



Supreme Court of Appeal, Registrar's Office • PO Box 258, Bloemfontein, 9300 • c/o Elizabeth- & President Brand Street, Bloemfontein •
Tel (051) 4127 400 • Fax (051) 4127 449 • www.supremecourtsofappeal.gov.za

Enquiries: M.M. Maya P

Date: 21 APRIL 2020

Ref:

Letter to attorneys, the GCB, the constituent Bar Councils, Law Societies and the Legal Practice Council

In the light of the Covid 19 Pandemic, courts globally have found it necessary to direct that hearings, which are normally held in public, should proceed remotely. We are no exception. The Supreme Court of Appeal has accordingly resolved that:

- (a) It will not conduct physical hearings in May 2020.
- (b) Parties with matters that are set down for hearing during the term will be invited to indicate if they wish to have their matters disposed of without oral argument in terms of s 19(a) of the Superior Courts Act 10 of 2013. Those amenable to this course may, with the leave of the presiding judge, file brief supplementary heads of argument, if so advised. The presiding judge will specify the length of and fix the date for the filing of the supplementary heads.
- (c) Hearings will proceed via web-based video conferencing.
- (d) If any party is of the view that an in person oral hearing cannot be dispensed with, such party will be directed to make representations in writing to the registrar as to why the appeal requires an in person oral argument and the presiding judge will issue an appropriate directive, including, if necessary, an order that the matter be adjourned sine die.

We have requested the IT department at the Office of the Chief Justice to rapidly upscale our IT infrastructure. Once that has been done and a suitable web-based video conferencing platform identified, that will be shared with the profession. Participants will then be required to provide the registrar with the necessary contact details in advance of the hearing date. We appreciate that litigants, their legal representatives and judges participating in proceedings from different geographical locations via web-based conferencing, can undoubtedly be challenging. However, as daunting as those challenges may be, the course that we are proposing is, in our view, preferable to the business of the court being suspended indefinitely.

In due course appropriate practice directives regarding remote hearings will be issued. As the May term is but a fortnight away, we would appreciate your prompt response, if any, to the proposals outlined above or for that matter any other constructive suggestions that would assist in bringing this initiative to successful fruition. As matters unfold, we may be obliged to find alternative measures. Those will be communicated to the profession.

Your feedback to the Registrar on this proposal is expected by 9 am on 22 April 2020.

**M.M. MAYA
PRESIDENT OF THE SUPREME COURT OF APPEAL
BLOEMFONTEIN**