INSOLVENCY & BUSINESS RESCUE

The Introduction of a Dedicated Insolvency Court in Pretoria

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Following the great success of the pilot dedicated Insolvency Court in Johannesburg, and after deliberations with specialist insolvency practitioners, the Gauteng Division of the High Court has resolved to pilot a dedicated Insolvency Court in the Pretoria High Court, with effect from Term 1 of 2026. The initiative reflects a judicial recognition that insolvency matters require specialist oversight and structured case-flow management to reduce delay, congestion, and procedural uncertainty.

In practical terms, the directive introduces immediate and material changes for insolvency practitioners. Insolvency matters will no longer be accommodated on the general motion or opposed motion rolls and will instead be channelled through a dedicated Insolvency Motion Court or, where appropriate, a dedicated Insolvency Trial Court. Matters will ordinarily be heard on a fixed 7 week cycle from enrolment to hearing (excluding court recess periods). Urgency will be the exception rather than the rule, and will not justify bypassing the insolvency roll. Practitioners are required to correctly classify matters at the issue and enrolment stages, failing which matters risk removal from the roll or adverse cost consequences. More active judicial case management should also be anticipated in complex matters.

The Dedicated Insolvency Court comprises two components, a dedicated Insolvency Motion Court ("**IMC**") and a dedicated Insolvency Trial Court ("**ITC**"). All insolvency related matters, whether opposed, unopposed, or interlocutory, are intended to be heard in this specialised forum. These include sequestration and liquidation applications, business rescue proceedings, rehabilitation proceedings, reviews and interlocutory disputes arising from insolvency proceedings.

A defining feature of the system is the 7 week rolling cycle from enrolment to hearing. Matters will ordinarily be heard in the seventh week after the week in which the request for enrolment is uploaded, excluding recess periods.

The first hearings under this framework will take place during the week of 19 January 2026, being the first week of Term 1. From that week, all insolvency matters already enrolled on the general motion roll or opposed motion roll will be automatically transferred to the dedicated Insolvency Court roll, without any steps being required by practitioners. The directive expressly discourages attempts to bypass the insolvency court by enrolling matters on alternative rolls.

Urgency will be tightly regulated. Only in exceptional circumstances may a matter be heard earlier than the applicable cycle, and practitioners must still satisfy the requirements of the general urgent court. Urgent relief will ordinarily be confined to interim orders or rules *nisi*, and attempts to manufacture urgency may attract adverse cost consequences.

Where disputes of fact or evidentiary complexity render motion proceedings inappropriate, the court may issue case management directions, including referrals to oral evidence or trial under the supervision of the ITC.

The introduction of the dedicated Insolvency Court in Pretoria is expected to bring greater predictability and efficiency to insolvency proceedings. Clients can anticipate more structured timelines and focused judicial oversight, with matters being managed within a specialist forum designed to reduce delay and improve outcomes.

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