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Closing times for **ORDINARY WEEKLY** **REGULATION GAZETTE** **2018**

The closing time is **15:00** sharp on the following days:

- **28 December 2017**, Thursday for the issue of Friday **05 January 2018**
- **05 January**, Friday for the issue of Friday **12 January 2018**
- **12 January**, Friday for the issue of Friday **19 January 2018**
- **19 January**, Friday for the issue of Friday **26 January 2018**
- **26 January**, Friday for the issue of Friday **02 February 2018**
- **02 February**, Friday for the issue of Friday **09 February 2018**
- **09 February**, Friday for the issue of Friday **16 February 2018**
- **16 February**, Friday for the issue of Friday **23 February 2018**
- **23 February**, Friday for the issue of Friday **02 March 2018**
- **02 March**, Friday for the issue of Friday **09 March 2018**
- **09 March**, Friday for the issue of Friday **16 March 2018**
- **15 March**, Thursday for the issue of Friday **23 March 2018**
- **22 March**, Thursday for the issue of Thursday **29 March 2018**
- **28 March**, Wednesday for the issue of Friday **06 April 2018**
- **06 April**, Friday for the issue of Friday **13 April 2018**
- **13 April**, Friday for the issue of Friday **20 April 2018**
- **19 April**, Thursday for the issue of Thursday **26 April 2018**
- **25 April**, Wednesday for the issue of Friday **04 May 2018**
- **04 May**, Friday for the issue of Friday **11 May 2018**
- **11 May**, Friday for the issue of Friday **18 May 2018**
- **18 May**, Friday for the issue of Friday **25 May 2018**
- **25 May**, Friday for the issue of Friday **01 June 2018**
- **01 June**, Friday for the issue of Friday **08 June 2018**
- **08 June**, Friday for the issue of Friday **15 June 2018**
- **15 June**, Friday for the issue of Friday **22 June 2018**
- **22 June**, Friday for the issue of Friday **29 June 2018**
- **29 June**, Friday for the issue of Friday **06 July 2018**
- **06 July**, Friday for the issue of Friday **13 July 2018**
- **13 July**, Friday for the issue of Friday **20 July 2018**
- **20 July**, Friday for the issue of Friday **27 July 2018**
- **27 July**, Friday for the issue of Friday **03 August 2018**
- **02 August**, Thursday for the issue of Friday **10 August 2018**
- **10 August**, Friday for the issue of Friday **17 August 2018**
- **17 August**, Friday for the issue of Friday **24 August 2018**
- **24 August**, Friday for the issue of Friday **31 August 2018**
- **31 August**, Friday for the issue of Friday **07 September 2018**
- **07 September**, Friday for the issue of Friday **14 September 2018**
- **14 September**, Friday for the issue of Friday **21 September 2018**
- **20 September**, Thursday for the issue of Friday **28 September 2018**
- **28 September**, Friday for the issue of Friday **05 October 2018**
- **05 October**, Friday for the issue of Friday **12 October 2018**
- **12 October**, Friday for the issue of Friday **19 October 2018**
- **19 October**, Friday for the issue of Friday **26 October 2018**
- **26 October**, Friday for the issue of Friday **02 November 2018**
- **02 November**, Friday for the issue of Friday **09 November 2018**
- **09 November**, Friday for the issue of Friday **16 November 2018**
- **16 November**, Friday for the issue of Friday **23 November 2018**
- **23 November**, Friday for the issue of Friday **30 November 2018**
- **30 November**, Friday for the issue of Friday **07 December 2018**
- **07 December**, Friday for the issue of Friday **14 December 2018**
- **13 December**, Thursday for the issue of Friday **21 December 2018**
- **19 December**, Wednesday for the issue of Friday **28 December 2018**

LIST OF TARIFF RATES FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2018

NATIONAL AND PROVINCIAL

Notice sizes for National, Provincial & Tender gazettes 1/4, 2/4, 3/4, 4/4 per page. Notices submitted will be charged at R1008.80 per full page, pro-rated based on the above categories.

Pricing for National, Provincial - Variable Priced Notices		
Notice Type	Page Space	New Price (R)
Ordinary National, Provincial	1/4 - Quarter Page	252.20
Ordinary National, Provincial	2/4 - Half Page	504.40
Ordinary National, Provincial	3/4 - Three Quarter Page	756.60
Ordinary National, Provincial	4/4 - Full Page	1008.80

EXTRA-ORDINARY

All Extra-ordinary National and Provincial gazette notices are non-standard notices and attract a variable price based on the number of pages submitted.

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at **R3026.32** per page.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

The **Government Printing Works (GPW)** has established rules for submitting notices in line with its electronic notice processing system, which requires the use of electronic *Adobe* Forms. Please ensure that you adhere to these guidelines when completing and submitting your notice submission.

CLOSING TIMES FOR ACCEPTANCE OF NOTICES

1. The *Government Gazette* and *Government Tender Bulletin* are weekly publications that are published on Fridays and the closing time for the acceptance of notices is strictly applied according to the scheduled time for each gazette.
2. Please refer to the Submission Notice Deadline schedule in the table below. This schedule is also published online on the Government Printing works website www.gpwonline.co.za

All re-submissions will be subject to the standard cut-off times.

All notices received after the closing time will be rejected.

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
National Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Petrol Price Gazette	Monthly	Tuesday before 1st Wednesday of the month	One day before publication	1 working day prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00 for next Friday	3 working days prior to publication
Unclaimed Monies (Justice, Labour or Lawyers)	January / September 2 per year	Last Friday	One week before publication	3 working days prior to publication
Parliament (Acts, White Paper, Green Paper)	As required	Any day of the week	None	3 working days prior to publication
Manuals	Bi- Monthly	2nd and last Thursday of the month	One week before publication	3 working days prior to publication
State of Budget (National Treasury)	Monthly	30th or last Friday of the month	One week before publication	3 working days prior to publication
<i>Extraordinary Gazettes</i>	As required	Any day of the week	<i>Before 10h00 on publication date</i>	<i>Before 10h00 on publication date</i>
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 15h00 - 3 working days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Gauteng	Weekly	Wednesday	Two weeks before publication	3 days after submission deadline
Eastern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
North West	Weekly	Tuesday	One week before publication	3 working days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 working days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 working days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 working days prior to publication

GOVERNMENT PRINTING WORKS - BUSINESS RULES

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 working days after submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days after submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days after submission deadline
Mpumalanga Liquor License Gazette	Bi-Monthly	Second & Fourth Friday	One week before publication	3 working days prior to publication

EXTRAORDINARY GAZETTES

3. *Extraordinary Gazettes* can have only one publication date. If multiple publications of an *Extraordinary Gazette* are required, a separate Z95/Z95Prov *Adobe* Forms for each publication date must be submitted.

NOTICE SUBMISSION PROCESS

4. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website www.gpwonline.co.za.
5. The *Adobe* form needs to be completed electronically using *Adobe Acrobat / Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.
6. The completed electronic *Adobe* form has to be submitted via email to submit.egazette@gpw.gov.za. The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.
7. Every notice submitted **must** be accompanied by an official **GPW** quotation. This must be obtained from the *eGazette* Contact Centre.
8. Each notice submission should be sent as a single email. The email **must** contain **all documentation relating to a particular notice submission**.
 - 8.1. Each of the following documents must be attached to the email as a separate attachment:
 - 8.1.1. An electronically completed *Adobe* form, specific to the type of notice that is to be placed.
 - 8.1.1.1. For *National Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form
 - 8.1.1.2. The notice content (body copy) **MUST** be a separate attachment.
 - 8.1.2. A copy of the official **Government Printing Works** quotation you received for your notice. (*Please see Quotation section below for further details*)
 - 8.1.3. A valid and legible Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order. **Non-Government Printing Works** account customer needs to submit the proof of payment for the notice
 - 8.1.4. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should **also** be attached as a separate attachment. (*Please see the Copy Section below, for the specifications*).
 - 8.1.5. Any additional notice information if applicable.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

9. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.
10. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE**.
11. Notices brought to **GPW** by “walk-in” customers on electronic media can only be submitted in *Adobe* electronic form format. All “walk-in” customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.
12. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

QUOTATIONS

13. Quotations are valid until the next tariff change.
 - 13.1. **Take note:** **GPW**'s annual tariff increase takes place on **1 April** therefore any quotations issued, accepted and submitted for publication up to **31 March** will keep the old tariff. For notices to be published from 1 April, a quotation must be obtained from **GPW** with the new tariffs. Where a tariff increase is implemented during the year, **GPW** endeavours to provide customers with 30 days' notice of such changes.
14. Each quotation has a unique number.
15. Form Content notices must be emailed to the *eGazette* Contact Centre for a quotation.
 - 15.1. The *Adobe* form supplied is uploaded by the Contact Centre Agent and the system automatically calculates the cost of your notice based on the layout/format of the content supplied.
 - 15.2. It is critical that these *Adobe* Forms are completed correctly and adhere to the guidelines as stipulated by **GPW**.
16. **APPLICABLE ONLY TO GPW ACCOUNT HOLDERS:**
 - 16.1. **GPW** Account Customers must provide a valid **GPW** account number to obtain a quotation.
 - 16.2. Accounts for **GPW** account customers **must** be active with sufficient credit to transact with **GPW** to submit notices.
 - 16.2.1. If you are unsure about or need to resolve the status of your account, please contact the **GPW** Finance Department prior to submitting your notices. (If the account status is not resolved prior to submission of your notice, the notice will be failed during the process).
17. **APPLICABLE ONLY TO CASH CUSTOMERS:**
 - 17.1. Cash customers doing **bulk payments** must use a **single email address** in order to use the **same proof of payment** for submitting multiple notices.
18. The responsibility lies with you, the customer, to ensure that the payment made for your notice(s) to be published is sufficient to cover the cost of the notice(s).
19. Each quotation will be associated with one proof of payment / purchase order / cash receipt.
 - 19.1. This means that **the quotation number can only be used once to make a payment.**

GOVERNMENT PRINTING WORKS - BUSINESS RULES**COPY (SEPARATE NOTICE CONTENT DOCUMENT)**

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03
- 20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.
- The content document should contain only one notice. (You may include the different translations of the same notice in the same document).
- 20.2. The notice should be set on an A4 page, with margins and fonts set as follows:
- Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;
- Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

CANCELLATIONS

21. Cancellation of notice submissions are accepted by **GPW** according to the deadlines stated in the table above in point 2. Non-compliance to these deadlines will result in your request being failed. Please pay special attention to the different deadlines for each gazette. Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.
22. Requests for cancellation must be sent by the original sender of the notice and must be accompanied by the relevant notice reference number (N-) in the email body.

AMENDMENTS TO NOTICES

23. With effect from 01 October 2015, **GPW** will not longer accept amendments to notices. The cancellation process will need to be followed according to the deadline and a new notice submitted thereafter for the next available publication date.

REJECTIONS

24. All notices not meeting the submission rules will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za). Reasons for rejections include the following:
- 24.1. Incorrectly completed forms and notices submitted in the wrong format, will be rejected.
- 24.2. Any notice submissions not on the correct *Adobe* electronic form, will be rejected.
- 24.3. Any notice submissions not accompanied by the proof of payment / purchase order will be rejected and the notice will not be processed.
- 24.4. Any submissions or re-submissions that miss the submission cut-off times will be rejected to the customer. The Notice needs to be re-submitted with a new publication date.

GOVERNMENT PRINTING WORKS - BUSINESS RULES**APPROVAL OF NOTICES**

25. Any notices other than legal notices are subject to the approval of the Government Printer, who may refuse acceptance or further publication of any notice.
26. No amendments will be accepted in respect to separate notice content that was sent with a Z95 or Z95Prov notice submissions. The copy of notice in layout format (previously known as proof-out) is only provided where requested, for Advertiser to see the notice in final Gazette layout. Should they find that the information submitted was incorrect, they should request for a notice cancellation and resubmit the corrected notice, subject to standard submission deadlines. The cancellation is also subject to the stages in the publishing process, i.e. If cancellation is received when production (printing process) has commenced, then the notice cannot be cancelled.

GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY

27. The Government Printer will assume no liability in respect of—
 - 27.1. any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;
 - 27.2. erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;
 - 27.3. any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

LIABILITY OF ADVERTISER

28. Advertisers will be held liable for any compensation and costs arising from any action which may be instituted against the Government Printer in consequence of the publication of any notice.

CUSTOMER INQUIRIES

Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While **GPW** deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.

GPW has a 2-working day turnaround time for processing notices received according to the business rules and deadline submissions.

Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

29. Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
30. Requests for Quotations (RFQs) should be received by the Contact Centre at least **2 working days** before the submission deadline for that specific publication.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

PAYMENT OF COST

31. The Request for Quotation for placement of the notice should be sent to the Gazette Contact Centre as indicated above, prior to submission of notice for advertising.
32. Payment should then be made, or Purchase Order prepared based on the received quotation, prior to the submission of the notice for advertising as these documents i.e. proof of payment or Purchase order will be required as part of the notice submission, as indicated earlier.
33. Every proof of payment must have a valid **GPW** quotation number as a reference on the proof of payment document.
34. Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the Gazette Contact Centre, **Government Printing Works**, Private Bag X85, Pretoria, 0001 email: info.egazette@gpw.gov.za before publication.
35. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and future notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or electronic funds transfer into the **Government Printing Works** banking account.
36. In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the **Government Printing Works**.
37. The **Government Printing Works** reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the List of Fixed Tariff Rates, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

PROOF OF PUBLICATION

38. Copies of any of the *Government Gazette* or *Provincial Gazette* can be downloaded from the **Government Printing Works** website www.gpwonline.co.za free of charge, should a proof of publication be required.
39. Printed copies may be ordered from the Publications department at the ruling price. The **Government Printing Works** will assume no liability for any failure to post or for any delay in despatching of such *Government Gazette*(s)

GOVERNMENT PRINTING WORKS CONTACT INFORMATION

Physical Address:
Government Printing Works

149 Bosman Street

Pretoria

Postal Address:

Private Bag X85

Pretoria

0001

GPW Banking Details:
Bank: ABSA Bosman Street

Account No.: 405 7114 016

Branch Code: 632-005

For Gazette and Notice submissions: Gazette Submissions:

For queries and quotations, contact: Gazette Contact Centre:

E-mail: submit.egazette@gpw.gov.za
E-mail: info.egazette@gpw.gov.za
Tel: 012-748 6200

Contact person for subscribers: Mrs M. Toka:

E-mail: subscriptions@gpw.gov.za
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Fax: 012-323-9574

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

NO. R. 1316

30 NOVEMBER 2018

**MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996
(ACT No. 47 OF 1996)****WINE INDUSTRY: AMENDMENT OF STATUTORY MEASURE AND
DETERMINATION OF GUIDELINE PRICE**

I, Senzeni Zokwana, Minister of Agriculture, Forestry and Fisheries, acting under sections 13 and 15 of the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996), hereby –

- (a) amend the statutory measure published by Government Notice No. R. 10784 of 1 December 2017 to the extent as set out in the Schedule;
- (b) determine that the said amendments shall come into operation on 1 January 2019; and
- (c) determine that the guideline price for export wine shall be 516.81 cents per litre.

S. ZOKWANA,
Minister of Agriculture, Forestry and Fisheries.

SCHEDULE**Definitions**

1. In this Schedule any word or expression to which a meaning has been assigned in the Notice shall have that meaning, and “the Notice” means Government Notice No. R. 10784 of 1 December 2017.

Purpose and aims of amendment of statutory measure and the relation thereof to the objectives of the Act

2. The purpose and aims of the proposed amendment to the export levy are to migrate the levy on certified bulk to the same level as certified packaged wine by 2025, thus, in future distinction will be made between certified export wine and uncertified export wine. The amendment will only come into operation on the 1st of January 2019.

The export levy is used by WOSA to generically promote SA wines on selected export markets and to improve the efficiency of the export process. The objective of the export levy aims at increasing the profit margin for the industry for each focus market. This promotion will enhance the image of South Africa as a quality wine producer and increase opportunities for growth in new markets. It will assist South Africa to remain competitive in the global market place. In addition, it will assist in capacity building among all exporters, in particular SMME’s and BEE’s, and in improving the efficiency of the export process.

The amendment of the statutory measure will not be detrimental to food security, the number of employment opportunities within the economy or to fair labour practice. It is aimed at growing the competitiveness and capacity of the industry concerned.

Amendment of clause 1 of the Notice

3. Clause 1 of the Notice is hereby amended by the insertion, in the alphabetically correct places, of the following definitions:

“**certified**” means granted authorization in terms of a scheme for the use of particulars referred to in section 11(3)(a) of the Liquor Products Act, 1989 (Act No. 60 of 1989)”; and

“**uncertified**” means not granted authorization in terms of a scheme for the use of particulars referred to in section 11(3)(a) of the Liquor Products Act, 1989 (Act No. 60 of 1989)”.

Amendment of clause 8 of the Notice

4. Clause 8 of the Notice is hereby amended by the substitution for sub-clause (2) of the following sub-clause:

"(2) The amount of the wine export generic promotion levy shall –

(a) in the case of certified bulk export wine, be -

- (i) 12.34 cent per litre for the period 1 January 2019 to 31 December 2019, of which 0.47 cent per litre shall be used to fund, maintain and further develop the Wine-on-Line system;
- (ii) 13.54 cent per litre for the period 1 January 2020 to 31 December 2020, of which 0.47 cent per litre shall be used to fund, maintain and further develop the Wine-on-Line system; and
- (iii) 14.87 cent per litre for the period 1 January 2021 to 31 December 2021, of which 0.47 cent per litre shall be used to fund, maintain and further develop the Wine-on-Line system."

(b) in the case of certified packaged export wine, be –

- (i) 15.24 cent per litre for the period 1 January 2019 to 31 December 2019, of which 0.47 cent per litre shall be used to fund, maintain and further develop the Wine-on-Line system;
- (ii) 16.38 cent per litre for the period 1 January 2020 to 31 December 2020, of which 0.47 cent per litre shall be used to fund, maintain and further develop the Wine-on-Line system; and
- (iii) 17.61 cent per litre for the period 1 January 2021 to 31 December 2021, of which 0.47 cent per litre shall be used to fund, maintain and further develop the Wine-on-Line system.

- (c) in the case of uncertified export wine, be –
- (i) 12.07 cent per litre for the period 1 January 2019 to 31 December 2019, of which 0.47 cent per litre shall be used to fund, maintain and further develop the Wine-on-Line system;
 - (ii) 12.96 cent per litre for the period 1 January 2020 to 31 December 2020, of which 0.47 cent per litre shall be used to fund, maintain and further develop the Wine-on-Line system; and
 - (iii) 13.92 cent per litre for the period 1 January 2021 to 31 December 2021, of which 0.47 cent per litre shall be used to fund, maintain and further develop the Wine-on-Line system."

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

NO. R. 1317

30 NOVEMBER 2018

MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996

(ACT No. 47 OF 1996)

ESTABLISHMENT OF A STATUTORY MEASURE AND

DETERMINATION OF GUIDELINE PRICES:

LEVIES RELATING TO LUCERNE SEED AND LUCERNE HAY

I, Senzeni Zokwana, Minister of Agriculture, Forestry and Fisheries, acting under sections 13 and 15 of the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996), hereby-

- (a) establish the statutory measure set out in the Schedule hereto;
- (b) determine the guideline prices for –
 - (i) lucerne hay as R2 200 per ton and
 - (ii) lucerne seed as R80 per kg.

SENZENI ZOKWANA

Minister of Agriculture, Forestry and Fisheries

SCHEDULE

Definitions

1. In this Schedule any word or expression to which a meaning has been assigned in the Act shall have that meaning, and unless the context otherwise indicates-

“**cleaned lucerne seed**” means lucerne seed cleaned in terms of the Plant Improvement Act, 1976 (Act No. 53 of 1976);

“**commercial purpose**” means the buying and selling of lucerne seed or lucerne hay for commercial gain;

“**dealing**” means the buying and selling of lucerne seed or lucerne hay, whether for the account of the person thus dealing therein, or for the account of somebody else;

“**lucerne**” means lucerne seed or lucerne hay;

“**lucern seed cleaner**” means a person that cleans lucerne seed in terms of the Plant Improvement Act, 1976 (Act No. 53 of 1976);

“**lucerne hay**” means hay produced from lucerne;

“**lucerne hay dealer**” means a person dealing with lucerne hay;

“**lucerne seed**” means any locally produced lucerne seed;

“**NIR Instrument**” means a near infrared spectroscopy instrument used for the grading of lucerne hay and accredited with the NLT;

“**NLT**” means the National Lucerne Trust; and

“**the Act**” means the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996).

Purpose and aims of statutory measure and the relation thereof to objectives of the Act

2. The purpose and aims of this statutory measure are to provide financial support to lucerne information, transformation and research functions, which have been identified by the lucerne industry as essential and in the interest of the industry as a whole.

These functions are:

- Cleaning, grading and classification standards and services;
- The collection and dissemination of statistics and other information;
- Liaison with Government and other role-players on industry issues;
- Small farmers development and training; and
- Research relating to lucerne seed and lucerne hay.

The establishment of the measure should assist in promoting the efficiency of the marketing of lucerne hay and seed. The viability of the lucerne industry should thus be enhanced. The measure is not detrimental to any of the objectives of the Act, and in particular will not be detrimental to the number of employment opportunities or fair labour practice in the lucerne

industry. The measure will be administered by the National Lucerne Trust, who will act in terms of the mandate on behalf of the lucerne industry.

Product to which statutory measure applies

3. This statutory measure shall apply to lucerne.

Area in which statutory measure applies

4. This statutory measure shall apply within the geographical area of the Republic of South Africa.

Imposition of levies

5. Levies are hereby imposed on -
- (a) Cleaned lucerne seed produced for commercial purposes;
 - (b) Lucerne hay produced for commercial purposes not analysed by the NIR Instrument;
 - (c) Lucerne hay produced for commercial purposes analysed by the NIR Instrument.

Amount of levies

6. The amounts (VAT excluded) of the levies imposed in terms of clause 5 shall be-
- (a) R0.85 per kg for the period 15 November 2018 to 14 November 2019, R0.90 per kg for the period 15 November 2019 to 14 November 2020, R0.95 per kg for the period 15 November 2020 to 14 November 2021, and R1.00 per kg for the period 15 November 2021 to 15 November 2022, on clean seed;
 - (b) R6.50 per ton for the period 15 November 2018 to 14 November 2019, R7.00 per ton for the period 15 November 2019 to 14 November 2020, R7.50 per ton for the period 15 November 2020 to 14 November 2021, and R8.00 per ton for the period 15 November 2021 to 15 November 2022 on lucerne hay not analysed by a NIR Instrument; and
 - (c) R6.50 per ton for the period 15 November 2018 to 14 November 2019, R7.00 per ton for the period 15 November 2019 to 14 November 2020, R7.50 per ton for the period 15 November 2020 to 14 November 2021, and R8.00 per ton for the period 15 November 2021 to 15 November 2022 on lucerne hay analysed by a NIR Instrument.

Persons by whom levies are payable

7. (1) The levies payable in terms of clause 5 shall be payable-
- (a) in the case of a levy contemplated in clause 5(a), be payable by the lucerne seed cleaner;
 - (b) in the case of a levy contemplated in clause 5(b), be payable by the first lucerne hay dealer dealing with such lucerne hay; and
 - (d) in the case of a levy contemplated in clause 5(c), be payable by the owner of the NIR Instrument.
- (2) A levies paid by a person referred to in -
- (a) subclause (1)(a) may be recovered from the person submitting the lucerne seed concerned for cleaning;

- (b) subclause (1)(b) may be recovered from the person from whom such lucerne hay is obtained;
- (c) subclause (1)(c) may be recovered from the person submitting such lucerne hay for analysis.

Payment of levies

- 8.(1) Payment of a levy imposed in terms of clause 5 shall be made by the persons contemplated in clause 7, not later than the last day of the month following the month in which the lucerne seed was submitted for cleaning, or the lucerne hay was obtained or analysed.
- (2) Payment to the NLT, together with the returns required by the NLT shall –
- (a) be submitted, when forwarded by post, to -
 - The Manager
 - National Lucerne Trust
 - P.O. Box 185
 - OUDTSHOORN
 - 6620
 - (b) when delivered by hand, be delivered to –
 - The Manager
 - National Lucerne Trust
 - 152 St John Street
 - OUDTSHOORN
 - 6625
 - (c) when transferred electronically, be paid into the bank account of the NLT, ABSA account number 1120156566, branch code 63225.

Administration of levies

9. The statutory measure shall be administered by the NLT. Approximately 70% of levy income will be spent on core activities (research and information functions), not more than 10% on administration and 20% on transformation (development of emerging farmers). The levies shall be accounted for, in a manner and to the extent acceptable to the Auditor-General, separately from any other funds or assets under the control of the NLT. Annual audited financial statements will be submitted to the National Agricultural Marketing Council and the Auditor-General, with the percentage allocated towards transformation clearly indicated and accompanied by a report stating how the objectives of the levy have been met. Any deficit at the date of termination of this statutory measure shall be for the account of the NLT. The Minister of Agriculture, Forestry and Fisheries shall decide on the application of any surplus levies at the date of termination of the statutory measure.

Commencement and period of validity

10. This statutory measure shall come into operation on the date of publication thereof and shall lapse four years later.

DEPARTEMENT VAN LANDBOU, BOSBOU EN VISSERYE

NO. R. 1317

30 NOVEMBER 2018

WET OP DIE BEMARKING VAN LANDBOUPRODUKTE, 1996

(WET No. 47 VAN 1996)

**INSTELLING VAN STATUTÊRE MAATREËL EN BEPALINGS VAN RIGLYNPRYS: HEFFING
BETREFFENDE LUSERN SAAD EN LUSERN HOOI**

Ek, Senzeni Zokwana, Minister van Landbou, Bosbou en Visserye, handelende kragtens artikels 13 en 15 van die Wet op die Bemarking van Landbouprodukte, 1996 (Wet No. 47 van 1996)-

- (a) stel hiermee die statutêre maatreël in die Bylae uiteengesit, in;
- (b) bepaal hierby die riglynpryse vir –
 - (i) Lusernhooi as R2 200 per ton en
 - (ii) Lusernsaad as R80 per kg.

SENZENI ZOKWANA

Minister van Landbou, Bosbou en Visserye

BYLAE

Woordomskrywing

1. In hierdie Bylae het enige woord of uitdrukking waaraan 'n betekenis in die Wet geheg is, daardie betekenis en, tensy uit die samehang anders blyk, beteken -

“**handel**” die koop en verkoop van lusernsaad of lusernhooi, vir die rekening van die persoon wat daarmee handel dryf of namens iemand anders daarmee handel;

“**kommersiële doeleindes**” die koop en verkoop van lusernsaad of lusernhooi vir kommersiële wins”

“**lusern**” lusernsaad of lusernhooi;

“**lusernhooi**” die hooi van lusern geproduseer;

“**lusernhooi handelaar**” die persoon wat met lusernhooi handel dryf;

“**lusernsaad skoonmaker**” die persoon wat lusernsaad skoonmaak in terme van die Plantverbeteringswet, 1976 (Wet No. 53 van 1976);

“**lusernsaad**” die plaaslik geproduseerde lusernsaad;

“**NIRS Instrument**” die Naby-infrarooi spektroskopie instrument wat vir die gradering van lusernhooi gebruik word en geakriditeer is by die NLT;

“**NLT**” die Nasionale Lusern Trust;

“**skoongemaakte lusernsaad**” lusernsaad skoongemaak in terme van die Plantverbeteringswet, 1976 (Wet No. 53 van 1976);

“**die Wet**” die Wet op Bemaking van Landbouprodukte, 1996 (Wet No. 47 van 1996) soos gewysig.

Oogmerk en doelwitte van statutêre maatreël en die verband daarvan met die oogmerke van die Wet

2. Die oogmerke en doelwitte van hierdie statutêre maatreël is om finansiële ondersteuning aan die lusern navorsing-, inligtings- en ontwikkelings-funksies te verleen wat deur die lusernbedryf as noodsaaklik en in belang van die bedryf as geheel geïdentifiseer is.

Hierdie funksies sluit die volgende in:

- Skoonmaak, gradering en klassifisering standarde en dienste;
- Die insameling en verspreiding van statistiek en ander inligting;
- Onderhandelings met regering en ander instansies insake bedryfsaange-leenthede;
- Kleinboer ontwikkeling en opleiding; en
- Navorsing betreffende lusernsaad en lusernhooi.

Die instelling van die maatreël sal die effektiwiteit van die bemaking van lusernsaad en lusernhooi bevorder. Die lewensvatbaarheid van die lusernbedryf sal versterk word. Die

maatreël is nie teenstrydig met enige van die oogmerke van die Wet nie, en sal nie werkseleenthede of regverdige arbeidpraktyke benadeel nie. Die maatreël sal deur die NLT geadministreer word, wat sal handel volgens sy mandaat in belang van die lusernbedryf.

Produk waarop statutêre maatreël van toepassing is

3. Hierdie statutêre maatreël is op lusern van toepassing.

Gebied waarin statutêre maatreël van toepassing is

4. Hierdie statutêre maatreël is op die geografiese gebied van die Republiek van Suid-Afrika van toepassing.

Instel van heffings

5. 'n Heffing word hiermee ingestel op -
- (a) Skoongemaakte lusernsaad geproduseer vir kommersiële doeleindes;
 - (b) Lusernhooi geproduseer vir kommersiële doeleindes wat deur die NIRS Instrument geanaliseer is nie;
 - (c) Lusernhooi geproduseer vir kommersiële doeleindes wat deur die NIRS Instrument geanaliseer is.

Bedrag van heffings

6. Die bedrae van die heffings (BTW uitgesluit) is soos volg:
- (a) R0.85 per kg vanaf 15 November 2018 tot 14 November 2019, R0.90 per kg vanaf 15 November 2019 tot 14 November 2020, R0.95 per kg vanaf 15 November 2020 tot 14 November 2021, en R1.00 per kg vanaf 15 November 2021 tot 15 November 2022, op skoon saad;
 - (b) R6.50 per ton vanaf 15 November 2018 tot 14 November 2019, R7.00 per ton vanaf 15 November 2019 tot 14 November 2020, R7.50 per ton vanaf 15 November 2020 tot 14 November 2021, en R8.00 per ton vanaf 15 November 2021 tot 15 November 2022 op lusernhooi nie deur die NIRS Instrument geanaliseer nie; en
 - (c) R6.50 per ton vanaf 15 November 2018 tot 14 November 2019, R7.00 per ton vanaf 15 November 2019 tot 14 November 2020, R7.50 per ton vanaf 15 November 2020 tot 14 November 2021, en R8.00 per ton vanaf 15 November 2021 tot 15 November 2022 op lusernhooi deur die NIRS Instrument geanaliseer.

Persone deur wie heffings betaalbaar is

7. (1) Die heffings wat in terme van klousule 5 opgelê is, sal betaalbaar wees deur-
- (a) in geval van die heffing genoem in klousule 5(a), deur die lusernsaad skoonmaker;
 - (b) in geval van die heffing genoem in klousule 5(b), deur die eerste lusernhooi handelaar; en
 - (c) in geval van die heffing genoem in klousule 5(c), deur die eienaar van die NIRS Instrument.
- (2) Die heffings betaal deur die persoon genoem in –

- (a) subklousule (1)(a) mag verhaal word van die persoon wat die betrokke lusernsaad lewer vir skoonmaak;
- (b) subklousule (1)(b) mag verhaal word van die persoon van wie die betrokke lusernhooi verkry is;
- (c) subklousule (1)(c) mag verhaal word van die persoon wat die betrokke lusernhooi gestuur het vir analise.

Betaling van heffings

8. (1) Die betaling van die heffings opgelê in terme van klousule 5 sal gemaak word deur die persone bedoel in klousule 7, nie later nie as die laaste dag van die maand volgende op die maand waarin die lusernsaad versend is vir skoonmaak, of die lusernhooi verkry of geanaliseer is.
- (2) Betaling moet ten gunste van NLT uitgemaak word, en moet -
- (a) wanneer per pos gestuur, geadresseer wees aan –
Die Bestuurder
Nasionale Lusern Trust
Posbus 185
OUDTSHOORN
6620
 - (b) wanneer per hand afgelewer, afgelewer word by –
Die Bestuurder
Nasionale Lusern Trust
St John Straat 152
OUDTSHOORN
6625
 - (c) Indien elektronies oorbetaal, na die bankrekening van die NLT, ABSA rekening nommer 1120156566, takkode 63225.

Administrasie van heffings

9. Hierdie statutêre maatreël sal deur die NLT geadministreer word. Ongeveer 70% van heffings inkomste sal op primêre funksies (navorsing en inligting), nie meer as 10% op administrasie en 20% op transformasie (ontwikkeling van opkomende boere) spandeer word. Heffings sal bestuur word op 'n manier aanvaarbaar vir die Ouditeur Generaal, apart van enige ander fondse of bates beheer deur die NLT. Jaarlikse geouditeerde finansiële state sal aan die Nasionale Landboubeoordelingsraad en Ouditeur Generaal gestuur word, met die bedrae toegewys aan transformasie duidelik uitgewys en gestaaf deur 'n verslag wat aandui hoe die doelwitte van die heffing behaal is. Enige tekort op die vervaldatum van hierdie statutêre maatreël sal vir die rekening van die NLT wees. Die Minister van Landbou, Bosbou en Visserye sal oor die aanwending van enige surplus heffingsfondse, op die vervaldatum van die statutêre maatreël, besluit.

Inwerkingtreëding en tydperk van geldigheid

10. Hierdie statutêre maatreël tree in werking op die dag van publikasie en sal vier jaar later verstryk.

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 1318

30 NOVEMBER 2018

RULES BOARD FOR COURTS OF LAW ACT, (ACT NO. 107 OF 1985)

AMENDMENT OF RULES REGULATING THE CONDUCT OF THE PROCEEDINGS OF THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

The Rules Board for Courts of Law has under section 6 of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985), and with the approval of the Minister of Justice and Correctional Services, made the rules in the Schedule.

SCHEDULE

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing rules.
_____ Words underlined with a solid line indicate insertions in existing rules.

Definition

1. In this Schedule “the Rules” mean the Rules Regulating the Conduct of the Proceedings of the Supreme Court of Appeal of South Africa published under Government Notice No. R. 1523 of 27 November 1998, as amended by Government Notice Nos. R. 979 of 19 November 2010, R. 191 of 11 March 2011, R. 113 of 15 February 2013 and R.1055 of 29 September 2017 .

Amendment of Rule 18 of the Rules

2. Rule 18 of the rules is hereby amended by the substitution for Section G of the following section:

“G- BILLS OF COSTS

In connection with a bill of costs for work done or services rendered by an attorney, such attorney shall be entitled to charge the following:

1 For drawing up the bill of costs, making the necessary copies and attending settlement [:], 11[,00] per cent of the attorney's fees, either as charged in the bill, if not taxed, or as allowed on taxation.

2 **[For arranging and attending taxation:]** In addition to the fees charged under paragraph 1, if recourse is had to taxation for arranging and attending taxation, and obtaining consent to taxation, 11[,00] per cent on the first R10 000,00 or portion thereof, 6 per cent on the next R10 000,00 or portion thereof and [2,12]_3 per cent on the balance of the total amount of the bill.”

Commencement

3. These rules shall come into operation on 10 January 2019.

DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

NO. R. 1318

30 NOVEMBER 2018

WET OP DIE REËLSRAAD VIR GEREESHOWE, 1985 (WET NO. 107 VAN 1985)

WYSIGING VAN REËLS WAT DIE VERRIGTINGE VAN DIE HOOGSTE HOF VAN APPÈL VAN SUID-AFRIKA REËL

Die Reëlsraad vir Gereeshowe het kragtens artikel 6 van die Wet op die Reëlsraad vir Gereeshowe, 1985 (Wet No. 107 van 1985), en met die goedkeuring van die Minister van Justisie en Korrektiewe Dienste, die reëls in die Bylae gemaak.

BYLAE

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk in vierkantige hakies dui uitlatings uit bestaande reëls aan.
_____ Woorde met 'n volstreep daaronder dui invoegings in bestaande reëls aan.

Woordomskrywing

1. In hierdie Bylae beteken “die Reëls” die Reëls waarby die verrigtinge van die Hoogste Hof van Appèl van Suid-Afrika gereël word, gepubliseer kragtens Goewermentskennisgewing No. R. 1523 van 27 November 1998, soos gewysig deur Goewermentskennisgewing No's. R. 979 van 19 November 2010, R. 191 van 11 Maart 2011, R. 113 van 15 Februarie 2013 en R.1055 van 29 September 2017

Wysiging van reël 18 van die Reëls

2. Reël 18 van die Reëls word hierby gewysig deur Afdeling G deur die volgende afdeling te vervang:

“ G – KOSTEREKENINGE

In verband met 'n kosterekening vir werk gedoen of dienste gelewer deur 'n prokureur, is sodanige prokureur daarop geregtig om die volgende te vorder:

1. Vir die opstel van die kosterekening, die maak van die nodige afskrifte en opwagting by afrekening[:], 11[.00] persent van die prokureursgelde, hetsy soos in die rekening gehef indien nie getakseer nie of soos by taksasie toegelaat.
2. **[Vir reëling en behartiging van taksasie:]** Benewens die gelde kragtens paragraaf 1 gehef, indien tot taksasie oorgegaan word vir reëling en behartiging van taksasie, en verkryging van toestemming tot taksasie, 11[.00] persent op die eerste R10 000.00 of gedeelte daarvan, 6 persent op die volgende R10 000.00 of gedeelte daarvan en [2.12] 3 persent op die balans van die totale bedrag van die rekening.”

Inwerkingtreëding

3. Hierdie reëls tree in werking op 10de Januarie 2019.

RULES BOARD FOR COURTS OF LAW ACT, 1985 (ACT NO. 107 OF 1985)**AMENDMENT OF THE RULES REGULATING THE CONDUCT OF THE PROCEEDINGS OF THE SEVERAL PROVINCIAL AND LOCAL DIVISIONS OF THE HIGH COURT OF SOUTH AFRICA**

The Rules Board for Courts of Law has under section 6 of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985), and with the approval of the Minister of Justice and Correctional Services, made the rules in the Schedule.

SCHEDULE**GENERAL EXPLANATORY NOTE:**

[] Expressions in square brackets in bold represent omissions from existing text.

_____ Expressions with solid underline represent insertions into existing text.

Definition

1. In this Schedule the "**Rules**" means the Rules Regulating the Conduct of the Proceedings of the Several Provincial and Local Divisions of the High Court of South Africa published under Government Notice No. R. 48 of 12 January 1965, as amended by Government Notice Nos. R. 235 of 18 February 1966, R. 2004 of 15 December 1967, R. 3553 of 17 October 1969, R. 2021 of 5 November 1971, R. 1985 of 3 November 1972, R. 480 of 30 March 1973, R. 639 of 4 April 1975, R. 1816 of 8 October 1976, R. 1975 of 29 October 1976, R. 2477 of 17 December 1976, R. 2365 of 18 November 1977, R. 1546 of

28 July 1978, R. 1577 of 20 July 1979, R. 1535 of 25 July 1980, R. 2527 of 5 December 1980, R. 500 of 12 March 1982, R. 773 of 23 April 1982, R. 775 of 23 April 1982, R. 1873 of 3 September 1982, R. 2171 of 6 October 1982, R. 645 of 25 March 1983, R. 841 of 22 April 1983, R. 1077 of 20 May 1983, R. 1996 of 7 September 1984, R. 2094 of 13 September 1985, R. 810 of 2 May 1986, R. 2164 of 2 October 1987, R. 2642 of 27 November 1987, R. 1421 of 15 July 1988, R. 210 of 10 February 1989, R. 608 of 31 March 1989, R. 2628 of 1 December 1989, R. 185 of 2 February 1990, R. 1929 of 10 August 1990, R. 1262 of 30 May 1991, R. 2410 of 30 September 1991, R. 2845 of 29 November 1991, R. 406 of 7 February 1992, R. 1883 of 3 July 1992, R. 109 of 22 January 1993, R. 960 of 28 May 1993, R. 974 of 1 June 1993, R. 1356 of 30 July 1993, R. 1843 of 1 October 1993, R. 2365 of 10 December 1993, R. 2529 of 31 December 1993, R. 181 of 28 January 1994, R. 411 of 11 March 1994, R. 873 of 31 May 1996, R. 1063 of 28 June 1996, R. 1557 of 20 September 1996, R. 1746 of 25 October 1996, R. 2047 of 13 December 1996, R. 417 of 14 March 1997, R. 491 of 27 March 1997, R. 700 of 16 May 1997, R. 798 of 13 June 1997, R. 1352 of 10 October 1997, R. 785 of 5 June 1998, R. 881 of 26 June 1998, R. 1024 of 7 August 1998, R. 1723 of 30 December 1998, R. 315 of 12 March 1999, R. 568 of 30 April 1999, R. 1084 of 10 September 1999, R. 1299 of 29 October 1999, R. 502 of 19 May 2000, R. 849 of 25 August 2000, R. 373 of 30 April 2001, R. 1088 of 26 October 2001, R. 1755 of 5 December 2003, R. 229 of 20 February 2004, R. 1343 of 12 December 2008, R. 1345 of 12 December 2008, R. 516 of 8 May 2009, R. 518 of 8 May 2009, R. 86 of 12 February 2010, R. 87 of 12 February 2010, R. 88 of 12 February 2010, R. 89 of 12 February 2010, R. 90 of 12 February 2010, R. 500 of 11 June 2010, R. 591 of 09 July 2010, R. 980 of 19 November 2010, R. 981 of 19 November 2010, R. 464 of 22 June 2012, R. 992 of 7 December 2012, R. 114 of 15 February 2013, R. 262 of 12 April 2013, R. 471 of 12 July 2013, R. 472 of 12 July 2013, R. 759 of 11 October 2013, R. 212 of 28 March 2014, R. 213 of 28 March 2014, R. 214 of 28 March 2014, R. 30 of 23 January 2015, R. 31 of 23 January 2015, R. 317 of 17 April 2015, R. 781 of 31 August 2015, R. 3 of 19 February 2016, R. 678 of 03 June 2016, R. 1055 of September 2017 and R. 1272 of 17 November 2017.

Substitution of rule 16 of the Rules

2. The following rule is hereby substituted for rule 16 of the Rules:

"Rule 16 -Representation of parties

(1) If an attorney acts on behalf of any party in any proceedings, **[he]** such attorney shall notify all other parties of **[his name and address]** this fact and shall

supply an address where documents in the proceedings may be served.

(2) (a) Any party represented by an attorney in any proceedings may at any time, subject to the provisions of rule 40, terminate such attorney's authority to act **[for him,]** and may thereafter act in person or appoint another attorney to act **[for him therein]** in the proceedings, whereupon **[he]** such party or the newly appointed attorney on behalf of such party shall forthwith give notice to the registrar and to all other parties of the termination of **[his]** the former attorney's authority, and if **[he]** such party has appointed a further attorney **[so]** to act **[for him, of the latter's]** in the proceedings, such party or the newly appointed attorney on behalf of such party shall give the name and address of the attorney so appointed.

(b) If such party does not appoint a further attorney, such party shall in the notice of termination appoint an address within **[eight]** 15 kilometres of the office of the registrar for the service on **[him]** such party of all documents in such proceedings.

(3) Upon receipt of a notice in terms of subrule (1) or (2), the address of the attorney or of the party, as the case may be, shall become the address of such party for the service upon **[him]** such party of all documents in such proceedings, but any service duly effected elsewhere before receipt of such notice shall, notwithstanding such change, for all purposes be valid, unless the court orders otherwise.

(4) (a) Where an attorney acting in any proceedings for a party ceases so to act, **[he]** such attorney shall forthwith deliver notice thereof to such party, the registrar and all other parties: Provided that notice to the party for whom **[he]** such attorney acted may be given by **[registered post]** facsimile or electronic mail in accordance with the provisions of rule 4A.

(b) The party formerly represented must within 10 days after the notice of withdrawal notify the registrar and all other parties of a new address for service as contemplated in sub-rule (2) whereafter all subsequent documents in the proceedings for service on such party shall be served on such party in accordance with the rules relating to service: Provided that the party whose attorney has withdrawn and who has failed to provide an address within the said period of 10 days shall be liable for the payment of the costs occasioned by subsequent service on such party in terms of the rules relating to service, unless the court orders otherwise.

(c) The notice to the registrar shall state the names and addresses of the parties notified and the date on which and the manner in which the notice was sent to them.

(d) The notice to the party formerly represented shall inform the said party of the provisions of paragraph (b)."

Substitution of rule 38 of the Rules

3. The following rule is hereby substituted for rule 38 of the Rules:

"38. Procuring evidence for trial

(1)(a)

(i) Any party, desiring the attendance of any person to give evidence at a trial, may as of right, without any prior proceeding whatsoever, sue out from the office of the registrar one or more subpoenas for that purpose, each of which subpoenas shall contain the names of not more than four persons, and service thereof upon any person therein named shall be effected by the sheriff in the manner prescribed by rule 4 [, **and the process for subpoenaing such witnesses shall be, as nearly as may be, in accordance with Form 16 in the First Schedule**].

(ii) The process for subpoenaing a witness referred to in subparagraph (i) shall be by means of a subpoena in a form substantially similar to Form 16 in the First Schedule.

(iii) If any witness [has] is in [his] possession or control of any deed, [instrument, writing] document, book, writing, tape recording or electronic recording (hereinafter referred to as a "document") or thing which the party requiring [his] the attendance of such witness desires to be produced in evidence, the subpoena shall specify such document or thing and require [him] such witness to produce it to the court at the trial.

[(b) Any witness who has been required to produce any deed, document, writing or tape recording at the trial shall hand it over to the registrar as soon as possible, unless the witness claims that the deed, document, writing or tape recording is privileged. Thereafter the parties may inspect such deed, document, writing or tape recording and make copies or transcriptions thereof, after which the witness is entitled to its return.]

(b)

(i) The process for requiring the production of a document referred to in subrule (1)(a)(iii) shall be by means of a subpoena in a form substantially similar to Form 16A in the First Schedule.

(ii) Within 10 days of receipt of a subpoena requiring the production of any document, any person who has been required to produce a document at the trial shall lodge it with the registrar, unless such a person claims privilege.

(iii) The registrar shall set the conditions upon which the said document may be inspected and copied so as to ensure its protection.

(iv) Within five days of lodgement with the registrar, the party causing the subpoena to be issued for the production of the document shall inform all other parties that the said document is available for inspection and copying and of any conditions set by the registrar for inspection and copying.

(v) After inspection and copying, the person who produced the document is entitled to its return.

(c)

(i) The process for requiring the production of a thing referred to in subrule (1)(a)(iii) shall be by means of a subpoena in a form substantially similar to Form 16A in the First Schedule.

(ii) Within 10 days of receipt of a subpoena requiring the production of any thing, any person who has been required to produce a thing at the trial shall inform the registrar of the whereabouts of the thing and make the thing available for inspection, unless such person claims privilege.

(iii) The registrar shall set the conditions upon which the said thing may be inspected and copied or photographed so as to ensure its protection.

(iv) Within five days of notification from the registrar of the whereabouts of the said thing, the party causing the subpoena to be issued for the production of the thing shall inform all other parties where and when the thing may be inspected and copied or photographed and of any conditions set by the registrar for inspection, copying and photographing.

(v) After inspection and copying or photographing, the person who produced the thing is entitled to its return.

(2) The witnesses at the trial of any action shall be orally examined [**viva voce**], but a court may at any time, for sufficient reason, order that all or any of the evidence to be adduced at any trial be given on affidavit or that the affidavit of any witness be read at the hearing, on such terms and conditions as to it may seem meet: Provided that where it appears to the court that any other party reasonably requires the attendance of a witness for cross-examination, and such witness can be produced, the evidence of such witness shall not be given on affidavit.

(3) A court may, on application on notice in any matter where it appears convenient or necessary for the purposes of justice, make an order for taking the evidence of a witness before or during the trial before a commissioner of the court, and permit any party to any such matter to use such deposition in evidence on such terms, if any, as to it seems meet, and in particular may order that such evidence shall be taken only after the close of pleadings or only after the giving of discovery or the furnishing of any particulars in the action.

(4) Where the evidence of any person is to be taken on commission before any commissioner within the Republic, such person may be subpoenaed to appear before such commissioner to give evidence as if at the trial.

(5) Unless the Court ordering the commission directs such examination to be by interrogatories and cross-interrogatories, the evidence of any witness to be examined before the commissioner in terms of an order granted under subrule (3) shall be adduced upon oral examination in the presence of the parties, their advocates **[and]** or attorneys, and the witness concerned **[shall]** may be subject to cross-examination and re-examination.

(6) A commissioner shall not decide upon the admissibility of evidence tendered, but shall note any objections made and such objections shall be decided by the court hearing the matter.

(7) Evidence taken on commission shall be recorded in such manner as evidence is recorded when taken before a court and the transcript of any shorthand record or record taken by mechanical means duly certified by the person transcribing the same and by the commissioner shall constitute the record of the examination: Provided that the evidence before the commissioner may be taken down in narrative form.

(8) The record of the evidence shall be returned by the commissioner to the registrar with **[his]** a certificate to the effect that it is the record of the evidence given before **[him]** the commissioner, and shall thereupon become part of the record in the case.”

Substitution of rule 43 of the Rules

4. The following rule is hereby substituted for rule 43 of the Rules:

“43 – [Matrimonial matters] Interim relief in matrimonial matters”

- (1) This rule shall apply whenever a spouse seeks relief from the court in respect of one or more of the following matters:
- (a) Maintenance *pendente lite*;
 - (b) **[a]** A contribution towards the costs of a [pending] matrimonial action, pending or about to be instituted;
 - (c) **[interim custody]** Interim care of any child;
 - (d) **[interim access to]** Interim contact with any child.
- (2) (a) **[The applicant]** An applicant applying for any relief referred to in subrule (1) shall deliver a sworn statement in the nature of a declaration, setting out the relief claimed and the grounds therefor, together with a notice to the respondent [as near as may be in accordance] corresponding with Form 17 of the First Schedule.
- (b) The statement and notice shall be signed by the applicant or [his] the applicant's attorney and shall give an address for service within [eight] 15 kilometres of the office of the registrar, as referred to in rule 6(5)(b) [and shall be served by the sheriff].
- (c) The application shall be served by the sheriff: Provided that where the respondent is represented by an attorney, the application may be served on the respondent's attorney of record, other than by the sheriff.
- (3) (a) The respondent shall within **[ten] 10** days after receiving the **[statement]** application deliver a sworn reply in the nature of a plea[.].
- (b) The reply shall be signed by the respondent or the respondent's attorney and [giving] shall give an address for service within 15 kilometres of the office of the registrar, as referred to in rule 6(5)(b). [as aforesaid, in default of which he shall be ipso facto barred.]
- (c) In default of delivery of a reply referred to in paragraph (a), the respondent shall be automatically barred.
- (4) As soon as possible **[thereafter]** after the expiry of the period referred to in paragraph (a) of subrule (3), the registrar shall bring the matter before the court for summary hearing, on [ten] 10 days' notice to the parties[.]; Provided that no notice need be given to the respondent if [unless] the respondent is in default.

- (5) The court may hear such evidence as it considers necessary and may dismiss the application or make such order as it **[thinks]** deems fit to ensure a just and expeditious decision.
- (6) The court may, on the same procedure, vary its decision in the event of a material change **[taking place]** occurring in the circumstances of either party or a child, or the contribution towards costs proving inadequate.”

Amendment of rule 58 of the Rules

5. Rule 58 of the Rules is hereby amended by the substitution for subrule (5A) of the following subrule:

“(5A) Simultaneously with the delivery by a claimant of particulars of claim, such claimant shall specify an address for service within **[eight]** 15 kilometres of the office of the registrar as referred to in rule 6(5)(b).”

Amendment of rule 68 of the Rules

6. Rule 68 of the Rules is hereby amended –

(a) by the substitution for item 12 of the Tariff of the following item:

“12. For the writing of [Each] each necessary letter, facsimile or electronic mail excluding formal letters accompanying process or returns; 17,50”.

(b) by the substitution for item 13 of the Tariff of the following item:

“13. Each necessary attendance by telephone **[(in addition to prescribed trunk charges)][10,00] :16,00.**”.

(c) by the substitution for item 14 of the Tariff of the following item:

“14. Sending and receiving of each necessary facsimile or electronic mail per **[A4 size]** page (in addition to telephone charges); 5,50 .”.

Amendment of rule 70 of the Rules

7. Rule 70 of the Rules is hereby amended by the substitution for Section E of the Tariff of the following item:

E - BILL OF COSTS
In connection with a bill of costs for services rendered by an attorney, the attorney shall be entitled to charge:
1 For drawing the bill of costs, making the necessary copies and attending settlement, [10,60] <u>11</u> per cent of the attorney's fees, either as charged in the bill, if not taxed, or as allowed on taxation.
2 In addition to the fees charged under item 1, if recourse is had to taxation for arranging and attending taxation and obtaining consent to taxation, [10,60] <u>11</u> per cent on the first R10 000,00 or portion thereof, [5,10] <u>6</u> per cent on the next R10 000,00 or portion thereof and [2,12] <u>3</u> per cent on the balance of the total amount of the bill.
3 (a) Whenever an attorney employs the services of another person to draft his or her bill of costs, a certificate shall accompany that bill of costs in which that attorney certifies that-
(i) the bill of costs thus drafted was properly perused by him or her and found to be correct; and
(ii) every description in such bill with reference to work, time and figures is consistent with what was necessarily done by him or her.
(b) The taxing officer may-
(i) if he or she is satisfied that one or more of the requirements referred to in item 3(a) has not been complied with, refuse to tax such bill;
(ii) if he or she is satisfied that fees are being charged in a party-and-party bill of costs-
(aa) for work not done;
(bb) for work for which fees are to be charged in an attorney-and-client bill of costs; or
(cc) which are excessively high,
deny the attorney the remuneration referred to in items 1 and 2 of this section, if more than 20 per cent of the number of items in the bill of costs, including expenses, or of the total amount of the bill of costs, including expenses, is taxed off.
NOTE: The minimum fees under items 1 and 2 shall be R234,50 for each item.

First Schedule

Substitution of Form 16 of the First Schedule of the Rules

8. The following form is hereby substituted for Form 16 of the First Schedule of the Rules:

“FORM 16

SUBPOENA

IN THE **[SUPREME]** HIGH COURT OF SOUTH AFRICA

(..... DIVISION)

Case No

In the matter between

.....

Plaintiff

and

.....

Defendant

To the sheriff or **[his]** deputy.

INFORM:

(1)

.....

(2)

.....

(3)

.....

(4)

.....

(State names, sex, occupation[, race] and place of business or residence of each witness)

that each of **[them]** such persons is hereby required to appear in person before **[this]** the above court at on the.....day of
 **[19] 20**.....at(time) **[in the forenoon]** and thereafter to remain in attendance until excused by the said Court, in order to testify on behalf of the above-named plaintiff/defendant in regard to all matters within **[his]** such person's knowledge relating to an action now pending in the said Court and wherein the plaintiff claims:

- (1)
- (2)
- (3)

from the defendant.

[AND INFORM him that he is further required to bring with him and to produce to the said court (here describe accurately each document, book or other thing to be produced)]

AND INFORM each of the said persons that such person is required to produce the following documents or things:

- (1).....
- (2).....
- (3).....

AND INFORM each of the said persons further that **[he]** such person should on no account **[neglect]** fail to comply with this subpoena as **[he]** such person may **[thereby render himself]** become liable to a fine **[of R300,]** or to imprisonment not exceeding **[for]** three months.

DATED atthis day of **[19] 20**.....

.....
*Registrar of The **[Supreme]** High Court*

.....
[Plaintiff's / Defendant's Attorney]
Plaintiff/Defendant/Attorney"

Insertion of Form 16A into the First Schedule of the Rules

9. The following form is hereby inserted into the First Schedule of the Rules, after Form 16:

“FORM 16A

SUBPOENA DUCES TECUM

IN THE HIGH COURT OF SOUTH AFRICA

(..... DIVISION)

Case No

In the matter between

.....

Plaintiff

and

.....

Defendant

To the sheriff or deputy.

INFORM:

(1)

.....

(2)

.....

(3)

.....

(4)

.....

(State names, sex, occupation and place of business or residence of each witness)

that each of such persons shall within 10 days of receipt of this subpoena, lodge with the registrar of the said Court (here describe accurately each document to be produced) or inform the registrar of the whereabouts of (here describe a thing to be produced)

- (1).....
- (2).....
- (3).....

unless such person claims privilege in respect of any document or thing.

AND INFORM each of the said persons further that:

- (a) Such person should on no account fail to comply with this subpoena as such person may become liable to a fine or to imprisonment not exceeding three months;
- (b) If privilege is claimed in respect of any document or thing, the party that caused the subpoena to be issued shall be informed within five days of receipt of the subpoena of the nature of the privilege claimed; and
- (c) Such person is entitled to the return of the document or thing after inspection or copying or photographing by the parties.

DATED atthis day of 20.....

.....

Registrar of The High Court

.....

Plaintiff/Defendant/Attorney”

Substitution of Form 17

10. The following Form is hereby substituted for Form 17 in the First Schedule of the Uniform Rules:

Form 17

NOTICE IN TERMS OF RULE 43

IN THE [SUPREME] HIGH COURT OF SOUTH AFRICA
(..... DIVISION)

In the matter between

.....
Applicant

and

.....
Respondent

To the above-named respondent:

Take Notice that.....(the applicant herein) intends to make application to the above honourable court for the following orders:

- (1).....
- (2).....
- (3).....

And take notice that the annexed statement of the applicant will be used in support of the application.

[Take Notice that if] if you intend to defend this claim, you must, within 10 days, file a reply with the Registrar of this court , [giving] give an address for service referred to in rule 6(5)(b), and serve a copy [thereof] of your reply on the applicant or the applicant's attorney.

If you do not **[do these things]** file and serve your reply as aforesaid, you will be automatically barred from defending, and judgment may be given against you as claimed.

Your reply must indicate what allegations in the applicant's statement you admit or deny, and must concisely set out your defence.

Dated at.....this.....day of.....[19] 20....

.....
Applicant/Applicant's Attorney

Address for service:
.....

Repeal of Form 17A

11. Form 17A in the First Schedule of the Uniform Rules is hereby repealed.

Commencement

12. These rules shall come into operation on 10 January 2019

WET OP DIE REËLSRAAD VIR GEREESHOWE, 1985 (WET NO. 107 VAN 1985)**WYSIGING VAN DIE REËLS WAARBY DIE VERRIGTINGE VAN DIE VERSKILLENDE PROVINSIALE EN PLAASLIKE AFDELINGS VAN DIE HOOGGEREGSHOF VAN SUID-AFRIKA GEREËL WORD**

Die Reëlsraad vir Gereeshowe het kragtens artikel 6 van die Wet op die Reëlsraad vir Gereeshowe, 1985 (Wet No. 107 van 1985), en met die goedkeuring van die Minister van Justisie en Korrektiewe Dienste, die reëls in die Bylae gemaak.

BYLAE**ALGEMENE VERDUIDELIKENDE NOTA:**

[] Uitdrukkings in vierkantige hakies in vet druk verteenwoordig uitlatings uit bestaande teks.

_____ Uitdrukkings met 'n volstreep daaronder verteenwoordig invoegings in bestaande teks.

Woordomskrywing

1. In hierdie Bylae beteken die “**Reëls**” die Reëls waarby die Verrigtinge van die verskillende provinsiale en plaaslike afdelings van die Hooggeregshof van Suid-Afrika gereël word, gepubliseer kragtens Goewermentskennisgewing No. R. 48 van 12 Januarie 1965, soos gewysig by Goewermentskennisgewings No's. R. 235 van 18 Februarie 1966, R. 2004 van 15 Desember 1967, R. 3553 van 17 Oktober 1969, R. 2021 van 5 November 1971, R.

1985 van 3 November 1972, R. 480 van 30 Maart 1973, R. 639 van 4 April 1975, R. 1816 van 8 Oktober 1976, R. 1975 van 29 Oktober 1976, R. 2477 van 17 Desember 1976, R. 2365 van 18 November 1977, R. 1546 van 28 Julie 1978, R. 1577 van 20 Julie 1979, R. 1535 van 25 Julie 1980, R. 2527 van 5 Desember 1980, R. 500 van 12 Maart 1982, R. 773 van 23 April 1982, R. 775 van 23 April 1982, R. 1873 van 3 September 1982, R. 2171 van 6 Oktober 1982, R. 645 van 25 Maart 1983, R. 841 van 22 April 1983, R. 1077 van 20 Mei 1983, R. 1996 van 7 September 1984, R. 2094 van 13 September 1985, R. 810 van 2 Mei 1986, R. 2164 van 2 Oktober 1987, R. 2642 van 27 November 1987, R. 1421 van 15 Julie 1988, R. 210 van 10 Februarie 1989, R. 608 van 31 Maart 1989, R. 2628 van 1 Desember 1989, R. 185 van 2 Februarie 1990, R. 1929 van 10 Augustus 1990, R. 1262 van 30 Mei 1991, R. 2410 van 30 September 1991, R. 2845 van 29 November 1991, R. 406 van 7 Februarie 1992, R. 1883 van 3 Julie 1992, R. 109 van 22 Januarie 1993, R. 960 van 28 Mei 1993, R. 974 van 1 Junie 1993, R. 1356 van 30 Julie 1993, R. 1843 van 1 Oktober 1993, R. 2365 van 10 Desember 1993, R. 2529 van 31 Desember 1993, R. 181 van 28 Januarie 1994, R. 411 van 11 Maart 1994, R. 873 van 31 Mei 1996, R. 1063 van 28 Junie 1996, R. 1557 van 20 September 1996, R. 1746 van 25 Oktober 1996, R. 2047 van 13 Desember 1996, R. 417 van 14 Maart 1997, R. 491 van 27 Maart 1997, R. 700 van 16 Mei 1997, R. 798 van 13 Junie 1997, R. 1352 van 10 Oktober 1997, R. 785 van 5 Junie 1998, R. 881 van 26 Junie 1998, R. 1024 van 7 Augustus 1998, R. 1723 van 30 Desember 1998, R. 315 van 12 Maart 1999, R. 568 van 30 April 1999, R. 1084 van 10 September 1999, R. 1299 van 29 Oktober 1999, R. 502 van 19 Mei 2000, R. 849 van 25 Augustus 2000, R. 373 van 30 April 2001, R. 1088 van 26 Oktober 2001, R. 1755 van 5 Desember 2003, R. 229 van 20 Februarie 2004, R. 1343 van 12 Desember 2008, R. 1345 van 12 Desember 2008, R. 516 van 8 Mei 2009, R. 518 van 8 Mei 2009, R. 86 van 12 Februarie 2010, R. 87 van 12 Februarie 2010, R. 88 van 12 Februarie 2010, R. 89 van 12 Februarie 2010, R. 90 van 12 Februarie 2010, R. 500 van 11 Junie 2010, R. 591 van 09 Julie 2010, R. 980 van 19 November 2010, R. 981 van 19 November 2010, R. 464 van 22 Junie 2012, R. 992 van 7 Desember 2012, R. 114 van 15 Februarie 2013, R. 262 van 12 April 2013, R. 471 van 12 Julie 2013, R. 472 van 12 Julie 2013, R. 759 van 11 Oktober 2013, R. 212 van 28 Maart 2014, R. 213 van 28 Maart 2014, R. 214 van 28 Maart 2014, R. 30 van 23 Januarie 2015, R. 31 van 23 Januarie 2015, R. 317 van 17 April 2015, R. 781 van 31 Augustus 2015, R. 3 van 19 Februarie 2016, R. 678 van 03 Junie 2016, R. 1055 van September 2017 en R1272 van 17 November 2017.

Vervanging van reël 16 van die Reëls

2. Reël 16 van die Reëls word hierby deur die volgende reël vervang:

"Reël 16 – Verteenwoordiging van partye

(1) As 'n prokureur namens 'n party in enige verrigtinge optree, moet **[hy kennis van sy naam en adres aan]** daardie prokureur alle ander partye [gee] daarvan in kennis stel en 'n adres gee waar dokumente in die verrigtinge beteken kan word.

(2) (a) 'n Party wat in enige verrigtinge deur 'n prokureur verteenwoordig word, kan te eniger tyd, behoudens die bepalings van reël 40, so 'n prokureur se magtiging om **[namens hom]** in die verrigtinge op te tree, opsê en kan daarna persoonlik optree of 'n ander prokureur aanstel, waarna [hy] die party of die nuut aangestelde prokureur vir die party onverwyld aan die griffier en aan alle ander partye kennis moet gee van die opsegging en as [hy] die party 'n ander prokureur aangestel het [van laasgenoemde, se] om in die verrigtinge op te tree, moet die party of die nuut aangestelde prokureur vir die party die naam en adres van die aldus aangestelde prokureur gee.

(b) As die bedoelde party nie 'n ander prokureur aanstel nie, moet die party in die kennisgewing van opsegging ook 'n adres aangee wat binne **[agt] 15** kilometer van die kantoor van die griffier is, vir die betekening aan **[hom]** die party van alle dokumente in die verrigtinge.

(3) By ontvangs van 'n kennisgewing ingevolge subreël (1) of (2) word die adres van die prokureur of van die party, na gelang van die geval, die adres vir die betekening aan **[hom]** die party van alle dokumente in die verrigtinge, maar 'n betekening behoorlik uitgevoer op 'n ander plek voor die ontvangs van so 'n kennisgewing is ondanks die verandering vir alle doeleindes geldig, tensy die hof anders gelas.

(4) (a) 'n Prokureur wat in enige verrigtinge ophou om 'n party te verteenwoordig, moet onverwyld sodanige party, die griffier en alle ander partye kennisgewing daarvan aflewer: Met dien verstande dat kennisgewing aan die party wat **[hy]** die prokureur verteenwoordig het per [aangetekende pos] faks of elektroniese pos geskied ooreenkomstig die bepalings van reël 4A.

(b) Die voorheen verteenwoordigde party moet binne 10 dae vanaf kennisgewing van opsegging die griffier en alle ander partye kennis gee van 'n nuwe adres vir betekening soos beoog in subreël (2), waarna alle

daaropvolgende dokumente in die verrigtinge aan die party beteken sal word ooreenkomstig die reëls rakende betekening: Met dien verstande dat die party wie se prokureur opgesê het en wat versuim het om 'n adres binne die genoemde tydperk van 10 dae te gee, aanspreeklik is vir die kostes meegebring deur daaropvolgende betekening aan die party ingevolge die reëls rakende betekening, tensy die hof anders gelas.

(c) Die kennisgewing aan die griffier moet die name en adresse van die partye aan wie kennis gegee is, die datum wanneer en die wyse waarop die kennisgewing aan hulle gestuur is, vermeld.

(d) Die kennisgewing aan die party wat voorheen verteenwoordig is, moet die bedoelde party op die bepalings van paragraaf (b) wys."

Vervanging van reël 38 van die Reëls

3. Reël 38 van die Reëls word hierby deur die volgende reël vervang:

"38. Verkryging van getuienis vir verhoor

(1)(a)(i) 'n Party wat die bywoning van iemand wil verkry om getuienis by die verhoor te lewer, kan van regsweë, sonder enige voorafgaande verrigtinge van watter aard ook al, by die kantoor van die griffier een of meer getuiedagvaardings vir daardie doel uitneem, **[so na moontlik bewoord soos Vorm 16 in die Eerste Bylae,]** wat elk die name van hoogstens vier persone bevat. Die balju beteken hulle soos voorgeskryf in reël 4.

(ii) Die getuiedagvaarding in subparagraaf (i) bedoel word min of meer bewoord soos Vorm 16 in die Eerste Bylae.

(iii) As 'n getuie in besit of beheer is van 'n akte, [stuk, geskrif] dokument, boek, geskrif, kassetopname of elektroniese opname (hierna 'n 'dokument' genoem) of voorwerp **[in sy besit of onder sy beheer het]** wat die party wat **[sy]** bywoning van daardie getuie vereis, as bewys wens voor te lê, moet dit in die getuiedagvaarding vermeld word en moet **[hy]** die getuie aangesê word om dit by die verhoor beskikbaar te hê.

[(b) 'n Getuie wat aangesê is om 'n akte, dokument, geskrif of bandopname by die verhoor beskikbaar te hê, oorhandig dit so gou moontlik aan die griffier, tensy die getuie beweer dat die akte, dokument, geskrif of bandopname bevoorreg is. Die partye het insae in sodanige akte, dokument, geskrif of bandopname wat by die

griffier ingedien is, en kan afskrifte of transkripsies daarvan maak waarna die getuie geregtig is op teruggawe.]

(b)

(i) Die dagvaarding waarvolgens vereis word dat 'n dokument in subreël (1)(a)(iii) bedoel, beskikbaar gestel word, moet min of meer dieselfde bewoord word Vorm 16A in die Eerste Bylae.

(ii) Binne 10 dae vanaf ontvangs van 'n dagvaarding wat die beskikbaarstelling van 'n dokument vereis, moet enigiemand van wie vereis is om 'n dokument by die verhoor beskikbaar te stel, dit by die griffier inhandig, tensy die persoon op privilegie aanspraak maak.

(iii) Die griffier sit die voorwaardes uiteen waaronder insae tot die dokument gekry kan word en 'n kopie daarvan gemaak kan word ten einde die beskerming daarvan te verseker.

(iv) Die party wat die dagvaarding laat uitreik vir die verstrekking van die dokument moet, binne vyf dae vanaf indiening by die griffier, alle ander partye inlig dat die genoemde dokument ter insae en kopiëring beskikbaar is en van enige voorwaardes deur die griffier gestel vir insae en kopiëring.

(v) Na insae en kopiëring, is die persoon wat die dokument beskikbaar gestel het, op teruggawe geregtig.

(c)

(i) 'n Dagvaarding waarvolgens vereis word dat 'n voorwerp in subreël (1)(a)(iii) bedoel, beskikbaar gestel word, moet min of meer dieselfde bewoord word as Vorm 16A in die Eerste Bylae.

(ii) Binne 10 dae vanaf ontvangs van 'n dagvaarding wat die verstrekking van 'n voorwerp vereis, moet enigiemand van wie vereis is om 'n voorwerp by die verhoor beskikbaar te stel, dit by die griffier inhandig, tensy die persoon op privilegie aanspraak maak.

(iii) Die griffier sit die voorwaardes uiteen waaronder insae tot die voorwerp gekry kan word en dit gekopieer of gefotografeer kan word ten einde die beskerming daarvan te verseker.

(iv) Die party wat die dagvaarding vir die verstrekking van die voorwerp laat uitreik moet, binne vyf dae vanaf kennisgewing van die griffier oor waar die genoemde voorwerp is, alle ander partye in kennis stel waar en wanneer insae tot die voorwerp verkry kan word en dit gekopieer of gefotografeer kan word en oor enige voorwaardes deur die griffier gestel vir insae, kopiëring en fotografering.

(v) Na insae en kopiëring of fotografering, is die persoon wat die voorwerp beskikbaar gestel het, op teruggawe geregtig.

(2) Die getuies word by die verhoor [**viva voce**] mondelings ondervra, maar 'n hof kan te eniger tyd as daar voldoende rede voor bestaan, beveel dat al die getuienis of 'n deel daarvan by wyse van beëdigde verklaring gelewer word of dat die beëdigde verklaring van 'n getuie by die verhoor voorgelees word, met sodanige voorbehoude as wat die hof goedvind: Met dien verstande dat as die hof meen dat 'n ander party rede het om 'n getuie te wil kruisvra, en die getuie gebring kan word, 'n beëdigde verklaring nie toegelaat word nie.

(3) 'n Hof kan op aansoek by kennisgewing, geriefshalwe of waar dit nodig skyn te wees ten einde reg te laat geskied, beveel dat die getuienis van 'n getuie voor of tydens die verhoor deur 'n kommissaris van die hof afgeneem word, en 'n party tot die geding toelaat om so 'n deposisie as getuienis te gebruik met sodanige voorbehoude as wat die hof goedvind, en meer bepaald kan hy beveel dat die getuienis eers na sluiting van pleitstukke of eers na blootlegging of die verskaffing van besonderhede afgeneem word.

(4) Waar die getuienis van iemand op kommissie voor 'n kommissaris in die Republiek afgeneem moet word, kan so iemand gedagvaar word om voor die kommissaris te verskyn en getuienis af te lê soos by die verhoor.

(5) Tensy die hof wat die kommissie beveel, voorskryf dat ondervraging by wyse van vraagpunte en kruisvraagpunte moet geskied, moet 'n getuie wat voor 'n kommissaris verskyn ingevolge 'n bevel kragtens subreël (3), mondeling ondervra word in die teenwoordigheid van die partye, hul advokate [**en**] of prokureurs, of [**staan hy bloot**] kan die getuie blootstaan aan kruisondervraging en herondervraging.

(6) 'n Kommissaris beslis nie of aangebode getuienis toelaatbaar is nie, maar noteer enige besware, wat deur die verhoorhof beslis word.

(7) Getuienis wat op kommissie afgeneem word, word genotuleer soos in 'n hof en die transkripsie van snelskrif-aantekeninge of van 'n meganiese opname, behoorlik gesertifiseer deur die transkriptor en die kommissaris, vorm die oorkonde van die ondersoek: Met dien verstande dat die getuienis voor die kommissaris in 'n verhalende vorm genotuleer mag word.

(8) Die oorkonde van die getuienis word deur die kommissaris aan die griffier gestuur

met **[sy]** 'n sertifikaat dat dit die oorkonde van die getuienis is wat voor **[hom]** die kommissaris gelewer is, en dit word daarop deel van die oorkonde van die saak.”

Vervanging van reël 43 van die Reëls

4. Reël 43 van die Reëls word hierby deur die volgende reël vervang:

“43 – [Huweliksaangeleenthede] Tussentydse regshulp in huweliksaangeleenthede

(1) Hierdie reël geld wanneer 'n getroude persoon een of meer van die volgende vorme van regshulp by die hof aanvra:

- (a) Onderhoud *pendente lite*;
- (b) 'n **[bydrae]** Bydrae tot die koste van 'n [hangende] huweliksgeding, hangende of op die punt om ingestel te word;
- (c) **[tussentydse bewaring]** Tussentydse versorging van 'n kind;
- (d) **[tussentydse toegang tot]** Tussentydse kontak met 'n kind.

(2) (a) **[Die applikant]** 'n Applikant wat om enige regshulp bedoel in subreël (1) aansoek doen, moet 'n beëdigde verklaring in die aard van 'n deklarasie aflewer waarin die gevraagde regshulp en die gronde daarvoor uiteengesit word, tesame met 'n kennisgewing aan die respondent **[so na moontlik bewoord soos]** ooreenstemmend met Vorm 17 van die Eerste Bylae.

(b) Die verklaring en kennisgewing onderteken deur die applikant of **[sy]** die applikant se prokureur, moet 'n adres bevat vir betekening, binne **[agt]** 15 kilometers van die kantoor van die griffier af, **[en word deur die balju beteken]** soos in reël 6(5)(b) bedoel.

(c) Die aansoek moet deur die balju beteken word: Met dien verstande dat waar die respondent deur 'n prokureur verteenwoordig word, die aansoek aan die respondent se prokureur in die saak beteken moet word, anders as deur die balju.

(3) (a) Die respondent moet binne **[tien]** 10 dae na ontvangs van die **[verklaring]** aansoek 'n beëdigde antwoord in die aard van 'n pleit aflewer[.].

(b) Die antwoord moet geteken word deur die respondent of die respondent se prokureur en [voorsien van] 'n adres [soos in subreël (2) bedoel, by gebreke waarvan hy ipso facto onder belet is] vermeld vir aflewering binne 15 kilometer van die kantoor van die registrateur, soos bedoel in reël 6(5)(b).

(c) By verstek aan die aflewering van 'n antwoord in paragraaf (a) bedoel, word die respondent outomaties belet.

(4) So gou moontlik [daarna] na versteking van die tydperk bedoel in paragraaf (a) van

subreël (3), bring die griffier die saak voor die hof vir summiere verhoor met **[tien]** 10 dae kennis aan die partye[, **tensy**]: Met dien verstande dat kennis nie aan die respondent gegee hoef te word nie indien die respondent in verstek is.

(5) Die hof kan sodanige getuienis wat hy nodig ag, aanhoor, en kan die aansoek van die hand wys of sodanige bevel gee as wat hy **[goeddink]** gepas ag om 'n billike en spoedige beslissing te verseker.

(6) Die hof kan met dieselfde prosedure sy beslissing wysig as daar 'n wesenlike verandering in die omstandighede van enigeen van die partye of van 'n kind **[ingetree]** voorgekom het of as die bydrae tot koste onvoldoende blyk te wees.

Wysiging van reël 58 van die Reëls

5. Reël 58 van die Reëls word hierby gewysig deur subreël (5A) deur die volgende subreël te vervang:

“(5A) Gelyktydig met die aflewering deur 'n eiser van besonderhede van 'n eis, moet sodanige eiser 'n adres spesifiseer vir diens binne **[agt]** 15 kilometer van die kantoor van die griffier soos bedoel in reël 6(5)(b).”.

Wysiging van reël 68 van die Reëls

6. Reël 68 van die Reëls word hierby gewysig—

(a) B deur item 12 van die Tarief deur die volgende item te vervang:

“12. Vir die skryf van [Elke] elke noodsaaklike brief, faks of e-pos behalwe formele briewe wat prosesstukke of relase vergesel; 17,50”.

(b) deur item 13 van die Tarief deur die volgende item te vervang:

“13. Maak of beantwoording van elke noodsaaklike telefoonoproep **[(benewens voorgeskrewe hooflyngelde)][10,00]:16,00.**”.

(c) deur item 14 van die Tarief deur die volgende item te vervang:

“14. Afstuur en ontvangs van elke noodsaaklike faksimilee of e-pos per [A4-grootte] bladsy (benewens telefoongelde); 5,50.”.

Wysiging van reël 70 van die Reëls

7. Reël 70 van die Reëls word hierby gewysig deur Artikel E van die Tarief deur die volgende item te vervang:

E – KOSTEREKENING
In verband met 'n kosterekening vir dienste gelewer deur 'n prokureur, is die prokureur daarop geregtig om te vorder:
1 Vir die opstel van die kosterekening, die maak van die nodige afskrifte en opwagting by afrekening, [10,60] <u>11</u> persent van die prokureursgelde, hetsy soos gevra in die kosterekening indien nie getakseer nie, of soos toegestaan by taksasie.
2 Benewens die gelde kragtens item 1 gevra, indien tot taksasie oorgegaan word, vir die reëling en bywoning van taksasie en verkryging van toestemming tot taksasie, [10,60] <u>11</u> persent op die eerste R10 000,00 of 'n gedeelte daarvan, [5,10] <u>6</u> persent op die tweede R10 000,00 of 'n gedeelte daarvan en [2,12] <u>3</u> persent op die balans van die totale bedrag van die rekening.
3 (a) Wanneer 'n prokureur van die dienste van 'n ander persoon gebruik maak om sy of haar kosterekening op te stel, moet daardie kosterekening van 'n sertifikaat vergesel gaan waarin daardie prokureur sertifiseer dat-
(i) die kosterekening aldus opgestel, behoorlik deur hom of haar nagegaan en korrek bevind is; en
(ii) elke beskrywing in sodanige rekening met betrekking tot werk, tye en syfers in ooreenstemming is met dit wat noodsaaklikerwys deur hom of haar verrig is.
(b) Die takseermeester kan-
(i) wanneer hy of sy oortuig is dat aan een of meer vereistes bedoel in item 3(a) nie voldoen is nie, weier om so 'n rekening te takseer;
(ii) wanneer hy of sy oortuig is dat gelde in 'n party-en-partykosterekening gevorder word-
(aa) vir werk wat nie gedoen is nie;
(bb) vir werk waarvoor gelde in 'n prokureur-en-kliëntekosterekening gevorder moet word; <u>of</u>
(cc) wat buitensporig hoog is,

die prokureur die vergoeding bedoel in items 1 en 2 van hierdie afdeling ontsê, indien meer as 20 persent van die aantal items in die kosterekening, insluitend uitgawes, of van die totale bedrag van die kosterekening, insluitend uitgawes, afgetakseer word.

OPMERKING: Die minimum gelde onder items 1 en 2 is R234.50 per item.

Eerste Bylae

Vervanging van Vorm 16 van die Eerste Bylae van die Reëls

8. Vorm 16 van die Eerste Bylae van die Reëls word hierby deur die volgende vorm vervang:

“VORM 16

GETUIEDAGVAARDING

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA

(..... AFDELING)

Saakno.

In die saak tussen

.....

Eiser

en

.....

Verweerder

Aan die balju of [sy] adjunk.

STEL:

(1)

.....

(2)

.....

(3)

.....

(4)

.....

(Vermeld naam, geslag, beroep[, ras] en besigheids- of woonplek van elke getuie)

in kennis dat elkeen van **[hulle]** die persone hierby gelas word om persoonlik voor **[hierdie]** die bogenoemde hof tete verskyn op..... die dag van.....**[19] 20**....., om(tyd) **[in die voormiddag]** en om daarna aanwesig te bly totdat **[hy]** die persoon deur die hof verskoon word, ten einde getuienis af te lê namens die bogemelde eiser/verweerder aangaande sake waarvan **[hy]** die persoon kennis dra betreffende 'n aksie nou in die genoemde hof hangende, waarin die eiser van die verweerder

- (1).....
- (2).....
- (3).....vorder.

[EN STEL hom in kennis dat daar verder van hom verlang word om (beskryf hier noukeurig elke dokument, boek of ander voorwerp wat voorgelê moet word)saam met hom te bring en aan die genoemde hof voor te lê.]

EN STEL elk van die genoemde persone in kennis dat daar van die persoon verlang word om die volgende dokumente of voorwerpe beskikbaar te stel:

- (1).....
- (2).....
- (3).....

EN STEL elk van die genoemde persone verder in kennis dat **[hy]** die persoon in geen omstandighede moet **[nalaat]** versuim om aan hierdie getuiedagvaarding te voldoen nie aangesien **[hy hom]** die persoon daardeur **[kan blootstel]** aan 'n boete **[van R300]** of gevangenisstraf van hoogstens drie maande blootgestel kan word.

GEDATEER teop hierdie dag van
 [19] 20.....

.....
Griffier van die Hooggeregshof

.....
[Eiser / Verweerder se Prokureur]

Eiser/Verweerder/Prokureur

Invoeging van Vorm 16A in die Eerste Bylae van die Reëls

9. Die volgende vorm word hierby na Vorm 16 in die Eerste Bylae van die Reëls ingevoeg:

“VORM 16A

DAGVAARDING *DUCES TECUM*

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA

(..... AFDELING)

Saakno.

In die aangeleentheid tussen

.....
 Eiser

en

.....
 Verweerder

Aan die balju of adjunk:

STEL:

(1)

.....

(2)

.....

(3)

.....

(4)

.....

(Vermeld naam, geslag, beroep en besigheids- of woonplek van elke getuie)

dat elkeen van daardie persone binne 10 dae vanaf ontvangs van hierdie dagvaarding, by die griffier van die genoemde hof (beskryf elke dokument wat beskikbaar gestel moet word akkuraat) moet indien of die griffier verwittig waar die (beskryf voorwerp wat beskikbaar gestel moet word)

(1).....

(2).....

(3).....

gevind kan word, tensy daardie persoon aanspraak maak op privilegie ten opsigte van enige dokument of voorwerp.

En elk van die genoemde persone verder

IN KENNIS STEL DAT:

- (a) Daardie persoon in geen omstandighede moet versuim om aan hierdie dagvaarding te voldoen nie aangesien die persoon aan 'n boete of aan gevangenisstraf van hoogstens drie maande blootgestel kan word;
- (b) Indien op privilegie aanspraak gemaak word ten opsigte van enige dokument of voorwerp, word die party wat die dagvaarding laat uitreik het binne vyf dae vanaf ontvangs van die dagvaarding in kennis gestel van die aard van die privilegie waarop aanspraak gemaak word; en
- (c) Die persoon is geregtig op teruggawe van die dokument of voorwerp nadat die partye insae daartoe gekry het of dit gekopieer of gefotografeer het.

GEDATEER tehierdie dag van
20.....

.....
Griffier van die Hooggeregshof

.....
Eiser/Verweerder/Prokureur”

Vervanging van Vorm 17

10. Vorm 17 in die Eerste Bylae van die Eenvormige Reëls word hierby deur die volgende volgende vorm vervang:

Vorm 17

KENNISGEWING INGEVOLGE REËL 43

	IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA (..... AFDELING)
In die saak tussen
	Applikant
en
	Respondent
Aan die bogenoemde respondent:	
Neem kennis dat.....(die applikant hierin) voornemens is om by die <u>bogenoemde agbare hof om die volgende bevele aansoek te doen:</u>	
(1).....	
(2).....	
(3).....	
En neem kennis dat die aangehegte verklaring van die applikant ter staving van die <u>aansoek gebruik sal word.</u>	

[NEEM KENNIS dat indien] Indien u voornemens is om hierdie eis te verdedig, u binne 10 dae 'n antwoord by die griffier van hierdie hof moet indien, **[waarin]** gee 'n adres vir betekening soos in reël 6(5)(b) bedoel **[aangegee word]**, en beteken 'n afskrif **[daarvan]** van u antwoord aan die applikant of aan die applikant se prokureur **[moet beteken]**.

Indien u **[dit nie doen]** nie u antwoord soos voormelde indien en beteken nie sal u outomaties belet wees om te verdedig en vonnis soos aangevra kan teen u gegee word.

In u antwoord moet aangedui word welke bewerings in die applikant se verklaring u erken of ontken en u verweer moet bondig daarin uiteengesit word.

Gedateer te.....hierdie.....dag van.....**[19] 20**....

.....
Applikant/Aplikant se Prokureur

Adres vir betekening:
.....

Herroeping van Vorm 17A

11. Vorm 17A in die Eerste Bylae van die Eenvormige Reëls word hierby herroep.

Inwerkingtreding

12. Hierdie Reëls tree ook in werking op 10de Januarie 2019.

RULES BOARD FOR COURTS OF LAW ACT, 1985 (ACT NO. 107 OF 1985)**AMENDMENT OF RULES REGULATING THE CONDUCT OF THE PROCEEDINGS OF
THE MAGISTRATES' COURTS OF SOUTH AFRICA**

The Rules Board for Courts of Law has, under section 6 of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985), and with the approval of the Minister of Justice and Correctional Services, made the rules in the Schedule.

SCHEDULE**GENERAL EXPLANATORY NOTE:**

Expressions in square brackets in bold [] represent omissions from the existing rules

Expressions with solid underline represent insertions into the existing rules

Definition

1. In this Schedule "the Rules" means the Rules Regulating the Conduct of the Proceedings of the Magistrates' Courts of South Africa published under Government Notice No. R. 740 of 23 August 2010, as amended by Government Notice Nos. R. 1222 of 24 December 2010, R. 611 of 29 July 2011, R. 1085 of 30 December 2011, R. 685 of 31 August 2012, R. 115 of 15 February 2013, R. 263 of 12 April 2013, R. 760 of 11 October 2013, R. 183 of 18 March 2014, R. 215 of 28 March 2014 and R. 507 of 27 June 2014, R. 5

of 9 January 2015, R. 32 of 23 January 2015, R. 33 of 23 January 2015, R. 318 of 17 April 2015, R. 545 of 30 June 2015, R. 2 of 19 February 2016, R. 1055 of 29 September 2017, R. 1272 of 17 November 2017 and R. 632 of 22 June 2018.

Amendment of rule 9 of the Rules

2. Rule 9 of the Rules is hereby amended by the substitution for paragraph (g) of subrule (3) of the following paragraph:

“(g) **[in the case of a Minister, Deputy Minister or Provincial Premier, in his or her official capacity, the State or provincial administration, at the Office of the State Attorney in Pretoria, or a branch of that Office which serves the area of jurisdiction of the court from which the process has been issued;]** in proceedings in which the State or an organ of state, a Minister, a Deputy Minister, a Premier or a Member of an Executive Council in such person’s official capacity is the defendant or respondent, the summons or notice instituting such proceedings shall be served in accordance with the provisions of any law regulating proceedings against and service of documents upon the State or organ of state, a Minister, a Deputy Minister, a Premier or a Member of an Executive Council.”.

Amendment of rule 34 of the Rules

3. Rule 34 of the Rules is hereby amended by the substitution for subrule (2) of the following subrule:

“(2)(a) Every account of fees or charges furnished by a sheriff shall contain the following note:

“You may require this account to be taxed and vouched before payment.”.

(b) Where any dispute arises as to the validity or amount of any fees or charges, or where necessary work is done and necessary expenditure incurred for which no provision is made, the matter shall be determined by the taxing officer of the court whose process is in question.”.

Amendment of rule 52 of the Rules

4. The following rule is hereby substituted for rule 52 of the Rules:

“**52 Representation and substitution of parties**

(1)(a) A party may institute or defend and may carry to completion any legal proceedings either in person or by a practitioner.

(b) A local authority, company or other incorporated **[body]** entity in doing so may act through an officer thereof **[nominated]** authorised by it for that purpose.

(c) A partnership, association, body corporate or any other group of persons associated for a common purpose **[in doing so]** may act through a member thereof **[nominated]** authorised by it for that purpose.

(d) No person acting under paragraphs (a), (b) or (c) other than a practitioner shall be entitled to recover **[therefor]** any **[costs]** legal fees other than necessary disbursements.

(2)(a) It shall not be necessary for any person to file a power of attorney to act, but the authority of any person acting for a party may be challenged on notice by the other party within 10 days **[after he or she has noticed]** of such party becoming aware that such person is so acting or with the leave of the court **[for]** on good cause shown at any time before judgment **[and thereupon such person]**.

(b) If a person's authority to act for a party is challenged, he or she may not, without the leave of the court, so act further until **[he or she has satisfied]** the court is satisfied that he or she has authority so to act, and the court may adjourn the hearing of the **[action or application]** proceedings to enable him or her to do so.

[: Provided that no power of attorney shall be required to be filed by the State Attorney, any deputy state attorney or any professional assistant to the State Attorney or to a deputy state attorney or any attorney instructed in writing by or on behalf of the State Attorney or a deputy state attorney in any matter in which the State Attorney or a deputy state attorney is acting in his or her capacity as such.]

(3) If a party dies or becomes incompetent to continue an action the action shall thereby be stayed until such time as an executor, trustee, guardian or other competent person has been appointed in his or her place or until such incompetence shall cease to exist.

(4) Where an executor, trustee, guardian or other competent person has been appointed for a party who has died or has become incompetent, the court may, on application, order that the person so appointed be substituted in the place of that party."

Insertion of rule 52A in the Rules

5. The following rule is hereby inserted in the Rules after rule 52:

“52A Notice of withdrawal, appointment or substitution as attorney of record

(1)(a) Where an attorney acting in any proceedings for a party ceases so to act, such attorney shall forthwith deliver notice thereof to–

- (i) such party at the party’s last known address, which address shall be stated in the notice;
- (ii) the registrar or clerk of the court; and
- (iii) all other parties to the proceedings;

Provided that the notice to the party for whom such an attorney acted shall be served in accordance with the provisions of rule 9(9).

(b) The notice contemplated in paragraph (a)(i) shall inform the said party to appoint an address for service of subsequent documents and notices on him or her, and to notify all other parties and the registrar or clerk of the court of such address within 10 days of the notice, such address being a–

- (i) physical address, which address shall, in places where there are three or more attorneys or firms of attorneys practising independently of one another, be within 15 kilometres of the courthouse;
- (ii) postal address; and, where available,
- (iii) facsimile address and electronic mail address.

(c) The notice to the registrar or clerk of the court shall state the names and addresses of the parties notified and the date on which and the manner in which the notice was sent to them.

(d) Notwithstanding the withdrawal of an attorney as the attorney of record for a party in any proceedings, all subsequent documents in the proceedings shall be served on such party in accordance with the rules relating to service: Provided that the party whose attorney has withdrawn and who has failed to provide an address within the period of 10 days stated in paragraph (b) shall be liable for the payment of the costs occasioned by subsequent service on such party in terms of the rules relating to service, unless the court orders otherwise.

(2)(a) Save as may be otherwise provided for in rules 5 and 13, whenever an attorney acts on behalf of any party in any proceedings, such attorney shall notify all other parties of–

- (i) the attorney's name and physical address, which address shall, in places where there are three or more attorneys or firms of attorneys practising independently of one another, be within 15 kilometres of the courthouse;
- (ii) the attorney's postal address; and, where available,
- (iii) the attorney's facsimile address and electronic mail address.

(b) The provisions of this subrule apply, with appropriate variations, to an attorney appointed as a substitute to a party's previous attorney.

(3) Upon receipt of a notice in terms of subrule (1) or (2), the address of the attorney or of the party, becomes the address of such party for the service of all subsequent documents in such proceedings, but any service duly effected elsewhere before receipt of such notice shall, notwithstanding such change, for all purposes be valid, unless the court orders otherwise.”.

Substitution of rule 68 of the Rules

6. The following rule is hereby substituted for rule 68 of the Rules:

“68 Oath of office of interpreter and intermediary

(1) Every interpreter shall upon entrance into office, in writing, take an oath or make an affirmation subscribed by him or her before a judicial officer in the form set out below, namely:

“I, , (full name) do hereby swear/truly affirm that whenever I may be called upon to perform the functions of an interpreter in any proceedings in any magistrate's court I shall truly and correctly to the best of my knowledge and ability interpret from the language I may be called upon to interpret into an official language of the Republic of South Africa and *vice versa*.”

(1A) Every intermediary shall upon entrance into office, in writing, take an oath or make an affirmation subscribed by him or her before a judicial officer in the form set out below, namely:

“I,, (full name) hereby swear/truly affirm that whenever I may be called upon to perform the functions of an intermediary in any proceedings in any magistrate’s court of the Republic of South Africa, I shall honestly, faithfully and correctly to the best of my knowledge and ability convey properly and accurately the witness’ evidence to the court and where necessary convey the general import of what is communicated to or by the witness.”

(2) **[Such]** The oath or affirmation shall be taken or made or administered in the manner prescribed for the taking or making or administration of an oath or affirmation.”

Amendment of Part IV of Table A of Annexure 2 to the Rules

7. Part IV of Table A of Annexure 2 to the Rules is hereby amended by the substitution for items 6 and 7 of the following items:

Item	Scale
<p>“TAXATION OF COSTS <u>In connection with a bill of costs for services rendered by an attorney, the attorney shall be entitled to charge:</u></p>	R
<p>[Drawing up bill of costs:] <u>6 For drawing the bill of costs, making the necessary copies and attending settlement, 11 per cent of the attorney’s fees, either as charged in the bill, if not taxed, or as allowed on taxation.</u></p>	[5% of the fees allowed]
<p>[Attending taxation:] <u>7 In addition to the fees charged under item 6, if recourse is had to taxation for arranging and attending taxation, and obtaining consent to taxation, 11 per cent on the first R10 000,00 or portion thereof, 6 per cent on the next R10 000,00 or portion thereof and 3 per cent on the balance of the total amount of the bill.”</u></p>	[5% of the total of the bill allowed]

Amendment of Part II of Table C of Annexure 2 to the Rules

8. Part II of Table C of Annexure 2 to the Rules is hereby amended –
- (a) by the substitution for item 28 of the following item:
- “28. For the writing of each necessary letter, facsimile or electronic mail, excluding formal letters accompanying process or returns: **[10,00]** 17,50.”
- (b) by the substitution of item 29 of the following item:
- “29. Each necessary attendance by telephone **[(in addition to prescribed trunk charges and cellular charges)]**: **[10,00]** 16,00.”
- (c) by the substitution of item 30 of the following item:
- “30. Sending and receiving of each necessary facsimile[,] or electronic mail per **[A4 size]** page (in addition to telephone charges): 5,50.”

9. APPENDIX A**CORRECTION NOTICE**

The Rules Board for Courts of Law, under section 6 of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985), with the approval of the Minister of Justice and Correctional Services, hereby removes Appendix A (Tariff of allowances payable to witnesses in civil cases) from the Schedule to Government Notice No. R. 740 of 23 August 2010.

Commencement

10. These rules shall come into operation on 10 January 2019

WET OP DIE REËLSRAAD VIR GEREESHOWE, 1985 (WET NO. 107 VAN 1985)**WYSIGING VAN REËLS WAARBY DIE VOER VAN VERRIGTINGE VAN DIE
LANDDROSHOWE VAN SUID-AFRIKA GEREËL WORD**

Die Reëlsraad vir Gereeshowe het, kragtens artikel 6 van die Wet op die Reëlsraad vir Gereeshowe, 1985 (Wet No. 107 van 1985), en met die goedkeuring van die Minister van Justisie en Korrektiewe Dienste, die reëls in hierdie Bylae gemaak.

BYLAE**ALGEMENE VERDUIDELIKENDE NOTA:**

Uitdrukings in vierkantige hakies in vetdruk [] dui uitlatings uit die bestaande reëls aan

Uitdrukings met 'n volstreep daaronder dui invoegings in die bestaande reëls aan

Woordomskrywing

1. In hierdie Bylae beteken “die Reëls “ die Reëls waarby die voer van die verrigtinge van die Landdroshowe van Suid-Afrika gereëel word, waarvan die Engelse teks gepubliseer is in Goewermentskennisgewing No. R. 740 van 23 Augustus 2010, soos gewysig deur

Goewermentskennisgewing No's. R. 1222 van 24 Desember 2010, R. 611 van 29 Julie 2011, R. 1085 van 30 Desember 2011, R. 685 van 31 Augustus 2012, R. 115 van 15 Februarie 2013, R. 263 van 12 April 2013, R. 760 van 11 Oktober 2013, R. 183 van 18 Maart 2014, R. 215 van 28 Maart 2014 en R. 507 van 27 Junie 2014, R. 5 van 9 Januarie 2015, R. 32 van 23 Januarie 2015, R. 33 van 23 Januarie 2015, R. 318 van 17 April 2015, R. 545 van 30 Junie 2015, R. 2 van 19 Februarie 2016, R. 1055 van 29 September 2017, R. 1272 van 17 November 2017 en R. 632 van 22 Junie 2018.

Wysiging van reël 9 van die Reëls

2. Reël 9 van die Reëls word hierby gewysig deur paragraaf (g) van subreël (3) te vervang. Aangesien die reëls nog nie in Afrikaans beskikbaar is om gewysig te word nie, word Reël 9 as 'n geheel hier weergegee:

"9. Betekening van prosesstukke, kennisgewings en ander dokumente

(1) 'n Party wat verlang dat die balju enige prosesstukke, kennisgewing of ander dokument beteken, voorsien die balju van die oorspronklike en 'n gewaarmerkte afskrif van daardie prosesstukke, kennisgewing of dokument, vergesel van soveel afskrifte daarvan soos daar persone is waaraan dit beteken moet word: Met dien verstande dat die griffier of klerk van die hof, by skriftelike versoek deur die party wat die betekening verlang, daardie prosesstukke, kennisgewing of dokument en afskrifte daarvan aan die balju oorhandig.

(2)(a) Behalwe soos in paragraaf (c) bepaal of in die geval van betekening per pos of by hofbevel, word prosesstukke, kennisgewings of ander dokumente nie op 'n Sondag of openbare vakansiedag beteken nie.

(b) Betekening sal sover moontlik tussen 7:00 en 19:00 gedoen word.

(c) 'n Interdik, lasbrief vir arres, en 'n lasbrief vir beslaglegging van eiendom kragtens artikel 30(bis) van die wet kan op enige dag teen enige uur en by enige plek uitgevoer word.

(3) Alle prosesstukke word, behoudens die bepalinge van hierdie reël, aan die persoon daardeur geraak beteken deur aflewering van 'n kopie daarvan op een of ander van die volgende wyses:

(a) Aan die genoemde persoon of sy of haar behoorlik gemagtigde agent: Met dien verstande dat waar die persoon 'n minderjarige of 'n persoon wat handelingsonbevoegd is, betekening aan die voog, tutor, kurator of dergelike persoon van die minderjarige of handelingsonbevoegde persoon gedoen word.

(b) by die woning of sakeplek van die genoemde persoon, voog, tutor, kurator of dergelike persoon aan 'n persoon wat skynbaar nie jonger as 16 jaar is nie en skynbaar daar woon of werk: Met dien verstande dat, by die toepassing van hierdie paragraaf, wanneer 'n gebou, behalwe 'n hotel, losieshuis, koshuis of soortgelyke residensiële gebou, deur meer as een persoon of familie geokkupeer word, beteken '**woning**' of '**sakeplek**' daardie gedeelte van die gebou geokkupeer deur die persoon aan wie betekening gedoen staan te word;

(c) by die werksplek van die genoemde persoon, voog, tutor, kurator of 'n dergelike persoon aan 'n persoon wat skynbaar nie jonger as 16 jaar oud is nie en skynbaar gesag oor hom of haar het of, by ontstentenis aan 'n gesagsdraer, aan 'n persoon wat skynbaar nie jonger as 16 jaar oud is nie en skynbaar in beheer is by sy of haar werksplek;

(d) indien die persoon wat aldus beteken staan te word 'n *domicilium citandi* gekies het, deur 'n afskrif daarvan by die aldus gekose *domicilium* af te lewer of te los;

(e) in die geval van 'n korporasie of maatskappy, deur 'n afskrif aan 'n verantwoordelike werknemer daarvan by daardie korporasie of maatskappy se geregistreerde kantoor of hoofsaakeplek binne die hof se regsgebied te lewer, of waar geen sodanige werknemer bereid is om betekening te aanvaar nie, deur 'n afskrif aan die voordeur van daardie kantoor of sakeplek aan te bring, of op enige wyse deur die wet bepaal;

(f) indien die eiser of sy of haar gemagtigde agent skriftelik instruksies aan die balju gegee het om per geregistreerde pos te beteken, word die prosesstuk aldus beteken: Met dien verstande dat 'n skuldberader wat 'n verwysing na die hof doen ingevolge artikel 86(7)(c) of 86(8)(b) van die "National Credit Act" die verwysing per geregistreerde pos of per hand mag laat aflewer;

(g) in verrigtinge waarin die Staat of 'n Staatsorgaan, 'n Minister, adjunkminister, 'n premier of 'n lid van 'n uitvoerende raad, in daardie persoon se amptelike hoedanigheid, die verweerder of respondent is, word die dagvaarding of kennisgewing waarby die verrigtinge ingestel word, beteken ooreenkomstig die bepalings van enige wet wat verrigtinge teen en betekening van dokumente aan die Staat of staatsorgaan, 'n Minister, 'n adjunkminister! 'n premier of 'n lid van 'n uitvoerende raad reël;

(h) aan enige agent of prokureur met behoorlike skriftelike magtiging om betekening te aanvaar namens die persoon aan wie betekening gedoen staan te word op enige toepaslike wyse in hierdie reël voorgeskryf;

(i) waar betekening aan 'n plaaslike owerheid of statutêre liggaam moet geskied, aan die stadsklerk of assistentstadsklerk of burgemeester van daardie plaaslike owerheid of die sekretaresse of soortgelyke beampte of lid van die raad of komitee van die liggaam, of op enige wyse by wet voorgeskryf; of

(j) waar die persoon wat beteken staan te word met enige dokument wat aansoekprosedures inisieer reeds deur 'n prokureur in die saak verteenwoordig word mag die dokument aan die prokureur beteken word deur die party wat die prosedures inisieer: Met dien verstande dat waar die betekening gedoen is op die wyse in paragrawe (b), (c), (e) of (g) voorgeskryf, moet die balju in die relaas van die prosesstuk die naam van die persoon aan wie dit afgelewer is en daardie persoon se hoedanigheid teenoor die persoon, korporasie, maatskappy, regspersoon of instelling deur die prosesstuk geraak, aandui en waar die betekening gedoen is op die wyse in paragrawe (b), (c), (d) of (f) voorgeskryf, kan die hof, indien daar rede is om te twyfel of die betekende prosesstuk werklik onder die aandag van die persoon wat beteken moes word, gekom het, daardie betekening as ongeldig beskou: Met dien verstande verder dat betekening van enige prosesstuk waardeur 'n egskeidingsaksie of aksie vir nietigverklaring van 'n huwelik ingestel word, slegs persoonlik deur die balju aan die verweerder gedoen moet word.

(4) (a) Die balju moet, op aanvraag deur die persoon aan wie of teen wie prosesstukke beteken word, die oorspronklike of gesertifiseerde afskrif van die prosesstuk

aan aan daardie persoon toon.

(b) Die balju of ander persoon wat die prosesstuk of dokumente beteken moet die aard en inhoud daarvan verduidelik aan die persoon aan wie betekening gedoen word en in sy of haar relaas of beëdigde verklaring of op die ondertekende kwitansie vermeld of hy of sy dit gedoen het.

(5) Waar die persoon wat beteken staan te word sy of haar woning of sakeplek toe hou en die balju sodoende verhoed om betekening te bewerkstellig, sal dit voldoende betekening wees om 'n afskrif daarvan aan die buitenste of hoof deur of veiligheidshek van die woning of sakeplek aan te bring of om daardie afskrif in die posbus by die woning of sakeplek te sit.

(6) Betekening van 'n tussenpleitdagvaarding waar aanspraak gemaak kan word op enige eiendom waarop kragtens 'n hofproses op beslag gelê is, aan die prokureur, indien enige, van die party wat beteken staan te word.

(7) Waar dieselfde prosesstuk aan twee of meer persone beteken word, moet betekening aan elkeen gedoen word, behalwe-

(a) in die geval van 'n vennootskap, wanneer betekening gedoen kan word deur aflewering by die kantoor of sakeplek van die vennootskap, of indien daar nie so iets is nie, deur betekening aan enige lid van die vennootskap op enige wyse in hierdie reël voorgeskryf;

(b) indien twee of meer persone in hul hoedanigheid as trustees van 'n insolvente boedel, likwideerders van 'n maatskappy, eksekuteure, kuratore of voogde, gedagvaar word, wanneer betekening gedoen kan word by aflewering aan enige een van hulle op enige wyse in hierdie reël voorgeskryf;

(c) in die geval van 'n sindikaat, oningelyfde maatskappy, klub, vereniging, kerk, openbare instelling of openbare liggaam, wanneer betekening bewerkstellig kan word deur aflewering by die plaaslike kantoor of sakeplek van daardie liggaam of, indien daar nie so iets is nie, deur betekening aan die voorsitter of sekretaris of soortgelyk beamppte daarvan op enige wyse in hierdie reël voorgeskryf.

(8) Betekening van 'n dagvaarding aan 'n getuie kan op 'n redelike tyd voor bywoning vereis word, gedoen word op enige wyse in hierdie reël voorgeskryf.

(9) (a) Betekening van enige kennisgewing, versoek, verklaring of ander dokument wat nie prosesstuk van die hof is nie, kan gedoen word deur aflewering per hand by die adres vir betekening gegee in die dagvaarding of kennisgewing van voorneme om te verdedig, na gelang van die geval, of deur dit per geregistreerde pos na die aldus gegewe adres te stuur: Met dien verstande dat, behoudens reëls 5 en 13, betekening van sodanige kennisgewing, versoek, verklaring of ander dokument gedoen kan word deur dit per faks of e-pos na die faksadres of e-posadres gegee in die dagvaarding of kennisgewing van voorneme om te verdedig, na gelang van die geval, te stuur

(b) 'n Adres vir betekening, posadres, faksadres of elektroniese adres aldus gegee soos in paragraaf (a) beoog, kan by die lewering van kennisgewing van 'n nuwe adres verander word en daarna kan betekening by daardie adres gedoen word soos in daardie paragraaf voor voorsiening gemaak.

(c) (i) Betekening per geregistreerde pos kragtens hierdie subreël word, totdat die teendeel blyk, geag om 10 voormiddag op die vierde dag na die posstempeldatum op die kwitansie vir registrasie gedoen te wees.

(ii) Hoofstuk III, Deel 2 van die Wet op Elektroniese Kommunikasie en Transaksies, 2002, is van toepassing op betekening per faks of elektroniese pos.

(d) Betekening kragtens hierdie subreël moet deur die balju gedoen word.

(10) Behoudens reël 10, waar die hof tevrede is dat betekening nie gedoen kan word op enige wyse in hierdie reël voorgeskryf nie, kan die hof 'n bevel gee wat toelaat dat betekening deur die persoon en op die wyse in die bevel vermeld, gedoen word.

(11) Waar betekening van 'n *ex parte* bevel wat 'n beroep op die respondent doen om gronde aan te voer op 'n tyd gestel of beperk in die bevel of van 'n tussenpleitdagvaarding aan enige party gedoen moet word, word betekening van daardie *ex parte* bevel of tussenpleitdagvaarding gedoen-

(a) in die geval waar die party wat aldus beteken staan te word die Staat is, ten

minste 20 dae; of

(b) in die geval waar enige ander party aldus beteken staan te word, ten minste 10 dae voor die tyd in daardie *ex parte*-bevel of tussenpleitdagvaarding vir die verskyning van daardie party.

(12) Behalwe waar anders bepaal, word kennisgewing van enige aansoek tot die hof beteken-

(a) in die geval waar die party wat beteken staan te word die Staat of 'n staatsampenaar in sy of haar amptelike hoedanigheid is, ten minste 20 dae; of

(b) in die geval van enige party, ten minste 10 dae, voor die dag vir die aanhoor van die aansoek vasgestel, maar die hof kan by die aanvoer van goeie gronde daardie tydperk verminder.

(13) (a) Tensy anders bepaal, waar betekening van prosesstukke per geregistreerde pos gedoen kan word, word daardie betekening gedoen deur die balju wat 'n afskrif daarvan in 'n koevert plaas, dit adresseer en per voorafbetaalde geregistreerde pos stuur na die adres van die party wat beteken staan te word en die balju doen ten tyde van die registrasie aansoek om 'n ontvangserkenning van die geadresseerde soos in regulasie 44(5) van die regulasies kragtens Goewermentskennisgewing R550 van 14 April 1960 gepubliseer.

(b) 'n Kwitansievorm ingevul soos in regulasie 44(8) van die genoemde regulasies bepaal is voldoende ontvangserkenning vir hierdie doeleindes.

(c) Indien geen sodanige erkenning ontvang is nie, stel die balju die feit in sy of haar relaas van betekening.

(d) Elke sodanige brief moet 'n gedrukte of getikte kennisgewing in die volgende strekking op die koevert hê:

Hierdie brief moet nie heradresseer word nie. Indien dit nie voor
20....., afgelewer word nie, moet hierdie brief by die Balju van die Landdroshof by
.....' afgelewer word.

(14) Betekening van enige prosesstuk van die hof of enige dokument in 'n vreemde land word gedoen-

(a) deur enige persoon wat, volgens 'n sertifikaat van-

(i) die hoof van enige Suid-Afrikaanse diplomatieke of konsulêre missie, 'n persoon is in die administratiewe of professionele afdeling van die staatsdiens wat by 'n Suid-Afrikaanse diplomatieke of konsulêre missie of handelskantoor in die buiteland dien;

(ii) enige vreemde diplomatieke of konsulêre beampte wat die betekening van prosesstukke of dokumente namens die Republiek in daardie land hanteer;

(iii) enige diplomatieke of konsulêre beampte van daardie land wat in die Republiek dien; of

(iv) enige beampte wat teken as of namens die departementshoof wat die regspleging in daardie land hanteer, kragtens die wette van daardie land gemagtig om daardie prosesstuk of dokument te beteken, of

(b) deur enigiemand in subparagraaf (i) of (ii) van paragraaf (a) bedoel, indien die wette van daardie land hom of haar toelaat om daardie prosesstuk of dokument te beteken of indien daar geen wet in daardie land is wat daardie betekening verbied nie en die owerhede van daardie land nie enige beswaar daarteen gemaak het nie.

(15) Betekening van enige prosesstuk van die hof of enige dokument in Australië, Botswana, Finland, Hong Kong, Lesotho, Malawi, Nieu-Seeland, Spanje, Swaziland, die Verenigde Koninkryk van Groot Brittanje en Noord-Ierland en Zimbabwe kan, ondanks subreël (14), ook deur 'n prokureur, notaris of ander regspraktisyn in die betrokke land wat kragtens die wette van daardie land gemagtig is om geregtelike prosesstukke of dokumente te beteken en in die betrokke staat wat kragtens die wette van daardie staat gemagtig is om geregtelike prosesstukke of dokumente te beteken.

(16) (a) Enige geregtelike prosesstuk of dokument wat in 'n vreemde land beteken staan te word moet vergesel gaan van 'n beëdigde vertaling daarvan in 'n amptelike taal van daardie land of deel van daardie land waarin die prosesstuk of dokument beteken staan te word, vergesel van 'n gesertifiseerde afskrif van die prosesstuk of dokument en

daardie vertaling.

(b) Enige prosesstuk of dokument wat beteken staan te woord soos in subreël (14) bepaal, moet aan die griffier of die klerk van die hof, na gelang van die geval, afgelewer word.

(c) Enige geregtelike prosesstuk of dokument ingevolge paragraaf (b) aan die griffier of die klerk van die hof, na gelang van die geval, afgelewer word, vergesel van die vertaling in paragraaf (a) bedoel, deur hom of haar, aan die Direkteur-generaal van Internasionale Betrekkinge en Samewerking of aan 'n bestemming aangedui deur die Direkteur-generaal van Internasionale Betrekkinge en Samewerking, vir betekening in die betrokke vreemde land, en die griffier of klerk van die hof moet oortuig wees dat die geregtelike prosesstuk of dokument 'n voldoende tydperk vir betekening toelaat sodat dit betyds beteken kan word.

(17) Betekening word bewys-

(a) waar betekening deur die balju gedoen word, deur die relaas van daardie balju; of

(b) waar betekening nie deur die balju gedoen is nie, en ook nie ingevolge subreël (14) of (15) nie, deur 'n beëdigde verklaring deur die persoon wat die betekening gedoen het, of in die geval van betekening aan 'n prokureur of 'n lid van sy of haar personeel, die regering van die Republiek, die administrasie van enige provinsie, of aan enige Minister, premier of enige ander beamppte van daardie regering of administrasie, in sy of haar hoedanigheid as sodanig, deur 'n ondertekende kwitansie daarvoor te gee.

(17A) (a) Die dokument wat as bewys van betekening dien moet, vergesel van die betekende geregtelike prosesstuk of dokument, sonder oponthoud aan die persoon op wie se versoek betekening gedoen is, verstrek word.

(b) Die persoon op wie se versoek betekening gedoen is, moet die dokument wat dien as bewys van betekening namens die persoon wat betekening gedoen het by die griffier of klerk van die hof indien-

- (i) wanneer hy of sy die betrokke aangeleentheid vir enige doel ter rolle plaas;
- (ii) wanneer hy of sy op enige wyse uitvind dat die aangeleentheid verdedig word;
- (iii) wanneer die griffier indiening versoek; of
- (iv) wanneer sy of haar opdrag om namens 'n party op te tree, as hy of sy 'n regspraktisyn is, op enige wyse beëindig word.

(18) Betekening van enige geregtelike prosesstuk of dokument in 'n vreemde land moet bewys word-

(a) deur 'n sertifikaat deur die persoon wat betekening ingevolge subreël (14)(a) of subreël (15) doen waarin hy of sy sigself identifiseer, stel dat hy of sy kragtens die wette van daardie land gemagtig is om geregtelike prosesstukke of dokumente daarin te beteken en dat die betrokke geregtelike prosesstuk of dokument beteken is soos deur die wette van daardie land vereis en die wyse en datum van daardie betekening vermeld: Met dien verstande dat die sertifikaat van 'n persoon in subreël (15) bedoel behoorlik gewaarmerk moet wees; of

(b) deur 'n sertifikaat van die persoon wat ingevolge subreël (14)(b) betekening bewerkstellig waarin hy of sy stel dat die betrokke prosesstuk of dokument deur hom of haar beteken is, die wyse en datum van daardie betekening vermeld en bevestig dat die wet van die betrokke land hom of haar toelaat om geregtelike prosesstukke of dokumente te beteken of dat daar geen wet in daardie land is wat sodanige betekening verbied nie en dat die owerhede van daardie land nie daarteen beswaar maak het nie.

(19) Wanneer enige prosesstuk ook al binne die Republiek beteken is deur 'n balju buite die regsgebied van die hof waar dit uitgereik is, hoef die handtekening van daardie balju op die relaas nie deur die balju gewaarmerk te word nie.

(20) Wanneer die hof nie tevrede is met doeltreffendheid van die betekening nie, kan die hof na goëddunke verdere stappe gelas.

(21) Wanneer 'n versoek vir die betekening aan 'n persoon in die Republiek van enige siviele prosesstuk of dagvaarding van 'n Staat, grondgebied of hof buite die Republiek

ontvang word en aan die griffier of klerk van die hof, na gelang van die geval oorgedra word, moet die griffier of klerk-

(a) twee afskrifte van die prosesstuk of dagvaarding wat beteken staan te word;

en

(b) twee afskrifte van 'n Engelse vertaling van daardie prosesstuk of dagvaarding indien die oorspronklike in enige ander taal is,

vir betekening van daardie prosesstuk of dagvaarding aan die balju of enige persoon deur 'n landdros van die betrokke hof, oordra.

(22) Betekening kragtens subreël (21) word gedoen deur een afskrif van die prosesstuk of dagvaarding wat beteken staan te word en een afskrif van die vertaling, indien enige, daarvan ooreenkomstig hierdie reël aan die persoon wat beteken staan te word, af te lewer.

(23) Nadat betekening bewerkstellig is soos in subreël (22) bepaal, besorg die balju of persoon aangestel vir betekening van daardie prosesstuk of dagvaarding 'n afskrif van die prosesstuk of dagvaarding aan die griffier of klerk van die hof terug, vergesel van-

(a) bewys van betekening, wat by wyse van beëdigde verklaring voor 'n landdros, vrederegter of kommissaris van ede afgelê deur die persoon deur wie betekening gedoen is en gewaarmerk word, in die geval van betekening deur die balju, deur die sertifikaat en ampstempel van daardie balju of, in die geval van betekening deur 'n persoon deur die landdros van die betrokke hof aangestel, deur die sertifikaat en ampstempel van die griffier of klerk van die betrokke hof; en

(b) besonderhede van vorderings vir die koste van die doen van daardie betekening.

(24) Die besonderhede van vorderings vir die koste van betekening kragtens subreël (21) moet aan die takseermeester van die betrokke hof voorgelê word, wat die akkuraatheid van daardie vorderings of ander bedrag betaalbaar vir die betekening, moet sertifiseer.

(25) Die griffier of klerk van die betrokke hof moet, na gevolg gegee is aan enige

versoek vir betekening van siviele prosesstuk of dagvaarding, die volgende aan die Direkteur-generaal van Justisie terugbesorg:

(a) die versoek om betekening in subreël (21) bedoel;

(b) die bewys van betekening vergesel van 'n sertifikaat ooreenkomstig Vorm 46 van Aanhangsel 1 behoorlik verseël met die seël van die betrokke hof vir gebruik buite die regsgebied; en

(c) die besonderhede van vorderings vir die koste van betekening, en die sertifikaat, of afskrif daarvan, wat die korrektheid van daardie vorderings sertifiseer, aan die Direkteur-generaal van Justisie besorg.”

Wysiging van reël 34 van die Reëls

3. Reël 34 van die Reëls word hierby gewysig deur subreël (2) deur die volgende subreël te vervang:

(2) (a) Elke rekening van gelde of vorderings deur 'n balju verstrek, moet die volgende nota bevat:

‘U kan vereis dat hierdie rekening voor vereffening getakseer en gestaaf word.’

(b) Waar enige geskil ontstaan oor die geldigheid of bedrag van enige gelde of vorderings, of waar nodige werk gedoen word en nodige uitgawes aangegaan word waarvoor nie voorsiening gemaak is nie, sal die aangeleentheid deur die takseerbeampte van die hof wie se proses betrokke is, beslis word.”

Vervanging van reël 52 van die Reëls

4. Reël 52 van die Reëls word hierby deur die volgende reël vervang:

“52 Verteenwoordiging en vervanging van partye

(1) (a) 'n Party kan, hetsy persoonlik of deur 'n praktisyn, 'n regsGEDING instel of verdedig en dit tot voltooiing voer.

(b) 'n Plaaslike owerheid, maatskappy of ander entiteit met regs persoonlikheid beklee, kan, wanneer hy aldus doen, deur 'n amptenaar daarvan, wat hy vir die doel gemagtig het, optree.

(c) 'n Vennootskap, vereniging, regs persoon of enige ander groep persone wat vir 'n gemeenskaplike doel verenig is, kan deur 'n lid daarvan, wat hy vir die doel gemagtig het, optree.

(d) Niemand, behalwe 'n praktisyn, wat kragtens paragrawe (a), (b) of (c) optree, is geregtig om enige regsfooie, behalwe noodsaaklike uitgawes, te verhaal nie.

(2)(a) Niemand hoef 'n volmag om op te tree in te dien nie, maar die bevoegdheid van enigiemand wat namens 'n party optree, kan by kennisgewing deur die ander party binne 10 dae nadat sodanige party daarvan bewus geword het dat sodanige persoon aldus optree of met die verlov van die hof by die aanvoer van goeie gronde, voor vonnis betwis word.

(b) Indien iemand se volmag om op te tree betwis word, mag hy of sy nie, sonder verlov van die hof verder aldus optree nie alvorens die hof oortuig is dat hy of sy volmag het om aldus op te tree, en ten einde hom of haar daartoe in staat te stel, kan die hof die verhoor van die verrigtinge verdaag.

(3) Indien 'n party te sterwe kom of onbekwaam raak om 'n aksie voort te sit, word die aksie daardeur opgeskort totdat 'n eksekuteur, kurator, voog of ander bevoegde persoon in sy plek aangestel is of totdat sodanige onbekwaamheid tot 'n einde kom.

(4) Wanneer 'n eksekuteur, kurator, voog of ander bevoegde persoon aldus aangestel is, kan die hof, op aansoek, beveel dat hy in die plek gestel word van die party wat aldus te sterwe gekom of onbekwaam geraak het.”

Invoeging van reël 52A in die Reëls

5. Die volgende reël word hierby na reël 52 in die Reëls ingevoeg:

“52A Kennisgewing van onttrekking, aanstelling of vervanging as prokureur in saak

(1) (a) Waar 'n prokureur wat in enige verrigtinge vir 'n party optree, ophou om aldus op te tree, moet daardie prokureur dadelik kennisgewing daarvan voorlê aan–

- (i) die party by die party se laaste bekende adres, welke adres in die kennisgewing vermeld moet word;
- (ii) die griffier of klerk van die hof; en
- (iii) alle ander partye tot die verrigtinge:

Met dien verstande dat die kennisgewing aan die party vir wie daardie prokureur opgetree het, ooreenkomstig die bepalings van reël 9(9) beteken moet word.

(b) Die kennisgewing in paragraaf (a)(i) beoog lig die genoemde party in om 'n adres vir betekening van daaropvolgende dokumente en kennisgewings aan hom of haar aan te wys, en om alle ander partye en die griffier of klerk van die hof in kennis stel van die adres binne 10 dae van die kennisgewing, welke adres—

- (i) 'n fisiese adres is, wat op plekke waar daar drie of meer prokureurs of prokureursfirmas is wat onafhanklik van mekaar praktiseer, binne 15 kilometer van die hof moet wees;
- (ii) posadres; en, waar beskikbaar,
- (iii) faksadres en e-posadres.

(c) Die kennisgewing aan die griffier of klerk van die hof vermeld die name en adresse van die partye in kennis gestel en die datum waarop en die wyse waarop die kennisgewing aan hulle gestuur is.

(d) Ondanks die onttrekking van 'n prokureur as die prokureur in die saak vir 'n party in enige verrigtinge, word alle dokumente daarna aan daardie party beteken ooreenkomstig die reëls oor betekening: Met dien verstande dat die party wie se prokureur onttrek het en wat versuim het om 'n adres te verstrek binne die tydperk van 10 dae in paragraaf (b) gestel, aanspreeklik vir die betaling van die uitgawes verbonde aan daaropvolgende betekening aan daardie party ingevolge die reëls verbonde aan betekening, tensy die hof anders gelas.

(2) (a) Behalwe soos in reëls 5 en 13 anders bepaal, moet 'n prokureur, wanneer daardie prokureur namens enige party optree in enige verrigtinge, alle ander partye in kennis stel van—

- (i) die prokureur se naam en fisiese adres, welke adres, in plekke waar daar drie of meer prokureurs of prokureursfirmas is wat onafhanklik van mekaar praktiseer, binne 15 kilometer van die hof moet wees;
- (ii) die prokureur se posadres; en, waar beskikbaar,

(iii) die prokureur se faksadres en e-posadres.

(b) Die bepalings van hierdie subreël is van toepassing, met gepaste variasies, op 'n prokureur aangestel as 'n plaasvervanger vir 'n party se vorige prokureur.

(3) By ontvangs van 'n kennisgewing ingevolge subreël (1) of (2), word die adres van die prokureur of van die party die adres van daardie party vir die betekening van alle daaropvolgende dokumente in daardie verrigtinge, maar 'n betekening behoorlik uitgevoer op 'n ander plek voor die ontvangs van so 'n kennisgewing is ondanks die verandering vir alle doeleindes geldig, tensy die hof anders gelas."

Vervanging van reël 68 van die Reëls

6. Reël 68 van die Reëls word hierby deur die volgende reël vervang:

"68 Ampseed van tolk en tussenganger

(1) Elke tolk moet by ampsopname 'n eed of 'n bevestiging skriftelik aflê, deur hom of haar onderteken voor 'n regterlike beampte in die vorm hieronder uiteengesit, te wete:

"Ek, (volle naam) verklaar hierby onder eed/bevestig getrou dat wanneer ook al van my gevra word om die werksaamhede van 'n tolk in enige verrigtinge in 'n landdroshof te verrig, ek getrou en korrek tot die beste van my kennis en vermoë uit die taal waaruit ek gevra mag word om te tolk na 'n amptelike taal van die Republiek van Suid-Afrika en *vice versa* sal tolk."

(1A) Elke tussenganger moet by ampsopname 'n eed of 'n bevestiging skriftelik aflê, deur hom of haar onderteken voor 'n regterlike beampte in die vorm hieronder uiteengesit, te wete:

"Ek, (volle naam) verklaar hierby onder eed/bevestig getrou dat wanneer ook al van my gevra word om die werksaamhede van 'n tussenganger in enige verrigtinge in 'n landdroshof te verrig, ek eerlik, getrou en korrek tot die beste van my kennis en vermoë die getuie se getuienis aan die hof sal oordra en waar nodig, die algemene strekking van wat aan of deur die getuie gekommunikeer word."

(2) Die eed of bevestiging word afgeneem of gemaak of geadministreer op die wyse voorgeskryf vir die afneem of maak of administrasie van 'n eed of bevestiging.”

Wysiging van Deel IV van Tabel A van Bylae 2 tot die Reëls

7. Deel IV van Tabel A van Bylae 2 tot die Reëls word hierby gewysig deur items 6 en 7 deur die volgende items te vervang:

Item	Skaal
TAKSASIE VAN KOSTE <u>In verband met 'n kosterekening vir dienste gelewer deur 'n prokureur, het sodanige prokureur die req om te hef:</u>	R
[Opstel van kosterekening:] 6 <u>Vir die opstel van die kosterekening, maak van die nodige afskrifte en bywoning van skikking, 11 persent van die prokureur se gelde, hetsy soos in die rekening gevorder, indien nie getakseer nie, of soos by taksasie toegelaat.</u>	[5% van die toegelate gelde]
[Bywoning van taksasie:] 7 <u>Benewens die gelde kragtens item 6 gevorder, indien tot taksasie oorgegaan word, vir reëling en bywoning van taksasie, en verkryging van toestemming tot taksasie, 11 persent op die eerste R10 000,00 of deel daarvan, 6 persent op die volgende R10 000,00 of deel daarvan en 3 persent op die saldo van die totale bedrag van die rekening.</u>	[5% van die totaal van die toegelate rekening]

Wysiging van Deel II van Tabel C van Bylae 2 tot die Reëls

- 8 Deel II van Tabel C van Bylae 2 tot die Reëls word hierby gewysig—
- (a) deur item 28 deur die volgende item te vervang:
“28. Vir die skryf van elke nodige brief, faks of e-pos, met uitsondering van formele briewe wat proses of relaas vergesel: **[10,00]** 17,50.”.
- (b) deur item 29 deur die volgende item te vervang:
“29. Maak of beantwoording van elke noodsaaklike telefoonoproep **[(benewens voorgeskrewe hooflyngelde en sellulêre gelde): [10,00] 16,00.**”.
- (c) deur item 30 deur die volgende item te vervang:
“30. Afstuur en ontvangs van elke nodige faks[,] of e-pos per **[A4-grootte]** bladsy (benewens telefoongelde): 5,50.”.

9. AANHANGSEL A**REGSTELLINGSKENNISGEWING**

Die Reëlsraad vir Geregshowe, kragtens artikel 6 van die Wet op die Reëlsraad vir Geregshowe, 1985 (Wet No. 107 van 1985), met die goedkeuring van die Minister van Justisie en Korrektiewe Dienste, verwyder hierby Aanhangsel A (Tarief van toelaes aan getuies in siviele sake betaalbaar) van die Bylae tot Goewermentskennisgewing No. R.740 van 23 Augustus 2010.

Inwerkingtreding

10. Hierdie reëls tree in werking op 10de Januarie 2019.

DEPARTMENT OF LABOUR

NO. R. 1319

30 NOVEMBER 2018

LABOUR RELATIONS ACT, 1995

CHANGE OF NAME OF AN EMPLOYERS' ORGANISATION

I, **Lehlohonolo Daniel Molefe**, Registrar of Labour Relations, hereby notify, in terms of section 109(2) of the Labour Relations Act, 1995 that **Consolidated Employers Organisation (LR 2/6/3/377)** resolved to change its name. With effect from 20 November 2018..... the employers' organisation is registered as **Consolidated Employers Organisation (CEO)**



REGISTRAR OF LABOUR RELATIONS

DATE: 20 November 2018

DEPARTMENT OF LABOUR

NO. R. 1320

30 NOVEMBER 2018

LABOUR RELATIONS ACT, 1995

CHANGE OF NAME OF AN EMPLOYERS' ORGANISATION

I, **Lehlohonolo Daniel Molefe**, Registrar of Labour Relations, hereby notify, in terms of section 109(2) of the Labour Relations Act, 1995, that the **Garment Manufacturers Association of the Western Cape** resolved to change its name. With effect from 20 November 2018..... the employers' organization is registered as the **National General Services and Allied Employers' Association (NGSAEA), LR2/6/3/247**.



Registrar of Labour Relations

20/11/2018

OFFICE OF THE VALUER-GENERAL

NO. R. 1321

30 NOVEMBER 2018

**REGULATIONS UNDER THE PROPERTY VALUATION ACT, 2014 (ACT
NO. 17 of 2014)**

The Minister of Rural Development and Land Reform has, under section 20 read together with section 1 of the Property Valuation Act, 2014, made the regulations in the Schedule.

SCHEDULE**Definitions**

1. In these regulations, any word or expression defined in the Act has the same meaning, unless the context indicates otherwise:

“acquisition benefits” means any benefits that accrued to the owner of, and the subject property, because of the manner of acquisition, including that they did not acquire the property at market value and from a willing owner, and where such acquisition and benefit was due to, aided by, or a consequence of past discriminatory laws and practices, or unlawful conduct.

“Act” means the Property Valuation Act, 2014 (Act No. 17 of 2014);

“assumption” means a reasonable supposition taken to be true, and involves facts, conditions or situations affecting the subject of, or approach to, a valuation;

“current use value” means the net present value, as at the date of valuation, of cash inflows and outflows, or other benefits and costs that the subject property generates for the specific owner in perpetuity or, in the case of a lease, to lease expiry, under lawful use, and without regard to its highest and best use, or the monetary amount that might be realised upon its sale;

“departure” means special circumstances where the mandatory application of valuation standards may be inappropriate or impractical;

“highest and best use” means the reasonably probable and lawful use of property, that is physically possible, financially feasible, and that results in the highest value;

“instructing authority” means the department requiring a valuation of the subject property;

“net realisable value” means the price of a property that can be realised upon the sale of the property, less a reasonable estimate of the costs associated with either the eventual sale or the disposal of the property in question;

“net present value” means the difference between the present value of cash inflows, or other benefits, and the present value of cash outflows, or other costs;

“special assumption” means an assumption that either assumes facts that differ from the actual facts existing at the valuation date, or that would not be made by a typical market participant in a transaction on the valuation date;

“subject property” means the property which has been identified for valuation for–

- (a) land reform purposes or
- (b) acquisition or disposal by a department, for any reason other than that mentioned in paragraph (a);

“valuation basis” means a statement of fundamental measurement principles or assumptions on which a valuation is premised.

“valuation certificate” means a summary valuation report containing inter alia, the following:

- (a) legal description of the subject property;

- (b) current use value of the subject property;
- (c) value of acquisition benefits accruing to the owner;
- (d) value of acquisition benefits accruing to the subject property;
- (e) market value of the subject property;
- (f) value of direct state investment in the acquisition of the subject property;
- (g) value of direct state investment in the beneficial capital improvement of the subject property;
- (h) value of the state subsidy in the acquisition of the subject property;
- (i) value of the state subsidy in the beneficial capital improvement of the subject property;
- (j) value of movable property on the subject property (if required);
- (k) purpose of acquisition;
- (l) overall value of the property as at the date of valuation, determined in terms of these regulations; and
- (m) the identity and registration status of the authorised valuer.

“valuation standards” means statements of principles, guidelines and procedures that govern professional valuation practice and are mandatory for authorised valuers, subject to the provisions of any law;

Information required by the Valuer-General

2. The Valuer-General shall, pursuant to Section 13(1) of the Act:

- (a) establish and maintain a database of property and land market information which is reasonably required for valuation, and to store the information in hardcopy, electronic or any other medium, provided that such information is not about, or identifiable as belonging to, or about specific persons;

- (b) request a person or body to disclose, either orally or in writing, any information that may be relevant for inclusion in the database, and question any person about such information;
- (c) determine the manner in which the information stored in the database, either in raw or processed form, may be retrieved or accessed by third parties, including any fees payable;
- (d) determine any other information, with the exclusion of personal information, that must be included in the database; and
- (e) require the owner, agent of the owner, tenant or occupier of the subject property to provide an authorised valuer, within 30 calendar days, either in writing or orally, with the particulars regarding the subject property reasonably expected to be in their possession, and which is reasonably required for the valuation of the subject property, including, but not limited to:
 - (i) the purchase price
 - (ii) the purchase date;
 - (iii) the nature of right transferred;
 - (iv) the internal rate of return and/or yield;
 - (v) the purchase and acquisition costs;
 - (vi) whether the subject property is encumbered, the extent to which it is encumbered and the financial institution involved;
 - (vii) the itemised annual revenues and expenses;
 - (viii) financial statements;
 - (ix) tenancy details (lease expiry dates, rents/royalties reserved and rent review terms);
 - (x) leasing costs, vacancies and collection losses;
 - (xi) capital and maintenance costs;
 - (xii) dates of completion of building works and copies of building plans;
 - (xiii) details of any restrictive conditions, unregistered rights, long term occupiers, restitution claims, registered usage, grave sites and tenure issues;
 - (xiv) Copies of municipal accounts, water usage certificates, prospecting rights and any mining activities on property;
 - (xv) the details of any acquisition benefits;

- (xvi) the details of any direct state investment and subsidy in the acquisition and beneficial capital improvement of the property;
- (xvii) details of declarations of value of the subject property made to the South African Revenue Services (SARS)

Protection of information

3. The Valuer-General, an authorised valuer, any person authorised to undertake a valuation, and/or any person in the staff of the Office of the Valuer-General, may not disclose any information obtained in the process of conducting such a valuation except –

- (a) within the scope of that person's powers and duties in terms of the Act;
- (b) for the purpose of carrying out the provisions of the Act and these regulations;
- (c) for the purpose of legal proceedings, provided if these involve a third party, consent has been duly provided by an owner of the property; or
- (d) in terms of a court order.

Requirements for valuation instructions and subject property inspections

4. (1) An instructing authority requiring a valuation of the subject property which has been identified for land reform must request the Valuer-General, in writing, to conduct such valuation and must include the following information-

- (a) a full description of the subject property;
- (b) the details of the relevant legislation under which the acquisition is to be done;
- (c) the purpose for which the subject property is required, and a statement that this purpose is either in the public interest or for a public purpose, as the case may be;
- (d) the purpose of valuation;
- (e) description of the interest or interests to be valued,

- (f) whether or not movable property, annual crops or growing timber on the subject property and belonging to the owner, as appropriate, is to be included in the valuation;
- (g) if movable property is to be included in the valuation, a full description thereof; and
- (h) the effective date of valuation.

(2) An instructing authority requiring a valuation of the subject property for acquisition or disposal by a department for reasons other than land reform must include the following information in the valuation request-

- (a) a full legal description of the subject property;
- (b) the details of the relevant legislation under which the acquisition or disposal is to be done;
- (c) the purpose or reasons for which the subject property is being acquired or disposed of;
- (d) the purpose of valuation;
- (e) description of the interest or interests to be valued;
- (f) whether or not movable property, annual crops or growing timber on the subject property and belonging to the owner, as appropriate, is to be included in the valuation;
- (g) if movable property is to be included in the valuation, a full description thereof; and
- (h) the effective date of valuation.

(3) The authorised valuer must deliver a written notice to the owner or person in charge of the subject property, at least 14 calendar days prior to the proposed date of inspection of the subject property, unless there is agreement for an earlier date, containing all relevant information, including-

- (a) a full legal description of the subject property;
- (b) the identity of the authorised valuer and proof of appointment by the Valuer-General;
- (c) the purpose of valuation;

- (d) a description of the interest or interests to be valued, and whether or not movable property is to be included in the valuation;
- (e) the extent and nature of the authorised valuer's planned investigations regarding the subject property;
- (f) the nature of information that the authorised valuer will require from the owner, the agent of the owner or person in charge of the subject property; and
- (g) the dates and times that the authorised valuer proposes to physically inspect the subject property.

(4) The written notice to the owner, owners' agent or person in charge of the subject property may be delivered by SMS, email, fax, hand, registered mail, or ordinary post.

Criteria and/or procedures for valuation of property identified for purposes of land reform

5 (1) An authorised valuer shall, in the valuation of the subject property for the purposes of section 12(1) (a) of the Act, apply the following criteria and procedures:

Current use value

(2) The authorised valuer shall establish the current use value of the subject property as at the valuation date.

(3) In establishing the current use value, the authorised shall take into account the following:

- (a) The impact of capital expenditure incurred on the subject property before the date of valuation, but whose effects are yet to fully materialise as at the date of valuation, by reasonably imputing the relevant cash flows, or benefits and costs;
- (b) In the case of timber on the subject property, the full optimal rotation period for the tree species concerned; and

- (c) In the case of mining property, imputed cashflows arising from mineral stockpiles and residual stockpiles on the subject property.

Historical value

(4) The authorised valuer shall establish the historical value of any acquisition benefits, and escalate the value of these benefits to the valuation date, using an appropriate cost or price index.

Market value

(5) The authorised valuer shall establish the market value of the subject property as at the valuation date, taking into account any realisable potential and assuming its highest and best use.

(6) In establishing the market value of the subject property, the authorised valuer must not take account of the following:

- (a) The fact that the property is the subject of an acquisition or expropriation;
- (b) The special suitability or usefulness of the property for which it is required by the acquiring authority, if it is unlikely that the property would have been purchased for that purpose in the open market;
- (c) Any enhancement in the market value of the property, if such enhancement is a consequence of the use of the property in a manner which is unlawful;
- (d) Any diminution in the market value of the property, if such diminution is a consequence of being encumbered by a mining right, permit or permission, and where such encumbrance took place subsequent to assumption of ownership by the owner of the subject property;
- (e) Anything done with the object of obtaining compensation; and
- (f) The value of any movable property, annual crops or growing timber on the subject property, and belonging to the owner, that have not yet been harvested as at the date of valuation, provided that the authorised valuer must determine their value separately if so requested by the instructing authority.

(7) In establishing the market value of the subject property, the authorised valuer may take into account prices paid by the state as evidence for market value, only if-

- (a) the authorised valuer has taken reasonable steps to find transactions where the state is not a party to, and finds that these are not available;
- (b) having regard to the facts and the circumstances of the transaction, and the broader property market, the authorised valuer is of the opinion that the price paid by the state is reasonable and fair, and would represent what a non-state buyer would pay for the subject property, could one be found; and
- (c) the authorised valuer has disaggregated the total price paid by the state into prices paid for movable and immovable property, as appropriate.

(8) The authorised valuer must include in the valuation report his or her use of prices paid by the state as evidence for market value as a departure.

Direct state investment and subsidies

(9) The authorised valuer shall establish the value, as at the valuation date, of any direct state investment and subsidy in the acquisition and beneficial capital improvement of the subject property accruing to the owner of the subject property.

(10) Where the direct state investment and subsidy in the acquisition and beneficial capital improvement of the subject property can, without ambiguity, be attributed to specific improvements existing on the subject property, the value contemplated in sub-regulation (9) must be established on the basis of the replacement cost of those improvements, less the total accumulated depreciation as at the valuation date; and

(11) Where the attribution contemplated in sub-regulation (10) cannot be made, the authorised valuer shall determine the historical cost of

state investments and subsidies, and escalate the said cost to the date of valuation using an appropriate cost or price index.

(12) Where movable property on the subject property, and belonging to the owner, is to be included in the valuation, the authorised valuer must establish –

- (a) the net realisable value of sellable movable property and mature timber that has not yet been harvested as at the date of valuation;
- (b) total expenditure incurred, as up to the date of valuation, on growing crops and immature timber; and
- (c) the replacement cost less accumulated depreciation of all other movable property, provided that these are not sellable.

Purpose of acquisition

(13) The authorised valuer must, on the basis of instructions received from the instructing authority, record that the purpose of acquisition of the subject property is either in the public interest or for a public purpose, as the case may be.

Procedures and guidelines for the determination of the value of the subject property

6. The authorised valuer shall determine the value of the subject property for the purposes of section 12(1)(a) of the Act as follows:

- (a) Where the immovable property is to be acquired together with movable property, annual crops or growing timber on the subject property that have not yet been harvested as at the date of valuation-
 - (i) adding the current use value and market value of the subject property as at the date of valuation, and as established in terms of regulation 5, and dividing the resulting figure by two;

- (ii) subtracting from the resulting figure the value, as at the date of valuation, of acquisition benefits and the value of direct state investment and subsidy in the acquisition and beneficial capital improvement of the subject property; and
 - (iii) provided that the value of movable property, annual crops or growing timber on the subject property that have not yet been harvested as at the date of valuation, and as established in terms of Regulation 5, must be added to market value before the division referred to in sub-regulation (i) is performed.

- (b) Where the immovable property is to be acquired without movable property, annual crops or growing timber on the subject property that have not yet been harvested as at the date of valuation-
 - (i) adding the current use value and market value of the subject property as at the date of valuation, and as established in terms of regulation 5, and dividing the resulting figure by two;
 - (ii) subtracting from the resulting figure the value, as at the date of valuation, of acquisition benefits and the value of direct state investment and subsidy in the acquisition and beneficial capital improvement of the subject property; and
 - (iii) provided that the value of movable property, annual crops or growing timber on the subject property that have not yet been harvested as at the date of valuation, and as established in terms of Regulation 5, must be subtracted from current use value before the division referred to in sub-regulation (i) is performed;

Valuation reports

7. A valuation report contemplated in section 15 of the Act must in addition to the matters set out in that section, contain the following information:

- (a) Identification of the instructing authority and any other intended users;
- (b) The purpose of the valuation;
- (c) A legal description of the subject property;

- (d) whether the subject property is encumbered, the extent of the encumbrance and the financial institution(s) involved;
- (e) the interest that was valued;
- (f) the valuation basis or bases;
- (g) the date (s) of inspection;
- (h) the valuation date;
- (i) disclosure of any material involvement in the subject property by the authorised valuer, or a statement that there has not been any previous material involvement;
- (j) the identity of the authorised valuer responsible for the valuation and, their registration status;
- (k) any assumptions, special assumptions, reservations, special instructions or departures;
- (l) the extent of the authorised valuer's investigations;
- (m) the nature and source of information relied on by the authorised valuer;
- (n) any consent to, or restrictions on, publication of the report;
- (o) any limits or exclusion of liability to parties other than the instructing authority, or the Valuer-General, as the case may be;
- (p) confirmation that the valuation accords with the provisions of the Act, these regulations and any other applicable prescripts;
- (q) a statement regarding the purpose of acquisition;
- (r) a statement of the valuation approach and reasoning;
- (s) the current use value of the property;
- (t) a statement regarding the history of the acquisition and the use of the subject property, and the historical and present values of any acquisition and use benefits accruing to owner;
- (u) the market value of the property;
- (v) a statement regarding the extent of direct state investment and subsidy in the acquisition and beneficial capital improvement of the property, and their historical and present values;
- (w) a list of all movable properties on the subject property;
- (x) the value of the subject property as at the valuation date, established in terms of regulation 6; and
- (y) a valuation certificate.

Representations by owner or persons in charge of property

8. (1) On receipt of the valuation report from an authorised valuer, the Valuer-General shall provide the owner, owner's agent or person in charge of the property with a copy of the preliminary valuation certificate which will for the purposes of this section, be designated as a provisional valuation certificate.

(2) The owner or person in charge of the property shall have 30 days in which to make written representations regarding the contents of the valuation certificate and/or valuation report to the Valuer-General if the person so desire.

(3) The Valuer-General shall consider the representations of the owner, owner's agent or person in charge of the property, together with any further adjustments that the authorised valuer may make based on the representations.

(4) The Valuer-General shall deliver the final valuation certificate and final valuation report to the instructing authority.

Systems to monitor compliance with the act

9. (1) The Valuer General shall put in place, an in-house quality assurance system to assist in monitoring compliance with the Act by authorised valuer(s).

(2) A valuation made by anyone other than an authorised valuer does not become a section 12 valuation unless the Valuer-General issues a certificate of compliance.

(3) Before the valuation report can be submitted to the Valuer-General for the issue of valuation certificate, the valuation report must first go through the quality assurance branch of the Office of the Valuer-General for compliance checks.

(4) Such quality assurance process shall have a system of checks and balances to assist it in performing the valuation compliance monitoring function.

(5) The quality assurance branch may require the authorised valuer to provide clarifications, further information or motivations.

Short title and commencement

10. These regulations shall be called the Property Valuation Regulations, 2018 and will come into operation on the date of publication in the *Gazette*.

OFFICE OF THE VALUER-GENERAL

NO. R. 1322

30 NOVEMBER 2018

**REGULATIONS UNDER THE PROPERTY VALUATION ACT, 2014 (ACT
NO. 17 of 2014)**

The Minister of Rural Development and Land Reform has, under section 20 read together with section 1 of the Property Valuation Act, 2014, made the regulations in the Schedule.

SCHEDULE**Definitions**

1. In these regulations, any word or expression defined in the Act has the same meaning, unless the context indicates otherwise:

“**acquisition benefits**” means any benefits that accrued to the owner of, and the subject property, because of the manner of acquisition, including that they did not acquire the property at market value and from a willing owner, and where such acquisition and benefit was due to, aided by, or a consequence of past discriminatory laws and practices, or unlawful conduct.

“**Act**” means the Property Valuation Act, 2014 (Act No. 17 of 2014);

“**assumption**” means a reasonable supposition taken to be true, and involves facts, conditions or situations affecting the subject of, or approach to, a valuation;

“**current use value**” means the net present value, as at the date of valuation, of cash inflows and outflows, or other benefits and costs that the subject property generates for the specific owner in perpetuity or, in the case of a lease, to lease expiry, under lawful use, and without regard to its highest and best use, or the monetary amount that might be realised upon its sale;

“**departure**” means special circumstances where the mandatory application of valuation standards may be inappropriate or impractical;

“**highest and best use**” means the reasonably probable and lawful use of property, that is physically possible, financially feasible, and that results in the highest value;

“**instructing authority**” means the department requiring a valuation of the subject property;

“**net realisable value**” means the price of a property that can be realised upon the sale of the property, less a reasonable estimate of the costs associated with either the eventual sale or the disposal of the property in question;

“**net present value**” means the difference between the present value of cash inflows, or other benefits, and the present value of cash outflows, or other costs;

“**special assumption**” means an assumption that either assumes facts that differ from the actual facts existing at the valuation date, or that would not be made by a typical market participant in a transaction on the valuation date;

“**subject property**” means the property which has been identified for valuation for—

- (a) land reform purposes or
- (b) acquisition or disposal by a department, for any reason other than that mentioned in paragraph (a);

“**valuation basis**” means a statement of fundamental measurement principles or assumptions on which a valuation is premised.

“**valuation certificate**” means a summary valuation report containing inter alia, the following:

- (a) legal description of the subject property;

- (b) current use value of the subject property;
- (c) value of acquisition benefits accruing to the owner;
- (d) value of acquisition benefits accruing to the subject property;
- (e) market value of the subject property;
- (f) value of direct state investment in the acquisition of the subject property;
- (g) value of direct state investment in the beneficial capital improvement of the subject property;
- (h) value of the state subsidy in the acquisition of the subject property;
- (i) value of the state subsidy in the beneficial capital improvement of the subject property;
- (j) value of movable property on the subject property (if required);
- (k) purpose of acquisition;
- (l) overall value of the property as at the date of valuation, determined in terms of these regulations; and
- (m) the identity and registration status of the authorised valuer.

“**valuation standards**” means statements of principles, guidelines and procedures that govern professional valuation practice and are mandatory for authorised valuers, subject to the provisions of any law;

Information required by the Valuer-General

2. The Valuer-General shall, pursuant to Section 13(1) of the Act:

- (a) establish and maintain a database of property and land market information which is reasonably required for valuation, and to store the information in hardcopy, electronic or any other medium, provided that such information is not about, or identifiable as belonging to, or about specific persons;

- (b) request a person or body to disclose, either orally or in writing, any information that may be relevant for inclusion in the database, and question any person about such information;
- (c) determine the manner in which the information stored in the database, either in raw or processed form, may be retrieved or accessed by third parties, including any fees payable;
- (d) determine any other information, with the exclusion of personal information, that must be included in the database; and
- (e) require the owner, agent of the owner, tenant or occupier of the subject property to provide an authorised valuer, within 30 calendar days, either in writing or orally, with the particulars regarding the subject property reasonably expected to be in their possession, and which is reasonably required for the valuation of the subject property, including, but not limited to:
 - (i) the purchase price
 - (ii) the purchase date;
 - (iii) the nature of right transferred;
 - (iv) the internal rate of return and/or yield;
 - (v) the purchase and acquisition costs;
 - (vi) whether the subject property is encumbered, the extent to which it is encumbered and the financial institution involved;
 - (vii) the itemised annual revenues and expenses;
 - (viii) financial statements;
 - (ix) tenancy details (lease expiry dates, rents/royalties reserved and rent review terms);
 - (x) leasing costs, vacancies and collection losses;
 - (xi) capital and maintenance costs;
 - (xii) dates of completion of building works and copies of building plans;
 - (xiii) details of any restrictive conditions, unregistered rights, long term occupiers, restitution claims, registered usage, grave sites and tenure issues;
 - (xiv) Copies of municipal accounts, water usage certificates, prospecting rights and any mining activities on property;
 - (xv) the details of any acquisition benefits;

- (xvi) the details of any direct state investment and subsidy in the acquisition and beneficial capital improvement of the property;
- (xvii) details of declarations of value of the subject property made to the South African Revenue Services (SARS)

Protection of information

3. The Valuer-General, an authorised valuer, any person authorised to undertake a valuation, and/or any person in the staff of the Office of the Valuer-General, may not disclose any information obtained in the process of conducting such a valuation except –

- (a) within the scope of that person's powers and duties in terms of the Act;
- (b) for the purpose of carrying out the provisions of the Act and these regulations;
- (c) for the purpose of legal proceedings, provided if these involve a third party, consent has been duly provided by an owner of the property; or
- (d) in terms of a court order.

Requirements for valuation instructions and subject property inspections

4. (1) An instructing authority requiring a valuation of the subject property which has been identified for land reform must request the Valuer-General, in writing, to conduct such valuation and must include the following information-

- (a) a full description of the subject property;
- (b) the details of the relevant legislation under which the acquisition is to be done;
- (c) the purpose for which the subject property is required, and a statement that this purpose is either in the public interest or for a public purpose, as the case may be;
- (d) the purpose of valuation;
- (e) description of the interest or interests to be valued,

- (f) whether or not movable property, annual crops or growing timber on the subject property and belonging to the owner, as appropriate, is to be included in the valuation;
- (g) if movable property is to be included in the valuation, a full description thereof; and
- (h) the effective date of valuation.

(2) An instructing authority requiring a valuation of the subject property for acquisition or disposal by a department for reasons other than land reform must include the following information in the valuation request-

- (a) a full legal description of the subject property;
- (b) the details of the relevant legislation under which the acquisition or disposal is to be done;
- (c) the purpose or reasons for which the subject property is being acquired or disposed of;
- (d) the purpose of valuation;
- (e) description of the interest or interests to be valued;
- (f) whether or not movable property, annual crops or growing timber on the subject property and belonging to the owner, as appropriate, is to be included in the valuation;
- (g) if movable property is to be included in the valuation, a full description thereof; and
- (h) the effective date of valuation.

(3) The authorised valuer must deliver a written notice to the owner or person in charge of the subject property, at least 14 calendar days prior to the proposed date of inspection of the subject property, unless there is agreement for an earlier date, containing all relevant information, including-

- (a) a full legal description of the subject property;
- (b) the identity of the authorised valuer and proof of appointment by the Valuer-General;
- (c) the purpose of valuation;

- (d) a description of the interest or interests to be valued, and whether or not movable property is to be included in the valuation;
- (e) the extent and nature of the authorised valuer's planned investigations regarding the subject property;
- (f) the nature of information that the authorised valuer will require from the owner, the agent of the owner or person in charge of the subject property; and
- (g) the dates and times that the authorised valuer proposes to physically inspect the subject property.

(4) The written notice to the owner, owners' agent or person in charge of the subject property may be delivered by SMS, email, fax, hand, registered mail, or ordinary post.

Criteria and/or procedures for valuation of property identified for purposes of land reform

5 (1) An authorised valuer shall, in the valuation of the subject property for the purposes of section 12(1) (a) of the Act, apply the following criteria and procedures:

Current use value

(2) The authorised valuer shall establish the current use value of the subject property as at the valuation date.

(3) In establishing the current use value, the authorised shall take into account the following:

- (a) The impact of capital expenditure incurred on the subject property before the date of valuation, but whose effects are yet to fully materialise as at the date of valuation, by reasonably imputing the relevant cash flows, or benefits and costs;
- (b) In the case of timber on the subject property, the full optimal rotation period for the tree species concerned; and

- (c) In the case of mining property, imputed cashflows arising from mineral stockpiles and residual stockpiles on the subject property.

Historical value

(4) The authorised valuer shall establish the historical value of any acquisition benefits, and escalate the value of these benefits to the valuation date, using an appropriate cost or price index.

Market value

(5) The authorised valuer shall establish the market value of the subject property as at the valuation date, taking into account any realisable potential and assuming its highest and best use.

(6) In establishing the market value of the subject property, the authorised valuer must not take account of the following:

- (a) The fact that the property is the subject of an acquisition or expropriation;
- (b) The special suitability or usefulness of the property for which it is required by the acquiring authority, if it is unlikely that the property would have been purchased for that purpose in the open market;
- (c) Any enhancement in the market value of the property, if such enhancement is a consequence of the use of the property in a manner which is unlawful;
- (d) Any diminution in the market value of the property, if such diminution is a consequence of being encumbered by a mining right, permit or permission, and where such encumbrance took place subsequent to assumption of ownership by the owner of the subject property;
- (e) Anything done with the object of obtaining compensation; and
- (f) The value of any movable property, annual crops or growing timber on the subject property, and belonging to the owner, that have not yet been harvested as at the date of valuation, provided that the authorised valuer must determine their value separately if so requested by the instructing authority.

(7) In establishing the market value of the subject property, the authorised valuer may take into account prices paid by the state as evidence for market value, only if-

- (a) the authorised valuer has taken reasonable steps to find transactions where the state is not a party to, and finds that these are not available;
- (b) having regard to the facts and the circumstances of the transaction, and the broader property market, the authorised valuer is of the opinion that the price paid by the state is reasonable and fair, and would represent what a non-state buyer would pay for the subject property, could one be found; and
- (c) the authorised valuer has disaggregated the total price paid by the state into prices paid for movable and immovable property, as appropriate.

(8) The authorised valuer must include in the valuation report his or her use of prices paid by the state as evidence for market value as a departure.

Direct state investment and subsidies

(9) The authorised valuer shall establish the value, as at the valuation date, of any direct state investment and subsidy in the acquisition and beneficial capital improvement of the subject property accruing to the owner of the subject property.

(10) Where the direct state investment and subsidy in the acquisition and beneficial capital improvement of the subject property can, without ambiguity, be attributed to specific improvements existing on the subject property, the value contemplated in sub-regulation (9) must be established on the basis of the replacement cost of those improvements, less the total accumulated depreciation as at the valuation date; and

(11) Where the attribution contemplated in sub-regulation (10) cannot be made, the authorised valuer shall determine the historical cost of

state investments and subsidies, and escalate the said cost to the date of valuation using an appropriate cost or price index.

(12) Where movable property on the subject property, and belonging to the owner, is to be included in the valuation, the authorised valuer must establish –

- (a) the net realisable value of sellable movable property and mature timber that has not yet been harvested as at the date of valuation;
- (b) total expenditure incurred, as up to the date of valuation, on growing crops and immature timber; and
- (c) the replacement cost less accumulated depreciation of all other movable property, provided that these are not sellable.

Purpose of acquisition

(13) The authorised valuer must, on the basis of instructions received from the instructing authority, record that the purpose of acquisition of the subject property is either in the public interest or for a public purpose, as the case may be.

Procedures and guidelines for the determination of the value of the subject property

6. The authorised valuer shall determine the value of the subject property for the purposes of section 12(1)(a) of the Act as follows:

- (a) Where the immovable property is to be acquired together with movable property, annual crops or growing timber on the subject property that have not yet been harvested as at the date of valuation-
 - (i) adding the current use value and market value of the subject property as at the date of valuation, and as established in terms of regulation 5, and dividing the resulting figure by two;

- (ii) subtracting from the resulting figure the value, as at the date of valuation, of acquisition benefits and the value of direct state investment and subsidy in the acquisition and beneficial capital improvement of the subject property; and
 - (iii) provided that the value of movable property, annual crops or growing timber on the subject property that have not yet been harvested as at the date of valuation, and as established in terms of Regulation 5, must be added to market value before the division referred to in sub-regulation (i) is performed.
- (b) Where the immovable property is to be acquired without movable property, annual crops or growing timber on the subject property that have not yet been harvested as at the date of valuation-
- (i) adding the current use value and market value of the subject property as at the date of valuation, and as established in terms of regulation 5, and dividing the resulting figure by two;
 - (ii) subtracting from the resulting figure the value, as at the date of valuation, of acquisition benefits and the value of direct state investment and subsidy in the acquisition and beneficial capital improvement of the subject property; and
 - (iii) provided that the value of movable property, annual crops or growing timber on the subject property that have not yet been harvested as at the date of valuation, and as established in terms of Regulation 5, must be subtracted from current use value before the division referred to in sub-regulation (i) is performed;

Valuation reports

7. A valuation report contemplated in section 15 of the Act must in addition to the matters set out in that section, contain the following information:

- (a) Identification of the instructing authority and any other intended users;
- (b) The purpose of the valuation;
- (c) A legal description of the subject property;

- (d) whether the subject property is encumbered, the extent of the encumbrance and the financial institution(s) involved;
- (e) the interest that was valued;
- (f) the valuation basis or bases;
- (g) the date (s) of inspection;
- (h) the valuation date;
- (i) disclosure of any material involvement in the subject property by the authorised valuer, or a statement that there has not been any previous material involvement;
- (j) the identity of the authorised valuer responsible for the valuation and, their registration status;
- (k) any assumptions, special assumptions, reservations, special instructions or departures;
- (l) the extent of the authorised valuer's investigations;
- (m) the nature and source of information relied on by the authorised valuer;
- (n) any consent to, or restrictions on, publication of the report;
- (o) any limits or exclusion of liability to parties other than the instructing authority, or the Valuer-General, as the case may be;
- (p) confirmation that the valuation accords with the provisions of the Act, these regulations and any other applicable prescripts;
- (q) a statement regarding the purpose of acquisition;
- (r) a statement of the valuation approach and reasoning;
- (s) the current use value of the property;
- (t) a statement regarding the history of the acquisition and the use of the subject property, and the historical and present values of any acquisition and use benefits accruing to owner;
- (u) the market value of the property;
- (v) a statement regarding the extent of direct state investment and subsidy in the acquisition and beneficial capital improvement of the property, and their historical and present values;
- (w) a list of all movable properties on the subject property;
- (x) the value of the subject property as at the valuation date, established in terms of regulation 6; and
- (y) a valuation certificate.

Representations by owner or persons in charge of property

8. (1) On receipt of the valuation report from an authorised valuer, the Valuer-General shall provide the owner, owner's agent or person in charge of the property with a copy of the preliminary valuation certificate which will for the purposes of this section, be designated as a provisional valuation certificate.

(2) The owner or person in charge of the property shall have 30 days in which to make written representations regarding the contents of the valuation certificate and/or valuation report to the Valuer-General if the person so desire.

(3) The Valuer-General shall consider the representations of the owner, owner's agent or person in charge of the property, together with any further adjustments that the authorised valuer may make based on the representations.

(4) The Valuer-General shall deliver the final valuation certificate and final valuation report to the instructing authority.

Systems to monitor compliance with the act

9. (1) The Valuer General shall put in place, an in-house quality assurance system to assist in monitoring compliance with the Act by authorised valuer(s).

(2) A valuation made by anyone other than an authorised valuer does not become a section 12 valuation unless the Valuer-General issues a certificate of compliance.

(3) Before the valuation report can be submitted to the Valuer-General for the issue of valuation certificate, the valuation report must first go through the quality assurance branch of the Office of the Valuer-General for compliance checks.

(4) Such quality assurance process shall have a system of checks and balances to assist it in performing the valuation compliance monitoring function.

(5) The quality assurance branch may require the authorised valuer to provide clarifications, further information or motivations.

Short title and commencement

10. These regulations shall be called the Property Valuation Regulations, 2018 and will come into operation on the date of publication in the *Gazette*.

NO. R. 1323

30 NOVEMBER 2018

**DOEANE- EN AKSYNSWET, 1964.
WYSIGING VAN BYLAE NO. 2 (NO. 2/3/33)**

Kragtens artikel 57 van die Doeane- en Aksynswet, 1964, word Deel 3 van Bylae No. 2 by bogenoemde Wet hiermee gewysig, tot en met 10 Augustus 2019, in die mate in die Bylae hierby aangeleë.



**M GUNGUBELE
ADJUNKMINISTER VAN FINANSIES**

BYLAE

Deur die vervanging van die volgende:

Item	Tariefpos	Kode	TS	Beskrywing	Kortingitems	Ingevoer vanaf of Oorspronklik van	Skaal van Beskermende reg
260.03	72.08	01.04	47	Gewalste platprodukte van yster of nie-legeringsstaal, met 'n wydte van minstens 600 mm, warmgewals, nie bedek, geplateer of bestryk nie (uitgesonderd dié ingevoer vanaf of afkomstig van: Afghanistan, Albanie, Algerie, Amerikaanse Samoa, Angola, Antigua en Barbuda, Argentinië, Armenië, Aserbeidjan, Bangladesj, Belanus, Belize, Benin, Bhoetan, Bolivia (Pluralistiese Staat van), Bosnië en Herzegowina, Botswana, Brasilië, Bulgarye, Burkina Faso, Burundi, Kambojja, Kameroen, Kaap Verde, Sentraal-Afrikaanse Republiek, Tsjad, Chili, Colombia, Comore, Kongo, (Demokratiese Republiek van die), Kongo (Republiek van die), Costa Rica, Ivoorkus, Kuba, Djiboeti, Dominika, Dominikaanse Republiek, Ecuador, Egipte (Arabiese Republiek van), El Salvador, Eritrea, Ethiopië, Fidji, Gaboen, Gambië (Republiek van), Georgië, Ghana, Grenada, Guatemala, Guinee, Guinee-Bissau, Guyana, Haiti, Honduras, Indië, Indonesië, Iran (Islamitiese Republiek van), Irak (Republiek van), Jamaika, Jordanië, Kasakistan, Kenia, Kiribati, Korea (Demokratiese Volksrepubliek van), Kosovo, Kirgistanse Republiek, Laos Demokratiese Volksrepubliek, Letland, Libanon, Lesotho, Liberië, Libië, Litawe, Macedonië (voormalige Joego Slawiese Republiek van), Madagaskar, Malawi, Maldivië, Mali, Marshall-eilande, Mauritanië, Mauritius, Mexiko, Mikronesië (Federale State van), Moldavië (Republiek van), Mongolië, Montenegro, Marokko, Mosambiek, Myanmar, Nambibië, Nepal, Nicaragua, Niger, Nigerië, Pakistan, Palau, Panama, Papoea-Nieu-Guinee, Paraguay, Peru, Filippyne, Roemenië, Russiese Federasie, Rwanda, Sint Kitts en Nevis, Sint Lucia, Sint Vincent en die Grenadines, Samoa, Sao Tome en Principe, Senegal, Serwië, Seychelle, Sierra Leone, Solomon Eilande, Somalilë, Suid-Soedan, Sri Lanka, Soedan, Suriname, Swaziland, Siriese Arabiese Republiek, Taiwan (Republiek van China), Tadzjikistan, Tanzanië (Verenigde Republiek van), Thailand, Timor-Leste, Togo, Tonga, Tunisië, Turkye, Turkmenistan, Tuvalu, Uganda, Ukraine, Uruguay, Uzbekistan, Vanuatu, Venezuela (Boivariaanse Republiek van), Viëtnam, Wesewer en Gaza (Staat van Palestina), Jemen, Zambië, Zimbabwë)	301.00-399.00; 401.00-499.00 (uitgesonderd 460.15/7208.25/01.06, 460.15/7208.25/02.06, 460.15/7208.26/01.06, 460.15/7208.36/01.06, 460.15/7208.37/01.06, 460.15/7208.39/01.06, 460.15/7208.50/01.05 - 460.15/7208.51/01.05 - 460.15/7208.51/01.06- 460.15/7208.51/03.06; 470.03/00.00/01.00- 470.03/00.00/03.00)	Alle Lande	10%

SOUTH AFRICAN REVENUE SERVICE

NO. R. 1323

30 NOVEMBER 2018

**CUSTOMS AND EXCISE ACT, 1964.
AMENDMENT OF SCHEDULE NO. 2 (NO. 2/3/33)**

In terms of section 57 of the Customs and Excise Act, 1964, Part 3 of Schedule No. 2 to the said Act is hereby amended, up to and including 10 August 2019, to the extent set out in the Schedule hereto.



**M GUNGUBELE
DEPUTY MINISTER OF FINANCE**

SCHEDULE

By the substitution of the following:

Item	Tariff Heading	Code	CD	Description	Rebate Items	Imported from or Originating in	Rate of Safeguard duty
260.03	72.08	01.04	47	Flat-rolled products of iron or non-alloy steel, of a width of 600 mm or more, hot-rolled, not clad, plated or coated (excluding that imported from or originating in: Afghanistan, Albania, Algeria, American Samoa, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bangladesh, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chad, Chile, Colombia, Comoros, Congo (The Democratic Republic of the), Congo (Republic of the), Costa Rica, Côte d'Ivoire, Cuba, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt (Arab Republic of), El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia (Republic of), Georgia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq (Republic of), Jamaica, Jordan, Kazakhstan, Kenya, Kiribati, Korea (Democratic People's Republic of), Kosovo, Kyrgyzstan Republic, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libya, Lithuania, Macedonia (former Yugoslav Republic of), Madagascar, Malawi, Maldives, Mali, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Moldova (Republic of), Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, São Tomé and Príncipe, Senegal, Serbia, Seychelles, Sierra Leone, Solomon Islands, Somalia, South Sudan, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Taiwan (Republic of China), Tajikistan, Tanzania (United Republic of), Thailand, Timor-Leste, Togo, Tonga, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, Ukraine, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Vietnam, West Bank and Gaza (State of Palestine), Yemen, Zambia, Zimbabwe)	301.00-399.00; 401.00-499.00 (excluding 460.157208.25/01.06, 460.157208.25/02.06, 460.157208.26/01.06, 460.157208.36/01.06, 460.157208.37/01.06, 460.157208.39/01.06, 460.157208.50/01.05 - 460.157208.51/01.05 - 460.157208.51/01.06- 460.157208.51/03.06; 470.03/00.00/01.00- 470.03/00.00/03.00)	All Countries	10%

SOUTH AFRICAN REVENUE SERVICE

NO. R. 1324

30 NOVEMBER 2018

**CUSTOMS AND EXCISE ACT, 1964.
AMENDMENT OF SCHEDULE NO. 2 (NO. 2/3/34)**

In terms of section 57 of the Customs and Excise Act, 1964, Part 3 of Schedule No. 2 to the said Act is hereby amended, with effect from 11 August 2019 up to and including 10 August 2020, to the extent set out in the Schedule hereto.


M GUNGUBELE
DEPUTY MINISTER OF FINANCE

SCHEDULE

By the substitution of the following:

Item	Tariff Heading	Code	CD	Description	Rebate Items	Imported from or Originating in	Rate of Safeguard duty
260.03	72.08	01.04	47	Flat-rolled products of iron or non-alloy steel, of a width of 600 mm or more, hot-rolled, not clad, plated or coated (excluding that imported from or originating in: Afghanistan, Albania, Algeria, American Samoa, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bangladesh, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chad, Chile, Colombia, Comoros, Congo (The Democratic Republic of the), Congo (Republic of the), Costa Rica, Côte d'Ivoire, Cuba, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt (Arab Republic of), El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia (Republic of), Georgia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq (Republic of), Jamaica, Jordan, Kazakhstan, Kenya, Kiribati, Korea (Democratic People's Republic of), Kosovo, Kyrgyzstan Republic, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libya, Lithuania, Macedonia (former Yugoslav Republic of), Madagascar, Malawi, Maldives, Mali, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Moldova (Republic of), Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, São Tomé and Príncipe, Senegal, Serbia, Seychelles, Sierra Leone, Solomon Islands, Somalia, South Sudan, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Taiwan (Republic of China), Tajikistan, Tanzania (United Republic of), Thailand, Timor-Leste, Togo, Tonga, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, Ukraine, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Vietnam, West Bank and Gaza (State of Palestine), Yemen, Zambia, Zimbabwe)	301.00-399.00; 401.00-499.00 (excluding 460.15/7208.25/01.06, 460.15/7208.25/02.06, 460.15/7208.26/01.06, 460.15/7208.36/01.06, 460.15/7208.37/01.06, 460.15/7208.39/01.06, 460.15/7208.50/01.05 - 460.15/7208.51/03.06); 470.03/00.00/01.00- 470.03/00.00/03.00)	All Countries	8%

SUID-AFRIKAANSE INKOMSTEDIENS

NO. R. 1324

30 NOVEMBER 2018

DOEANE- EN AKSYNSWET, 1964.
WYSIGING VAN BYLAE NO. 2 (NO. 2/3/34)

Krediens artikel 57 van die Doeane- en Aksynswet, 1964, word Deel 3 van Bylae No. 2 by bogenoemde Wet hiermee gewysig, met ingang vanaf 11 Augustus 2019 tot en met 10 Augustus 2020, in die mate in die Bylae hierby aangeleen.


M GUNGUBANE
ADJUNKMINISTER VAN FINANSIES

BYLAE

Deur die vervanging van die volgende:

Item	Tariefpos	Kode	TS	Beskrywing	Kortingitems	Ingevoer vanaf of Oorspronklik van	Skaal van Beskermende reg
260.03	72.08	01.04	47	Gewalste platprodukte van yster of nie-legeringstaal, met 'n wydte van minstens 600 mm, waargewals, nie bedek, geplateer of besnyk nie (uitgesonderd dié ingevoer vanaf of afkomstig van: Afghanistan, Albanë, Algerië, Amerikaanse Samoa, Angola, Antigua en Barbuda, Argentinië, Armenië, Aserbeidjan, Bangladesj, Belarus, Belize, Benin, Bhoetan, Bolivia (Pluralistiese Staat van), Bosnië en Herzegowina, Botswana, Brasilië, Bulgarye, Burkina Faso, Burundi, Kamboedja, Kameroen, Kaap Verde, Sentraal-Afrikaanse Republiek, Tsjad, Chili, Colombia, Comore, Kongo, (Demokratiese Republiek van die), Kongo (Republiek van die), Costa Rica, Ivoorkus, Kuba, Djiboeti, Dominika, Dominikaanse Republiek, Ecuador, Egipte (Arabiese Republiek van), El Salvador, Eritrea, Ethiopië, Fiji, Gaboen, Gambië (Republiek van), Georgië, Ghana, Grenada, Guatemala, Guinee, Guinee-Bissau, Guyana, Haiti, Honduras, Indië, Indonesië, Iran (Islamitiese Republiek van), Irak (Republiek van), Jamaika, Jordanië, Kasakstan, Kenia, Kiribati, Korea (Demokratiese Volksrepubliek van), Kosovo, Kirgistanse Republiek, Laos Demokratiese Volksrepubliek, Letland, Libanon, Lesotho, Libië, Litawe, Macedonië (voormalige Joego Slawiese Republiek van), Madagaskar, Malawi, Maldives, Mali, Marshall-eilande, Mauritanië, Mauritius, Mexiko, Mikronesië (Federale State van), Moldawië (Republiek van), Mongolië, Montenegro, Marokko, Mosambiek, Myanmar, Nambibië, Nepal, Niuginia, Niger, Nigerië, Pakistan, Palau, Panama, Papoea-Nieu-Guinee, Paraguay, Peru, Filippyne, Roemenië, Russiese Federasie, Rwanda, Sint Kitts en Nevis, Sint Lucia, Sint Vincent en die Grenadines, Samoa, Sao Tome en Principe, Senegal, Senwië, Seychelle, Sierra Leone, Solomon Eilande, Somalë, Suid-Soedan, Sri Lanka, Soedan, Suriname, Swaziland, Siriese Arabiese Republiek, Taiwan (Republiek van China), Tadzjikistan, Tanzanië (Verenigde Republiek van), Thailand, Timor-Leste, Togo, Tonga, Tunesië, Turkye, Turkmenistan, Tuvalu, Uganda, Ukraine, Uruguay, Uzbekistan, Vanuatu, Venezuela (Boivariaanse Republiek van), Viëtnam, Wescewer en Gaza (Staat van Palestina), Jemen, Zambie, Zimbabwe)	301.00-399.00; 401.00-499.00 (uitgesonderd 460.15/7208.25/01.06, 460.15/7208.25/02.06, 460.15/7208.26/01.06, 460.15/7208.26/01.06, 460.15/7208.36/01.06, 460.15/7208.37/01.06, 460.15/7208.39/01.06, 460.15/7208.50/01.05 - 460.15/7208.51/7.05, 460.15/7208.51/01.06- 460.15/7208.51/03.06; 470.03/00.00/01.00- 470.03/00.00/03.00)	Alle Lande	8%

SOUTH AFRICAN REVENUE SERVICE

NO. R. 1325

30 NOVEMBER 2018

**CUSTOMS AND EXCISE ACT, 1964.
AMENDMENT OF SCHEDULE NO. 4 (NO. 4/2/393)**

In terms of section 75 of the Customs and Excise Act, 1964, Part 2 of Schedule No. 4 to the said Act is hereby amended to the extent set out in the Schedule hereto.



**M GUNGUBELE
DEPUTY MINISTER OF FINANCE**

SCHEDULE

By the insertion of the following:

Rebate Item	Tariff Heading	Rebate Code	CD	Description	Extent of Rebate
460.15	7208.51	02.06	68	Flat-rolled products of iron or non-alloy steel, of a width of 600 mm or more, not in coils, not further worked than hot-rolled, of a thickness exceeding 100 mm, in such quantities and such times and subject to such conditions as the International Trade Administration Commission may allow by specific permit, provided the products are not available in the SACU market	Full duty in Schedule No. 1 and Schedule No. 2
460.15	7208.51	03.06	62	Flat-rolled products of iron or non-alloy steel, of a width of 600 mm or more, not in coils, not further worked than hot-rolled, of a thickness exceeding 60 mm but not exceeding 100 mm, in such quantities and such times and subject to such conditions as the International Trade Administration Commission may allow by specific permit, provided the products are not available in the SACU market	Full duty in Schedule No. 1 and Schedule No. 2

SUID-AFRIKAANSE INKOMSTEDIENS

NO. R. 1325

30 NOVEMBER 2018

**DOEANE- EN AKSYNSWET, 1964.
WYSIGING VAN BYLAE NO. 4 (NO. 4/2/393)**

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Deel 2 van Bylae No. 4 by bogenoemde Wet hiermee gewysig in die mate in die Bylae hierby aangetoon.



**M GUNGUBELE
ADJUNKMINISTER VAN FINANSIES**

BYLAE

Deur die invoeging van die volgende:

Kortingitem	Tariefpos	Kortingkode	TS	Beskrywing	Mate van Korting
460.15	7208.51	02.06	68	Gewalste platprodukte van yster of nie-legeringstaal, met 'n wydte van 600 mm of meer, nie in rolle nie, nie verder bewerk as warmgewals nie, met 'n dikte van meer as 100 mm, op dié tye, in dié hoeveelhede en onderhewig aan sodanige voorwaardes wat die Internasionale Handelsadministrasiekommissee by bepaalde permit mag toelaat, met dien verstande dat die produkte nie in die SADU gebied beskikbaar is nie	Volle reg in Bylae No. 1 en Bylae No. 2
460.15	7208.51	03.06	62	Gewalste platprodukte van yster of nie-legeringstaal, met 'n wydte van 600 mm of meer, nie in rolle nie, nie verder bewerk as warmgewals nie, met 'n dikte van meer as 60 mm maar hoogstens 100 mm, op dié tye, in dié hoeveelhede en onderhewig aan sodanige voorwaardes wat die Internasionale Handelsadministrasiekommissee by bepaalde permit mag toelaat, met dien verstande dat die produkte nie in die SADU gebied beskikbaar is nie	Volle reg in Bylae No. 1 en Bylae No. 2

WARNING!!!

To all suppliers and potential suppliers of goods to the Government Printing Works

The Government Printing Works would like to warn members of the public against an organised syndicate(s) scamming unsuspecting members of the public and claiming to act on behalf of the Government Printing Works.

One of the ways in which the syndicate operates is by requesting quotations for various goods and services on a quotation form with the logo of the Government Printing Works. Once the official order is placed the syndicate requesting upfront payment before delivery will take place. Once the upfront payment is done the syndicate do not deliver the goods and service provider then expect payment from Government Printing Works.

Government Printing Works condemns such illegal activities and encourages service providers to confirm the legitimacy of purchase orders with GPW SCM, prior to processing and delivery of goods.

To confirm the legitimacy of purchase orders, please contact:

Anna-Marie du Toit (012) 748-6292 (Anna-Marie.DuToit@gpw.gov.za) and

Siraj Rizvi (012) 748-6380 (Siraj.Rizvi@gpw.gov.za)

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