MAGISTRATES' COURTS JUDICIARY

JOHANNESBURG

PRACTICE GUIDELINES: PRE – TRIAL CONFERENCE - SECTION 54(1) READ WITH RULE 25 OF THE MAGISTRATES' COURTS ACT 32 OF 1944, AS AMENDED

Johannesburg Magistrates' Court, Civil Section

In terms of rule 25(1) Judicial case management shall apply to any matter determined appropriate by the Court, of own accord or upon the request of any party, at any stage after a notice of intention to defend is filed.

1. The Clerk of the Court as directed by a Judicial Officer will give a pre-trial conference directive/notice to the parties calling upon these parties to attend a pre-trial conference to be held before the Magistrate in Court 25 on a stated date at 14:00 to consider-
   (a) the simplification of the issues;
   (b) the necessity or desirability of amendments to the pleadings;
   (c) the possibility of obtaining admissions of fact and of documents with a view to avoiding unnecessary proof;
   (d) the limitation of the number of expert witnesses;
   (e) such other matters as may aid in the disposal of the action in the most expeditious and least costly manner (Rule 25(7)(a),(b)).

2. **The directive/notice shall advise the parties that** on the date of the pre-trial conference, they are required to have held a meeting to prepare for the pre-trial

conference at which the issues identified in Rule 25(10) in relation to the conduct of the trial of the action must have been considered; and

3. **The plaintiff will be required**, not less than two days before the time appointed for the pre-trial conference to –
    (i) ensure that the court file has been suitably ordered, secured, paginated and indexed; and
    (ii) deliver an agreed minute of the proceedings at the meeting held between the parties, alternatively, in the event that the parties have not reached agreement on the content of the minute, a minute signed by the party filing the document together with an explanation why the agreement on its content has not been obtained (Rule 25(7)(c),(d)).

4. The **agreed minute shall particularise** the parties' agreement or respective positions on each of the issues identified in Rule 25(10) and, to the extent that further steps remain to be taken to render the matter ready for trial, explicitly identify them and set out a timetable according to which the parties propose, upon a mutually binding basis, that such further steps will be taken (Rule 25(8)).

5. In addition to the minute, the **parties will be required to deliver a detailed statement** of issues, which shall indicate-

    (i) the issues in the case that are not in dispute; and
    (ii) the issues in the case that are in dispute, describing the nature of the dispute and setting forth the parties' respective contentions in respect of each issue (Rule 25(9)(a)).

6. **A Magistrate,** upon considering the statement by the parties**, shall at least a day before the pre-trial conference give directive** whether the appearance by the parties at the pre-trial conference may be dispensed with (Rule 25(9)(b)), so the parties will be required to **provide contact telephone numbers and email addresses** on the statement and minute.
7. The pre-trial directive will substantially conform to 'Pre-Trial Form A' attached.
8. At any stage of the proceedings, the Clerk of the Court may direct compliance letters electronically to any party which fails to comply with the time limits for the filing of

pleadings or any notice in terms of the rules (rule 25(4)(a)). The letter directing compliance will substantially conform to ‘Pre-trial Form B’ attached.

Date Compiled: 8 July 2022