

2 Sittings of the court and recess periods

RS 22, 2023, D1 Rule 2-1

(1) Notice of the terms and sessions of every Division of the High Court, as determined by the Chief Justice under the provisions of section 9(2) of the Act, shall be published in the *Gazette* and a copy thereof shall be affixed to the public notice-board at the office of the registrar.

(2) If the day prescribed for the commencement of a civil term or a criminal session is not a court day, the term or session shall commence on the next succeeding court day and, if the day prescribed for the end of a term or session is not a court day, the term or session shall end on the court day preceding.

(3) The periods between the said terms shall be recess, during which, subject to the provisions of subrule (4), the ordinary business of the court shall be suspended, but at least one judge shall be available on such days to perform such duties as the Judge President shall direct.

(4) During and out of term such judges shall sit on such days for the discharge of such business as the Judge President may direct.

(5)(a) If it appears to the Judge President of a Division that it is expedient or in the interests of justice for the court to sit at a time other than any prescribed time, the Judge President may direct that the court sits at such other time, including during recess periods.

(b) If it appears to the Judge President of a Division that it is expedient or in the interests of justice to hold a sitting of the court for the hearing of any matter at a place elsewhere than at the seat or a local seat of the Division, the Judge President may, in accordance with the provisions of section 6(7) of the Act, hold a sitting of the court at such other place.

[Rule 2 amended by GN 235 of 18 February 1966 and substituted by GN R1343 of 18 October 2019.]

Commentary

General. This rule must be read subject to the provisions of [ss 8](#) and [9](#) of the Superior Courts [Act 10 of 2013](#) which respectively provide for the judicial management of judicial functions by the Chief Justice and the head of each division of the High Court, on the one hand, and access to courts, recess periods and attendance at courts, on the other. On 28 February 2014 the Chief Justice issued a directive in the *Government Gazette* [1](#) setting out uniform court terms for the 'Superior Courts' for the years 2014–2020. [2](#) On 31 July 2019 the Chief Justice issued a further directive in the *Government Gazette* [3](#) setting out the court terms for the 'Superior Courts' other than the 'Constitutional Court, the Supreme Court of Appeal and the Labour Appeal Court' for the period 2021–2027. [4](#)

[1](#) Under GN 148 in GG 37390 of 28 February 2019.

[2](#) The directive is reproduced in [Volume 3, Part E1](#). The term '*Superior Court*' is defined in [s 1](#) of the Superior Courts [Act 10 of 2013](#) as 'the Constitutional Court, the Supreme Court of Appeal, the High Court and any court of a status similar to the High Court'.

[3](#) Directive 2/2019 in GG 42605 of 31 July 2019 at pp 5–7.

[4](#) The directive is reproduced in [Volume 3, Part E1](#).