PRACTICE GUIDELINES IN RESPECT OF SECTION 65A MATTERS

Date: 25 March 2015 (to be applicable insofar as circumstances allow from 2 April 2015)

These practice guidelines in respect of section 65 matters sets out the practice of Civil Section of the Magistrate's Court, Johannesburg, Republic of South Africa.

[1] Matters in pertaining to section 65A to 65M shall be heard in **Court 28** and only on Thursdays and in accordance with the annual Recess Calendar.

[2] Only five (5) matters per firm of attorneys are allowed per court day. Should there be a need for more than this amount the judgment creditor or his/her/its attorney may approach the Head of the Civil Section to make suitable arrangements. Such arrangements would only be made once all the relevant circumstances have been taken into consideration.

[3] A maximum of 50 matters per day shall be enrolled.

[4] Where the judgment creditor wishes to issue a Section 65A notice in respect of a judgment given in another district, the judgment creditor shall file with the clerk of the court a certified copy of such judgment and an affidavit or affirmation by the judgment creditor or a certificate by his or her attorneys specifying the amount still owing under the judgment and how such amount is arrived.

[5] Where the matter is subject to the provisions of section 65A(4), the judgment creditor or his/her attorney, as the case may be, shall in addition to those requirements attached to the affidavit or affirmation or in the case of his or her attorney the certificate a track and trace report as envisaged in *Kubyana v Standard Bank of South Africa Ltd* 2014 (3) SA 56 (CC), unless the court for good reason dispense with that requirement.