

## 8.2 APPEALS

1. Criminal appeals are enrolled by the Director of Public Prosecutions.
2. When giving notice of the set down of a criminal appeal, the Director of Public Prosecutions shall, where the appeal is against conviction, specify the date by which the appellant's heads of argument must be delivered and the date by which the respondent's heads must be delivered. The Director of Public Prosecutions may, at his/her discretion or on the direction of the Deputy Judge President, where the appeal is against sentence only, specify the dates by which heads of argument are to be delivered by the respective parties.
3. Failure to file the heads of argument timeously will, as a general rule, only be condoned in exceptional circumstances. Error or oversight by counsel and legal representatives or the latter's employees will rarely be regarded as exceptional circumstances.
4. Where heads of argument have been required by the Director of Public Prosecutions, the Director of Public Prosecutions must in turn file heads of argument not later than five (5) court days before the date upon which the appeal is enrolled for hearing.
5. The presiding judge in the criminal appeal, the judge president or the deputy judge president may direct that the heads of argument be delivered earlier than the dates referred to above.
6. Counsel's names, contact details including cell phone number, must appear on the heads of argument.
7. 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 party. The same should apply where counsel intend to reply on unreported judgments.
8. 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 AECL Explosives and Chemicals Ltd* 1999 (1) SA 70 SCA at 84H-85C.