REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Private Bag X67, Pretoria 0001

2018 -10- 01

GD-PRET-005

GRIFFIER VAN DIE HOOGGEREGSHOF SUID-AFRIKA,
GAUTENG- AFDELING,
PRETORIA

OFFICE OF THE DEPUTY JUDGE PRESIDENT
HIGH COURT OF SOUTH AFRICA, GAUTENG PROVINCIAL DIVISION, PRETORIA

Gauteng High Court Building, Cnr. Madiba & Paul Kruger Strs, Room 7.19, Seventh Floor
Tel. (012) 315 7625 – Fax. (012) 315 7600 – E-mail: SMoloi@judiciary.org.za

TO ALL PRACTITIONERS **1 October 2018**

Sir/Madam

RE: ALLOCATION OF TRIAL DATES IN RESPECT OF RAF / PRASA MERITS MATTERS ONLY.

1. To facilitate settlement of the merits and in cases where the parties were to proceed on merits only, the Practice Manual introduced a system where parties, who agreed to separate merits (liability) and quantum and where the matter was to proceed on merits only received an earlier or preferential date.

2. That system is now dysfunctional. The Registrar has informed me that the number of matters wherein parties agreed on separation has increased tremendously and the Office of The Registrar is now allocating trial dates in such matters in October 2020. The waiting period for a trial date is too long

3. When I investigated this predicament I noted that:

    I. About Fifty (50) matters each day are on the trial roll against RAF and PRASA for adjudication of merits only and about 95-98% of those matters are settled or removed from the roll on the trial date. In very few matters are there real disputes that require adjudication by the court.

    II. The minutes of the Pre-Trial Conference filed when a Notice of Application for Trial Date, do not comply with Rule 37 and the Practice Manual.

    III. The minutes of the pre-trials that are filed show that practitioners are not holding meaningful discussions at the Pre-Trial Conferences to

disclose important facts and defences that can limit the issues or to enable the parties to reach a settlement.

4. **PLEASE NOTE THE FOLLOWING:**

4.1. I have instructed the Registrar of the Court not to allocate trial dates in the matters against RAF and PRASA unless a Certificate of Trial Readiness (certificate) has been signed by a Judge who is satisfied that proper minute of a pre-trial conference that complies with Rule 37 and the Practice Manual, as amended, has been filed.

4.2 A Judge who determines whether a certificate should be signed or not may direct queries to the parties indicating in what respects the minute of the pre-trial conference is not compliant and the parties should ensure that they comply. If a Judge is satisfied with the contents of the supplemented minute a certificate may be signed

4.3 Simultaneously with the allocation of a trial date by the Registrar, a date for a Judicial Management Meeting would be allocated, which date would be about 20 days before the allocated trial date. A notice of set down filed should also reflect a date on which a Judicial Management Meeting would be held.

4.4 Importantly prior to the date allocated for the Judicial Management Meeting, a further pre-trial conference should be held between the parties and a minute of the said pre-trial conference should be filed 10 days before the allocated Judicial Management Meeting.

4.5 A Judge at the Judicial Management Meeting will then finally confirm whether a matter is indeed trial ready to proceed on trial on the allocated date. Such certification will be made if a further pre-trial conference minute has been filed and the court-file had been properly indexed and paginated. After such certification the matter would be trial ready and the party raising new issues or intends to apply for a postponement is at risk of costs order being made against him or her.

4.6 If at the Judicial Management Meeting the matter appear not to be trial ready the matter may be removed from the roll or be struck off from the roll with an appropriate costs order, or if the matter is still capable of settlement and or there appear to be no real triable issues the matter may be allocated to a separate special roll on the allocated trial date.

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4.7. On the trial date matters where a Certificate has been issued will be given preference when allocation of Judges is made. In matters wherein a Certificate has not been granted, an allocation may not be made. .

5. After discussions with the Judges and the Registrar, I think abovementioned process of certification of the matters will reduce the waiting period of a trial date to less than twelve months after the matter shall have been certified trial ready.

6. In matters where trial dates that have been allocated from 05 November 2018 onwards, a judicial management meeting will be held at least three weeks before the allocated trial date to determine if a matter is indeed trial ready. If the said matters are trial ready a certificate will be issued. Depending on the success of the new procedure, the procedure may be applicable to the RAF & PRASA matters in respect of quantum and the current procedure of certification may be changed in future.

7. In matters which have been set down for hearing from 05 November 2018 onwards, if further minutes of a pre-trial conference compliant with a detailed minute of pre-trial conference as required can be filed, the parties may not be summoned to attend Judicial Management Meeting to determine if a certificate should be issued

8. You may send your comments or questions to the Office of The Deputy Judge President concerning the aforesaid.

Regard,

A P Ledwaba
Deputy Judge President
Gauteng High Court, Pretoria