

9.24 URGENT APPLICATIONS

1. A judge is designated for the hearing of urgent applications for each week of the year. For this purpose the week commences on Friday at 16h00 and terminates on the Friday of the next week at 16h00.
2. The normal time for the bringing of an urgent application is 10h00 on the Tuesday of the motion court week.
 - 3.1 If the urgent application cannot be brought at 10h00 on the Tuesday of the motion court week, it may be brought on any other day of the motion court week at 10h00. The applicant in the founding affidavit must set out facts which justify the bringing of the application at a time other than 10h00 on the Tuesday.
 - 3.2 If the urgent application cannot be brought at 10h00 on any day during the motion court week, it may be brought at 11h30 or 14h00 on any day during the motion court week. The applicant in the founding affidavit must set out facts which justify the bringing of the application at a time other than 10h00 on the Tuesday and other than 10h00 of the relevant court day.
 - 3.3 If the application cannot be brought at 10h00 on the Tuesday or at 10h00 on any other court day or at 11h30 or 14h00 on any court day it may be brought at any time during the court day. The applicant in the founding affidavit must set out facts which justify the bringing of the application at a time other than 10h00 on the Tuesday and other than at 10h00, 11h30 or 14h00 on any other court day.
 - 3.4 The aforementioned requirements are in addition to the applicant's obligation to set out explicitly the circumstances which render the matter urgent. In this regard it is emphasised that while an application may be urgent, it may not be sufficiently urgent to be heard at the time selected by the applicant.
 - 3.5 The aforementioned practices will be strictly enforced by the presiding judge. If an application is enrolled on a day or at a time that is not justified, the application will not be enrolled and an appropriate punitive cost order may be made.
4. The first paragraph of relief sought in the applicant's notice of motion must be for the enrolment of the application as an urgent application and for the dispensing of the forms and service provided for in the rules of court, to the extent necessary.
 - 5.1 Unless the circumstances are such that no notice of the application is given to the respondent, or unless the urgency is so great that it is impossible to comply therewith, the notice of motion must follow the format of form 2 (a) of the First Schedule to the rules of court and therefore must provide a reasonable time, place and method for the respondent to give notice of intention to oppose the application and must further provide a reasonable time within which the respondent may file an answering affidavit. The date and time selected by the applicant for the enrolment of the application must enable the applicant to file a replying affidavit if necessary.

- 5.2 Deviation from the time periods prescribed by the rules of court must be strictly commensurate with the urgency of the matter as set out in the founding papers.
- 5.3 In cases of extreme urgency, the reasonable time afforded to the respondent to give notice of intention to oppose, is usually not less than 2 hours, excluding the hour between 13h00 and 14h00.
- 6.1 If the facts and circumstances set out in the applicant's affidavits do not -
- 6.1.1 constitute sufficient urgency for the application to be brought as an urgent application and/or
 - 6.1.2 justify the abrogation or curtailment of the time periods referred to in the rule 6(5) and/or
 - 6.1.3 justify the failure to serve the application as required in rule 4 the court will decline to grant an order for the enrolment of the application as an urgent application and/or for the dispensing of the forms and services provided for in the rule. Save for a possible adverse cost order against the applicant the court will make no order on the application.
- 6.2 The aforementioned requirements will be strictly enforced by the presiding judge.
- 7.1 For the purposes of urgent applications ordinary court hours are 10h00 to 11h15, 11h30 to 13h00 and 14h00 to 16h00 of a court day. If a party wishes to bring an urgent application out of ordinary court hours the presiding judge's clerk must be telephoned at her office or on cell number 082 573 5233. The following information must be conveyed to the judge's clerk -
- 7.1.1 The identity of the parties.
 - 7.1.2 Whether or not service has been or will be effected.
 - 7.1.3 Whether or not the application is or is anticipated to be, opposed.
 - 7.1.4 The type of application.
 - 7.1.5 The nature of the relief sought.
 - 7.1.6 Why it is not possible for the application to be heard during ordinary court hours.
 - 7.1.7 When it is anticipated the application will be ripe for hearing.
- 7.2 The judge's clerk will communicate with the judge and thereafter advise the party when and where the application will be heard or what directions the judge has given in regard to the application.
- 7.3 When an urgent application is brought out of ordinary court hours, the applicant must ensure that the order of the court can be typed so that it can be signed by the presiding judge's clerk.
- 7.4 The judge designated for the hearing of urgent applications is not to be contacted directly.
- 7.5 If the judge designated for the hearing of urgent applications directs that the application be heard in court after ordinary court hours the judge's clerk shall telephone -
- 7.5.1 the court stenographer on urgent application duty to arrange the stenographer's attendance in court at the arranged time. The stenographer's telephone number is obtained from LOM on the Friday before 16h00.

- 7.5.2 the security officer on duty at the main entrance of the High Court at telephone number 011 332 8264 to arrange for the admission of the parties to the court and for the parties to be directed to Court 6 E.
- 8.1 When an urgent application is brought for the Tuesday at 10h00 the applicant must ensure that the relevant papers are filed with the registrar by the preceding Thursday at 12h00.
- 8.2 The registrar's office must ensure that the court files of all urgent application set down for the Tuesday at 10h00 are brought to the clerk of the judge hearing the urgent applications by 16h00 on the preceding Friday.
- 8.3 The clerk of the judge hearing urgent applications will prepare a roll in respect of the urgent applications to be heard on the Tuesday at 10h00. The clerk will publish the roll in the foyer of the High Court by no later than 10h00 on the Tuesday.
- 8.4 Where an urgent application is brought for any other time than Tuesday at 10h00, the registrar's office shall ensure that the court file is brought to the clerk of the judge hearing urgent applications as soon as possible. The judge's clerk shall prepare a roll in respect of the urgent applications to be heard on the other days of the week. The clerk will publish the roll in the foyer of the High Court by no later than 09h00 on the day of the hearing.
- 9.1 Save in exceptional circumstances the applicant should not frame the relief sought in the form of a *rule nisi* which has in whole or in part interim effect. Where applicable the urgent relief should be sought pending the determination of the application.
- 9.2 Annexure A to this chapter is an example of the appropriate format of a notice of motion to be utilised in an urgent application.
- 10.1 On the Friday of each week at 16h00 the registrar shall send to the secretary of the judge designated for the hearing of urgent applications for the week commencing at 16h00 on the Friday -
- 10.1.1 the cellular phone provided for the judge's clerk;
 - 10.1.2 15 consecutively numbered court files (These files are to be utilised in the event of an urgent application being brought without a court file having been opened by the registrar of the court);
 - 10.1.3 an official stamp of the registrar of the High Court. The stamp imprint must include the letters J.S.
- 10.2 On Friday of each week, before 16h00 the clerk of the judge who is to take over the urgent court, must obtain from LOM (Business Solutions) the telephone number of the stenographer on urgent court duty for the urgent court week.

- 10.3 On the first court day after any of the files referred to in 10.1.2 above has been utilised, the judge's clerk shall inform the registrar of the names of the parties and the allocated case number.
- 10.4 On the Friday morning at the conclusion of the week during which the designated judge heard the urgent applications, the judge's clerk must return the cellular telephone, the unused numbered files and the aforesaid stamp to the registrar.