

PRACTICE GUIDELINES IN RESPECT OF SECTION 65A MATTERS

Date: 11 November 2015

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

- [1] It is suggested that the parties utilise Form G, a modified Form 40 of the Magistrates Court Rules
- [2] Matters in pertaining to section 65A to 65M shall be heard in **Court 1** and only on Thursdays and in accordance with the annual Recess Calendar.
- [3] 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.
- [4] A maximum of 50 matters per day shall be enrolled.
- [5] 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.
- [6] 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.
- [7] In the event of a postponement to a specific date such date to be arranged with all parties concerned and the clerk of the court in Room 82. FORM "H" prepared for this purpose must be completed by the attorney and handed to the clerk of the court for confirmation that the date was entered onto the court roll. The document so prepared is to be handed in to the presiding magistrate.