

IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

**National Police Services Union and others v Minister of Safety and Security
and others**

Case CCT 21/00

Decided on 27 September 2000

Media Summary

The following media summary is provided to assist in reporting this case and is not binding on the Constitutional Court or any member of the Court.

On 24 August 2000 the Court refused an application by the appellants to postpone their appeal in this matter and struck their appeal off the roll. The reasons for this order and an explanation of the Court's approach in principle to such applications has been drafted by Justice Mokgoro on behalf of the Court.

Following a disagreement with them the appellants had dismissed their attorney and counsel shortly before the hearing. The respondents had agreed to a postponement and, assuming it to be a formality, the appellants' new advocate had been hurriedly briefed only to ask for the postponement and the respondents were not represented in court at all.

Justice Mokgoro emphasises that in this Court postponements are not granted by consent of the parties. Once a matter has been set down it will not be postponed unless a full explanation is given which satisfies the Court that it is in the interests of justice to do so. The explanation is considered together with all other relevant factors, including whether the application was made in good time, whether there is prejudice to the other side and whether the application is opposed. While the public interest may in a particular case require that a litigant be given more time, cases before the Court need to be completed without undue delay.

Here the postponement was refused because there was no satisfactory explanation for the appellants' delay in instructing new lawyers timeously. While striking the matter off the roll, the Court made no order as to costs and pointed out the possibility of applying for reinstatement of the case if a proper explanation for the delay is given and good prospects of success are shown.