

6.14 SETTLEMENT AGREEMENTS AND DRAFT ORDERS

1. Where the parties to a civil trial have entered into a settlement agreement, a judge will only make such settlement agreement an order of court if -
 - 1.1 counsel representing all the parties to the trial are present in court and confirm the signature of their respective clients to the settlement agreement and that their clients want the settlement agreement made an order of court,

or
 - 1.2 proof to the satisfaction of the presiding judge is provided as to the identity of the person who signed the settlement agreement and that the parties thereto want the settlement made an order of court.
2. Where the parties to a civil trial have settled the trial on the terms set out in a draft order, a judge will only make such draft order an order of court if -
 - 2.1 counsel representing all the parties to the trial are present in court and confirm that the drafter order correctly reflects the terms agreed upon,

or
 - 2.2 proof to the satisfaction of the presiding judge is provided that the draft order correctly reflects the terms agreed upon.
3.
 - 3.1 Without derogating from the above requirements, where a Minister of State, Member of an Executive Council (MEC) or State-owned company or enterprise is a defendant in a civil trial and the parties have concluded a settlement agreement, a judge will only make such settlement agreement an order of court if the parties provide written proof to the

satisfaction of the presiding judge that the responsible Minister, MEC or chief executive officer of the State-owned company or enterprise is aware of the settlement and has approved it.

- 3.2 Where the Minister of Police is the defendant in a civil trial, the parties shall, in addition to the requirements set out in 1, 2 and 3.1 above, provide the presiding judge with a certified copy of the plaintiff's identification document or passport.