



LABOUR COURT PRACTICE DIRECTIONS

PRACTICE DIRECTION 1 OF 1998

1

- 1.1 Practice directions 1 of 1996 and 1 of 1997 are withdrawn.
- 1.2 The words 'deliver' and 'day' in this practice direction have the same meaning as in Rule 1 of the Rules of the Labour Court.
-

Document 2 of 11

2 Terms

The terms of the Labour Court for 1999 shall be as follows:

- The first term shall be from 1 February to 26 March inclusive;
 - The second term shall be from 12 April to 25 June inclusive;
 - The third term shall be from 26 July to 1 October inclusive;
 - The fourth term shall be from 18 October to 10 December inclusive.
-

Document 3 of 11

3 Administrative recesses

The administrative recesses for the Labour Court for 1999 shall be as follows:

- 27 March to 11 April inclusive;
 - 26 June to 25 July inclusive;
 - 2 October to 17 October inclusive;
 - 11 December to 30 January 2000 inclusive.
-

Document 4 of 11

4

The Labour Court will sit from 10h00 to 11h15, from 11h30 to 13h00 and from 14h00 to 16h00.

Document 5 of 11

5

All judges of the Labour Court should be addressed as 'Judge X' and referred to as 'Judge X'. The expressions 'Your Lordship' or 'Your Ladyship' or similar expressions should not be

used.

Document 6 of 11

6

Legal practitioners are required to robe when appearing in the Labour Court. In addition, the dress code for attorneys is that male practitioners must wear a dark suit, a white shirt and a tie, and female practitioners must wear a dark outfit. Blouses must be white.

Document 7 of 11

7

In motion proceedings, including urgent applications, practitioners must prepare a typed copy of the draft sought and, where possible, have the draft order or notice of motion available on stiffer disc (in ASCII or Word Perfect 6) in order to facilitate the issuing of orders.

Document 8 of 11

8

The following directions apply to heads of argument, whether in appeals, reviews, motion proceedings or trials:

- 8.1 The first reference to a factual allegation must contain a page and paragraph or line of reference to the record or bundle of documents.
 - 8.2 The first reference to a text book must specify the author, title, edition and page number (in that order). Example: Smith *Labour Law*, 2 ed at 44.
 - 8.3 The first reference to a reported case must contain the full name of the case, the year, volume, commencement page, division of the court, and page and margin reference to which specific reference is made. Examples: *National Union of Hotel Workers & others v Smith (Pty) Ltd* 1990 (1) SA 127 (A) at 130D; *Jones v Clark (Pty) Ltd & others* (1990) 15 ILJ 1010 (LAC) at 1013D.
-

Document 9 of 11

9 Opposed applications

9.1 Heads of argument

- 9.1.1 The applicant must deliver heads of argument not less than 10 days before the hearing of an opposed application.
- 9.1.2 The respondent must deliver heads of argument not less than 5 days before the hearing of an opposed application.

9.2 Application papers

- 9.2.1 A bundle of relevant documents must be prepared which is securely bound and paginated.
- 9.2.2 An index must be prepared of the paginated bundle.

9.2.3 A separate bundle of irrelevant documents, such as copies, must be securely bound.

9.2.4 The bundles must be prepared not less than 10 days before the hearing.

Document 10 of 11

10 Withdrawals and postponements

10.1 A party who has initiated proceedings and wants to withdraw the matter must deliver a notice of withdrawal as soon as possible.

10.2 If the parties reach a settlement, the party who initiated the proceedings must notify the registrar of the settlement as soon as possible.

10.3 If the parties agree to postpone the hearing, the party who initiated the proceedings must notify the registrar as soon as possible.

Document 11 of 11

11 Trials

11.1 Continuous roll

11.1.1 Parties are required to finalise the hearing within the time periods envisaged by them.

11.1.2 A trial continues from the date of set down until it is complete and the parties and their representatives must be available to complete the trial.

11.2 Court papers

11.2.1 A bundle of pleadings must be prepared which is securely bound and paginated.

11.2.2 An index must be prepared of the paginated bundle.

11.2.3 A separate bundle of irrelevant documents, such as notices and copies, must be securely bound.

11.2.4 The bundles must be prepared not less than 5 days before the hearing.

11.3 Documentary exhibits

11.3.1 A bundle or bundles of documentary exhibits must be prepared which is securely bound and paginated.

11.3.2 An index must be prepared of the paginated bundle.

11.3.3 The bundle/s must be prepared before the commencement of the trial.

11.3.4 The parties are referred to the provisions of rule 6(4) (b) (v) and (vi) of the Labour Court Rules, which provide:

In a pre-trial conference, the parties must attempt to reach consensus on the following:

(v) discovery and the exchange of documents, and the preparation of a paginated bundle of documentation in chronological order;

(vi) the manner in which documentary evidence is to be dealt with, including

any agreement on the status of documents and whether documents, or parts of documents, will serve as evidence of what they purport to be.'

© 2005 Juta and Company, Ltd.