



PRACTICE DIRECTIVE 1 OF 2024:

**IMPLIMENTATION OF THE COURT ONLINE SYSTEM
FOR URGENT APPLICATIONS IN THE LABOUR
COURT OF SOUTH AFRICA**

This directive comes into effect from 12 August 2024.

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¹ Please note that new Rule 38 states: (1) A party applies for urgent relief must file an application that complies with the requirements of the rules relating to applications generally. (2) The affidavit in support of the application must also contain: (a) the reasons for urgency and why urgent relief is necessary; (b) the reasons why the requirements of the rules were not complied with, if that is the case; and (c) if a party brings an application in a shorter period than that provided for in terms of section 68(2) of the Act, the reasons why a shorter period of notice should be permitted. (3) The party bringing the application or that party's representative must sign the application. (4) The registrar must fix a date, time and place for the hearing of the application, having regard to the degree of urgency for which the applicant contends. (5) Except in the case of an *ex parte* application, as soon as the registrar has allocated a date, time and place for the hearing, the party bringing the application must serve a copy of the application, together with the information obtained from the registrar, on the respondent. (6) Except in the case of an *ex parte* application, the party bringing the application must satisfy the court when the application is heard that a copy of the application has been served on the respondent or that sufficient and adequate notice of the content of the application was brought to that party's attention by other means. (7) The applicant must have available for the court a draft order sought, both in hard copy and electronic format. (8) Unless otherwise ordered, a respondent may anticipate the return date of an interim interdict on no less than 48 hours' notice to the applicant and the registrar.



A. INTRODUCTION

- i. The Office of the Chief Justice (OCJ) has developed the Court Online system. Court Online is an end-to-end E-Filing solution for the Superior Courts of South Africa. It is aimed at providing a platform for Law Firms and Litigants in general, to file pleadings and documents to the Courts electronically over the internet from anywhere. It also affords Law Practitioners and Litigants the ease of managing their court appearance diaries and court evidence instantaneously online.
- ii. The Acting Judge President of the Labour Court has determined that all urgent applications in the Labour Court will be initiated on Court Online as at the date indicated above. Unless specifically directed or mandated to initiate an existing matter on the Court Online system, no other existing cases may be initiated on Court Online.

1. Registration on Court Online

- 1.1 All practitioners/litigants are required to be registered and have an account/profile beforehand on the Court Online system in order to be able to initiate urgent cases and access documents in the Court Online case files.
- 1.2 Registration is done *via* the Court Online website, accessible through the below link:

Link: <https://www.courtonline.judiciary.org.za>

- 1.3 Practitioners/litigants requiring assistance in registering or otherwise using the Court Online Portal must contact the Court Online help desk services **during court hours**. The help desk can be contacted *via*:

Help desk email address: CourtOnline@judiciary.org.za

Telephone number: 010 493 2600

Helpdesk MS Teams open link: [Helpdesk Teams Link](#)



After hours urgent court.

- 1.4 These numbers (**will be provided in due course**) are operational on weekends and between 16:00 and 08:00 during the week. These numbers must not be used for general enquiries or for any issues not relating to a matter to be heard in the After-Hours Urgent Court.
- 1.5 Foreign nationals who are registered with the Legal Practice Council (LPC) but do not possess a South African identity number should contact the Court Online Support Helpdesk for assistance with registration.
- 1.6 Unrepresented foreign nationals who do not possess a South African identity number should contact the Court Online Support Helpdesk for assistance with registration.

2. Initiating urgent applications

- 2.1 All urgent applications must be initiated on the Court Online Portal and must be marked as “**urgent.**”
- 2.2 All urgent applications must comply with the provisions of Rule 38 of the Rules of the Labour Court².
- 2.3 All restraint of trade urgent applications must comply with Rule 39 of the Rules of the Labour Court.³

² Rules Regulating the Conduct of Proceedings of the Labour Court GG 50608 GN 4475 dated 3 May 2024.

³ **39. Applications in restraint of trade** (1) Unless circumstances warrant a more urgent hearing, an application in restraint of trade will be enrolled only where the procedure outlined below has been strictly adhered to by the applicant. (2) An applicant must make provision in its notice of motion for the exchange of four sets of affidavits. (3) An applicant when prescribing the time periods to be adhered to for the filing of affidavits in its notice of motion must afford: (a) the respondent at least 7 days to file an answering affidavit; (b) the applicant at least 5 days to file a replying affidavit; and (c) the respondent at least 5 days to file a fourth affidavit. (4) At the time of launching the application, the applicant must apply to the registrar to allocate a provisional date for the hearing of the application, such date having been calculated so as to take into account the mandatory time periods prescribed above and the filing of heads of argument as contemplated below. The applicant must also insert a date, not less than 7 calendar days after launching the application, on which the application will be heard if it is unopposed. (5) The application will be provisionally enrolled for hearing during the week following the week in which heads of argument have been exchanged.

146 No. 50608 GOVERNMENT GAZETTE, 3 May 2024 44 (6) The applicant must ensure that its notice of motion and founding affidavit are properly paginated before launching the application. (7) The parties are required to paginate any subsequent affidavits (as contemplated in subrule (3)) before such affidavits are filed. (8) The parties must adhere to the prescribed time periods for the filing of their affidavits. (9) Upon



- 2.4 When initiating urgent proceedings, the applicant must only upload the initiating document to the Court Online Portal (see paragraph 2.5 below).
- 2.5 The case number must be sought through the Court Online portal by uploading the notice of motion. Upon receipt of the request for a case number, the Registrar will approve and endorse the request on the system.
- 2.6 The issuing of case numbers for and/or enrolment of urgent applications should be dealt with between 08:00 and 16:00 on court days unless the initiation takes place outside court hours, for a hearing which will take place outside of court hours. Where an urgent case is issued and simultaneously enrolled, the issuing clerk/Registrar shall create the case on Court online and invite the Judge's secretary. The applicant must ensure to invite all other legal practitioners involved in the matter. This invitation must be sent via email and, if it cannot be ascertained by the applicant that such email has been received by the parties, *via* telephone.
- 2.7 All urgent applications initiated by unrepresented litigants must be initiated on Court Online. **During court hours**, litigants must be referred to the Court Online Service Desk for assistance with case initiation.
- 2.8 A record of all cases in terms of paragraph 2.7 must be kept by the clerk responsible for the management of the Court Online Service Desk. The contact details of the Service Desk Clerk are as follows:

Telephone number: 0104932600

receipt of the fourth affidavit, or upon the expiry of the *dies* for the filing thereof, if no fourth affidavit is filed, the applicant must immediately prepare an index for the application, and upon completion thereof serve it on the respondent. (10) The parties must simultaneously serve and file heads of argument within 5 days from the date of delivery of the index or upon the expiry of the *dies* for the filing thereof. (11) At the time of filing its heads of argument, the applicant must make application for final enrolment of the matter. The application will be finally allocated for hearing during the week following delivery of the heads of argument. Party's failure to file heads of argument in accordance with this subrule will not preclude the matter from being allocated for hearing.



Email address: (will be furnished in due course)

2.9 In the event that the Court Online service helpdesk is closed, unrepresented litigants, must, before filing any papers, communicate with the Registrar or the urgent court Judge's secretary to determine whether the Judge will authorise the filing of documents via email or physically at the premises of the Labour Court. In such cases, the registrar will issue a case number manually to a litigant in person and, on the court day after the hearing, will refer the application and related documents, together with the contact details of the parties, to the Court Online service helpdesk for a case file to be created and the documents to be uploaded on Court Online.

3. Uploading documents to court file/portal

- 3.1 Once the initiating document (see paragraph A above) is uploaded, and a case number is issued, a Court Online case file will be created on the Court Online Portal, and litigants are required to upload their documents on it.
- 3.2 All documents must be uploaded to the Court Online case file in PDF format.
- 3.3 Practitioners and litigants must refrain from uploading all of their documents (notices, pleadings, draft orders *etc.*) as a single PDF document on the Court Online case file.
- 3.4 Each document must be uploaded separately, and practitioners and litigants must ensure that the document is correctly categorised using the document type selection list appearing on the Court Online Portal when uploading new documents to the Court Online case file.
- 3.5 When uploading and selecting document types, litigants should not categorise the document as "*other*". If the document type selection list does not make provision for the specific document type a party wishing to upload, an email must be sent to the Court Online support desk under



the subject heading “*Request to add a new document type on Court Online*” with a description of the document type to be added to the document upload selection list.

4. Access to Court Online documents

- 4.1 The applicant must invite the presiding Judge’s secretary and all parties (including counsel if so briefed) to the case file created on the Court Online portal. This invitation must be sent via email and, if it cannot be ascertained by the applicant that such email has been received by the parties, via telephone.
- 4.2 Only where the papers cannot be uploaded onto the Court Online Portal, such documents, as may be directed by the urgent court Judge, are to be sent by email to the parties and the Judge or his/her secretary at an email address provided.
- 4.3 Only where both the uploading on the Court Online Portal or emailing of the papers is not possible, may a physical set of papers be delivered, as directed by the urgent court Judge, together with an affidavit explaining, in full, why it was impossible to upload the papers *via* Court Online or send the papers by email.

5. Service of urgent applications

- 5.1 Service of process in all urgent matters is to comply with the Rules of the Labour Court.

6. Closure of urgent roll

- 6.1 The urgent roll and subject to the Rules and Legislation shall close at noon on a Thursday for the following Tuesday.

7. Hearing of urgent applications

- 7.1 The registrar shall indicate to the parties when an urgent application will be heard and will create an event for the hearing of the matter, on the allocated date and record this on the urgent court roll. Where the urgent



application is to be heard outside of ordinary court hours, the urgent court Judge may direct when the matter will be heard.

- 7.2 The urgent court Judge may determine whether an urgent application is to be heard in person, in court or online *via* videoconferencing.
- 7.3 Where the urgent court Judge determines that a matter will be heard online, the urgent court Judge's secretary will set up the online hearing link, provide such link to the parties and record the hearing, unless the Judge instructs that one of the parties is to provide the link and record the proceedings. The audio file of the online proceedings is to be provided to the Registrar without delay and must be availed to any party who was involved in the hearing upon request and without delay.
- 7.4 The secretary of the urgent court Judge shall ensure that the audio file of the virtual proceedings is immediately transmitted to the stenographers for record keeping.
- 7.5 The Judge and legal professionals appearing in any online hearing must be robed in accordance with Rule 5(1) of the Labour Court Rules. All other parties appearing online are to be dressed formally (Rule 5(2)). All the parties in any online hearing shall conduct themselves with the same decorum and respect as if the hearing is in the open court.
- 7.6 All parties in an online hearing should ensure that they have a backup electricity and data source in the event of a power outage, load-shedding or any other electrical or connectivity issue.
- 7.7 Where a litigant is unrepresented in an urgent application, the registrar shall make arrangements for that litigant to attend the hearing through the use of the virtual courtroom located at the premises of the Labour Court.
- 7.8 Members of the public, including the media, who wish to attend an online court hearing may direct a request for access to the secretary of the urgent court Judge on duty, which access may be granted at the



discretion of the Judge having regard to the nature of the proceedings, public interest in court proceedings and the principles of open justice. Such access may be granted subject to conditions imposed by the presiding Judge and/or the provisions of Rule 73 of the Labour Court Rules, if applicable.

8. Orders

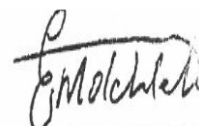
8.1 *Draft order*

A draft order is to be prepared by the applicant and uploaded onto the Court Online case file and/or emailed to the secretary of the urgent court Judge on duty prior to the hearing of the urgent application. Where the urgent application is heard in open court, a draft order must be uploaded on the Court online case file and a hard copy of the draft order must be made available including emailing a soft copy to the secretary of the Judge.

8.2 *Court orders*

An order granted/issued in an urgent application shall be communicated by email to the parties or uploaded by the urgent court Judge's secretary onto Court Online within 24 hours. of the hearing of the matter. The Judge's secretary is to ensure that the case file is endorsed with the outcome on Court Online.

8.3 Where an order has been granted *ex tempore*, the case file is to be endorsed by the urgent court Judge's secretary.



Acting Judge President
Labour and Labour Appeal Courts of South Africa
31 July 2024

