

# Urgent applications: What you need to know about the new court rules

New procedural changes affecting urgent applications in South Africa's High Court and Magistrates' Courts come into effect on 4 July 2025. These updates mark a shift in how litigants initiate and navigate urgent relief, especially where time and precision are critical.

By [Dee-dee Mathelela](#) 19 Jun 2025



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For legal and business teams dealing with time-sensitive risks, these changes provide clearer pathways, a call for greater clarity, planning, and procedural rigour.

## 1. Mediation-notice exemption in urgent High Court matters

Under the amended Rule 41A of the High Court Rules, all new actions and applications must include a notice stating whether the parties agree to explore mediation. However, this requirement can now be waived in urgent cases. The court is permitted to dispense with the mediation-notice obligation for both the applicant and respondent, provided urgency is properly motivated.

This adjustment recognises that where rights are at immediate risk, procedural flexibility is necessary. That said, urgency must be clearly explained in the founding papers, not just asserted. The court's discretion must be actively and responsibly invoked.



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## 2. Refined urgency protocols in the Magistrates' Courts

Rule 55(3)(b) of the Magistrates' Court Rules now allows *ex parte* applications to be treated as urgent, provided they meet specific requirements. Applicants must identify the grounds for urgency (such as irreparable harm or prejudice), reference any relevant statutory provisions, and support their case with affidavit evidence.

The rules also allow such matters to be brought before a magistrate in chambers. This creates room for faster relief in appropriate cases but also places more responsibility on practitioners to present clear, compliant applications from the outset.

### 3. Practical guidance for legal teams and clients

These updates invite a more deliberate approach to urgent litigation. While the procedural barriers are now more defined, the room for error has narrowed. Well-prepared applications are likely to receive prompt attention, while rushed or incomplete filings may face resistance, delays, or dismissal.



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#### Key considerations include:

- Confirm that urgency is genuine and well-supported by facts and documents.
- Structure your founding papers to directly address the relevant rule changes.
- Ensure affidavit evidence is aligned with the urgency claims and the relief sought.
- Use statutory references and clear framing to reduce room for challenge.

### 4. Moving forward

The amendments to Rule 41A and Rule 55(3)(b) reflect a broader trend toward modernising urgent relief procedures. They also underscore the importance of preparation and clarity in litigation strategy. When time is short, strong process discipline becomes a form of advocacy in itself.

As the courts tighten expectations and expand discretion, the most effective applications will be those that combine substance with structure: timely, thoughtful, and grounded in both legal and practical realities.

#### ABOUT THE AUTHOR

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