



**OFFICE OF THE DEPUTY JUDGE PRESIDENT
SOUTH GAUTENG HIGH COURT**

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Telephone number: +27 11 332 8397/8187
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Our Ref: 05_05/11_bm

Your Ref:

16 February 2011

TO: All Judges – South Gauteng High Court, Johannesburg

The Chief Registrar – South Gauteng High Court, Johannesburg

The Chairman, Johannesburg Society of Advocates

The Chief Executive Officer / Director, Law Society of Northern Province

The Chairman, Advocates for Transformation

The Chairman, National Forum of Advocates

The Chairperson, Black Lawyers Association (Gauteng Branch)

The Chairperson, National Association of Democratic Lawyers (Gauteng)

The Director, National Prosecuting Authority: South Gauteng High Court

The Family Advocate, South Gauteng High Court

PRACTICE DIRECTIVE 05 OF 2011

**RE: APPLICATION FOR CONFIRMATION OF AGREEMENTS IN TERMS OF SECTION
295 CHILDREN'S ACT**

1. Please find attached hereto Practice Directive 05 of 2011 dated 16 February 2011.

Yours faithfully

**PM MOJAPELO
DEPUTY JUDGE PRESIDENT**



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PRACTICE DIRECTIVE 05 OF 2011

**RE: APPLICATION FOR CONFIRMATION OF AGREEMENTS IN TERMS OF SECTION
295 CHILDREN'S ACT**

INTRODUCTION:

1. Section 295 of the Children's Act 38 of 2005 provides for a surrogate motherhood agreement to be approved by a court.
2. In terms of Section 295;
 - 2.1. the identity of the parties to court proceedings with regard to a surrogate motherhood agreement may not be published without the written consent of the parties concerned; and
 - 2.2. no person may publish any facts that reveal the identity of a person born as a result of surrogate motherhood agreement.
3. In light of these provisions, prospective applicants have from time to time sought directives from this office as to whether such applications are to be placed for hearing on the ordinary roll, or whether they are to be placed for hearing in chambers.

DIRECTIVE

4. A directive is accordingly hereby issued that;
 - 4.1. A party who seeks to bring an application in terms of the section must first have the application issued by the Registrar in the ordinary course;

- 4.2. The court file with all its contents must however, be brought to this office, immediately after issue;
- 4.3. This office will upon receipt of the court file and the application, allocate the matter for hearing to a particular Judge, who shall give further directives as to how the matter is to be heard;
- 4.4. The applicant's attorneys must specifically refer this office and the court hearing the application to the provisions of Section 295 of the Act when the court file is delivered to this office and when the application is heard.
- 4.5. The parties must comply in all respects with such further directives and requirements as may be stipulated by the Judge to whom the file has been allocated.

Yours faithfully

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke, positioned above a horizontal line.

PM MOJAPELO
DEPUTY JUDGE PRESIDENT