

## CONSTITUTIONAL COURT OF ZIMBABWE

### PRACTICE DIRECTIVE NO. 2 OF 2013

THE CHIEF JUSTICE, THE HONOURABLE MR JUSTICE G.G. CHIDYAUSSIKU HAS ISSUED THE FOLLOWING PRACTICE DIRECTIVE:

With effect from the date of issue Applications and Appeals that are brought to the Constitutional Court shall be dealt with and must comply with the following directive:

**(A) APPLICATIONS (In terms of Section 85(1) of the Constitution)**

- (1)** The application shall be brought on a notice of motion supported by an affidavit as to the facts upon which the Applicant relies for relief.
- (2)** The application shall be signed by the Applicant or his legal representative and it shall state:-
  - (a) the address of service of the Applicant or his legal representative and
  - (b) the exact, nature of the relief which is sought.
- (3)** The application shall be served on the Registrar and the Respondent(s).
- (4)** Upon being served with the application the Respondent is required to indicate within 10 days whether or not he intends to oppose the application. If no such notification is given by the Respondent, the Registrar is required to place the matter before the Chief Justice to be dealt with in terms of paragraph (8).
- (5)** Any person opposing the granting of an order sought in the notice of motion shall:-
  - (i) within a period of ten (10) days notify the Applicant and the Registrar in writing of his intention to oppose the application and
  - (ii) Lodge his opposing affidavit, together with any relevant documents which may include supporting affidavits.

- (6) The Applicant may lodge an answering affidavit within ten (10) days of the service upon him of the affidavit and documents referred to in paragraph 5(ii).
- (7)
  - (i) Where no notice of opposition is given or where no opposing affidavit in terms of paragraph 5(ii) is lodged within the stipulated time, the Registrar shall within five days of the expiry thereof place the application before the Chief Justice.
  - (ii) Where opposing affidavit is lodged, the Registrar shall place the application before the Chief Justice within five (5) days of the lodging of the replying affidavit.
  - (iii) If no replying affidavit is lodged within the stipulated time, the Registrar shall within five days of the expiry thereof place the application before the Chief Justice.
- (8) When an application is placed before the Chief Justice in terms of paragraph (4) or paragraph 7(i) ,(ii) or (iii) the Chief Justice shall give directions as to how the application shall be dealt with and in particular:-
  - (i) As to whether it shall be set down for hearing or
  - (ii) Whether it shall be dealt with on the basis of documents filed of record or
  - (iii) Whether Heads of Arguments should be filed or
  - (iv) Any other direction that the Chief Justice may issue.
- (9)
  - (i) Where Heads of Argument are required to be filed the Registrar shall send a written notification calling upon the Applicant through his legal representative to file Heads of Argument within fifteen (15) days after the date of such notification.
  - (ii) The Respondent is required within ten (10) days of receiving the Applicant's Heads of Argument to file with the Registrar his Heads of Argument.
- (10)
  - (i) Upon receiving the Respondent's Heads of Argument in terms of paragraph 9(ii), the Registrar shall set the matter down for hearing.
  - (ii) Where a party fails to file Heads of Argument within the times stated in paragraph (9), the Registrar shall within five (5) days place the record before the Chief Justice who shall proceed in terms of paragraph (8).

**(B) URGENT APPLICATIONS**

1. The Registrar upon receiving an urgent application, must place it before the Chief Justice.
2. The Chief Justice may give directions for the matter to be dealt with at such time and in such manner as he deems fit.

**(C) APPEALS**

Appeals on constitutional decisions of the Supreme Court, High Court and Magistrates court shall be dealt with in accordance with part IV of the Rules of the Supreme Court, 1964. Provided that no appeal shall be dismissed for non-compliance with the rules without first seeking the directions from the Chief Justice.

Issued on 19 June 2013