

**NOTE TO ALL PRACTITIONERS**

1. Chapter 6.13 of the Practice Manual deals with Pre-Trial Conferences. The effective date of the Practice Manual is 25 July 2011.

Chapter 6.13.3 deals with claims for damages, whether delictual or contractual, and matters where expert notices and summaries must be delivered.

The 1<sup>st</sup> pre-trial conference (on the merits of the matter only) has as its purpose the facilitation of a settlement of the merits and it is required that at that pre-trial conference the parties shall do everything in their power to achieve a settlement.

In order to achieve a settlement it is axiomatic that the attorneys should know their clients' version of how the incident giving rise to the action occurred. For that very reason Chapter 6.13.3.5.1 requires that if the parties do not settle the merits that "the attorneys must set out in the pre-trial minute, clearly and concisely, their clients' versions."

Most matters now proceeding to trial fall under the provisions of the Practice Manual. In spite thereof many, if not the majority of the minutes of the pre-trial conferences, in particular in Road Accident Fund matters, still record that the Defendant's attorneys will "revert" on how the incident occurred, or will investigate or did not receive proper instructions. As a result the attempt to settle matters is being frustrated. Practitioners simply do not comply with the provisions of the Practice Manual. I therefore gave strict instructions to the Registrar and Staff allocating trial dates to not allocate trial dates to litigants who have not fully complied with the Practice Manual. If a party is dissatisfied with a decision taken by the Registrar, no debate is to take place with the particular Registrar. The litigant can approach me in terms of the provisions of Chapter 6.13.7 of the Practice Manual.

2. Trial matters are enrolled to be allocated to a court to be heard. Trial matters on the daily trial roll should therefore be ready to be allocated at the beginning of the roll call at 9h30. Trial matters are not enrolled with the view of settling at court. If litigants want to settle their matters they can do this on their own without keeping a court waiting. Once a matter is settled the legal practitioners can make use of the provisions of Chapter 6.16.4 of the Practice Manual.

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As from 28 January 2013 only matters complying with Chapter 6.14 .4 of the Practice Manual will be allocated. All other matters including matters where parties attempt to settle will be removed from the roll at the end of the first roll call.



**W J van der Merwe**  
Deputy Judge President  
North Gauteng High Court, Pretoria

**Dated:19 December 2012.**