

SUPREME COURT OF APPEAL OF SOUTH AFRICA
Practice Directive 1/2026

Whereas the Superior Courts Act 10 of 2013 provides that the management of the judicial functions of each court is the responsibility of the head of that court;

And whereas the Rules Regulating the Conduct of Proceedings of the Supreme Court of Appeal¹ (SCA Rules) allow the President of the Supreme Court of Appeal to issue practice directives;

Now therefore, the President of the Supreme Court of Appeal hereby issues the following Practice Directive in respect of matters ripe for enrolment at the Supreme Court of Appeal:

1. The main objective of this Practice Directive is to clarify the application of Rule 13(4) read with Rule 16A(1) of the SCA Rules.
 - 1.1 Rule 13(4) envisages that counsel will indicate their non-availability *before* the allocation of a hearing date for an appeal or application, specifically before the court roll is finalised for the term.
 - 1.2 A notice for the removal of an appeal or application from the roll must clearly articulate the reason for such removal. The mere unavailability of counsel shall not constitute a valid reason for removal, except in exceptional circumstances that warrant consideration.
 - 1.3 All appeals and applications that are ripe for hearing are processed on a first-in, first-out (FIFO) basis. This means that if an appeal or an application for leave to appeal has been removed from the roll by mutual agreement between the parties, it will not receive any preference when assigning a new hearing date. Instead, it will be placed at the end of the queue for cases awaiting allocation of a hearing date, in accordance with the FIFO principle.

¹ Published under GoN R1523, G. 19507 (c.i.o 28 December 1998), GoN R979, G. 33689 (c.i.o 24 December 2010), GoN R191, G. 34073 (c.i.o 15 April 2011), GoN R113, G. 36157 (c.i.o 22 March 2013), GoN R1055, G. 41142 (c.i.o 1 November 2017), GoN R1318, G. 42064 (c.i.o 10 January 2019), GoN R842, G. 42497 (c.i.o 1 July 2019), GoN R858, G. 43592 (c.i.o 11 September 2020), GoN R1158, G. 43856 (c.i.o 1 December 2020), GoN R1602, G. 45645 (c.i.o 1 February 2022), GoN R2135, G. 46475 (c.i.o 8 July 2022), GoN R3059, G. 48067 (c.i.o. 24 March 2023), GoN R3398, G. 48571 (c.i.o 19 June 2023)

- 1.4 In instances where one party seeks to postpone an appeal or application that has already been enrolled, and the other party opposes the granting of such a postponement, a substantive application for the postponement of the appeal or application must be filed promptly with the Registrar.
- 1.5 Nothing stated above shall derogate from a party's entitlement to request the President to enroll an appeal or application on an expedited basis as provided for in previous Practice Directives. Such a request should be fully motivated and should include the reason(s) why the appeal was removed from the roll in the first place.
2. This Practice Directive should in no way be interpreted in a manner that will have the effect of denying access to justice to any litigant. In instances of uncertainty, a party's attorney of record or an unrepresented litigant should seek clarification by submitting a letter to the Registrar for the attention of the President.
3. This Practice Directive will be enforced with effect from 1 September 2026. It shall apply until set aside by another Practice Directive, or until Rule 13 and/or Rule 16A(1) have been amended by the Rules Board.



M B Molemela
President
Supreme Court of Appeal
31 July 2026