2 CERTIFICATION and PRE-TRIAL CONFERENCES

In terms of the requirements of the Chief Justice's Norms and Standards ("the CJNS") published on 28 February 2014 (Government Gazette 37390 GN 147) no matter may be enrolled for hearing unless it is certified trial ready by a Judicial Officer. In order to achieve that object the following guidelines are provided:

1. A certification hearing (including a pre-trail conference as provided for in Rule 25) as contemplated in Regulation 5.2.4 headed "Judicial Case Flow Management" of the CJNS must be held in every matter which is to proceed to trial.

2. Where a party wish to request for the allocation of a trial date, such party shall approach the clerk of the court (trial dates) and cause a FORM "F" to be issued. A copy of the FORM "F" as well as the annexure to FORM "F" containing list of notices and pleadings shall be delivered on each and every party to the action at least 10 days before the hearing of the matter. In order to determine whether a matter is trial ready the annexure to FORM "F" needs to be completed for consideration by the magistrate allocated for certification hearings.

3. In order to ensure whether a matter is trial ready a certification hearing must be held after discovery and after the parties have exchanged documents as contemplated in Rule 23. In the event of discovery being made after the holding of the certification hearing, a further certification hearing must be held after such discovery and exchange of discovered documents.

4. A matter will be considered ripe for trial where it appears at the certification hearing:

    4.1 that the parties have seriously endeavoured to narrow the issues and explore settlement;
    4.2 that the pleadings disclose a proper cause of action/defence in terms of the Rules;
    4.3 that there are no outstanding requests for admissions or particularity and no outstanding requests for documents;
    4.4 that, where applicable, all the experts notices have been delivered;
    4.5 that the trial is ready to commence immediately and run to a conclusion. This implies that there was consultation with the witnesses before the pre-trial.

5. Parties have a continuous obligation to seek to narrow issues and to comply with the substantive requirements of Rule 25 read with section 54.

6. If it appears at the roll call that one party has prevented substantial compliance with Rule 25 despite genuine and timeous efforts by the other party to achieve substantial compliance therewith, the court may allocate the matter if it appears the matter can run to a conclusion.

7. The court may deal with the issues of costs arising out of any postponement at the certification hearing rather than reserving the costs.

8. A trial date may only be allocated once the court is satisfied that the matter will commence immediately and run to a conclusion.