President may direct that the parties deliver heads of argument earlier than provided for in paragraph 2 above.
7. Simultaneously with the filing of their heads of argument counsel shall file a practice note. The practice note shall set out -
 - 7.1 each issue that has to be determined in the appeal;
 - 7.2 an extremely brief submission in respect of each such issue;
 - 7.3 what portion of the record must be read.
- 8.1 In all civil appeals the record shall be securely bound in volumes of no more than 120 pages. Each volume shall be consecutively paginated and have a cover sheet reflecting -
 - 8.1.1 the case number;
 - 8.1.2 the names of the parties;
 - 8.1.3 the total number of volumes in the record;
 - 8.1.4 the volume number of the particular volume;
 - 8.1.5 the court appealed from;
 - 8.1.6 the names, addresses and telephone numbers of the parties' legal representatives.

- 8.2 The first volume of the record shall contain an index of the evidence, documents and exhibits. The index must identify each document and exhibit.
- 8.3 Unless it is essential for the determination of the appeal, and the parties agree thereto in writing, the record shall not contain -
- 8.3.1 the opening address to the court a quo;
 - 8.3.2 argument at the conclusion of the application or trial;
 - 8.3.3 discovery affidavits and notices in respect thereof;
 - 8.3.4 identical duplications of any document contained in the record;
 - 8.3.5 documents that were not proved or admitted in the court a quo.
- 8.4 If it will facilitate the hearing of the appeal, or if requested by the presiding judge in the appeal, the parties shall prepare a core bundle of documents relevant to the determination of the appeal. This bundle should be prepared in chronological sequence and must be paginated and indexed.
- 8.5 In the event of a party failing to comply with any of the foregoing, the court may *mero motu*, or on application of any party to the appeal, make a punitive cost order.