



Labour Courts
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Also in Cape Town
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21 April 2020

FROM OFFICE OF THE JUDGE PRESIDENT

DIRECTIVE IN RESPECT OF ACCESS TO THE LABOUR APPEAL COURT IN LIGHT OF THE EXTENDED COVID-19 NATIONAL LOCKDOWN

The following directives are effective immediately upon publication on Tuesday 21 April 2020 until the 30 June 2020.

1. These directives shall apply to all appeals set down for the rest of Term 2 of 2020.
2. All appeals on the roll from 4 May shall remain enrolled, notwithstanding the Lockdown or extension thereof and any social distancing regulations that may remain in place thereafter.
3. Pursuant to section 19(a) of the Superior Courts Act, 10 of 2013, all appeals set down during Term 2 shall be disposed of without an oral hearing in open Court subject to the following:

- 3.1 If both Parties agree, an appeal may be removed from the roll in which event there shall be no costs order.

3.2 Both or either of the Parties may file detailed submissions to substitute the heads filed by it (them). These submissions must be filed:

3.2.1 by the appellant(s) at least five days before the date allocated for the hearing of the appeal.

3.2.2 by the respondent(s) three days prior to the date allocated for the hearing of the appeal.

3.3 If either or both of the Parties are of the view that oral argument is necessary for the proper ventilations of the issues on appeal, an email to this effect must be forwarded setting out full and exhaustive details as to why oral argument is necessary for the Labour Appeal Court to arrive at a fair decision of the case. The Judges allocated to consider the appeal shall jointly exercise a discretion as to the disposal of the matter and may issue *ad hoc* directives which may include, *inter alia*, one or more of these options: A hearing using video conferencing techniques; where this option is chosen, the Appellant shall, unless otherwise directed by the Presiding Judge, undertake to organise the setting up of a video conference as host, and shall send a link to all the Parties and Judges involved for a meeting at a time and date stipulated by the Presiding Judge.

3.4 In the event of there being any questions or queries by the Judges allocated to hear the appeal these will be directed to both Parties and the reply must be sent by email within the stipulated period.

4. Any queries by any Party must be made by email only and sent to the address provided and copies sent to the other Parties.
5. The Appellant remains *dominus litis* and is ultimately responsible for the efficient disposal of the appeal.
6. The Order and the Judgment of the Labour Appeal Court shall be communicated to the Parties by email.
7. All emails in respect of this directive must be forwarded to Cmbiada@judiciary.org.za