OFFICE OF THE DEPUTY JUDGE PRESIDENT

(HIGH COURT OF SOUTH AFRICA, GAUTENG DIVISION, JOHANNESBURG)
OFFICE 1210

Telephone number: 010 494 8491
e-mail address: Secretarydjp@judiciary.org.za

N O T I C E

TO:

1. **Judges of the Gauteng Division, Johannesburg**
2. **Chief Registrar, Gauteng Division, Johannesburg**
3. **Secretariat – Judicial Case Flow Management, Office of the Chief Justice**
4. **Registrars – Gauteng Division of the High Court, Johannesburg**
5. **Legal Practice Council – Gauteng**
6. **Law Society of South Africa**
7. **Gauteng Family Law Forum**
8. **Gauteng Attorneys Association**
9. **Pretoria Attorneys Association**
10. **Johannesburg Attorneys Association**
11. **West Rand Attorneys Association**
12. **South African Black Women in Law**
13. **National Association of Democratic Lawyers**
14. **Black Lawyers Association**
15. **South African Women Lawyers Association**
16. **South African Medical Malpractice Lawyers Association**
17. **Personal Injury Plaintiff Lawyers Association**
18. **South African Medico-Legal Association**
19. **Office of the Director of Public Prosecutions, Pretoria and Johannesburg**
20. **Office of the State Attorneys, Pretoria and Johannesburg**
21. **Solicitor General**
22. **Office of the Family Advocate, Pretoria and Johannesburg**
23. **Legal Aid South Africa**
24. **Johannesburg Society of Advocates**
25. **Pretoria Society of Advocates**
26. **Gauteng Society of Advocates**
27. **Tshwane Society of Advocates**
28. **Pan African Bar Association of South Africa**

29. General Council of the Bar of South Africa
30. National Bar Council of South Africa
31. South African Bar Association
32. National Forum of Advocates
33. North Gauteng Association of Advocates
34. Church Square Association of Advocates
35. Advocates for Transformation
36. Legal Division of the Department of Health: Gauteng
37. Legal Division of the Department of Sport, Arts, Culture and Recreation
38. Gauteng Department of Agriculture and Rural Development
39. Legal Services - Gauteng Provincial Department of Education
40. South African Board of Sheriffs
41. South African Sheriff Society
42. Road Accident Fund

DATE : 24 October 2024

OUR REF : DJP/18/2012/lt

RE : **PROCEDURE FOR APPLICATIONS SOUGHT TO BE HEARD *IN CAMERA* IN THE GAUTENG DIVISION, JOHANNESBURG**

---

1. *Ex Parte in camera* applications are rarely appropriate. Generally, these include Anton Piller applications, asset forfeiture orders, freezing of a bank account in certain circumstances, Mareva type applications, applications for the protection of vulnerable persons, applications to interdict the escape from the jurisdiction of a person and surrogacy applications.

2. All of these types of cases are brought ex parte. In the Practice Manual dated October 2018 only two of these types of cases are regulated.

   2.1. Anton Piller Applications – Chapter 10.1

   2.2. Surrogacy Applications – Chapter 10.16

3. The advent of the digital data base has, despite various advantages, also created conditions where matters that are deserving of confidentiality are at risk of having that confidentiality breached.

4. As a result, this directive sets out additional procedural requirements for all other types of applications sought to be heard in camera:

   4.1. Where a party takes the view that an *in camera* hearing is appropriate, the Deputy Judge President must be approached during office hours before a case number is obtained from the registrar.

   4.2. This approach must be by email to secretarydjp@judiciary.org.za to which is attached the relevant documents including a motivation for an *in camera* hearing and a certificate from counsel expressing the reasoned opinion why that is appropriate e.g. "*I, adv X, hereby certify that it is my bona fide opinion that for the following reasons this matter should be heard in camera…".* In a case where it is not practical to transmit the documents as an attachment to an email, the relevant papers in hard copy form must be delivered to the secretary of the DJP.

   4.3. If the *in camera* status is approved on a prima facie basis by the Deputy Judge President, a case number must be obtained and the data file left empty.

4.4. The Deputy Judge President shall direct that the matter shall be heard by a particular judge and the applicant shall thereupon approach that judge's secretary directly.

4.5. The assigned judge, after hearing the applicant shall decide whether indeed an *in camera* hearing should be ordered and shall give further directions as to the hearing of the merits of the application.

4.6. The registrar shall not upload any documents to the data file unless and until an order from a judge is issued authorising such upload.

Dictated by the Deputy Judge President
Electronically transmitted, therefore no signature

_____

ROLAND SUTHERLAND
DEPUTY JUDGE PRESIDENT