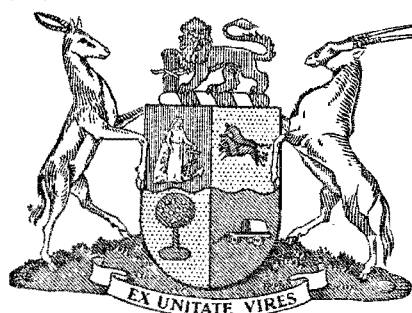


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PRETORIA, 18 FEBRUARIE
18 FEBRUARY 1966.

[No. 1375.

PROKLAMASIE

VAN DIE STAATSPRESIDENT VAN DIE REPUBLIEK VAN
SUID-AFRIKA.

No. R. 55, 1966.]

INWERKINGTREDING VAN DIE WET OP DIE
TOELATING VAN ADVOKATE, 1964.

Kragtens die bevoegdheid my verleen by artikel *veertien* van die Wet op die Toelating van Advokate, 1964 (Wet No. 74 van 1964), verklaar ek hierby dat die bepalings van genoemde Wet op die Agtiende dag van Februarie 1966 in werking tree.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Sewende dag van Februarie Eenduisend Negehonderd Ses-en-sestig.

C. R. SWART,
Staatspresident.

Op las van die Staatspresident-in-rade.
B. J. VORSTER.

PROCLAMATION

BY THE STATE PRESIDENT OF THE REPUBLIC OF
SOUTH AFRICA.

No. R. 55, 1966.]

COMMENCEMENT OF THE ADMISSION OF
ADVOCATES ACT, 1964.

By virtue of the powers vested in me by section *fourteen* of the Admission of Advocates Act, 1964 (Act No. 74 of 1964), I hereby declare that the provisions of the said Act shall come into operation on the Eighteenth day of February, 1966.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town on the Seventh day of February, One thousand Nine hundred and Sixty-six.

C. R. SWART,
State President.

By Order of the State President-in-Council.
B. J. VORSTER.

GOEWERMENSKENNISGEWING.

DEPARTEMENT VAN JUSTISIE.

No. R. 235.]

[18 Februarie 1966.

REÛLS WAARBY DIE VERRIGTINGS VAN DIE
VERSKILLENDE PROVINSIALE EN PLAAS-
LIKE AFDELINGS VAN DIE HOOGGEREGS-
HOF VAN SUID-AFRIKA GEREÛL WORD.

Onderstaande wysigings van die reëls waarby die verrigtings van die provinsiale en plaaslike afdelings van die Hooggeregshof van Suid-Afrika gereël word, afgekondig by Goewermentskennisgewing No. R. 48 van 12 Januarie 1965, word, wat betref reël 3 *bis* (1) tot (4) in paragraaf 2 hieronder, kragtens paragraaf (a) van subartikel (2) van artikel *drie-en-veertig* van die Wet op die Hooggeregshof, 1959 (Wet No. 59 van 1959), uit hoofde van die bepalings van artikel *elf* van die Wet op die Toelating van Advokate, 1964 (Wet No. 74 van 1964), en wat die ander wysigings betref, kragtens paragraaf (a) van subartikel (2) van artikel *drie-en-veertig* van die Wet op die Hooggeregshof, 1959, deur die Hoofregter, na oorlegpleging met die Regters-president van die onderskeie afdelings van die Hooggeregshof van Suid-Afrika, met die goedkeuring van die Staatspresident uitgevaardig:—

1. Die skrapping in die Engelse teks van reël 2 (3) van die woord „period”.

2. Die invoeging van die volgende reël na reël 3:—

„REÛL 3 *bis*.

GOVERNMENT NOTICE.

DEPARTMENT OF JUSTICE.

No. R. 235.]

[18 February 1966.

RULES REGULATING THE CONDUCT OF THE
PROCEEDINGS OF THE SEVERAL PROVIN-
CIAL AND LOCAL DIVISIONS OF THE
SUPREME COURT OF SOUTH AFRICA.

The undermentioned amendments to the rules regulating the conduct of the proceedings of the provincial and local divisions of the Supreme Court of South Africa promulgated by Government Notice No. R. 48 of the 12th January, 1965, have been made by the Chief Justice after consultation with the Judges President of the several divisions of the Supreme Court of South Africa and with the approval of the State President, in so far as rule 3 *bis* (1) to (4) in paragraph 2 hereunder is concerned, in terms of paragraph (a) of sub-section (2) of section *forty-three* of the Supreme Court Act, 1959 (Act No. 59 of 1959) by virtue of the provisions of section *eleven* of the Admission of Advocates Act, 1964 (Act No. 74 of 1964), and in so far as the other amendments are concerned, in terms of paragraph (a) of sub-section (2) of section *forty-three* of the Supreme Court Act, 1959:—

1. The deletion in the English text in rule 2 (3), of the word “period”.

2. The insertion after rule 3 of the following rule:—

“RULE 3 *bis*.

TOELATING VAN ADVOKATE.

(1) Behoudens die bepalings van reël 6, vir sover hulle nie met die bepalings van hierdie reël in stryd is nie, moet iemand wat aansoek doen om toelating om as advokaat te praktiseer en magtiging om as advokaat ingeskryf te word, minstens ses weke voor die dag waarop sy aansoek deur die hof aangehoor gaan word—

- (a) die griffier skriftelik kennis gee van die datum waarop die aansoek gedoen sal word;
- (b) die oorspronklike en 'n afskrif van al die stukke waarop die aansoek steun, by die griffier inlewer, asook 'n beëdigde verklaring waarin vermeld word of hy te eniger tyd deur die hof van die rol van advokate geskrap of in sy praktyk geskors is;
- (c) 'n afskrif van die in paragrafe (a) en (b) bedoelde stukke en beëdigde verklaring aan die Sekretaris van die Balieraad of die Vereniging van Advokate van die betrokke afdeling beteken.

(2) By ontvangs van die in paragraaf (a) van subreël (1) bedoelde kennisgewing, laat die griffier 'n kennisgewing op die openbare kennisgewingbord van die hof van die afdeling waar sodanige aansoek gedoen word en die hof van die afdeling waar die applikant woonagtig is, aanbring, waarin vermeld word dat die applikant op 'n in die kennisgewing vermelde datum by die hof aansoek sal doen om toelating om as 'n advokaat te praktiseer en magtiging om as advokaat ingeskryf te word.

(3) Indien die applikant te eniger tyd voor die aanhoor van die aansoek enige ander stukke of verklarings as die in paragraaf (b) van subreël (1) bedoelde stukke of verklaring by die griffier inlewer, moet hy onverwyld 'n afskrif daarvan aan die Sekretaris van die Balieraad of die Vereniging van Advokate van die betrokke afdeling, beteken.

(4) By die verhoor van die aansoek lê die applikant 'n sertifikaat van die griffier voor waarin vermeld word—

- (a) dat die bepalings van subreël (2) nagekom is; en
- (b) of enige besware by hom ingedien is.

(5) Enige persoon wat toegelaat word om te praktiseer en gemagtig word om as 'n advokaat ingeskryf te word, lê, wanneer hy aldus toegelaat en gemagtig word, 'n eed of plegtige verklaring voor die griffier in die hof af, wat deur hom onderteken moet word, in die vorm hieronder uiteengesit, te wete—

„Ek, verklaar hierby onder eed/plegtig en opreg dat ek my eerlik en opreg in die praktyk van advokaat na my beste wete en vermoë sal gedra en verder dat ek trou sal wees aan die Republiek van Suid-Afrika.”

3. (a) Die vervanging in reël 4 (1) (a) van die woorde „Prosesstukke van die hof en dokumente in aansoeke word op een van die volgende maniere deur die balju beteken:” deur die woorde—

„Prosesstukke van die hof, wat aan die balju gerig is, en enige dokument waarby 'n aansoek begin word, word op een van die volgende maniere deur die balju beteken:”.

(b) Die vervanging van paragraaf (vii) van reël 4 (1) (a) deur die volgende paragraaf:—

„(vii) deur in die geval van 'n vennootskap, firma of vrywillige vereniging, by die besigheidsplek van sodanige vennootskap, firma of vrywillige vereniging op die wyse in paragraaf (ii) genoem, te beteken, en indien die vennootskap, firma of vrywillige vereniging nie 'n besigheidsplek het nie, dan onderskeidelik aan 'n vennoot, die eienaar of die voorsitter of sekretaris van die bestuur of ander beherende liggaam daarvan, op een van die maniere in hierdie reël voorgeskryf.”.

(c) Die invoeging na die woord „relaas” in reël 4 (1) (d) van die woorde „of beëdigde verklaring of op die getekende kwitansie”.

ADMISSION OF ADVOCATES.

(1) Subject to the provisions of rule 6 in so far as they are not inconsistent with the provisions of this rule, a person applying for admission to practise and for authority to be enrolled as an advocate shall, at least six weeks before the day on which his application is to be heard by the court—

- (a) give written notice to the registrar of the date on which the application is to be made;
- (b) deliver to the registrar the original and a copy of all the documents in support of the application and an affidavit stating whether he has at any time been struck off the role of advocates or suspended from his practice by the court;
- (c) serve a copy of the documents and affidavit referred to in paragraphs (a) and (b) on the Secretary of the Bar Council or the Society of Advocates of the division concerned.

(2) On receipt of the notice referred to in paragraph (a) of sub-rule (1), the registrar shall cause a notice indicating that the applicant will on the date referred to in the notice apply to the court for admission to practise and for authority to be enrolled as an advocate, to be screened on the public notice board of the court of the division in which such application is made and the court of the division where the applicant resides.

(3) If the applicant at any time prior to the hearing of the application delivers any other documents or declarations, other than the documents of affidavit referred to in paragraph (b) of sub-rule (1), to the registrar, he shall forthwith serve a copy thereof on the Secretary of the Bar Council or the Society of Advocates of the division concerned.

(4) At the hearing of the application the applicant shall produce a certificate from the registrar in which is specified—

- (a) that the provisions of sub-rule (2) have been complied with; and
- (b) whether any objections have been lodged with him.

(5) Any person who is admitted to practise and authorised to be enrolled as an advocate shall upon being so admitted and authorised take an oath or make an affirmation before the registrar in court, which shall be subscribed by him, in the form set out hereunder, namely—

‘I, do hereby swear/solemnly and sincerely affirm and declare/that I will truly and honestly demean myself in the practice of advocate according to the best of my knowledge and ability, and further, that I will be faithful to the Republic of South Africa.’

3. (a) The substitution in rule 4 (1) (a) for the words “Service of any process of the court, including any document in any application proceedings, on the person to be served shall be effected by the sheriff in one or other of the following manners:”, of the words—

“Service of any process of the court directed to the sheriff and any document initiating application proceedings shall be effected by the sheriff in one or other of the following manners:”.

(b) The substitution for paragraph (vii) of rule 4 (1) (a) of the following paragraph:—

“(vii) where any partnership, firm or voluntary association is to be served, service shall be effected in the manner referred to in paragraph (ii) at the place of business of such partnership, firm or voluntary association and if such partnership, firm or voluntary association has no place of business, service shall be effected on a partner, the proprietor or the chairman or secretary of the committee or other managing body of such association, as the case may be, in one of the manners set forth in this rule;”.

(c) The insertion after the word “return” in rule 4 (1) (d), of the words “or affidavit or on the signed receipt”.

(d) Die vervanging in reël 4 (3) (b) van die Engelse teks van die woord „service” deur die woord „serve”.

(e) Die invoeging na die woord „subreël” in reël 4 (6) (b) van die uitdrukking „(3) of”.

(f) Die invoeging na die woord „betekening” in reël 4 (14) van die woorde „krachtens subreël (11)”.

4. (a) Die vervanging van die woorde „twee hofdae” in reël 6 (4) (a) deur die woorde „voor middag van die tweede hofdag”.

(b) Die vervanging van die woorde „na betekening aan hom van die kennisgewing van mosie” in reël 6 (5) (d) (ii) deur die woorde „na kennisgewing aan die applikant van sy voorneme om die aansoek te bestry”.

(c) Die vervanging van die uitdrukking „(ii)” waar dit die eerste maal in reël 6 (5) (f) van die Engelse teks voorkom deur die uitdrukking „(iii)”.

(d) Die byvoeging aan die end van reël 6 (9) van die volgende voorbehoudsbepaling:—

„Met dien verstande dat die bepalings van hierdie subreël nie op enige aansoek ingevolge reël 57 van toepassing is nie, tensy die teendeel uit daardie reël blyk.”.

5. Die invoeging na die woord „party” in reël 7 (3) (b), van die woorde „dan ’n party wat die appèl ter rolle geplaas het”.

6. Die byvoeging aan die end van reël 8 (7) van die woorde „of betreffende die volmag van die verweerder se gevolmagtigde”.

7. Die byvoeging aan die end van reël 15 (2) van die woorde „Bedoelde kennisgewing, behalwe ’n kennisgewing aan die griffier, word deur die balju beteken”.

8. Die invoeging na die woord „gee” in reël 16 (4) van die woorde „Die kennisgewing aan die griffier moet die datum vermeld wanneer, die partye aan wie en die wyse waarop kennisgewing aan alle partye gestuur was, en moet vergesel gaan van ’n afskrif van laasbedoelde kennisgewing”.

9. Die vervanging van die woord „veertien” in reël 17 (1) (b) deur die woord „een-en-twintig”.

10. Die invoeging na die woord „Minister” in reël 19 (2) van die woorde „of teen die Suid-Afrikaanse Spoorweë en Hawens of teen die Administrateur van enige provinsie”.

11. Die invoeging na die woord „eiser” in reël 20 (1) van die woorde „behalwe in die geval van ’n gekombineerde dagvaarding”.

12. Die skraping van die woorde „in uitsonderlike gevalle” in reël 27 (3).

13. Die invoeging voor die woord „wysig” in reël 28 (6), van die woord „gevolglik”.

14. (a) Die invoeging na die uitdrukking „(3)” in reël 34 (8) van die uitdrukking „(4)”.

(b) Die vervanging van die woorde „agt-en-veertig uur” in reël 34 (9) (b) deur die woorde „twee dae”.

15. Die vervanging van die woord „en” waar dit die tweede maal voorkom in reël 38 (5) deur die woord „of”.

16. Die invoeging na die woord „hou” in reël 39 (21) van die woorde „en elke persoon wat vir die meganiese opname van verrigtinge in diens geneem is” en die invoeging na die woord „stenograaf” waar dit die laaste maal in daardie subreël voorkom van die woorde „of persoon wat vir die meganiese opname van verrigtinge in diens geneem is”.

17. Die vervanging van die woorde „sonder kennisgewing aan” in reël 42 (1) (a) deur die woorde „in die afwesigheid van”.

(d) The substitution for the word “service” in the English text in rule 4 (3) (b), of the word “serve”.

(e) The insertion after the word “sub-rule” in rule 4 (6) (b), of the expression “(3) or”.

(f) The insertion after the word “service”, where it occurs for the first time in rule 4 (14), of the words “under sub-rule (11)”.

4. (a) The substitution for the words “on the court day but one” in rule 6 (4) (a), of the words “before noon on the court day but one”.

(b) The substitution for the words “of the service on him of the notice of motion” in rule 6 (5) (d) (ii), of the words “of notifying the applicant of his intention to oppose the application”.

(c) The substitution for the expression “(ii)”, where it occurs for the first time in the English text of rule 6 (5) (f), of the expression “(iii)”.

(d) The addition at the end of rule 6 (9) of the following proviso:—

“Provided that the provisions of this sub-rule shall not apply to any application under rule 57 except where that rule otherwise provides.”.

5. The substitution for the words “any other party” in rule 7 (3) (b), of the words “any party other than a party who has caused the appeal to be set down”.

6. The addition at the end of rule 8 (7) of the words “or as to the authority of the defendant’s agent”.

7. The addition at the end of rule 15 (2) of the words “such notice, other than a notice to the registrar, shall be served by the sheriff”.

8. The insertion after the word “accordingly” in rule 16 (4), of the words “The notification to the registrar shall specify the date when, the parties to whom and the manner in which notification was sent to all parties, and shall be accompanied by a copy of the last-mentioned notification”.

9. The substitution for the word “fourteen” in rule 17 (1) (b) of the word “twenty-one”.

10. The insertion after the word “Minister” in rule 19 (2), of the words “or against the South African Railways and Harbours or against the Administrator of any province”.

(11) The insertion after the word “shall” in rule 20 (1), of the words “except in the case of a combined summons”.

12. The deletion in rule 27 (3) of the words “in exceptional cases”.

13. The insertion after the word “amend” in rule 28 (6), of the word “consequently”.

14. (a) The insertion after the expression “(3)” in rule 34 (8), of the expression “(4)”.

(b) The substitution for the words “forty-eight hours” in rule 34 (9) (b), of the words “two days”.

15. The substitution for the word “and”, where it occurs for the second time in rule 38 (5), of the word “or”.

16. The insertion after the word “record”, where it occurs for the first time in rule 39 (21), of the words “and every person employed to make a mechanical record” and by the addition at the end of that sub-rule of the words “or person employed to make such mechanical record”.

17. The substitution for the words “without notice to” in rule 42 (1) (a), of the words “in the absence of”.

18. (a) Die vervanging van die woord „onbeëdigde” in reël 43 (2) en (3) deur die woord „beëdigde”.

(b) Die vervanging van subreël (5) van reël 43 deur die volgende subreël:—

„Die hof kan sodanige getuienis as wat dit nodig ag, aanhoor, en kan die aansoek van die hand wys of sodanige bevel gee as wat hy goeddink om 'n billike en spoedige beslissing te verseker.”

19. (a) Die invoeging in die Afrikaanse teks van reël 45 (8) (a) van die woord „By” voor die uitdrukking „'n Huurkontrak” en die vervanging in genoemde teks van die woorde „kan alleen geldig in beslag geneem word” deur die woorde „is beslaglegging alleen voltooi”.

(b) Die vervanging van die woorde „kan dit alleen geldig in beslag geneem word” in reël 45 (8) (b) en 45 (8) (c) (i) in die Afrikaanse teks deur die woorde „is beslaglegging alleen voltooi”.

(c) Die byvoeging na subreël (11) van reël 45 van die volgende nuwe subreël:—

„(12) (a) Wanneer dit ook al onder die aandag van die balju gebring word dat daar skulde is wat aan beslaglegging onderworpe is en wat deur 'n derde persoon verskuldig is of van hom toeval aan die vonnisskuldenaar, kan die balju, indien hy deur die vonnisskuldeiser versoek word om dit te doen, daarop beslag lê, en moet hy dan 'n kennisgewing aan die derde persoon (hieronder die beslagskuldenaar genoem) beteken, waarin daar van hom vereis word dat hy aan die balju soveel van die skuld betaal as wat genoeg is om aan die lasbrief te voldoen, en die balju kan, by so 'n betaling, 'n kwitansie aan die beslagskuldenaar uitreik wat *pro tanto* 'n kwyting is van skuld waarop beslag gelê is.

(b) Indien die beslagskuldenaar weier of versuim om aan so 'n kennisgewing te voldoen, moet die balju die vonnisskuldeiser onverwyld in kennis stel en die vonnisskuldeiser kan die beslagskuldenaar daag om voor die hof te verskyn en redes aan te voer waarom hy nie die verskuldigde bedrag of soveel daarvan as wat genoeg sal wees om aan die lasbrief te voldoen, aan die balju moet betaal nie, en indien die beslagskuldenaar nie die bedrag wat verskuldig is of wat, na beweer word, deur hom verskuldig is, aan die party teen wie die bevel tot tenuitvoerlegging uitgereik is, betwis nie, of indien hy nie verskyn om op sodanige kennisgewing te antwoord nie, kan die hof gelas dat 'n bevel tot tenuitvoerlegging uitgereik word en kan dit dienooreenkomstig sonder enige vorige lasbrief of prosesstuk uitgereik word vir die bedrag verskuldig deur sodanige beslagskuldenaar of soveel daarvan as wat genoeg mag wees om aan die lasbrief te voldoen.

(c) Indien die beslagskuldenaar sy aanspreeklikheid gedeeltelik betwis, kan die hof 'n bevel tot tenuitvoerlegging uitreik ten opsigte van soveel as wat erken word, maar as geen aanspreeklikheid erken word nie, kan die hof beveel dat enige geskilpunt of vraag wat vir die bepaling van die beslagskuldenaar se aanspreeklikheid nodig is, verhoor of beslis word op 'n wyse *mutatis mutandis* waarop 'n geskilpunt of vraag in 'n geding verhoor of beslis mag word, of kan die hof so 'n ander bevel in dié verband uitreik as wat regverdig mag wees.

(d) Niks in hierdie reëls vervat aangaande die beslaglegging op skulde in die hande van 'n beslagskuldenaar raak enige sessie, voorkeur of retensiereg waarop 'n derde persoon ten opsigte van sodanige skulde aanspraak maak nie.

(e) Die koste verbonde aan 'n aansoek om beslaglegging op skulde en die verrigtinge wat daaruit ontstaan of daaraan bykomstig is, word aan die goed-dunke van die hof oorgelaat.

(f) Wanneer die balju van mening is dat die aansoeke aan die hof gerig of bevel met betrekking tot 'n beslagskuldenaar waarskynlik meer sal kos as die bedrag wat ingevolge daarvan verhaal moet word, kan hy die skulde na beslaglegging per veiling op

18. (a) The substitution for the words “an unsworn” in rule 43 (2) and (3), of the words “a sworn”.

(b) The substitution for sub-rule (5) of rule 43, of the following sub-rule:—

“The court may hear such evidence as it considers necessary and may dismiss the application or make such order as it thinks fit to ensure a just and expeditious decision.”

19. (a) The insertion in the Afrikaans text of rule 45 (8) (a), of the word “By” before the expression “'n Huurkontrak”, and the substitution in the said text for the words “kan alleen geldig in beslag geneem word”, of the words “is beslaglegging alleen voltooi”.

(b) The substitution in the Afrikaans text for the words “kan dit alleen geldig in beslag geneem word”, in rule 45 (8) (b) and 45 (8) (c) (i), of the words “is beslaglegging alleen voltooi”.

(c) The addition after sub-rule (11) of rule 45 of the following new sub-rule:—

“(12) (a) Whenever it is brought to the knowledge of the sheriff that there are debts which are subject to attachment, and are owing or accruing from a third person to the judgment debtor, the sheriff may, if requested thereto by the judgment creditor, attach the same, and thereupon shall serve a notice on such third person, hereinafter called the garnishee, requiring payment by him to the sheriff of so much of the debt as may be sufficient to satisfy the writ, and the sheriff may, upon any such payment, give a receipt to the garnishee which shall be a discharge, *pro tanto*, of the debt attached.

(b) In the event of the garnishee refusing or neglecting to comply with any such notice, the sheriff shall forthwith notify the judgment creditor and the judgment creditor may call upon the garnishee to appear before the court to show cause why he should not pay to the sheriff the debt due, or so much thereof as may be sufficient to satisfy the writ, and if the garnishee does not dispute the debt due, or claimed to be due by him to the party against whom execution is issued, or he does not appear to answer to such notice, then the court may order execution to issue, and it may issue accordingly, without any previous writ or process, for the amount due from such garnishee, or so much thereof as may be sufficient to satisfy the writ.

(c) If the garnishee disputes his liability in part, the court may order execution to issue in respect of so much as may be admitted, but if none be admitted then the court may order that any issue or question necessary for determining the garnishee's liability be tried or determined in any manner *mutatis mutandis* in which any issue or question in any action may be tried or determined, or the court may make any such other order in the premises as may be just.

(d) Nothing in these rules as to the attachment of debts in the hands of a garnishee shall affect any cession, preference, or retention claimed by any third person in respect of such debts.

(e) The costs connected with any application for the attachment of debts, and the proceedings arising from or incidental thereto, shall be in the discretion of the court.

(f) Where the sheriff is of opinion that applications to the court or orders with respect to a garnishee will probably cost more than the amount to be recovered thereunder, he may sell such debts, after attachment, by auction, in the same way as any other movable

dieselfde wyse as enige ander roerende goed verkoop of kan hy dit teen die nominale bedrag daarvan aan die vonnisskuldeiser met sy toestemming sedeer.

(g) Betaling van die bedrag verskuldig ingevolge en ten opsigte van enige lasbrief en alle koste en dergelike daaraan verbonde maak die persoon wat betaal, geregtig tot intrekking daarvan.

(h) Wanneer die hof teen 'n party (hieronder, die skuldenaar' genoem) uitspraak gee vir die betaling van 'n som geld, kan die hof onverwyld ondersoek instel of die skuldenaar in staat is om aan die uitspraak te voldoen, en kan vir dié doel beveel dat die skuldenaar verskyn om getuienis onder eed af te lê en om dié dokumente oor te lê wat die hof gelas, en kan die vonnisskuldeiser na goeiddunke toelaat om getuienis voor te lê.

(i) Wanneer by 'n lasbrief vir tenuitvoerlegging 'n relaas gedoen is dat die amptenaar belas met die tenuitvoerlegging nie genoeg goed onderworpe aan beslaglegging kon vind om die bedrag van die lasbrief te dek nie, of wanneer 'n vonnisskuld na verloop van een-en-twintig dae vanaf die datum van die uitspraak nog geheel of gedeeltelik onvereffen is, kan die vonnisskuldeiser die vonnisskuldenaar by kennisgewing aansê om voor die hof te verskyn op 'n dag wat in die kennisgewing bepaal word en dié dokumente wat redelikerwys nodig mag wees, oor te lê, sodat die hof sy finansiële posisie kan ondersoek. Enige skuldenaar aan wie sodanige kennisgewing beteken is en wat sonder goeie gronde versuim om te verskyn, kan in hegtenis geneem word vir minagting van die hof. Wanneer die skuldenaar ingevolge so 'n kennisgewing verskyn, kan die hof optree soos in die vorige paragraaf uiteengesit.

(j) Wanneer die hof van oordeel is dat die skuldenaar 'n skuld by wyse van paaiemente uit sy verdienste kan vereffen, kan hy 'n bevel tot betaling van die skuld by wyse van paaiemente uitreik. Wanneer 'n bevel tot betaling by wyse van paaiemente uitgereik is en die skuldenaar in gebreke bly om sodanige betaling te doen, kan daar op enige salaris, verdienstes of besoldiging wat aan die skuldenaar verskuldig is of aan hom toeval, ten bedrae van die agterstallige betaling, sonder verdere kennisgewing aan die skuldenaar, maar behoudens die regte van die beslagskuldenaar, kragtens die bepalings van paragraaf (a) beslag gelê word.

(k) Enige lasbrief wat vir beslaglegging op salaris, verdienstes of besoldiging uitgereik is, bly van krag en kan van tyd tot tyd na gelang die salaris, verdienstes of besoldiging aan die skuldenaar toeval, ten uitvoer gelê word totdat daaraan voldoen is."

20. Die invoeging na die woorde „gemaak is” in reël 48 (1) van die woorde „of wat *mero motu* deur die takseermeester geweier is”.

21. Die invoeging na reël 49 (1) van die volgende nuwe subreël:—

„(1) *bis*. 'n Kennisgewing van 'n appèl kragtens artikel *nege-en-sewentig* van die Wet op Patente, 1952 (Wet No. 37 van 1952) of artikel *drie-en-sestig* van die Wet op Handelsmerke, 1963 (Wet No. 62 van 1963) kan beteken word aan die patentagent in die Wet op Patente, 1952 of die agent in artikel *agt* van die Wet op Handelsmerke, 1963 bedoel, wat die respondent in die verrigtinge waarin 'n appèl aangeteken is, verteenwoordig het.”.

22. Die vervanging van die woorde „in die hof” in die Afrikaanse teks van reël 60 (1), deur die woorde „in enige verrigtinge”.

23. Die skraping in reël 63 (4) van al die woorde na die woord „aanvaar”.

24. Die vervanging van die woord „OR” in die opskrif van die tarief in die Engelse teks van reël 69 deur die woord „OF”.

property, or may cede the same at the nominal amount thereof to the judgment creditor with his consent.

(g) Payment of the amount due under and in respect of any writ, and all costs and the like, incidental thereto, shall entitle the person paying to a withdrawal thereof.

(h) Whenever a court gives judgment for payment of a sum of money against a party (hereinafter called 'the debtor') the court may forthwith investigate whether the debtor is able to satisfy the judgment and for that purpose may require the debtor's attendance to give evidence on oath, and to produce such documents as the court may direct, and allow the judgment creditor to adduce such evidence as the court may think fit.

(i) Whenever a return has been made to a writ of execution, that the officer charged with the execution has been unable to find sufficient property subject to attachment to satisfy the amount of the writ, or whenever a judgment debt remains wholly or in part unsatisfied after the expiration of twenty-one days from the date of the judgment, the judgment creditor may by notice call upon the judgment debtor to appear before the court on a day fixed by such notice, and to produce such documents as may reasonably be necessary, in order that the court may investigate his financial position. Any debtor who, having been served with such notice, fails without good cause to appear, may be personally attached for contempt of court. Whenever the debtor appears pursuant to such notice the court may proceed as set forth in the preceding paragraph.

(j) Whenever the court is of opinion that a debtor is able to satisfy a debt by instalments out of his earnings, it may make an order for payment of such debt by instalments. Whenever an order has been made for payment by instalments and the debtor makes default in such payment, any salary, earnings, or emoluments due or accruing to such debtor to the extent of the arrears may, without further notice to the debtor, but subject to the rights of the garnishee, be attached under the provisions of paragraph (a).

(k) Any writ issued for the attachment of salary, earnings, or emoluments shall remain in force and may be executed periodically as such salary, earnings, or emoluments accrue to the debtor, until the same is satisfied.”.

20. The insertion after the words “objected to” in rule 48 (1) of the words “disallowed *mero motu* by the taxing master”.

21. The insertion after rule 49 (1) of the following new sub-rule:—

“(1) *bis*. A notice of appeal in terms of section *seventy-nine* of the Patents Act, 1952 (Act No. 37 of 1952) or section *sixty-three* of the Trade Marks Act, 1963 (Act No. 62 of 1963) may be served on the patent agent referred to in the Patents Act, 1952, or the agent referred to in section *eight* of the Trade Marks Act, 1963, who represented the respondent in the proceedings in respect of which an appeal is noted.”.

22. The substitution for the words “in die hof” in the Afrikaans text of rule 60 (1), of the words “in enige verrigtinge”.

23. The deletion in rule 63 (4) of all the words after the word “document” where it occurs for the second time.

24. The substitution for the word “OR” in the heading of the tariff in the English text in rule 69 of the word “OF”.

- 25. Die skrupping van paragraaf (a) van reël 70 (4).
- 26. Die invoeging na die woord „kennisgewing” in die Afrikaanse teks van item B. 1. (a) van die tarief van gelde onder reël 70, van die woorde „of dokument”.
- 27. Die invoeging na die woord „ag” in item E. 4. (a) van die tarief van gelde onder reël 70, van die woorde „per halfuur”.
- 28. Die vervanging van die woord „Executive” in die Engelse teks van die Bylae by reël 71, onder die opskrif „Natal Provincial Division”, deur die woord „Executors”.
- 29. Die vervanging van die woord „kan” in paragraaf (3) van Vorm 3 in die Eerste Bylae by die reëls, deur die woord „moet”.
- 30. (a) Die vervanging van die woord „veertien” in paragraaf (ii) van Vorm 10 in die Eerste Bylae by die reëls, deur die woord „een-en-twintig”; en
(b) die invoeging in voornoemde Vorm voor die woorde wat met die woord „GEDATEER” begin van die volgende paragraaf:—
„En beteken onmiddellik daarna ’n afskrif van hierdie dagvaarding aan die verweerder en lewer die oorspronklike aan die griffier terug met ’n relaas van wat u daaromtrent gedoen het.”.
- 31. Die Goewermentskennisgewings vermeld in die Bylae word hierby in die mate in die derde kolom daarvan uitengesit, herroep.

BYLAE.

Nommer en jaar van Goewermentskennisgewing.	Titel of onderwerp.	In hoeverre herroep.
Goewermentskennisgewing No. 221 van 23 Julie 1902	Toelating van Advokate (Oranje-Vrystaatse Provinsiale Afdeling)	Reël 103.
Goewermentskennisgewing No. 1266 van 14 Desember 1906	Toelating van Advokate (Transvaalse Provinsiale Afdeling)	Die geheel.
Goewermentskennisgewing No. 79 van Februarie 1907	Toelating van Advokate en Prokureurs (Natale Provinsiale Afdeling)	Order XXXII—soveel as wat betrekking het op die toelating van advokate.
Goewermentskennisgewing No. 41 van 13 Januarie 1938	Toelating van Advokate Beslaglegging (Provinsiale Afdeling Kaap die Goeie Hoop)	Reël 5 (1). Reël 39 (22)–(32).
Goewermentskennisgewing No. 42 van 13 Januarie 1938	Toelating van Advokate Beslaglegging (Plaaslike Afdeling Griekwaland-Wes)	Reël 2 (c). Reël 39 (22)–(32).
Goewermentskennisgewing No. 43 van 13 Januarie 1938	Beslaglegging (Oos-Kaapse Afdeling)	Reël 39 (22)–(32).
Goewermentskennisgewing No. 103 van 15 Junie 1939	Toelating van Advokate Beslaglegging (Suidwes-Afrika-afdeling)	Reëls 5 en 5 bis. Reël 29 (21)–(31).
Goewermentskennisgewing No. 1639 van 25 Oktober 1957	Toelating van Advokate (Oos-Kaapse Afdeling)	Reël 2 (d).

INHOUD.

No.	PROKLAMASIE.	BLADSY
R. 55.	Inwerkingtreding van die Wet op die Toelating van Advokate, 1964	1
Departement van Justisie.		
GOEWERMENSKENNISGEWING.		
R. 235.	Reëls waarby die Verrigtings van die Verskillende Provinsiale en Plaaslike Afdelings van die Hooggeregshof van Suid-Afrika Gereël word	1

- 25. The deletion of paragraph (a) of rule 70 (4).
- 26. The insertion in the Afrikaans text after the word “kennisgewing” in item B. 1. (a) of the tariff of fees under rule 70, of the words “of dokument”.
- 27. The insertion after the word “necessary” in item E. 4. (a) of the tariff of fees under rule 70, of the words “per half hour”.
- 28. The substitution for the word “Executive” in the English text in the schedule to rule 71, under the heading “Natal Provincial Division”, of the word “Executors”.
- 29. The substitution for the word “may” in paragraph (3) of Form 3 in the First Schedule to the rules, of the word “shall”.
- 30. (a) The substitution for the word “fourteen” in paragraph (ii) of Form 10 in the First Schedule to the rules, of the word “twenty-one”; and
(b) the insertion before the words commencing with the word “Dated” in the aforesaid Form, of the following paragraph:—
“And immediately thereafter serve on the defendant a copy of this summons and return the same to the registrar with whatsoever you have done thereupon.”.
- 31. The Government Notices specified in the Schedule are hereby repealed to the extent set out in the third column thereof.

SCHEDULE.

Number and Year of Government Notice.	Title or Subject Matter.	Extent of Repeal.
Government Notice No. 221 of 23rd July, 1902	Admission of Advocates (Orange Free State Provincial Division)	Rule 103.
Government Notice No. 1266 of 14th December, 1906	Admission of Advocates (Transvaal Provincial Division)	The whole.
Government Notice No. 79 of February, 1907	Admission of Advocates (Natal Provincial Division)	Order XXXII—So much as relates to the admission of advocates.
Government Notice No. 41 of 13th January, 1938	Admission of Advocates Execution (Cape of Good Hope Provincial Division)	Rule 5 (1). Rule 39 (22)–(32).
Government Notice No. 42 of 13th January, 1938	Admission of Advocates Execution (Griqualand West Local Division)	Rule 2 (c). Rule 39 (22)–(32).
Government Notice No. 43 of 13th January, 1938	Execution (Eastern Cape Division)	Rule 39 (22)–(32).
Government Notice No. 103 of 15th June, 1939	Admission of Advocates Execution (South West Africa Division)	Rules 5 and 5 bis. Rule 39 (21)–(31).
Government Notice No. 1639 of 25th October, 1957	Admission of Advocates (Eastern Cape Division)	Rule 2 (d).

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Department of Justice.		
GOVERNMENT NOTICE.		
R. 235.	Rules Regulating the Conduct of the Proceedings of the Several Provincial and Local Divisions of the Supreme Court of South Africa	1

DIT BETAAL U OM TE SPAAR!

SPAAR

- ☆ VIR U FAMILIE SE TOEKOMS!
- ☆ VIR U EIE HUIS!
- ☆ VIR U AFTREDE!
- ☆ VIR ALLE GEVALLE VAN NOOD!

POSSPAARBANK

Die Posspaarbank verdien 4% rente op die maandelikse balans, waarvan tot R100 per jaar van die rente van *Inkomstebelasting Vrygestel* is.

Die eerste belegging hoef nie meer as 10c te wees nie. So 'n rekening is baie handig in tye van nood of wanneer met vakansie, omdat stortings en terugvorderings by enige Poskantoor in die Republiek gedoen kan word.

Nie meer as R4,000 mag gedurende 'n boekjaar deur een persoon ingelê word nie.

IT PAYS YOU WELL TO SAVE!

SAVE

- ☆ FOR YOUR FAMILY'S FUTURE!
- ☆ FOR YOUR OWN HOME!
- ☆ FOR YOUR RETIREMENT!
- ☆ FOR ALL EMERGENCIES!

POST OFFICE SAVINGS BANK

The Post Office Savings Bank earns 4% interest on the monthly balance, of which interest up to R100 per annum is *Free of Income Tax*.

The first deposit need to be no more than 10c. Such an account is very handy in times of emergency or when on holiday, as deposits or withdrawals can be made at any Post Office in the Republic.

Not more than R4,000 may be deposited by one person during a financial year

POSTARIEWE

NA BESTEMMINGS IN SUID-AFRIKA

Briewe (landpos).....	2½c vir eerste ons; 1c vir elke bykomende ons.
Briewe (lugpos).....	3c vir eerste ons; 1½c vir elke bykomende ons.
Poskaarte (landpos).....	1½c elk.
Poskaarte (lugpos).....	2c elk.
Lugbriewe.....	2½c elk.
Drukwerk.....	1c vir eerste 2 onse; ½c vir elke bykomende 2 onse.
Handelstukke.....	1c per 2 onse.
Nuusblaie.....	½c per 4 onse per eksemplaar. Maksimum gewig per pakkie, 1 lb.
Monsters.....	1c per 2 onse.

PAKKETTE (LANDPOS)

Gewone pakkette:

(a) Pakkette (behalwe landbou- en lugpakkette) gepos in Suid-Afrika vir aflewering in Suid-Afrika (behalwe Suidwes-Afrika)	Tot 8 onse.....	5c
	Bo 8 onse tot 2 lb.	10c
	Bo 2 lb. tot 7 lb.	30c
	Bo 7 lb. tot 11 lb.	60c
	Bo 11 lb. tot 22 lb.	110c
(b) Pakkette (behalwe lugpakkette) gepos in Suid-Afrika vir aflewering in Suidwes-Afrika	Tot 8 onse.....	5c
	Bo 8 onse tot 1 lb.	7c
	Vir elke bykomende lb. of gedeelte daarvan tot 11 lb.	7c

Vir Basoetoland, Swaziland, Mosambiek.....	7c per lb.
Betsjoeanaland-protectoraat	7c per lb. (Kazungula 16c per lb.).
Pakkette (landbou).....	2½c per lb.
Pakkette (lugpos).....	10c per ½ lb.
*K.B.A.-geld.....	Vir handelsbedrae tot en met R2..... 15c
	Vir elke bykomende R2 of gedeelte daarvan..... 2½c

†Pakketversekeringsgeld....	Versekerings- gelde.	Maksimum vergoeding.
	5c	R10
	6c	R20
	Plus 1c vir elke R20 of gedeelte daarvan tot 'n maksimum van R400.	

Registrasiegeld.....	5c per posstuk.
Spoedbestelgeld.....	Hanteerkoste..... 5c Afweringskoste 5c per myl of gedeelte daarvan.

L.W.—Die postariewe op briewe, poskaarte, lugbriewe, drukwerk, handelstukke en monsters na bestemmings in die Posunie van Afrika [Angola; Basoetoland; Betsjoeanaland-protectoraat; Burundi; Kongo, Republiek (Leopoldstad); Malawi (voorheen Njassaland); Malgassiese Republiek; Mosambiek; Rhodesië; Suidwes-Afrika; Swaziland; Zambië (voorheen Noord-Rhodesië)] is dieselfde as dié binne Suid-Afrika vir land- en lugpos, onderskeidelik.

* 'n K.B.A.-diens is ook beskikbaar na en van die volgende lande van die Posunie van Afrika: Malawi (voorheen Njassaland), Mosambiek, Rhodesië en Zambië (voorheen Noord-Rhodesië).

† 'n Versekerde pakketdiens is ook beskikbaar na Malawi (voorheen Njassaland), Mosambiek, Rhodesië en Zambië (voorheen Noord-Rhodesië). Pakkette vir Malawi, Rhodesië en Zambië kan egter nie vir meer as R120 verseker word nie en vir Mosambiek vir R233.

POSTAGE RATES

TO DESTINATIONS IN SOUTH AFRICA

Letters (surface mail).....	2½c for first oz.; 1c for each additional oz.
Letters (air mail).....	3c for first oz.; 1½c for each additional oz.
Postcards (surface mail)....	1½c each.
Postcards (air mail).....	2c each.
Aerogrammes.....	2½c each.
Printed papers.....	1c for first 2 oz.; ½c for each additional 2 oz.
Commercial papers.....	1c per 2 oz.
Newspapers.....	½c per 4 oz. per copy. Limit of weight per packet, 1 lb.
Samples.....	1c per 2 oz.

PARCELS (SURFACE MAIL)

Ordinary Parcels:

(a) Parcels (excepting agricultural and air parcels) posted in South Africa for delivery within South Africa (excepting South West Africa)	Up to 8 oz.....	5c
	Above 8 oz. up to 2 lb.....	10c
	Above 2 lb. up to 7 lb.....	30c
	Above 7 lb. up to 11 lb.....	60c
	Above 11 lb. up to 22 lb.....	110c
(b) Parcels (excepting air parcels) posted in South Africa for delivery in South West Africa	Up to 8 oz.....	5c
	Above 8 oz. up to 1 lb.....	7c
	For every additional lb. or fraction thereof up to 11 lb.....	7c

For Basutoland, Swaziland, Mozambique.....	7c per lb.
For Bechuanaland Protectorate.....	7c per lb. (Kazungula 16c per lb.).
Parcels (agricultural).....	2½c per lb.
Parcels (air mail).....	10c per ½ lb.
*Cash on delivery fees.....	For trade charges up to and including R2..... 15c For each additional R2 or part thereof..... 2½c

† Parcel insurance fees.....	Fee	Limits of compensation.
	5c	R10
	6c	R20
	Plus 1c for each additional R20 or part thereof up to a maximum of R400.	
Registration fee.....	5c per article.	
Express delivery fees.....	Handling charge..... 5c	
	Delivery charge 5c per mile or part of a mile.	

N.B.—The postage rates on letters, postcards, aerogrammes, printed papers, commercial papers and samples to destinations in the African Postal Union [Angola; Basutoland; the Bechuanaland Protectorate; Burundi; Congo, Republic of (Leopoldville); Malagasy Republic; Malawi (formerly Nyasaland); Mozambique; South West Africa; Rhodesia; Swaziland; Zambia (formerly Northern Rhodesia)] are the same as those within South Africa for surface and air mail, respectively.

* A C.O.D. service is also available to and from the following countries of the African Postal Union: Malawi (formerly Nyasaland), Mozambique, Rhodesia and Zambia (formerly Northern Rhodesia).

† An insured parcel service is also available to Malawi (formerly Nyasaland), Mozambique, Rhodesia and Zambia (formerly Northern Rhodesia). Parcels for Malawi, Rhodesia and Zambia cannot, however, be insured for more than R120 and Mozambique for R233.

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