



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Regulation Gazette

No. 11038

Regulasiekoerant

Vol. 656

7 February
Februarie 2020

No. 43000

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1682-5843



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IMPORTANT NOTICE OF OFFICE RELOCATION**government
printing**Department:
Government Printing Works
REPUBLIC OF SOUTH AFRICAPrivate Bag X85, PRETORIA, 0001 149 Bosman Street, PRETORIA
Tel: 012 748 6197, Website: www.gpwonline.co.za**URGENT NOTICE TO OUR VALUED CUSTOMERS: PUBLICATIONS
OFFICE'S RELOCATION HAS BEEN TEMPORARILY SUSPENDED.**

Please be advised that the GPW Publications office will no longer move to 88 Visagie Street as indicated in the previous notices.

The move has been suspended due to the fact that the new building in 88 Visagie Street is not ready for occupation yet.

We will later on issue another notice informing you of the new date of relocation.

We are doing everything possible to ensure that our service to you is not disrupted.

As things stand, we will continue providing you with our normal service from the current location at 196 Paul Kruger Street, Masada building.

Customers who seek further information and or have any questions or concerns are free to contact us through telephone 012 748 6066 or email Ms Maureen Toka at Maureen.Toka@gpw.gov.za or cell phone at 082 859 4910.

Please note that you will still be able to download gazettes free of charge from our website www.gpwonline.co.za.

We apologise for any inconvenience this might have caused.

Issued by GPW Communications

IMPORTANT NOTICE:

THE GOVERNMENT PRINTING WORKS WILL NOT BE HELD RESPONSIBLE FOR ANY ERRORS THAT MIGHT OCCUR DUE TO THE SUBMISSION OF INCOMPLETE / INCORRECT / ILLEGIBLE COPY.

No FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.

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government
printing

Department:
Government Printing Works
REPUBLIC OF SOUTH AFRICA

HIGH ALERT: SCAM WARNING!!!

TO ALL SUPPLIERS AND SERVICE PROVIDERS OF THE GOVERNMENT PRINTING WORKS

It has come to the attention of the *GOVERNMENT PRINTING WORKS* that there are certain unscrupulous companies and individuals who are defrauding unsuspecting businesses disguised as representatives of the *Government Printing Works (GPW)*.

The scam involves the fraudsters using the letterhead of *GPW* to send out fake tender bids to companies and requests to supply equipment and goods.

Although the contact person's name on the letter may be of an existing official, the contact details on the letter are not the same as the *Government Printing Works*. When searching on the Internet for the address of the company that has sent the fake tender document, the address does not exist.

The banking details are in a private name and not company name. Government will never ask you to deposit any funds for any business transaction. *GPW* has alerted the relevant law enforcement authorities to investigate this scam to protect legitimate businesses as well as the name of the organisation.

Example of e-mails these fraudsters are using:

PROCUREMENT@GPW-GOV.ORG

Should you suspect that you are a victim of a scam, you must urgently contact the police and inform the *GPW*.

GPW has an official email with the domain as [@gpw.gov.za](mailto:gpw@gpw.gov.za)

Government e-mails DO NOT have org in their e-mail addresses. All of these fraudsters also use the same or very similar telephone numbers. Although such number with an area code 012 looks like a landline, it is not fixed to any property.

GPW will never send you an e-mail asking you to supply equipment and goods without a purchase/order number. *GPW* does not procure goods for another level of Government. The organisation will not be liable for actions that result in companies or individuals being resultant victims of such a scam.

Government Printing Works gives businesses the opportunity to supply goods and services through RFQ / Tendering process. In order to be eligible to bid to provide goods and services, suppliers must be registered on the National Treasury's Central Supplier Database (CSD). To be registered, they must meet all current legislative requirements (e.g. have a valid tax clearance certificate and be in good standing with the South African Revenue Services - SARS).

The tender process is managed through the Supply Chain Management (SCM) system of the department. SCM is highly regulated to minimise the risk of fraud, and to meet objectives which include value for money, open and effective competition, equitability, accountability, fair dealing, transparency and an ethical approach. Relevant legislation, regulations, policies, guidelines and instructions can be found on the tender's website.

Fake Tenders

National Treasury's CSD has launched the Government Order Scam campaign to combat fraudulent requests for quotes (RFQs). Such fraudulent requests have resulted in innocent companies losing money. We work hard at preventing and fighting fraud, but criminal activity is always a risk.

How tender scams work

There are many types of tender scams. Here are some of the more frequent scenarios:

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to a company to invite it to urgently supply goods. Shortly after the company has submitted its quote, it receives notification that it has won the tender. The company delivers the goods to someone who poses as an official or at a fake site. The Department has no idea of this transaction made in its name. The company is then never paid and suffers a loss.

OR

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to Company A to invite it to urgently supply goods. Typically, the tender specification is so unique that only Company B (a fictitious company created by the fraudster) can supply the goods in question.

Shortly after Company A has submitted its quote it receives notification that it has won the tender. Company A orders the goods and pays a deposit to the fictitious Company B. Once Company B receives the money, it disappears. Company A's money is stolen in the process.

Protect yourself from being scammed

- If you are registered on the supplier databases and you receive a request to tender or quote that seems to be from a government department, contact the department to confirm that the request is legitimate. Do not use the contact details on the tender document as these might be fraudulent.
- Compare tender details with those that appear in the Tender Bulletin, available online at www.gpwonline.co.za
- Make sure you familiarise yourself with how government procures goods and services. Visit the tender website for more information on how to tender.
- If you are uncomfortable about the request received, consider visiting the government department and/or the place of delivery and/or the service provider from whom you will be sourcing the goods.
- In the unlikely event that you are asked for a deposit to make a bid, contact the SCM unit of the department in question to ask whether this is in fact correct.

Any incidents of corruption, fraud, theft and misuse of government property in the *Government Printing Works* can be reported to:

Supply Chain Management: Ms. Anna Marie Du Toit, Tel. (012) 748 6292.
Email: Annamarie.DuToit@gpw.gov.za

Marketing and Stakeholder Relations: Ms Bonakele Mbhele, at Tel. (012) 748 6193.
Email: Bonakele.Mbhele@gpw.gov.za

Security Services: Mr Daniel Legoabe, at tel. (012) 748 6176.
Email: Daniel.Legoabe@gpw.gov.za

Closing times for **ORDINARY WEEKLY** **REGULATION GAZETTE** **2020**

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

- **24 December 2019**, Tuesday for the issue of Friday **03 January 2020**
- **03 January**, Friday for the issue of Friday **10 January 2020**
- **10 January**, Friday for the issue of Friday **17 January 2020**
- **17 January**, Friday for the issue of Friday **24 January 2020**
- **24 January**, Friday for the issue of Friday **31 January 2020**
- **31 February**, Friday for the issue of Friday **07 February 2020**
- **07 February**, Friday for the issue of Friday **14 February 2020**
- **14 February**, Friday for the issue of Friday **21 February 2020**
- **21 February**, Friday for the issue of Friday **28 February 2020**
- **28 February**, Friday for the issue of Friday **06 March 2020**
- **06 March**, Friday for the issue of Friday **13 March 2020**
- **13 March**, Thursday for the issue of Friday **20 March 2020**
- **20 March**, Friday for the issue of Friday **27 March 2020**
- **27 March**, Friday for the issue of Friday **03 April 2020**
- **02 April**, Thursday for the issue of Thursday **09 April 2020**
- **08 April**, Wednesday for the issue of Friday **17 April 2020**
- **17 April**, Friday for the issue of Friday **24 April 2020**
- **22 April**, Wednesday for the issue of Thursday **30 April 2020**
- **30 April**, Thursday for the issue of Friday **08 May 2020**
- **08 May**, Friday for the issue of Friday **15 May 2020**
- **15 May**, Friday for the issue of Friday **22 May 2020**
- **22 May**, Friday for the issue of Friday **29 May 2020**
- **29 May**, Friday for the issue of Friday **05 June 2020**
- **05 June**, Friday for the issue of Friday **12 June 2020**
- **11 June**, Thursday for the issue of Friday **19 June 2020**
- **19 June**, Friday for the issue of Friday **26 June 2020**
- **26 June**, Friday for the issue of Friday **03 July 2020**
- **03 July**, Friday for the issue of Friday **10 July 2020**
- **10 July**, Friday for the issue of Friday **17 July 2020**
- **17 July**, Friday for the issue of Friday **24 July 2020**
- **24 July**, Friday for the issue of Friday **31 July 2020**
- **31 July**, Thursday for the issue of Friday **07 August 2020**
- **06 August**, Thursday for the issue of Friday **14 August 2020**
- **14 August**, Friday for the issue of Friday **21 August 2020**
- **21 August**, Friday for the issue of Friday **28 August 2020**
- **28 August**, Friday for the issue of Friday **04 September 2020**
- **04 September**, Friday for the issue of Friday **11 September 2020**
- **11 September**, Friday for the issue of Friday **18 September 2020**
- **17 September**, Thursday for the issue of Friday **25 September 2020**
- **25 September**, Friday for the issue of Friday **02 October 2020**
- **02 October**, Friday for the issue of Friday **09 October 2020**
- **09 October**, Friday for the issue of Friday **16 October 2020**
- **16 October**, Friday for the issue of Friday **23 October 2020**
- **23 October**, Friday for the issue of Friday **30 October 2020**
- **30 October**, Friday for the issue of Friday **06 November 2020**
- **06 November**, Friday for the issue of Friday **13 November 2020**
- **13 November**, Friday for the issue of Friday **20 November 2020**
- **20 November**, Friday for the issue of Friday **27 November 2020**
- **27 November**, Friday for the issue of Friday **04 December 2020**
- **04 December**, Friday for the issue of Friday **11 December 2020**
- **10 December**, Thursday for the issue of Friday **18 December 2020**
- **17 December**, Thursday for the issue of Friday **24 December 2020**
- **23 December**, Wednesday for the issue of Friday **31 December 2020**

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
Tel: 012-748-6066 / 6060 / 6058

Fax: 012-323-9574

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF HEALTH**NO. R. 106****07 FEBRUARY 2020****Regulation No.174 of 8 March 2013 for Education and Training of a Learner leading to Registration in the Categories Professional Nurse and Midwife.**

In terms of the provisions and requirements of Regulation 11(3) of Regulations No.174 of 8 March 2013, the date on which Nursing Education Institutions accredited for education and training programme in terms of Regulation No. 425 of 22 February 1985 (as amended) will cease to admit new Learners to such programme is 31 December 2019.

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 107

07 FEBRUARY 2020

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:

- [] Words or expressions in bold type in square brackets indicate omissions from the existing rules.
- Words or expressions underlined with a solid line indicate 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, R. 632 of 22 June 2018, R. 1318 of 30 November 2018, R. 842 of 31 May 2019, and R. 1343 of 18 October 2019.

Amendment of rule 14 of the Rules

2. Rule 14 of the Rules is hereby amended—

(a) by the substitution in sub-rule (1) for the words preceding paragraph (a) of the following words:

"The plaintiff may, after the defendant has served a plea, apply to court for summary judgment on each of such claims in the summons as is only—";

(b) by the substitution for sub-rules (2), (3), (4) and (5) of the following sub-rules, respectively:

(2)(a) Within 15 days after the date of service of the plea, the plaintiff shall deliver a notice of application for summary judgment, together with an affidavit made by the plaintiff, or by any other person who can swear positively to the facts.

(b) The plaintiff shall, in the affidavit referred to in sub-rule 2(a), verify the cause of action, the amount claimed, if any, identify any point of law relied upon, state the facts upon which the plaintiff's claim is based, and explain briefly why the defence as pleaded, does not raise any issue for trial.

(c) If the claim is founded on a liquid document, a copy of the document shall be annexed to such affidavit, and the notice of application for summary judgment shall state that the application will be set down for hearing on a stated day, not being less than 15 days from the date of the delivery thereof.

(3) **[Upon the hearing of an application for summary judgment the]**
The defendant may—

(a) give security to the plaintiff to the satisfaction of the **[registrar or clerk of the]** court for any judgment, including costs, which may be given; or

(b) satisfy the court by affidavit **[(which shall be delivered before noon on the court day but one preceding the day on which the application is to be heard)]** **(which shall be delivered five days before the day on which the application is to be heard)**, or, with the leave of the court, by oral evidence of **[himself or herself]** **such defendant**, or of any other person who can swear positively to the fact that **the defendant** has a *bona fide* defence to the action, and such affidavit or evidence shall **fully** disclose **[fully]** the nature **[and]** grounds of **[the]** defence and the material facts relied upon therefor.

(4) No evidence may be adduced by the plaintiff otherwise than by the affidavit referred to in sub-rule (2), nor may either party cross-examine any person who

gives evidence orally or on affidavit: Provided that the court may put to any person who gives oral evidence such questions as it **[deems fit]** considers may elucidate the matter.

(5) If the defendant does not find security or satisfy the court as provided in sub-rule (3), the court may enter summary judgment **[in favour of]** for the plaintiff.”;

(c) by the substitution in sub-rule (6) for paragraph (b)(ii) of the following paragraph:

“(ii) give leave to defend to the defendant as to part of the claim and enter judgment against **[him or her]** the defendant, as to the balance of the claim, unless such balance has been paid to the plaintiff; or”;

(d) by the deletion of sub-rule (9);

(e) by the substitution in sub-rule (10) for the words preceding paragraph (a) of the following words:

“The court may at the hearing of an application for summary judgment, make such order as to costs as **[it deems fit]** it may seem just: Provided that if—”; and

(f) by the substitution in sub-rule (10) for paragraph (a) of the following paragraph:

“(a) the plaintiff makes an application under this rule, where the case is not within the terms of sub-rule (1) or where the plaintiff, in the opinion of the court, knew that the defendant relied on a contention which would entitle **[him or her]** the defendant **[to]** leave to defend, the court may order that the action be stayed until the plaintiff has paid the defendant's costs, and may further order that such costs be taxed as between attorney and client; and”.

Amendment of Rule 33 of the Rules

3. Rule 33 of the Rules is hereby amended—

(a) by the substitution for subrule (15) of the following subrule:

“(15) Where costs or expenses are awarded to any party by the court, otherwise than by a judgment in default of the defendant's delivery of notice of intention to defend or on the defendant's consent to judgment before the time for such notice has expired, the party to whom such costs or expenses have been awarded shall- **[deliver a bill of such costs or expenses and give at least 5 days' notice of taxation for an hour to be fixed (generally or specially) by the registrar or clerk of the court and he or she**

may include in such bill all such payments as have been necessarily and properly made by him or her.]

(a) draw a bill of such costs or expenses and he or she may include in such bill all such payments as have been necessarily and properly made by him or her; and

(b) prior to enrolling a matter for taxation, by notice as near as may be in accordance with Form 58 of Annexure 1-

(i) afford the party liable to pay costs at the time therein stated, and for a period of ten (10) days thereafter, by prior arrangement, during normal business hours and on any one or more such days, the opportunity to inspect such documents or notes pertaining to any item on the bill of costs; and

(ii) require the party to whom notice is given, to deliver to the party giving the notice within ten (10) days after the expiry of the period in subparagraph (i), a written notice of intention to oppose, specifying the items on the bill of costs objected to, and a brief summary of the reason for such objection.

(c) for the purposes of this subrule, not count the days from 16 December to 15 January, both inclusive, in the time allowed for inspecting documents or notes pertaining to any item on a bill of costs or the giving of a written notice of intention to oppose.”.

(b) by the insertion after subrule (15) of the following sub-rule:

“(15A) No taxation shall be set down in the days from 16 December to 15 January, both inclusive, except-

(a) where the period for delivery of the notice to oppose has expired before the commencement of the period 16 December to 15 January, both inclusive, and no notice of intention to oppose has been delivered; or

(b) where the party liable to pay the costs has consented in writing to the taxation in his or her absence.”; and

(c) by the substitution for subrule (16) of the following subrule:

“(16)[After subrule (15) has been complied with the registrar or clerk of the court shall tax and allow the relevant costs and expenses: Provided that witness fees shall not be allowed in taxation unless properly vouched for.]

The registrar or clerk of the court shall not proceed with the taxation of any bill of costs and allow the relevant costs and expenses unless he or she is satisfied that the party liable to pay the costs has received-

(a) due notice in terms of subrule 15(b); and

(b) not less than 10 days’ notice of the date, time and place of such taxation and that he or she is entitled to be present at the taxation: Provided that such notice shall not be necessary-

(i) if the party liable to pay the costs has consented in writing to taxation in his or her absence; or

(ii) if the party liable to pay the costs failed to give notice of intention to oppose in terms of subrule (15)(b)(ii):

Provided further that, if any party fails to appear, after having given notice of intention to oppose in terms of subrule (15)(b)(ii), the taxation may proceed in that party's absence.

(c) Witness fees shall not be allowed in taxation unless properly vouched for."

Amendment of Annexure 1 to the Rules

4. Annexure 1 to the Rules is hereby amended—

(a) by the repeal of Form 8; and

(b) by the insertion after Form No. 57 of the following Form:

"No. 58 - Notice of intention to tax bill of costs in terms of rule 33(15)(b)

***For use in the District Court**

In _____ the Magistrates' Court for the District of _____

held at..... Case No

In the matter between:

.....
Plaintiff/Applicant

A.B.

and

C.D.

.....
Defendant/Respondent

TAKE NOTICE THAT (party) intends submitting the attached bill of costs to the Clerk of the court at (place) for taxation.

You may inspect the documents or notes pertaining to any item on the bill of costs at.....(address) between the hours of.....(business hours) for a period of ten (10) days after receipt of this notice.

You may furthermore file a notice of intention to oppose the taxation within ten (10) days after the expiry of the period permitted for the inspection.

In your notice of intention to oppose you shall list all the items on the bill of costs to which you object, and a brief summary of the reason for your objection.

Should you fail to file your notice of intention to oppose within the time specified, the bill of costs will be submitted to the Clerk of the court for taxation without further notice to you.

If you give notice of intention to oppose within the specified time, you may, at the taxation, object to the items specified in your notice to oppose.

DATED at this day of
20.....

.....
Plaintiff/Defendant/Plaintiff's/Defendant's Attorneys

.....
(Address)"

"No. 58 - Notice of intention to tax bill of costs in terms of rule 33(15)(b)

***For use in the Regional Court**

In the Regional Court for the Regional Division of
.....
held at..... Case No

In the matter between:

.....
Plaintiff/Applicant

A.B.
and
C.D.

.....
Defendant/Respondent

TAKE NOTICE THAT (party) intends submitting the attached bill of costs to the Registrar at (place) for taxation.

You may inspect the documents or notes pertaining to any item on the bill of costs at.....(address) between the hours of.....(business hours) for a period of ten (10) days after receipt of this notice.

You may furthermore file a notice of intention to oppose the taxation within ten (10) days after the expiry of the period permitted for the inspection.

In your notice of intention to oppose you shall list all the items on the bill of costs to which you object, and a brief summary of the reason for your objection.

Should you fail to file your notice of intention to oppose within the time specified, the bill of costs will be submitted to the Registrar for taxation without further notice to you.

If you give notice of intention to oppose within the specified time, you may, at the taxation, object to the items specified in your notice of intention to oppose.

DATED at this day of
20.....

.....
Plaintiff/Defendant/Plaintiff's/Defendant's Attorneys

.....
(Address)".

Commencement

5. This rule comes into operation on **9 March 2020**.

DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

NO. R. 107

07 FEBRUARIE 2020

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

WYSIGING VAN DIE 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), met die goedkeuring van die Minister van Justisie en Korrektiewe Dienste, die reëls in die Bylae gemaak.

BYLAE

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde of uitdrukkings in vet druk tussen vierkantige hake dui op skrappings uit bestaande reëls.
- _____ Woorde met 'n volstreep daaronder dui op invoegings in bestaande reëls.

Woordomskrywing

1. In hierdie Bylae beteken "die Reëls" die Reëls waarby die voer van die verrigtinge van die Landdroshowe van Suid-Afrika gereëel word, afgekondig 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, 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, R. 632 van 22 Junie 2018, R. 1318 van 30 November 2018, R. 842 van 31 Mei 2019 en R. 1343 van 18 Oktober 2019.

Wysiging van reël 14 van die Reëls

2. Reël 14 is in die Engelse teks gewysig en word hierby in Afrikaans vertaal, aangesien dit nog nie voorheen in Afrikaans beskikbaar was nie:

14 Summiere vonnis

(1) Die eiser kan, nadat die verweerder 'n pleit gelewer het, by die hof aansoek doen om summiere vonnis op elk van die eise in die dagvaarding wat net—

- (a) op 'n likiede dokument berus;
- (b) om 'n gelikwideerde geldsom is;
- (c) vir die lewering van bepaalde roerende goed is; of
- (d) vir uitsetting is,

tesame met 'n eis om rente en koste.

(2) (a) Binne 15 dae na die datum van aflewering van die pleit, moet die eiser 'n kennisgewing van aansoek om summiere vonnis aflewer, tesame met 'n beëdigde verklaring deur die eiser, of deur iemand anders wat die feite onder eed kan bevestig.

(b) Die eiser moet, in die beëdigde verklaring in subreël (2)(a) bedoel, die skuldoorsaak, die bedrag geëis, indien enige, bevestig, enige regspunt waarop gesteun word identifiseer, die feite stel waarop die eiser se eis gebaseer is, en kortliks verduidelik waarom die verweer aldus gepleit, nie 'n geskilspunt vir verhoor opper nie.

(c) As die eis op 'n likiede dokument berus, moet 'n afskrif van die dokument by die beëdigde verklaring aangeheg word.

(3) Die verweerder kan—

(a) aan die eiser sekerheid stel verskaf tot die bevrediging van die griffier of klerk van die hof vir enige vonnis, met inbegrip van koste wat gegee kan word; of

(b) die hof per beëdigde verklaring (wat vyf dae voor die dag waarop die aansoek aangehoor gaan word, afgelewer moet word), of, met die toestemming van die hof, deur mondelinge getuienis deur daardie verweerder, of van 'n ander persoon wat onder eed kan bevestig dat die verweerder 'n *bona fide* verweer teen die aksie het, en daardie beëdigde verklaring of getuienis moet die aard en gronde van die verweer en die wesenlike feite waarop dit berus, volledig aangee.

(4) Die eiser kan geen ander getuienis aanvoer nie as die beëdigde verklaring in subreël (2) bedoel, en iemand wat mondelings of by wyse van beëdigde verklaring getuienis aflê, kan nie deur engeen van die partye gekruisvra word nie: Met dien verstande dat die hof na goeiddunke aan iemand wat mondelinge getuienis aflê, vrae kan stel.

(5) As die verweerder nie sekerheid stel of die hof oortuig soos in paragraaf (b) van subreël (3) bepaal nie, kan die hof summiere vonnis vir die eiser gee.

(6) As dit by die aanhoor van 'n aansoek kragtens hierdie reël blyk—

(a) dat 'n verweerder geregtig is om te verdedig en 'n ander verweerder nie aldus geregtig is nie; of

(b) dat die verweerder geregtig is om te verdedig ten opsigte van 'n deel van die eis, moet die hof—

(i) aan 'n verweerder wat aldus geregtig is, verlot gee om te verdedig en vonnis gee teen die verweerder wat nie aldus geregtig is nie; of

(ii) aan die verweerder verlot gee om te verdedig ten opsigte van 'n deel van die eis en vonnis teen die verweerder gee ten opsigte van die balans van die eis, tensy die balans reeds aan die eiser betaal is; of

(iii) beide bevele gee wat in subparagrafe (i) en (ii) genoem word.

(7) As die verweerder sekerheid stel of die hof oortuig soos in subreël (3) bedoel, gee die hof verlot om te verdedig en die aksie gaan voort asof geen aansoek om summiere vonnis gedoen is nie.

(8) Verlot om te verdedig kan onvoorwaardelik wees of onderworpe aan voorwaardes betreffende sekerheid, tyd vir aflewering van pleitstukke of iets anders, soos die hof mag goedvind.

(9) . . .

(10) Die hof kan by die aanhoor van so 'n aansoek 'n kostebevel gee: Met dien verstande dat as—

(a) die eiser aansoek gedoen het hoewel die saak nie deur subreël (1) gedek word nie, of die eiser, na die hof se mening, geweet het dat die verweerder op 'n betoog steun wat die verweerder tot verlot om te verdedig geregtig maak, die hof kan beveel dat die aksie opgeskort word totdat die eiser die verweerder se koste betaal het, en dat die koste tussen prokureur en kliënt getakseer word; en

(b) die hof by die verhoor van 'n aksie waarin summiere vonnis geweier is, vonnis vir die eiser gee wesenlik soos aangevra, en meen dat summiere vonnis toegestaan sou gewees het as die verweerder nie 'n verweer geopper het wat onredelik was nie, hy kan beveel dat die eiser se koste van die aksie tussen prokureur en kliënt getakseer word.

Wysiging van Reël 33 van die Reëls

3. Reël 33 van die Reëls word in die Engelse teks gewysig, maar die hele reël, met wysigings, word hier in Afrikaans voorsien:

“33 Koste

(1) Die hof kan by die gee van 'n vonnis of 'n bevel, met inbegrip van enige verdaging of wysiging, die koste toeken wat die hof gepas ag.

(2) Die koste van enige aansoek of bevel of kwessie deur die pleitstukke opgebring-

(a) kan deur die hof toegeken word ongeag die vonnis in die aksie; of

- (b) kan koste in die aksie gemaak word; of
- (c) kan gereserveer word hangende die afhandeling van die aksie, maar indien geen bevel gegee word nie, is die koste die koste in die aksie.
- (3) Tensy die hof op goeie gronde anders gelas, word die koste van tussentydse bevels nie getakseer voor die afhandeling van die aksie nie, en 'n party kan slegs een rekening vir taksering voorlê tot en met die uitspraak of ander afhandeling van die aksie.
- (4) Waar 'n uitspraak of bevel vir koste teen twee of meer persone gegee word, is dit, tensy die teendeel gestel word, op daardie persone onderskeidelik asook gesamentlik van toepassing.
- (5) (a) In siviele aangeleenthede voor 'n distriks-hof, is die tarief van gelde wat deur prokureurs geneem staan te word soos tussen party en party -
- (i) die gelde in Tabel A van Aanhangsel 2 uiteengesit, saam met die nodige uitgawes;
 - (ii) in verband met die verrigtinge kragtens artikels 65, 65A tot 65M, ingeslote, en 72 van die Wet en alle aangeleenthede bykomstig daartoe, die tarief van gelde luidens Dele I en II, onderskeidelik, van Tabel B van die gemelde Aanhangsel; en
 - (iii) in verband met verrigtinge kragtens artikel 74 en 74A tot 74W, ingeslote, van die Wet en alle aangeleenthede bykomstig daartoe, die tarief van gelde uiteengesit in Deel III van Tabel B van die gemelde Aanhangsel.
- (b) Die tarief van gelde in paragraaf (a)(iii) van hierdie subreël bedoel, is ook die tarief van gelde wat geneem staan te word tussen prokureur en kliënt in verband met verrigtinge kragtens artikels 74 en 74A tot 74W, ingeslote, van die Wet.
- (c) In siviele aangeleenthede voor 'n streekhof, met inbegrip van aangeleenthede ten opsigte van skuldoorsake ingevolge artikel 29(1B)(a) van die Wet, word die tarief van gelde wat deur prokureurs geneem staan te word soos tussen party en party word uiteengesit in tarief D van Tabel A van Aanhangsel 2 saam met die nodige uitgawes.
- (6) Behalwe by verskyning voor 'n oop hof sonder regsadviseurs, is die gelde in subreël (5) toelaatbaar hetsy die werk deur 'n prokureur of deur sy of haar klerk gedoen het, maar is, behalwe in die geval van die gelde in paragraaf 13 van die algemene bepalinge kragtens Tabel A van Aanhangsel 2, slegs toelaatbaar vir sover die werk waarvoor daardie gelde toegeken is, werklik en noodsaaklikerwys gedoen is.
- (7) Die landdros wat voorsit oor enige siviele verrigtinge wat 'n kwartier of langer duur, moet in die oorkonde van die verrigtinge ten opsigte van elke dag daarvan opneem-
- (a) die tyd van die dag wanneer die verrigtinge werklik begin en werklik geëindig het; en
 - (b) die tyd van die dag van die begin en afhandeling van elke verdaging op daardie dag.
- (8) Die hof kan op versoek gemaak met of onmiddellik na die gee van uitspraak in enige betwiste aksie of aansoek-

- (a) wat enige moeilike regspraak of feitevraag behels; of
- (b) waarin die eiser twee of meer eise maak wat nie alternatiewe eise is nie; of
- (c) waarin die eis of verweer beuselagtig of kwelsugtig is; of
- (d) waarin koste redelik aangegaan is en ten opsigte van welke koste daar

geen spesifieke bepaling in hierdie Reëls is nie, koste toeken op enige tarief hoër as die tarief waarop die koste van die aksie andersins takskeerbaar sou wees: Met dien verstande dat die hof leiding mag gee oor die wysé van taksasie van daardie koste, soos nodig mag wees.

(9) Wanneer dit in enige verrigtinge vir 'n party redelik is om die dienste van 'n prokureur te kry wat nie 'n plaaslike prokureur is nie, kan die hof by bewys daarvan, en indien koste aan hom of haar toegeken word, beveel dat daardie koste die redelike reistyd, reiskoste en bestaansuitgawes van daardie prokureur insluit soos deur die hof bepaal: Met dien verstande dat die hof kan gelas dat die vasstelling van daardie koste gedoen word by taksasie deur die griffier of klerk van die hof.

(10) Waar die hof van mening is dat die party aan wie koste toegeken word by die verhoor onnodig of in verband met aangeleenthede wat nie met die vraagstuk verband hou nie, tyd opgeneem het, kan die hof 'n eweredige deel van die verhoorgelde betaalbaar aan sy of haar prokureur of regsadviseur, weier.

(11) Die hof kan volgens diskresie gelas dat al die koste van 'n aksie (met inbegrip van die koste van enige eis in rekonvensie) deur partye betaal word in die proporsies wat die hof voorskryf.

(12) Waar die hof van mening is dat die uitgawe onnodig aangegaan is weens die suksesvolle party se versuim om op 'n wyse te handel wat die verrigtinge sou verkort en sodoende koste sou verminder, ken die hof slegs die koste toe wat aangegaan sou wees indien die suksesvolle party aldus gehandel het.

(13) Waar koste in konvensie en rekonvensie aan verskillende partye toegeken word, laat die griffier of klerk van die hof by taksasie onderhewig aan enige bevel wat deur die hof gemaak is, elke party toe om 'n kosterekening ten opsigte van alle koste en heffings aangegaan in die instel en verweer van die eis in konvensie en rekonvensie, voor te lê, en ken dan aan die partye 'n eweredige bedrag van hulle koste toe ooreenkomstig die toekenning deur die hof gegee.

(14) (a) Die koste van die uitreiking van enige lasbrief van tenuitvoerlegging of arres word, waar dit betaal moet word deur die party teen wie die lasbrief uitgereik word, sonder kennisgewing deur die griffier of klerk van die hof geassesseer en in die lasbrief ingevoeg.

(b) Die koste betaalbaar deur die vonnisskuldenaar ten opsigte van enige verrigtinge kragtens artikel 65 of 65A tot 65M, ingeslote, of 72 van die Wet word ingevoeg deur die vonnisskuldeiser of sy of haar prokureur op die aansig of agterkant van enige prosesstuk uitgereik kragtens een van daardie artikels en deur die griffier of klerk van die hof geassesseer voor uitreiking.

(c) Die griffier of klerk van die hof kan weier om enige prosesstuk kragtens artikel 65 of 65A tot 65M, ingeslote, of 72 van die Wet uit te reik waarin die koste nie ingevoeg is nie of nie volgens tarief ingevoeg is nie.

(15) Waar koste of uitgawes deur die hof aan enige party toegeken word, andersins as deur 'n vonnis by verstek van aflewering van 'n kennis van voorneme om te verdedig of by die verweerder se instemming tot vonnis voordat die tydperk vir daardie kennisgewing verstryk het, moet die party aan wie daardie koste of uitgawes toegeken is-

(a) 'n rekening opstel van daardie koste of uitgawes en hy of sy kan daardie rekening alle sodanige betalings insluit wat noodsaaklikerwys en behoorlik deur hom of haar gemaak is; en

(b) voordat die aangeleentheid vir taksasie geplaas word, by kennisgewing so na as wat met Vorm 58 van Aanhangsel 1 ooreenstem -

(i) die party aanspreeklik om koste te betaal die geleentheid gun om teen die tyd daarin vermeld en vir 'n tydperk van ten minste tien dae daarna, tydens normale sake-ure en op enige een of meer sodanige dae, daardie dokumente of notas rakende enige item op die kosterekening te inspekteer; en

(ii) vereis dat die party aan wie kennis gegee word, aan die party wat kennis gee, binne tien (10) dae na die verstryking van die tydperk in subparagraaf (i), 'n skriftelike kennisgewing van voorneme om te verdedig, met vermelding van die items op die kosterekening waarteen beswaar gemaak word, en 'n kort opsomming van die rede vir daardie beswaar, aflewer;

(c) by die toepassing van hierdie subreël, nie die dae van 16 Desember tot 15 Januarie, beide ingeslote, tel in die tyd toegelaat vir inspeksie van die dokumente of notas rakende enige item op 'n kosterekening of die gee van 'n skriftelike kennisgewing van voorneme om te verdedig nie.

(15A) Geen taksasie word op die dae van 16 Desember tot 15 Januarie, beide ingeslote, geplaas nie, behalwe-

(a) waar die tydperk vir aflewering van kennis van voorneme om te verdedig, verstryk het voor die aanvang van die tydperk van 16 Desember en 15 Januarie, beide ingeslote, en geen kennis van voorneme om te verdedig is afgelewer nie; of

(b) waar die party aanspreeklik vir die betaling van koste, skriftelik ingestem het tot die taksasie in sy of haar afwesigheid.

(16) Die griffier of klerk van die hof gaan nie voort met die taksasie van enige kosterekening nie en laat nie die tersaaklike koste en uitgawes toe nie tensy hy of sy oortuig is dat die party aanspreeklik vir die koste-

(a) behoorlike kennis ingevolge subreël 15(b) ontvang het; en

(b) minstens 10 dae kennis van die tyd, datum en plek van die taksasie en dat hy of sy geregtig is om by die taksasie teenwoordig te wees, ontvang het: Met dien verstande dat daardie kennisgewing nie nodig sal wees nie-

(i) indien die party aanspreeklik vir die koste versuim het om ingevolge subreël (15)(b)(ii) kennis van voorneme om te verdedig te gee.

(17) (a) Waar meer as een kwart van die rekening (uitgawes uitgesluit), afgetakseer word, word geen taksasiekoste toegeken aan die party wat die rekening voorlê nie.

(b) Waar 'n party aan wie 'n kosterekening voorgelê word, 'n geskrewe aanbod vir betaling van daardie koste maak, en sodanige aanbod van die hand gewys word, word geen taksasiekoste toegeken aan die party wat die rekening voorlê nie indien die rekening getakseer word vir 'n bedrag kleiner as die bedrag van die aanbod.

(18) Waar 'n kosterekening tussen 'n prokureur en kliënt getakseer moet word, vind taksasie met ten minste vyf dae kennisgewing daarvan aan die prokureur of kliënt plaas, hetsy 'n aksie daarvoor hangende is al dan nie: Met dien verstande dat, ongeag die bepalings van subreël (3), mag 'n taksasierekening tussen prokureur en kliënt te eniger tyd na beëindiging van die opdrag getakseer word.

(19) Waar aanspreeklikheid vir koste bepaal word sonder uitspraak deur die hof uit hoofde van die bepalings van hierdie Reëls of per skikking aangeteken ingevolge van reël 27(8), word daardie koste takseerbaar deur die griffier of klerk van die hof asof dit deur die hof toegeken is.

(20) By versuim van 'n party wat kennis van taksasie gee om op die afgesproke tyd vir taksasie te verskyn, kan daardie kosterekening in sy of haar afwesigheid getakseer word, maar geen taksasiekoste word aan daardie party toegeken nie.

(21) Indien 'n party instem om die koste van 'n ander party te betaal, takseer die griffier of klerk van die hof, by gebrek aan 'n hofbevel, daardie koste asof dit deur die hof toegeken is.

(22) Belasting op toegevoegde waarde kan by alle koste, gelde, uitbetalings en tariewe ten opsigte waarvan belasting op toegevoegde waarde gehef kan word, gevoeg word.

Wysiging van Aanhangsel 1 by die Reëls

4. Aanhangsel 1 in die Engelse teks word hierby gewysig—

(a) deur Vorm 8 te herroep; en

(b) deur die volgende Vorm na Vorm No. 57 in te voeg:

"No. 58 – Kennisgewing van voorneme om kosterekening te takseer ingevolge reël 33(15)(b)

***Vir gebruik in die distriks Hof**

In _____ die _____ Landdroshof _____ vir _____ die _____ distrik

.....
 gehou te Saakno.

In die aangeleentheid tussen:

.....
Eiser/Aplikant

A.B.

en
C.D.

.....
Verweerder/Respondent

NEEM KENNIS DAT (party) voornemens is om die aangehegte kosterekening vir dienste by die takseermeester te (plek) vir taksasie, in te dien.

Jy kan die dokumente of notas met betrekking tot enige item op die kosterekening vir dienste inspekteer te (adres) tussen (sake-ure) vir 'n tydperk van tien (10) dae na ontvangs van hierdie kennisgewing.

Voorts kan jy 'n kennisgewing van voorneme om die taksasie te verdedig binne tien (10) dae na ontvangs van hierdie kennisgewing indien.

In jou kennisgewing van voorneme om te verdedig, moet jy al die items op die kosterekening waarteen jy beswaar maak en 'n kort opsomming van die redes vir die beswaar uiteensit.

Indien jy kennisgewing van voorneme om te verdedig binne die gespesifiseerde tydperk indien, kan jy by die taksasie beswaar maak teen die items in jou kennisgewing om te verdedig, uiteengesit.

GEDATEER te hierdie..... dag van
20.....

.....
Eiser/Verweerder/Eiser/Verweerder se prokureur

.....
(Adres)"

"No. 58 – Kennisgewing van voorneme om kosterekening vir dienste ingevolge reël 33(15)(b) te takseer

***Vir gebruik in die Streekhof**

In die Streekhof vir die streekafdeling van
.....
gehou te..... Saakno.

.....
In die aangeleentheid tussen:

.....
Eiser/Applikant

A.B.

en

C.D.

.....
Verweerder/Respondent

NEEM KENNIS DAT (party) voornemens is om die aangehegte kosterekening by die griffier te (plek) in te dien vir taksasie.

Jy kan die dokumente of notas met betrekking tot enige item op die kosterekening vir dienste inspekteer te (adres) tussen (sake-ure) vir 'n tydperk van tien (10) dae na ontvangs van hierdie kennisgewing.

Voorts kan jy 'n kennisgewing van voorneme om die taksasie te verdedig binne tien (10) dae na ontvangs van hierdie kennisgewing indien.

In jou kennisgewing van voorneme om te verdedig, moet jy al die items op die kosterekening waarteen jy beswaar maak en 'n kort opsomming van die redes vir die beswaar uiteensit.

Indien jy geen kennisgewing van voorneme om die taksasie te verdedig binne die gespesifiseerde tydperk indien nie, sal die kosterekening vir dienste by die takseermeester ingedien word vir taksasie sonder om jou daarvan kennis te gee.

Indien jy kennisgewing van voorneme om te verdedig binne die gespesifiseerde tydperk indien, kan jy by die taksasie beswaar maak teen die items in jou kennisgewing om te verdedig, uiteengesit.

GEDATEER TE hierdie dag van 20.....

.....
Eiser/Verweerder/Eiser/Verweerder se prokureur

.....
(Adres)".

Inwerkingtreding

5. Hierdie reël tree in werking op 9 Maart 2020.

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:**

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

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 3 June 2016, R. 1055 of 29 September 2017, R. 1272 of 17 November 2017, R. 1318 of 30 November 2018, R. 61 of 25 January 2019, R. 842 of 31 May 2019 and R. 1343 of 18 October 2019.

Insertion of Rule 41A in the Rules

2. The following rule is hereby inserted in the Rules after rule 41:

"41A Mediation as a dispute resolution mechanism

(1) In this rule—

'dispute' means the subject matter of litigation between parties, or an aspect thereof.

'mediation' means a voluntary process entered into by agreement between the parties to a dispute, in which an impartial and independent person, the mediator, assists the parties to either resolve the dispute between them, or identify issues upon which agreement can be reached, or explore areas of compromise, or generate options to resolve the dispute, or clarify priorities, by facilitating discussions between the parties and assisting them in their negotiations to resolve the dispute.

(2) (a) In every new action or application proceeding, the plaintiff or applicant shall, together with the summons or combined summons or notice of motion, serve on each defendant or respondent a notice indicating whether such plaintiff or applicant agrees to or opposes referral of the dispute to mediation.

(b) A defendant or respondent shall, when delivering a notice of intention to defend or a notice of intention to oppose, or at any time thereafter, but not later than the delivery of a plea or answering affidavit, serve on each plaintiff or applicant or the plaintiff's or applicant's attorneys, a notice indicating whether such defendant or respondent agrees to or opposes referral of the dispute to mediation.

(c) The notices referred to in paragraphs (a) and (b) shall be substantially in accordance with Form 27 of the First Schedule and shall clearly and concisely indicate the reasons for such party's belief that the dispute is or is not capable of being mediated.

- (d) Subject to the provisions of subrule 9(b) the notices referred to in this subrule shall be of a without prejudice and shall not be filed with the registrar.
- (3) (a) Notwithstanding the provisions of subrule (2), the parties may at any stage before judgment, agree to refer the dispute between them to mediation: Provided that where the trial or opposed application has commenced the parties shall obtain the leave of the court.
(b) A Judge, or a Case Management Judge referred to in rule 37A or the court may at any stage before judgment direct the parties to consider referral of a dispute to mediation, whereupon the parties may agree to refer the dispute to mediation.
- (4) Where a dispute is referred to mediation—
(a) the parties shall deliver a joint signed minute recording their election to refer the dispute to mediation;
(b) the parties shall prior to the commencement of mediation proceedings enter into an agreement to mediate;
(c) the time limits prescribed by the Rules for the delivery of pleadings and notices and the filing of affidavits or the taking of any step shall be suspended for every party to the dispute from the date of signature of the minute referred to in paragraph (a) to the time of conclusion of mediation: Provided that any party to the proceedings who considers that the suspension of the prescribed time limits is being abused, may apply to the court for the upliftment of the suspension of the prescribed time limits; and
(d) the process of mediation shall be concluded within 30 days from the date of signature of the minute referred to in paragraph (a): Provided that a Judge or the court may on good cause shown by the parties extend such time period for completion of the mediation session.
- (5) (a) In proceedings where there are multiple parties some of whom are agreeable to mediation and some of whom are not, parties who are agreeable to mediation may proceed to mediation notwithstanding any other party's refusal to mediate.
(b) The time limits prescribed for the delivery of pleadings and notices and the filing of affidavits or the taking of any step shall be suspended for every party from the date of signature of the minute referred to in subrule (4)(a) to the time of conclusion of mediation by the parties who have elected to mediate: Provided that any party to the proceedings who considers that such suspension of time limits is being abused, may apply to the court for the upliftment of such suspension.
(c) In any matter where there are multiple issues, the parties may agree that some issues be referred to mediation and that the issues remaining in dispute may proceed to litigation.
(d) If any issue remains in dispute after mediation, the parties may proceed to litigation on such issue in dispute.
- (6) Except as provided by law, or discoverable in terms of the Rules or agreed between the parties, all communications and disclosures, whether oral or written, made at mediation proceedings shall be confidential and inadmissible in evidence.
- (7) (a) Upon conclusion of mediation the parties who engaged in mediation shall inform the registrar and all other parties by notice that mediation has been completed.
(b) Notwithstanding the failure of parties who have engaged in mediation to deliver the notice referred to in paragraph (a), the suspension of the time limits referred to in subrule (4)(c) shall lapse unless a Judge or a court has extended the time limit and notice thereof has been given to all parties to the proceedings within 5 days of such order.
- (8) (a) Mediation shall be deemed to be completed within 30 days from the date of signature of the joint minute referred to in subrule (4)(a), from which date the suspension of the time limits prescribed for the delivery of pleadings and notices and the filing of affidavits or the taking of any step referred to in subrule (4)(c) shall lapse: Provided that where mediation is completed before the aforesaid period of 30 days, the parties who engaged in mediation shall deliver a notice contemplated in subrule (7) indicating that mediation has been completed.

- (b) The parties who engaged in mediation and the mediator who conducted the mediation shall within five days of the conclusion of mediation, issue a joint minute indicating—
- (i) whether full or partial settlement was reached or whether mediation was not successful; and
 - (ii) the issues upon which agreement was reached and which do not require hearing by the court.
- (c) It shall be the joint responsibility of the parties who engaged in mediation to file with the registrar, the minute referred to in paragraph (b).
- (d) No offer or tender made without prejudice in terms of this subrule shall be disclosed to the court at any time before judgment has been given.
- (e) Where the parties have reached settlement at mediation proceedings the provisions of rule 41 shall apply *mutatis mutandis*.
- (9) (a) Unless the parties agree otherwise, liability for the fees of a mediator shall be borne equally by the parties participating in mediation.
- (b) When an order for costs of the action or application is considered, the court may have regard to the notices referred to in subrule (2) or any offer or tender referred to in subrule (8)(d) and any party shall be entitled to bring such notices or offer or tender to the attention of the court."

Amendment of rule 70 of the Rules

3. Rule 70 of the Rules is hereby amended—

(a) by the substitution for subrule (3B) of the following subrule:

"(3B) (a) Prior to enrolling a matter for taxation, the party who has been awarded an order for costs shall, by notice as near as may be in accordance with Form 26 of the First Schedule—

[(a)] (i) afford the party liable to pay costs at the time therein stated, and for a period of ten (10) days thereafter, by prior arrangement, during normal business hours and on any one or more such days, the opportunity to inspect such documents or notes pertaining to any item on the bill of costs; and

[(b)] (ii) require the party to whom notice is given, to deliver to the party giving the notice within ~~twenty (20)~~ ten (10) days after the expiry of the period in subparagraph (i), a written notice of opposition, specifying the items on the bill of costs objected to, and a brief summary of the reason for such objection.

(b) For the purposes of this subrule, the days from 16 December to 15 January, both inclusive, must not be counted in the time allowed for inspecting documents or notes pertaining to any item on a bill of costs or the giving of a written notice to oppose.";

(b) by the insertion after subrule (3B) of the following subrule:

"(3C) No taxation shall be set down in the days from 16 December to 15 January, both inclusive, except—

(a) where the period for delivery of the notice to oppose has expired, before the commencement of the period 16 December and 15 January, both dates inclusive, and no notice of intention to oppose has been delivered;

(b) where the party liable to pay the costs, has consented in writing to the taxation in his or her absence; or

(c) for the taxation of writ and post-writ bills."; and

(c) by the substitution for subrule (4) of the following subrule:

"(4) The taxing master shall not proceed with the taxation of any bill of costs unless he or she is satisfied that the party liable to pay the costs has received—
 (a) due notice in terms of subrule (3B); and
 (b) not less than 10 days' notice of the date, time and place of such taxation and that he or she is entitled to be present thereat: Provided that such notice shall not be necessary—
 (i) if the party liable to pay the costs has consented in writing to taxation in his or her absence;
 (ii) if the party liable to pay the costs failed to give notice of intention to oppose in terms of subrule (3B); or
 (iii) for the taxation of writ and post-writ bills:
 Provided further that, if any party fails to appear after having given the notice to oppose in terms of subrule (3B)~~[(b)](a)(ii)~~, the taxation may proceed in their absence."

Amendment of the First Schedule to the Rules

4. The First Schedule to the Rules is hereby amended—

(a) by the substitution for Form 26 of the following Form:

**"FORM 26
 NOTICE OF INTENTION TO TAX BILL OF COSTS**

IN THE HIGH COURT OF SOUTH AFRICA (..... DIVISION)	
	CASE NO _____
In the matter between _____	Plaintiff/Applicant
and _____	Defendant/Respondent
TAKE NOTICE THAT (party) intends submitting the attached bill of costs to the taxing master at (place) for taxation.	
You may inspect the documents or notes pertaining to any item on the bill of costs at (address) between the hours of (business hours) for a period of ten (10) days after receipt of this notice.	
You may furthermore file a notice of intention to oppose the taxation within [twenty (20)] 10 (ten) days after [receipt of this notice] the expiry of the period permitted for the inspection. In your notice of intention to oppose you shall list all the items on the bill of costs to which you object, and a brief summary of the reason for your objection. Should you fail to file your notice of intention to oppose within the time specified, the bill of costs will be submitted to the taxing master for taxation without further notice to you.	

If you do give notice of intention to oppose within the specified time, you may at the taxation object to the items specified in your notice of opposition.	
DATED at _____ on this _____ day of _____ 20_____	
	_____ Attorney for (Address)
To: _____ Attorney for (Address)	

(b) by the insertion after Form 26, of the following Form:

**"FORM 27
 NOTICE OF AGREEMENT OR OPPOSITION TO MEDIATION**

IN THE HIGH COURT OF SOUTH AFRICA
 (DIVISION)

Case No.....

In the matter between:

Plaintiff/Applicant

And

Defendant/Respondent

Please take notice that the Plaintiff/Applicant/Defendant/Respondent agrees to/opposes the referral of this matter to mediation.

The Plaintiff/Applicant/Defendant/Respondent does so for the following reasons:

Dated at _____ on this _____ day of _____

Plaintiff/Applicant/Attorney
Defendant/Respondent/Attorney
Address

To: The Registrar of the Court”

Commencement

5. This rule and form come into operation on **9 March 2020**.

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 HOË HOF 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:**

- [] Uitdrukings in vet druk in vierkantige hake dui op weglatings uit bestaande reëls.
_____ Uitdrukings met 'n volstreep daaronder dui op invoegings in bestaande reëls.

Woordomskrywing

1. In hierdie Bylae beteken die "Reëls", die Reëls waarby die verrigtinge van die verskillende Provinsiale en Plaaslike Afdelings van die Hoë Hof van Suid-Afrika gereël word soos gepubliseer in Goewermentskennisgewing No. R. 48 van 12 Januarie 1965 en soos gewysig deur 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 3 Junie 2016, R. 1055 van 29 September 2017, R. 1272 van 17 November 2017, R. 1318 van 30 November 2018, R. 61 van 25 Januarie 2019, R. 842 van 31 Mei 2019 en R. 1343 van 18 Oktober 2019.

Invoeging van Reël 41A in die Reëls

2. Die volgende reël word hierby na reël 41 in die reëls ingevoeg:

“41A Bemiddeling as ’n geskilbeslegtingsmeganisme

(1) In hierdie reël beteken—

‘**geskil**’ die onderwerp van gedingvoering tussen partye, of ’n aspek daarvan;

‘**bemiddeling**’ ’n vrywillige proses by ooreenkoms tussen die partye tot ’n geskil begin, waarin ’n onpartydige en onafhanklike persoon, die bemiddelaar, die partye bystaan om óf die geskil tussen hulle te besleg, óf die kwessies te identifiseer waarop ooreengekom kan word, óf areas waar ’n kompromie bereik kan word, óf opsies te genereer om die geskil te besleg, óf prioriteite duidelik te maak, deur besprekings tussen die partye te vergemaklik en hulle by te staan in hulle onderhandelinge om die geskil te besleg.

(2) (a) In elke nuwe aksie of aansoekverrigting, beteken die eiser of applikant, saam met die dagvaarding of gekombineerde dagvaarding of kennisgewing van mosie, aan elke verweerder of respondent ’n kennisgewing wat aandui hetsy sodanige eiser of aansoeker instem tot of in teenstand is teen verwysing van die geskil vir bemiddeling.

(b) ’n Verweerder of respondent, by aflewering van ’n kennisgewing van voorneme om te verdedig, of van ’n kennisgewing van voorneme om teen te staan, of te eniger tyd daarna, maar nie later nie as die lewering van ’n pleitstuk of antwoordende verklaring, beteken aan elke eiser of applikant of die eiser of applikant se prokureurs, ’n kennisgewing waarin

aangedui word hetsy daardie verweerder of respondent instem tot of in teenstand is teen verwysing van die geskil vir bemiddeling.

(c) Die kennisgewings in paragrawe (a) en (b) bedoel, moet wesenlik dieselfde wees as Vorm 27 van die Eerste Bylae en moet die redes vir daardie party se oortuiging dat die geskil nie bemiddel kan word nie, duidelik en kortliks aandui.

(d) Behoudens die bepalings van subreël 9(b), moet die kennisgewing in hierdie subreël bedoel sonder benadeling wees en nie by die griffier ingedien word nie.

- (3) (a) Ondanks die bepalings van subreël (2), kan die partye te eniger tyd voor uitspraak, ooreenkom om die geskil tussen hulle vir bemiddeling te verwys: Met dien verstande dat die partye die toestemming van die hof moet kry indien die verhoor of aansoek wat verdedig word, reeds begin het.
- (b) 'n Regter, of 'n saakbestuurregter in reël 37A bedoel, of die hof kan te eniger tyd voor uitspraak gelas dat die partye verwysing van 'n geskil vir bemiddeling oorweeg, waarna partye kan ooreenkom om die geskil vir bemiddeling te verwys.
- (4) Waar 'n geskil vir bemiddeling verwys word—
- (a) moet die partye 'n gesamentlik ondertekende notule aflewer waarin hulle keuse om die geskil vir bemiddeling te verwys, aangedui word;
- (b) gaan die partye voor die aanvang van bemiddelingsverrigtinge 'n ooreenkoms vir bemiddeling aan;
- (c) die tydsbeperking deur die Reëls voorgeskryf vir die aflewering van pleitstukke en kennisgewings en die indiening van beëdigde verklarings van die doen van enige stap, word opgeskort vir elke party tot die geskil vanaf die datum van ondertekening van die notule bedoel in paragraaf (a), totdat die bemiddeling afgehandel word: Met dien verstande dat enige party tot die verrigtinge wat van oordeel is dat die opskorting van die voorgeskrewe tydsbeperkings misbruik word, by die hof kan aansoek doen om die opheffing van die opskorting van die voorgeskrewe tydsbeperkings; en
- (d) word die proses van bemiddeling binne 30 dae vanaf die datum van ondertekening van die notule in paragraaf (a) bedoel, afgehandel: Met dien verstande dat 'n regter of die hof by die aanvoer van goeie gronde deur die partye, daardie tydperk vir die afhandeling van die bemiddelingsessie kan verleng.
- (5) (a) In verrigtinge waar daar vele partye is, waarvan sommige vir bemiddeling te vinde is en sommige nie, kan partye wat vir bemiddeling te vinde is met bemiddeling voortgaan ondanks enige ander party se weiering om te bemiddel.
- (b) Die tydsbeperkings voorgeskryf vir die lewering van pleitstukke en kennisgewings en die indiening van beëdigde verklarings of die doen van enige stap, word opgeskort vir elke party vanaf die datum van ondertekening van die notule bedoel in subreël (4)(a) totdat die bemiddeling afgehandel word deur die partye wat gekies het om te bemiddel: Met dien verstande dat enige party tot die verrigtinge wat van mening is dat daardie opskorting van tydsbeperkings misbruik word, by die hof kan aansoek doen om die opheffing van daardie opskorting.
- (c) In enige aangeleentheid waar daar verskeie kwessies is, kan die partye ooreenkom dat sekere kwessies vir bemiddeling verwys word en dat gedingvoering ingestel word vir die oorblywende geskilpunte.
- (d) Indien enige geskilpunt na bemiddeling oorbly, kan die partye voortgaan met gedingvoering oor daardie geskilpunt.
- (6) Behalwe soos regtens geoorloof, of blootlêbaar ingevolge die Reëls of tussen die partye op ooreengekom, is alle kommunikasie en bekendmakings, hetsy verbaal of geskrewe, by bemiddelingsverrigtinge gemaak, vertroulik en nie in getuienis toelaatbaar nie.
- (7) (a) By afhandeling van bemiddeling, lig die partye wat by bemiddeling betrokke was die griffier en alle partye by kennisgewing in dat bemiddeling voltooi is.

- (b) Ondanks die versuim van partye wat bemiddeling begin het om die kennisgewing in paragraaf (a) af te lewer, verstryk die opskorting van tydsbeperkings in subreël (4)(c) bedoel, tensy 'n Regter of 'n hof die tydsbeperking uitgestel het en kennisgewing daarvan binne vyf dae sedert daardie bevel aan al die partye tot die verrigtinge gegee is.
- (8) (a) Bemiddeling word geag afgehandel te wees binne 30 dae vanaf die datum van ondertekening van die gesamentlike notule in subreël (4)(a) bedoel, met ingang waarvan die opskorting van die tydsbeperkings voorgeskryf vir die aflewering van pleitstukke en kennisgewings en die indiening van beëdigde verklarings of die doen van enige stap in subreël (4)(c) bedoel, sal verstryk: Met dien verstande dat waar bemiddeling voor die bogenoemde tydperk van 30 dae afgehandel word, die partye wat bemiddeling gebruik het 'n kennisgewing in subreël (7) beoog, moet aflewer om aan te dui dat bemiddeling afgehandel is.
- (b) Die partye wat bemiddeling gebruik het en die bemiddelaar wat die bemiddeling gedoen het, moet binne vyf dae vanaf die afhandeling van bemiddeling, 'n gesamentlike notule uitreik wat stel—
- (i) hetsy algehele of gedeeltelike skikking bereik is of hetsy bemiddeling misluk het; en
- (ii) die kwessies waarop ooreengekom is en wat nie deur die hof aangehoor hoef te word nie.
- (c) Dit is die gesamentlike verantwoordelikheid van die partye wat bemiddeling gebruik het om die notule in paragraaf (b) bedoel, by die griffier in te dien.
- (d) Geen aanbod of tender sonder benadeling ingevolge hierdie subreël gemaak, word aan die hof bekend gemaak te eniger tyd voor uitspraak gegee word nie.
- (e) Waar die partye by bemiddelingsverrigtinge 'n skikking bereik het, is die bepalings van reël 41 *mutatis mutandis* van toepassing.
- (9) (a) Tensy die partye anders ooreenkom, is die partye wat aan die bemiddeling deelneem, in gelyke mate aanspreeklik vir die gelde van 'n bemiddelaar.
- (b) Wanneer 'n kostebevel vir die aksie of aansoek oorweeg word, kan die hof die kennisgewings in subreël (2) beoog in ag neem of enige aanbod of tender in subreël (8)(d) bedoel, in ag neem en enige party het die reg om sodanige kennisgewings of aanbod of tender onder die aandag van die hof bring.”

Wysiging van Reël 70 van die Reëls

3. Reël 70 van die Reëls word hierby gewysig—

- (a) deur subreël (3B) deur die volgende subreël te vervang:

“(3B) (a) Voordat 'n saak vir taksasie geregistreer word, moet die party aan wie koste toegestaan is, by wyse van kennisgewing so na moontlik in ooreenstemming met Vorm 26 van die Eerste Bylae—

[(a)] (i) die party wat verantwoordelik is om die koste te betaal die geleentheid gun om binne die tydperk daarin vermeld, en vir 'n tydperk van tien (10) dae daarna, deur voorafgaande reëling, gedurende normale besigheidsure en op enige of meer sodanige dae, dié dokumente of notas met betrekking tot enige item op die kosterekening vir dienste te inspekteer; en

[(b)] (ii) van die party aan wie kennis gegee is, vereis om binne **[tweintig (20)] tien (10)** dae na die verstryking van die tydperk in subparagraaf (i) aan die party wat die kennis gegee het, 'n skriftelike kennis van voorneme om te verdedig af te lewer, waarin die items in die kosterekening waarteen beswaar gemaak word, en 'n kort opsomming van die redes vir sodanige beswaar uiteengesit word.

(b) By die toepassing van hierdie subreël, moet die dae van 16 Desember tot 15 Januarie, beide ingeslote, nie getel word in die tyd toegelaat vir inspeksie van dokumente of notas rakende enige item of 'n kosterekening of die gee van skriftelike kennis van voorneme om te verdedig nie.";

(b) deur die volgende subreël na subreël (3B) in te voeg:

"(3C) Geen taksasie word in die dae van 16 Desember tot 15 Januarie, beide ingeslote, geplaas nie, behalwe—

(a) waar die tydperk vir aflewering van kennis van voorneme om te verdedig, verstryk het voor die aanvang van die tydperk van 16 Desember en 15 Januarie, beide datums ingesluit, en geen kennis van voorneme om te verdedig is afgelewer is nie;

(b) waar die party aanspreeklik vir die betaling van koste, skriftelik ingestem het dat die taksasie in sy of haar afwesigheid geskied; of

(c) vir die taksasie van lasbriefrekeninge en uitwinningsrekeninge."; en

(c) deur subreël (4) deur die volgende subreël te vervang:

"(4) Voordat die takseermeester 'n kosterekening vir dienste takseer, moet hy of sy oortuig wees dat die party wat die rekening moet betaal—

(a) behoorlik kennis gekry het ingevolge subreël (3B); en

(b) nie minder as 10 dae kennis gekry het van die datum, tyd en plek van sodanige taksasie en kennis gekry het dat hy of sy geregtig is om daar teenwoordig te wees. Met dien verstande dat so 'n kennisgewing nie nodig is nie—

(i) as die party wat vir die betaling van koste aanspreeklik is, skriftelik toegestem het tot taksasie in sy of haar afwesigheid;

(ii) as die party wat vir die betaling van koste aanspreeklik is, versuim het om kennis van voorneme om te verdedig te gee ingevolge subreël (3B); of

(iii) vir die taksasie van lasbriefrekeninge en uitwinningsrekeninge:

Met dien verstande verder dat as enige party versuim om te verskyn, nadat hy of sy kennis van voorneme om te verdedig gegee het, ingevolge subreël (3B) [(b)](a)(ii), die taksering mag voortgaan in die party se afwesigheid."

Wysiging van die Eerste Bylae tot die Reëls

4. Die Eerste Bylae tot die Reëls word hierby gewysig—

(a) deur Vorm 26 deur die volgende Vorm te vervang:

"VORM 26

KENNISGEWING VAN VOORNEME OM KOSTEREKENING TE TAKSEER

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA (..... AFDELING)	
	SAAKNO _____
In die aangeleentheid tussen _____	Eiser/Aplikant
en	

	Verweerder/Respondent
<p>NEEM KENNIS DAT (party) van voornemens is om die aangehegte kosterekening vir dienste by die takseermeester te (plek) in te dien vir taksasie.</p>	
<p>Jy kan die dokumente of notas met betrekking tot enige item op die kosterekening vir dienste inspekteer te(adres) tussen die ure (besigheidsure) vir 'n tydperk van tien (10) dae na ontvangs van hierdie kennisgewing.</p> <p>Voorts kan jy 'n kennisgewing van voorneme om die taksasie te verdedig binne [twintig (20)] 10 (tien) dae na [ontvangs van hierdie kennisgewing] die tydperk vir insae toegelaat, indien. In jou kennisgewing van voorneme om die taksasie te verdedig moet al die items op die kosterekening vir dienste waarteen jy beswaar maak en 'n kort opsomming van die redes vir sodanige beswaar uiteengesit word.</p> <p>Indien jy geen kennisgewing van voorneme om die taksasie te verdedig binne die gespesifiseerde tydperk indien nie, sal die kosterekening vir dienste by die takseermeester ingedien word vir taksasie sonder om jou daarvan kennis te gee.</p> <p>Indien jy wel 'n kennisgewing van voorneme om te verdedig binne die gespesifiseerde tydperk indien, mag jy tydens die taksasie teen die items gespesifiseer in die kennisgewing van verdediging beswaar maak.</p>	
<p>GEDATEER te _____ op hierdie _____ dag van _____ 20_____</p>	
	<p>_____ Prokureur vir (Adres)</p>
<p>Aan: _____ Prokureur vir (Adres)</p>	

(b) deur die volgende Vorm na Vorm No. 26 in te voeg:

"VORM 27
KENNISGEWING VAN INSTEMMING TOT OF TEENSTAND TEEN BEMIDDELING

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA
(AFDELING)

Saakno.

In die aangeleentheid tussen:

Eiser/Applikant

En

Verweerder/Eiser

Geliewe kennis te neem dat die Eiser/Aplikant/Verweerder/Respondent tot die verwysing van hierdie aangeleentheid vir bemiddeling instem/dit teenstaan.

Die Eiser/Aplikant/Respondent se redes hiervoor is soos volg:

Gedateer te _____ op hierdie _____ dag van _____

Eiser/Aansoeker/Prokureur
Verweerder/Respondent/Prokureur
Adres

Aan: Die Griffier van die Hof.

Inwerkingtreeding

5. Hierdie reël en vorm tree in werking op **9 Maart 2020**.

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 108

07 FEBRUARY 2020

**CRIMINAL LAW (SEXUAL OFFENCES AND RELATED MATTERS) AMENDMENT ACT,
2007****REGULATIONS RELATING TO SEXUAL OFFENCES COURTS**

The Minister of Justice and Correctional Services has, in terms of section 67, read with section 55A, of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007), and after consultation with the Minister of Safety and Security, Minister of Social Development, Minister of Health and the National Director of Public Prosecutions, made the Regulations in the Schedule.

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**CHAPTER I
DEFINITIONS AND APPLICATION**

Definitions

1. In these Regulations any word or expression to which a meaning has been assigned in the Act has the meaning so assigned and, unless the context otherwise indicates—

"Constitution" means the Constitution of the Republic of South Africa, 1996;

"court preparation officer" means the incumbent of a post—

(a) of court preparation officer; and

(b) where applicable, court preparation manager,

as created on the establishment of the National Prosecuting Authority;

"court preparation programme" means the court preparation programme referred to in regulation 15;

"Criminal Procedure Act" means the Criminal Procedure Act, 1977 (Act No. 51 of 1977);

"court supporter" means a person employed by a nonprofit organisation, registered in terms of the Nonprofit Organisations Act, 1997 (Act No. 71 of 1997), accountable to the Provincial and Local Departments of Social Development and rendering a voluntary service to complainants and witnesses in sexual offence cases as contemplated in regulation 19;

"designated court" means a sexual offences court established by designation by the Minister in terms of section 55A(1) of the Act;

"intermediary" means a person appointed in terms of section 170A(1) of the Criminal Procedure Act;

"Legal Aid South Africa Act" means the Legal Aid South Africa Act, 2014 (Act No. 39 of 2014);

"National Prosecuting Authority" means the national prosecuting authority contemplated in section 179 of the Constitution;

"older person" means an older person as defined in section 1 of the Older Persons Act, 2006 (Act No. 13 of 2006);

"prosecutor" means a prosecutor in a sexual offence case;

"sexual offence" means any offence referred to in the definition of 'sexual offences court' in section 1 of the Act;

"social worker" means a person registered as a social worker under section 17 of the Social Service Professions Act, 1978 (Act No. 110 of 1978);

"Thuthuzela Care Centres" means the multi-disciplinary one-stop centres for rape care management, as well as other sexual offences, established by the National Prosecuting Authority and supported by relevant stakeholders;

"the Act" means the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007);

"victim assistance officer" means the incumbent of a post of victim assistance officer as created on the establishment of the National Prosecuting Authority and attached to a Thuthuzela Care Centre;

"victim impact report" means a report by a social worker containing an assessment of the effects of a sexual offence on the complainant;

"victim impact statement" means a voluntary written statement, facilitated by the court preparation officer or the victim assistance officer, by—

(a) a complainant;

(b) a person who is by law authorised to make a statement on behalf of a complainant;

(c) a relative of the complainant authorised by the complainant; or

(d) any other person authorised by the complainant,

regarding the emotional, physical, psychological, economical or any other effect of the sexual offence on him or her; and

"witness" means a witness for the State in a sexual offence case, excluding a complainant.

Application

2. These Regulations apply to all designated courts.

CHAPTER II REQUIREMENTS FOR DESIGNATED COURT

Requirements for designated court

3. (1) A designated court must—
 - (a) provide the facilities referred to in Chapter III;
 - (b) have the devices and equipment referred to in Chapter IV;
 - (c) render the services referred to in Chapter V; and
 - (d) proceed in accordance with the requirements set out in Chapter VI.
- (2) Subregulation (1) does not preclude a designated court from dealing with a sexual offence case if, after its designation, it does not comply with any of the requirements referred to in subregulation (1), pending the outcome of the steps taken in terms of subregulation (4).
- (3) It is the responsibility of all the officials and persons working at a designated court to report non-compliance with a requirement referred to in subregulation (1), in writing, to the official, person or institution responsible for solving the non-compliance issue, as soon as he or she becomes aware of the problem causing non-compliance.
- (4) The court manager must ensure that the official, person or institution who received the report referred to in subregulation (3), take immediate steps to solve the problem causing non-compliance with the requirement in question.
- (5) Non-compliance with any requirement referred to in subregulation (1), do not render any proceedings, or any part thereof, in a designated court invalid.

CHAPTER III FACILITIES

Required facilities

4. A designated court must have, at least, the following facilities:
- (a) A waiting area for complainants as provided for in regulation 8;
 - (b) a testifying room as provided for in regulation 9;
 - (c) a court preparation room as provided for in regulation 10; and
 - (d) a consultation room, for the prosecutor to consult with a complainant, as provided for in regulation 10.

General requirements regarding facilities

5. (1) The facilities referred to in regulation 4 and the restrooms to be used by complainants must be child-friendly.
- (2) The facilities referred to in regulation 4, the court room and the restrooms to be used by complainants must—
- (a) be accessible to persons with disabilities and accommodate their assistive devices; and
 - (b) accommodate the needs of older persons.
- (3) The guide dogs, used by complainants or witnesses who are visually impaired, must be allowed into the facilities referred to in subregulation (2).
- (4) The court manager must ensure that there is proper signage of the location of the facilities referred to in regulation 4, the court room and the restrooms to be used by complainants.
- (5) The court manager must ensure that the facilities referred to in regulation 4, the court room and the restrooms to be used by complainants are allocated, available, furnished and maintained as required in terms of these Regulations.
- (6) The court manager must, having regard to the design and layout of and space available at a designated court, make, in relation to the facilities referred to in regulation 4 and the restrooms to be used by complainants, the arrangements or put in place the measures necessary to ensure that complainants do not come into physical contact with the accused or any person associated with the accused.

Access to facilities

6. A court preparation officer, a victim assistance officer, the court manager or a suitable official delegated by the court manager must accompany a complainant to and from any of the facilities referred to in regulation 4, the court room and the restrooms to be used by complainants in order to prevent, to the extent possible, the complainant from coming into physical contact with the accused or from being intimidated by the accused or any other person associated with the accused.

Use of facilities

7. (1) (a) The waiting area referred to in regulation 4(a) is for the exclusive use of complainants and the persons supporting them, to the extent that such persons can be accommodated: Provided that priority must be given to complainants if there is limited space in the waiting area.
- (b) The court manager or an official delegated by him or her must, where a complainant cannot be accommodated in the waiting area, designate an area where such complainant may wait.
- (c) A court preparation officer, a victim assistance officer, the court manager or a suitable official delegated by him or her, must accompany a complainant referred to in paragraph (b), to the designated area contemplated in that paragraph.

(2) A court preparation officer, a victim assistance officer, a court manager or an official delegated by the court manager, must—

- (a) ensure that no person other than the persons referred to in subregulation (1)(a), makes use of the waiting area or a designated area contemplated in subregulation (1)(b); and
- (b) direct any person, not authorised to use any of the areas referred to in paragraph (a), to leave the area immediately.

(3) (a) When a complainant or a witness is giving evidence in a testifying room, and if an intermediary has been appointed, such intermediary must—

- (i) ensure that no person, whose presence is not required in the testifying room, is in or enters the testifying room; and
- (ii) direct any unauthorised person who is in or enters the testifying room, to leave the testifying room immediately.

(b) When a complainant or a witness is giving evidence in a testifying room, and if an intermediary has not been appointed, the court manager or a person designated by him or her must—

- (i) ensure that no person, whose presence is not required in the testifying room, is in or enters the testifying room; and
- (ii) direct any unauthorised person who is in or enters the testifying room, to leave the testifying room immediately.

Waiting area

8. (1) The waiting area referred to in regulation 4(a) must—

- (a) be furnished in a manner ensuring that it is accessible to adults, people with disabilities and children;
- (b) be furnished in a manner that is conducive to making complainants feel as comfortable as possible;
- (c) have proper and effective ventilation; and
- (d) have water available for the complainants and the persons supporting them.

(2) The waiting area referred to in regulation 4(a) must be furnished in a manner taking into account the following:

- (a) The different ages of complainants who may use the facility;
- (b) persons supporting complainants may also use a waiting area; and
- (c) complainants may have to spend lengthy periods of time in a waiting area.

(3) The court manager must ensure that, in the waiting area referred to in regulation 4(a)—

- (a) information, accessible to persons with disabilities, children and older persons, about—
 - (i) court procedures, the role of a complainant and a witness, witness fees payable to complainants and witnesses and any other relevant court service; and
 - (ii) the manner of accessing support services by complainants; and
- (b) toys and, where possible, age appropriate educational items for children, are available.

(4) The information referred to in subregulation (3)(a), must be obtained by the court manager from the functionaries responsible for the different aspects as contemplated in that subregulation.

Testifying room

9. A testifying room referred to in regulation 4(b) must in addition to the requirements contemplated in section 170A(3)(a) to (c) of the Criminal Procedure Act—

- (a) be conducive to the proceedings;

- (b) have a lay-out that facilitates the enhancement of the quality of the evidence and sets the complainants and witnesses at ease;
- (c) be furnished in a manner that will not distract a complainant or a witness who is giving evidence; and
- (d) have sufficient lighting so that clear images can be conveyed to the court.

Court preparation room and consultation room

10. (1) The court preparation room referred to in regulation 4(c) and the consultation room referred in regulation 4(d) must—

- (a) be designed in such a manner so as to promote privacy;
- (b) not be accessible to the public, the accused and any person associated with the accused;
- (c) be spacious enough to accommodate the complainant or a witness and the personal assistant of a complainant or a witness with a disability or an older person;
- (d) be furnished in such a manner so as to accommodate complainants and witnesses; and
- (e) be furnished in a manner that will not distract a complainant or a witness during a consultation with the court preparation officer, victim assistance officer or the prosecutor.

(2) The court preparation room referred to in regulation 4(c) must have lockable storage facilities to store the court preparation devices and equipment.

CHAPTER IV DEVICES AND EQUIPMENT

Devices and equipment for testifying room

11. (1) A testifying room referred to in regulation 4(b) must have the devices and equipment contemplated in sections 158 and 170A(3)(c) of the Criminal Procedure Act and be installed or set up in accordance with the provisions of that section.

(2) The devices and equipment referred to in subregulation (1) must be of such quality so as to enable the efficient and effective giving of evidence by complainants and witnesses and to avoid secondary traumatisation of such complainants and witnesses.

Devices and equipment for court room

12. (1) A court room must have the devices and equipment contemplated in sections 158 and 170A(3)(c) of the Criminal Procedure Act and be installed or set up in accordance with the provisions of that section.

(2) The devices and equipment referred to in subregulation (1) must be of such quality so as to enable the efficient and effective giving of evidence by complainants and witnesses, and to avoid secondary traumatisation of such complainant and witnesses.

Operation and repairing of electronic devices in testifying and court rooms

13. (1) The court manager or a person delegated by him or her must, each day, before the commencement of any proceedings, verify that the devices and equipment in the testifying room and court room are functioning properly.

(2) The court manager or a person delegated by him or her must, upon discovery that a device or equipment in the testifying room or court room is not functioning properly, immediately take the necessary steps to have the problem solved.

(3) Any court official must, upon discovery that a device or equipment in the testifying room or court room is not functioning properly, immediately in writing report the matter to the court manager.

(4) The court manager must, upon receipt of a notification in terms of subregulation (3), immediately take the necessary steps to have the problem solved.

(5) Whenever a court manager discovers or receives a written report that a device or equipment in the testifying room or court room is not functioning properly, he or she must immediately inform the relevant Regional Court President or the Judge President, as the case may be, accordingly and of the steps taken to solve the problem.

(6) The court manager must, having regard to the nature of the problem and the nature of the interventions required to solve the problem, on a regular basis inform in writing the relevant Regional Court President or the Judge President, as the case may be, on the progress made to have the problem solved.

Anatomical dolls

14. (1) The court manager must ensure that there is at least one set of anatomical dolls available at the designated court for use by the prosecutor and intermediary.

(2) A set of anatomical dolls must consist of—

- (a) a doll representing a male child;
- (b) a doll representing a female child;
- (c) a doll representing a male adult;
- (d) a doll representing a female adult;
- (e) a doll representing an aged male; and
- (f) a doll representing an aged female.

(3) A prosecutor and an intermediary may only use an anatomic doll after having received training in the use of such dolls.

(4) Anatomical dolls must—

- (a) be a replica of the external human body, including the genital organs;
- (b) always be with clothes; and
- (c) when not in use, be placed in lockable storage.

(5) Anatomical dolls must be designed in such a manner and be made of material that enables the complainant or the witness to manipulate the doll in order to demonstrate what has been done to the complainant by using the dolls.

(6) The clothes of anatomical dolls must be made in such a manner so that they can be removed easily by the complainant or the witness when demonstrating what has been done to the complainant.

CHAPTER V SERVICES

Requirements regarding court preparation programme

15. (1) The court preparation programme is the programme developed by the National Prosecuting Authority, which was accredited with the Health and Welfare Sector Education and Training Authority in terms of the National Qualifications Framework Act, 2008 (Act No. 67 of 2008), and which is aimed at familiarising complainants and witnesses in sexual offence cases with the court environment, with a view to preparing them to testify in court and providing assistance and support to them, in line with the standard operating procedures for court preparation officers.

(2) (a) A court preparation programme must be operational at a designated court.

(b) The persons involved in the criminal justice system must be made aware of the court preparation programme.

(3) A court preparation programme must be conducted by a court preparation officer or a victim assistance officer, available at a designated court on a full-time or part-time basis, in accordance with the approved National Prosecution Policy and Model.

(4) A court preparation officer or a victim assistance officer may not conduct a court preparation programme unless he or she has received training in the court preparation programme.

(5) A court preparation officer or a victim assistance officer may not—
(a) engage in discussions with the complainant on the merits of the case when conducting a court preparation programme or assisting the complainant;
(b) tell the complainant what to say in court; and
(c) have access to the docket.

(6) Subject to subregulation (7), a court preparation programme must be conducted with a complainant who has to testify in a designated court before testifying in court.

(7) The prosecutor may, if he or she deems it appropriate in the circumstances, dispense with the requirement provided for in subregulation (6).

(8) The needs of a complainant must be identified by the court preparation officer or the victim assistance officer after the court preparation programme has been conducted and he or she must in writing inform, without delay, the —

(a) relevant prosecutor and if necessary, the senior public prosecutor;
(b) intermediary, if applicable; and
(c) court manager, if his or her intervention is required,

of such needs in order to ensure that these needs, to the extent possible, are met.

(9) An interpreter must be available, if required, to assist the court preparation officer or victim assistance officer during a court preparation programme.

(10) A prosecutor must refer complainants to the court preparation officer, victim assistance officer, or the senior public prosecutor before testifying in court in order to ensure that the following arrangements are made:

(a) Assistance for the complainant in his or her language of choice; and
(b) reasonable accommodation of the needs of complainants with disabilities when they arrive at court.

(11) The court preparation officer or victim assistance officer must facilitate the referral of a complainant to an appropriate professional service provider for continuum of care, if the complainant requires such service.

Staff and judicial trauma debriefing

16. (1) Trauma debriefing must be available for—
(a) judicial officers;
(b) prosecutors;
(c) court preparation officers;
(d) victim assistance officers; and
(e) court officials employed by the State, other than the persons referred to in paragraph (a) – (d),

who are involved in the prosecution or related activities of sexual offence cases.

(2) The trauma debriefing contemplated in subregulations (1) must be—
(a) rendered when required by the persons referred to in that subregulation; and
(b) relevant in order to ensure that it is effective.

Interpreting services

17. (1) An interpreter must, in addition to his or her main functions, be available to assist—

(a) during a court preparation programme;
(b) during a consultation by the prosecutor with a complainant; and

(c) a complainant who is illiterate, when required.

(2) The principal or senior court interpreter must, as far as possible, assign experienced interpreters permanently employed by the Department of Justice and Constitutional Development to interpret in sexual offence cases.

(3) The principal or senior court interpreter must ensure that there is a pool of interpreters in foreign languages and sign language available for appointment, on an *ad hoc* basis, as interpreters in sexual offence cases.

Intermediary services for witnesses

18. (1) The senior official in charge of the intermediaries must ensure that there is a pool of intermediaries available who can be appointed as intermediaries in sexual offence cases at a designated court.

(2) The senior official referred to in subregulation (1) must take the necessary steps to recruit intermediaries to be appointed on an *ad hoc* basis, if there are not sufficient intermediaries employed at that court.

(3) The senior official referred to in subregulation (1) must keep a database of intermediaries who are available to provide intermediary services at an *ad hoc* basis.

(4) An intermediary must be mindful of the limitations and capacity of a complainant or a witness giving evidence, having regard to his or her form of vulnerability, age, physical and mental status and stage of development.

(5) An intermediary must request the court for a recess if it appears to him or her that a complainant or a witness who is giving evidence is fatigued or stressed.

(6) An intermediary must ensure that the immediate needs of a complainant or a witness who is giving evidence, are met.

(7) An intermediary must, before a complainant or a witness testifies, take the necessary steps to establish a rapport with the complainant or the witness.

(8) An intermediary must, during court proceedings, inform the court about—

(a) any change in the physical, emotional or mental behaviour of a complainant or a witness; and

(b) any communication problem with a complainant or a witness, which may affect the court proceedings.

(9) The intermediary must, after the complainant has given evidence, inform the court preparation officer or the victim assistance officer of the effect of giving evidence on the complainant.

Services rendered by court supporters

19. (1) A court supporter, if available, may—
- (a) accompany complainants and witnesses to and from any of the facilities referred to in regulation 4, the court room and the restrooms to be used by them;
 - (b) accompany complainants referred to in regulation 7(1)(b), to the designated area;
 - (c) provide support to complainants and witnesses during the proceedings in court, if a complainant or witness so wishes;
 - (d) refer complainants and witnesses to the correct institutions for professional services; and
 - (e) assist complainants and witnesses to obtain witness fees.

(2) A court supporter may only conduct a court preparation programme if he or she is authorized to do so in writing by the authority responsible for the court preparation programme: Provided that a court supporter may not render a court support service referred to in subregulation (1) and conduct a court preparation programme in respect of the same complainant or witness.

- (3) A court supporter may not—
- (a) engage in discussions with the complainant or witnesses on the merits of the case when assisting the complainant and witnesses;
 - (b) tell the complainant or witness what to say in court; and
 - (c) have access to the docket or any official documents.

(4) A court supporter may not render any service in terms of these Regulations unless he or she has received training relating to such services from a non-profit organisation or any government department.

CHAPTER VI SPECIAL MEASURES IN RESPECT OF HEARINGS

Sign language interpreters

20. In assigning or appointing a sign language interpreter, due regard must be had to the physical fatigue that may result when he or she is interpreting.

Legal aid practitioners

21. (1) A designated court must ensure that an accused who is charged with a sexual offence must be granted the opportunity, as soon as possible, to apply for legal aid in terms of the Legal Aid South Africa Act.

(2) An application contemplated in subregulation (1) must be evaluated as soon as possible and must to be prioritised where such application relates to a case involving children.

Finalisation of sexual offences cases

22. A designated court must ensure that sexual offence cases are finalised expeditiously and that delays are avoided as far as possible.

Witness complaints mechanisms

23. (1) Accessible complaints mechanisms must be available at a designated court in terms of which complaints may be received from complainants or witnesses in sexual offence cases.

(2) The complaints mechanisms referred to in subregulation (1), must be made known at the designated court by the court manager in any manner he or she deems fit.

(3) Any official or court official who receives a complaint from a complainant or a witness in sexual offence cases in terms of this regulation, must—

- (a) refer the complainant or the witness to the correct person or institution with a view to dealing with the complaint in terms of the rules of conduct regulating the person against whom the complaint was made; and
- (b) provide the complainant or the witness with the necessary contact particulars of the person or institution contemplated in paragraph (a).

(4) The person or institution referred to in subregulation (3)(a) must, in writing, inform the complainant or the witness who lodged the complaint—

- (a) on a regular basis, of the status of the complaint; and
- (b) of the outcome of the complaint.

Transporting of accused persons to designated court

24. An official who is responsible for the transporting of a person accused of a sexual offence to a designated court must—

- (a) check the identity of the person to be transported before leaving the premises of a correctional facility, child and youth care centre or police cell;
- (b) ensure that the person is transported timeously for purposes of the proceedings at the designated court; and
- (c) where applicable, ensure that the accused is transported separately from a complainant and a witness.

Manner of dealing with complainants and witnesses

25. Court officials must, during court proceedings, when interacting with a complainant or a witness—

- (a) use simple vocabulary and avoid technical terms;
- (b) inform or explain to a complainant or a witness any concept or question in a manner appropriate to his or her form of vulnerability, age, maturity and stage of development if the complainant or the witness is a child, or a person's intellectual disability;
- (c) give enough detail so that a complainant or a witness understands the information conveyed to him or her;
- (d) allow sufficient time so that a complainant or a witness can absorb the information conveyed to him or her;
- (e) elicit responses from a complainant or a witness by asking questions in order to ensure that he or she understands the information conveyed to him or her;
- (f) ensure that the atmosphere is conducive to participation by a complainant or a witness; and
- (g) be sensitive to the needs of a complainant or a witness and the fact that he or she may be confused and may be experiencing anxiety and may feel intimidated.

CHAPTER VII MISCELLANEOUS

Sitting of designated court on part-time basis

26. Where the case load of a designated court does not require that the court sits on a daily basis, the relevant Regional Court President or Judge President, as the case may be—

- (a) determines how often or on which days such court must sit; and
- (b) ensures that sexual offence cases are timeously heard, in accordance with section 8(4)(b) of the Superior Courts Act, 2013 (Act No. 10 of 2013).

Short title

27. These Regulations are called the Regulations relating to Sexual Offences Courts, 2020.

DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

NO. R. 108

07 FEBRUARIE 2020

**WYSIGINGSWET OP DIE STRAFREG (SEKSUELE MISDRYWE EN VERWANTE
AANGELEENTHEDE), 2007****REGULASIES BETREFFENDE HOWE VIR SEKSUELE MISDRYWE**

Die Minister van Justisie en Korrektiewe Dienste het, kragtens artikel 67, gelees met artikel 55A van die Wysigingswet op die Strafreë (Seksuele Misdrywe en Verwante Aangeleenthede), 2007 (Wet No. 32 van 2007) en na oorleg met die Minister van Veiligheid en Sekuriteit, Minister van Maatskaplike Ontwikkeling, Minister van Gesondheid en die Nasionale Direkteur van Openbare Vervolgings, die Regulasies in die Bylae gemaak.

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HOOFSTUK I WOORDOMSKRYWINGS EN TOEPASSING

Woordomsrywings

1. In hierdie Regulasies het enige woord of uitdrukking waaraan 'n betekenis in die Wet toegeskryf is daardie betekenis en, tensy dit uit die samehang anders blyk—

"aangewese hof" 'n hof vir seksuele misdrywe ingestel by aanwysing deur die Minister ingevolge artikel 55A(1) van die Wet;

"aanklaer" 'n aanklaer in 'n seksuelemisdryfsaak;

"die Wet" die Wysigingswet op die Strafbereg (Seksuele Misdrywe en Verwante Aangeleenthede), 2007 (Wet No. 32 van 2007);

"getuie" 'n getuie vir die Staat in 'n seksuelemisdryfsaak, met uitsondering van 'n klaer;

"Grondwet" die Grondwet van die Republiek van Suid-Afrika, 1996;

"hofondersteuner" 'n persoon in diens van 'n organisasie sonder winsoogmerk, geregistreer ingevolge die Wet op Organisasies Sonder Winsoogmerk, 1997 (Wet No. 71 van 1997), aanspreeklik aan die Provinsiale en Plaaslike Departemente van Maatskaplike Ontwikkeling wat 'n vrywillige diens lewer aan klaers en getuies in seksuelemisdryfsake soos in regulasie 19 beoog;

"hofvoorbereidingsbeampte" die bekleër van 'n pos—

- (a) van hofvoorbereidingsbeampte; en
- (b) waar van toepassing, hofvoorbereidingsbestuurder,

wat op die diensstaat van die nasionale vervolgingsgesag geskep is;

"hofvoorbereidingsprogram" die hofvoorbereidingsprogram in regulasie 15 na verwys;

"Legal Aid South Africa Act" die "Legal Aid South Africa Act", 2014 (Wet No. 39 van 2014);

"maatskaplike werker" 'n persoon kragtens artikel 17 van die Wet op Maatskaplike Werk, 1978 (Wet No. 110 van 1978), as 'n maatskaplike werker geregistreer;

“Nasionale Vervolgingsgesag” die nasionale vervolgingsgesag in artikel 179 van die Grondwet beoog;

“ouer persoon” ’n ouer persoon soos omskryf in artikel 1 van die “Older Persons Act”, 2006 (Wet No. 13 van 2006);

“seksuele misdryf” enige misdryf na verwys in artikel 1 van die Wet in die woordomskrywing van 'seksuele misdryf hof;

“slagofferbystandsbeampte” die bekleër van ’n pos van slagofferbystandsbeampte geskep op die diensstaat van die Nasionale Vervolgingsgesag en verbonde aan ’n Thuthuzela-sorgsentrum;

“slagofferimpakverklaring” ’n vrywillige skriftelike verklaring, gefasiliteer deur die hofvoorbereidingsbeampte of die slagofferbystandsbeampte, deur—

(a) ’n klaer;

(b) ’n persoon wat by wet gemagtig is om ’n verklaring namens ’n klaer te maak;

(c) ’n familielid van die klaer deur die klaer gemagtig; of

(d) enige ander persoon deur die klaer gemagtig,

aangaande die emosionele, fisieke, sielkundige, ekonomiese of enige ander uitwerking van die seksuele misdryf op hom of haar;

“slagofferimpakverslag” ’n verslag deur ’n maatskaplike werker met ’n assessering van die uitwerking van ’n seksuele misdryf op die klaer;

“Strafproseswet” die Strafproseswet, 1977 (Wet No. 51 van 1977);

“Thuthuzela-sorgsentrum” die multidissiplinêre eenstopsentrums vir verkrachtingsorgbestuur, asook ander seksuele misdrywe, ingestel deur die Nasionale Vervolgingsgesag en deur tersaaklike belanghebbendes ondersteun; en

“tussenganger” ’n persoon ingevolge artikel 170A(1) van die Strafproseswet aangestel;

Toepassing

2. Hierdie Regulasies is op ’n aangewese hof van toepassing.

HOOFSTUK II VEREISTES VIR AANGEWESSE HOF

Vereistes vir aangewese hof

3. (1) ’n Aangewese hof moet—
 - (a) die fasiliteite hê waarvoor in Hoofstuk III voorsiening gemaak word;
 - (b) die toestelle en toerusting hê waarvoor in Hoofstuk IV voorsiening gemaak word;
 - (c) die dienste waarvoor in Hoofstuk V voorsiening gemaak word, lewer; en
 - (d) voortgaan in ooreenstemming met die vereistes in Hoofstuk VI uiteengesit.
- (2) Subregulasie (1) sluit ’n aangewese hof nie uit van die hantering van ’n seksuele misdryfsaak nie indien die hof, ná aanwysing, nie voldoen aan enige van die vereistes in subregulasie (1) bedoel nie, hangende die resultaat van die stappe wat ingevolge subregulasie (4) gedoen word.
- (3) Dit is die verantwoordelikheid van al die beapptes en persone wat by ’n aangewese hof werk om nievoldoening aan ’n vereiste in subregulasie (1) bedoel, skriftelik aan die beampte, persoon of instelling verantwoordelik vir die oplossing van die probleem wat nienakoming veroorsaak te rapporteer sodra hy of sy bewus word van die probleem wat nienakoming veroorsaak.

(4) Die hofbestuurder moet verseker dat die beamppte, persoon of instelling wat die verslag bedoel in subregulasie (3) ontvang, onmiddellike stappe doen om nakoming aan die betrokke vereiste te verseker.

(5) Nienakoming aan enige vereiste in subregulasie (1) bedoel, maak nie enige verrigtinge, of enige deel daarvan, ongeldig nie.

HOOFSTUK III FASILITEITE

Vereiste fasiliteite

4. 'n Aangewese hof moet ten minste die volgende fasiliteite hê:
- (a) 'n Wagarea vir klaers, soos in regulasie 8 voor voorsiening gemaak;
 - (b) 'n getuienisvertrek soos in regulasie 9 voor voorsiening gemaak;
 - (c) 'n hofvoorbereidingsvertrek soos in regulasie 10 voor voorsiening gemaak; en
 - (d) 'n konsultasievertrek, vir die aanklaer om met 'n klaer te konsulteer, soos in regulasie 10 voor voorsiening gemaak.

Algemene vereistes aangaande fasiliteite

5. (1) Die fasiliteite in regulasie 4 bedoel en die ruskamers wat deur die klaers gebruik moet word, moet kindvriendelik wees.

(2) Die fasiliteite in regulasie 4 bedoel, die hofsaal en die ruskamers wat deur die klaers gebruik moet word, moet—

- (a) toeganklik wees vir persone met gestremdhede en hulle bystandstoestelle akkommodeer; en
- (b) in die behoeftes van ouer persone voorsien.

(3) Die gidshonde wat deur klaers, en tot die mate wat dit van toepassing is, getuies, met gesiggestremdhede, gebruik word, moet in die fasiliteite bedoel in subregulasie (2) toegelaat word.

(4) Die hofbestuurder moet verseker dat daar behoorlike aanwysings is van die ligging van die fasiliteite bedoel in regulasie 4, die hofsaal en die ruskamers wat die klaers moet gebruik.

(5) Die hofbestuurder moet verseker dat die fasiliteite in regulasie 4 bedoel, die hofsaal en die ruskamers wat deur die klaers gebruik moet word, toegewys word, beskikbaar is, gemeubileer is en in stand gehou word soos ingevolge hierdie Regulasies vereis.

(6) Die hofbestuurder moet, met inagneming van die ontwerp en uitleg van en spasie beskikbaar by 'n aangewese hof, in verband met die fasiliteite in regulasie 4 bedoel en die ruskamers wat die klaers moet gebruik, die nodige reëlins tref of die nodige maatreëls in plek stel om te verseker dat klaers nie met die aangeklaagde of enige persoon wat met die aangeklaagde geassosieer word, in fisiese aanraking kom nie.

Toegang tot fasiliteite

6. 'n Hofvoorbereidingsbeamppte, 'n slagofferbystandsbeamppte, die hofbestuurder of 'n gepaste beamppte aangewys deur die hofbestuurder, moet 'n klaer na en van enige van die fasiliteite in regulasie 4 bedoel, na en van die hofsaal en na en van die ruskamers wat deur klaers gebruik moet word, vergesel ten einde sover moontlik te voorkom dat die klaer in fisiese aanraking kom met die aangeklaagde of deur die aangeklaagde of enige ander persoon wat met die aangeklaagde geassosieer word, geïntimideer word.

Gebruik van fasiliteite

7. (1) (a) Die wagarea in regulasie 4(a) bedoel is vir die uitsluitlike gebruik van klaers en die persone wat hulle ondersteun, tot die mate wat hierdie persone geakkommodeer kan word: Met dien verstande dat voorkeur aan klaers gegee moet word as die spasie in die wagarea beperk is.

(b) Die hofbestuurder of 'n beamppte deur hom of haar aangewys, moet, waar 'n klaer nie in die wagarea geakkommodeer kan word nie, 'n area aanwys waar hy of sy kan wag.

(c) 'n Hofvoorbereidingsbeamppte, 'n slagofferbystandsbeamppte, die hofbestuurder of 'n gepaste beamppte deur hom of haar aangewys, moet 'n klaer bedoel in paragraaf (b), na die aangewese area vergesel.

(2) 'n Hofvoorbereidingsbeamppte, 'n slagofferbystandsbeamppte, 'n hofbestuurder of 'n beamppte deur die hofbestuurder aangewys, moet—

(a) verseker dat geen persoon behalwe diegene in subregulasie (1)(a) bedoel, die wagkarea of 'n aangewese area bedoel in subregulasie (1)(b) gebruik nie; en

(b) enige persoon wat nie gemagtig is om enige van die areas in paragraaf (a) na verwys, te gebruik nie, gelas om die area onmiddellik te verlaat.

(3) (a) Wanneer 'n klaer of 'n getuie getuienis lewer in 'n getuienisvertrek en indien 'n tussenganger aangestel is, moet hy of sy—

(i) verseker dat geen persoon wie se teenwoordigheid nie in die getuienisvertrek benodig word nie, binne is of die getuienisvertrek binnekom nie; en

(ii) enige ongemagtigde persoon wat binne is of die getuienisvertrek binnekom, beveel om die getuienisvertrek onmiddellik te verlaat.

(b) Indien 'n klaer of 'n getuie getuienis lewer in 'n getuienisvertrek en indien 'n tussenganger nie aangestel is, moet die hofbestuurder of 'n persoon deur hom of haar aangewys—

(i) verseker dat geen persoon wie se teenwoordigheid nie in die getuienisvertrek benodig word nie, binne is of die getuienisvertrek binnekom nie; en

(ii) enige ongemagtigde persoon wat binne is of die getuienisvertrek binnekom, beveel om die getuienisvertrek onmiddellik te verlaat.

Wagarea

8. (1) Die wagarea in regulasie 4(a) bedoel—

(a) moet op 'n wyse gemeubileer wees wat dit toeganklik vir volwassenes, persone met gestremdhede en kinders maak;

(b) moet op 'n wyse gemeubileer wees wat verseker dat klaers so gemaklik as moontlik is;

(c) moet behoorlike en effektiewe ventilasie hê; en

(d) moet water vir die klaers en persone wat hulle ondersteun beskikbaar hê.

(2) Die wagarea in regulasie 4(a) bedoel, moet met die volgende in gedagte gemeubileer word:

(a) Die verskillende ouderdomme van klaers wat die fasiliteit mag gebruik;

(b) persone wat klaers ondersteun mag ook 'n wagarea gebruik; en

(c) klaers mag nodig hê om lank in die wagarea te wag.

(3) Die hofbestuurder moet verseker dat in die wagarea in regulasie 4(a) bedoel—

- (a) inligting beskikbaar is wat toeganklik is aan persone met gestremdhede, kinders en ouer persone, oor—
- (i) hofprosedures, die rol van 'n klaer en 'n getuie, getuiegelde betaalbaar aan klaers en getuies en enige ander tersaaklike hofdiens; en
 - (ii) die wyse waarop toegang tot ondersteuningsdienste aan klaers, gekry kan word; en
- (b) speelgoed en, waar moontlik, ouderdomsgepaste items vir kinders beskikbaar is.
- (4) Die inligting in subregulasie (3)(a) bedoel, moet deur die funksionariesse verantwoordelik vir die verskillende aspekte, aan die hofbestuurder voorsien word.

Getuienisvertrek

9. 'n Getuienisvertrek in regulasie 4(b) bedoel, moet benewens die vereistes in artikel 170A(3)(a) tot (c) van die Strafproseswet bedoel—

- (a) bevorderlik tot die verrigtinge wees;
- (b) so uitgele wees dat dit die verhoging van die gehalte van die getuienis fasiliteer en die klaers en getuies op hulle gemak stel;
- (c) op 'n wyse gemeubileer wees wat nie 'n klaer of 'n getuie wat getuig se aandag sal aftrek nie; en
- (d) voldoende beligting hê sodat duidelike beelde aan die hof versend kan word.

Hofvoorbereidingsvertrek en konsultasiekamer

10. (1) Die hofvoorbereidingsvertrek in regulasie 4(c) bedoel en die konsultasiekamer in regulasie 4(d) bedoel moet—

- (a) op so 'n wyse ontwerp wees om privaatheid te bevorder;
- (b) nie vir die publiek, die aangeklaagde en enige persoon wat met die aangeklaagde geassosieer word, toeganklik wees nie;
- (c) ruim wees ten einde die klaer of 'n getuie en die persoonlike helper van 'n klaer of 'n getuie met 'n gestremdheid of 'n ouer persoon te akkommodeer;
- (d) op so 'n wyse gemeubileer wees om klaers en getuies te akkommodeer; en
- (e) moet op so 'n wyse gemeubileer wees dat 'n klaer of 'n getuie se aandag nie tydens 'n konsultasie met die hofvoorbereidingsbeampte, slagofferbystandsbeampte of aanklaer, afgelei word nie.

(2) Die hofvoorbereidingsvertrek in regulasie 4(c) na verwys moet sluitbare bergings fasiliteite hê om die hofvoorbereidingsbeampte se toestelle en toerusting te berg.

HOOFSTUK IV TOESTELLE EN TOERUSTING

Toestelle en toerusting vir getuienisvertrek

11. (1) 'n Getuienisvertrek in regulasie 4(b) bedoel, moet die toestelle en toerusting in artikels 158 en 170A(3)(c) van die Strafproseswet beoog hê, en moet ooreenkomstig die bepalings van daardie artikel geïnstalleer word.

(2) Die toestelle en toerusting in subregulasie (1) bedoel, moet van sodanige gehalte wees dat dit die doeltreffende en effektiewe gee van getuienis deur klaers en getuies moontlik maak en om sekondêre traumatisering van sodanige klaers en getuies te vermy.

Toestelle en toerusting vir hofsaal

12. (1) 'n Hofsaal moet die toestelle en toerusting beoog in artikels 158 en 170A(3)(c) van die Strafproseswet beoog hê en moet geïnstalleer of opgestel word in ooreenstemming met die bepalings van daardie artikel.

(2) Die toestelle en toerusting in subregulasie (1) bedoel, moet van sodanige gehalte wees dat dit die doeltreffende en effektiewe gee van getuienis deur klaers en getuies moontlik maak, en om sekondêre traumatisering van hierdie persone vermy.

Bedryf en herstel van elektroniese toestelle in getuienisvertreke en hofsale

13. (1) Die hofbestuurder of 'n persoon deur hom of haar aangewys, moet elke dag, voor die aanvang van enige verrigtinge, nagaan dat die toestelle en toerusting in die getuienisvertrek en hofsaal na behore werk.

(2) Die hofbestuurder of 'n persoon deur hom of haar aangewys, moet, as ontdek word dat 'n toestel of toerusting in die getuienisvertrek of hofsaal nie na behore werk nie, onmiddellik die nodige stappe doen om die probleem te laat oplos.

(3) Enige hofbeampte moet, as dit ontdek word dat 'n toestel of toerusting in die getuienisvertrek of hofsaal nie na behore werk nie, die aangeleentheid onmiddellik skriftelik aan die hofbestuurder rapporteer.

(4) Die hofbestuurder moet, by ontvangs van 'n kennisgewing ingevolge subregulasie (3), onmiddellik die nodige stappe neem om die probleem te laat oplos.

(5) Wanneer 'n hofbestuurder ook al ontdek of 'n skriftelike verslag ontvang dat 'n toestel of toerusting in die getuienisvertrek of hofsaal nie na behore werk nie, moet hy of sy die tersaaklike Streekhofpresident of Regter-president, na gelang van die geval, onmiddellik dienoooreenkomstig verwittig en inlig van die stappe gedoen om die probleem op te los.

(6) Die hofbestuurder moet, met inagneming van die aard van die probleem en die aard van die ingrypings wat benodig word om die probleem op te los, die tersaaklike Streekhofpresident of Regter-president, na gelang van die geval, gereeld skriftelik inlig van die vordering gemaak om die probleem op te los.

Anatomiese poppe

14. (1) Die hofbestuurder moet verseker dat daar ten minste een stel anatomiese poppe by die aangewese hof beskikbaar is vir gebruik deur die aanklaer en die tussenganger.

(2) 'n Stel anatomiese poppe bestaan uit—

- (a) 'n pop wat 'n manlike kind verteenwoordig;
- (b) 'n pop wat 'n vroulike kind verteenwoordig;
- (c) 'n pop wat 'n volwasse man verteenwoordig;
- (d) 'n pop wat 'n volwasse vrou verteenwoordig;
- (e) 'n pop wat 'n bejaarde man verteenwoordig; en
- (f) 'n pop wat 'n bejaarde vrou verteenwoordig.

(3) 'n Aanklaer en 'n tussenganger mag 'n anatomiese pop slegs gebruik ná opleiding in die gebruik van sodanige poppe ontvang is.

(4) Anatomiese poppe moet—

- (a) 'n replika van die eksterne menslike liggaam wees, met inbegrip van die geslagsorgane;
- (b) altyd geklee wees; en
- (c) toegesluit word wanneer dit nie gebruik word nie.

(5) Anatomiese poppe moet op so 'n wyse ontwerp wees en van 'n stof gemaak wees wat die klaer of die getuie in staat stel om die poppe te manipuleer sodat met die poppe gedemonstreer kan word wat aan die klaer gedoen is.

(6) Die klere van anatomiese poppe moet sodanig gemaak wees dat die klaer of die getuie dit maklik kan verwyder wanneer gedemonstreer word wat aan die klaer gedoen is.

HOOFSTUK V DIENSTE

Vereistes aangaande hofvoorbereidingsprogram

15. (1) Die hofvoorbereidingsprogram is die program ontwikkel deur die Nasionale Vervolgingsgesag, wat geakkrediteer is by die sektorale onderwys- en opleidingsgesag vir gesondheid en welsyn ingevolge die "National Qualifications Framework Act", 2008 (Wet No. 67 van 2008), en wat daarop gemik is om klaers en getuies in seksuele misdryfsake aan die hofomgewing gewoon te maak, sodat hulle gereed gemaak kan word om in die hof te getuig en om hulle by te staan en te ondersteun, in ooreenstemming met die standaardbedryfsprosedures vir hofvoorbereidingsbeamptes.

(2) (a) 'n Hofvoorbereidingsprogram moet operasioneel by 'n aangewese hof wees.

(b) Die persone betrokke by die regsproses moet van die hofvoorbereidingsprogram bewus gemaak word.

(3) 'n Hofvoorbereidingsprogram moet deur 'n hofvoorbereidingsbeampte of 'n slagofferbystandsbeampte, op 'n healtydse of deeltydse grondslag by 'n aangewese hof beskikbaar, gedoen word volgens die goedgekeurde Nasionale Vervolgingsbeleid en -model.

(4) 'n Hofvoorbereidingsbeampte of 'n slagofferbystandsbeampte mag nie 'n hofvoorbereidingsprogram doen nie, tensy hy of sy opleiding in die hofvoorbereidingsprogram ontvang het.

(5) 'n Hofvoorbereidingsbeampte of 'n slagofferbystandsbeampte mag nie—

(a) die meriete van die saak met die klaer bespreek tydens die doen van 'n hofvoorbereidingsprogram of terwyl die klaer bygestaan word nie;

(b) die klaer voorsê wat hy of sy in die hof moet sê nie; en

(c) toegang tot die dossier kry nie.

(6) Behoudens subregulasie (7), moet 'n hofvoorbereidingsprogram gedoen word met 'n klaer wat in 'n aangewese hof moet getuienis lewer.

(7) Die aanklaer kan, as hy of sy dit in die omstandighede gepas ag, wegdoen met die vereiste in subregulasie (6) voor voorsiening gemaak.

(8) Die behoeftes van 'n klaer moet deur die hofvoorbereidingsbeampte of die slagofferbystandsbeampte, nadat die hofvoorbereidingsprogram gedoen is, geïdentifiseer word en hy of sy moet skriftelik, sonder oponthoud, die—

(a) tersaaklike aanklaer en, indien nodig, die senior staatsaanklaer;

(b) tussenganger, indien van toepassing; en

(c) hofbestuurder, indien sy of haar ingryping nodig is,

van sodanige behoeftes verwittig ten einde te verseker dat sover moontlik aan hierdie behoeftes voldoen word.

(9) 'n Tolk moet beskikbaar wees om die hofvoorbereidingsbeampte of slagofferbystandsbeampte tydens 'n hofvoorbereidingsprogram by te staan, indien nodig.

(10) 'n Aanklaer moet klaers na die hofvoorbereidingsbeampte, slagofferbystandsbeampte, of die senior staatsaanklaer verwys voordat hulle in die hof getuienis lewer om te verseker dat die volgende reëlings getref word:

(a) Bystand vir die klaer in die taal van sy of haar keuse; en

(b) redelike akkommodasie van die behoeftes van klaers met gestremdhede wanneer hulle by die hof aankom.

(11) Die hofvoorbereidingsbeampte of slagofferbystandsbeampte moet die verwysing van 'n klaer na 'n gepaste professionele diensverskaffer fasiliteer vir 'n kontinuum van versorging, indien die klaer sodanige diens benodig.

Personeel en regterlike trauma-ontlonting

16. (1) Trauma-ontlonting moet beskikbaar wees vir—
- (a) regterlike beamptes;
 - (b) aanklaers;
 - (c) hofvoorbereidingsbeamptes;
 - (d) slagofferbystandsbeamptes;
 - (e) hofpersoneel deur die Staat aangestel, anders as die persone in paragraaf (a) – (d) na verwys,
- wat betrokke is in die vervolging of verbandhoudende aktiwiteite van seksuelemisdryfsake.
- (2) Die trauma-ontlonting in subregulasie (1) bedoel, moet—
- (a) gelewer word wanneer die persone in hierdie subregulasies bedoel, dit benodig; en
 - (b) relevant wees ten einde te verseker dat dit werk.

Tolkdienste

17. (1) 'n Tolk moet, benewens sy of haar hoof funksies, beskikbaar wees om bystand te lewer—
- (a) tydens 'n hofvoorbereidingsprogram;
 - (b) tydens 'n konsultasie deur die aanklaer met 'n klaer; en
 - (c) 'n klaer wat ongeletterd is, indien aldus vereis.
- (2) Die hoof of senior tolk moet, so ver as moontlik, tolke met ondervinding, in die permanente diens van die Departement van Justisie en Grondwetlike Ontwikkeling toeken om in seksuelemisdryfsake te tolk.
- (3) Die hoof of senior tolk moet verseker dat daar 'n poel van tolke is in uitheemse tale en gebare taal, beskikbaar vir aanstelling op 'n *ad hoc* basis, as tolke in seksuelemisdryfsake.

Tussengangersdienste vir getuies

18. (1) Die senior beampte wat die tussengangers se hoof is, moet verseker dat daar 'n poel van tussengangers beskikbaar is wat as tussengangers in seksuelemisdryfsake by 'n aangewese hof aangestel kan word.
- (2) Die senior beampte in subregulasie (1) bedoel, moet die nodige stappe doen om tussengangers te werf om op 'n *ad hoc*-grondslag aangestel te word, indien daar nie genoeg tussengangers by daardie hof aangestel is nie.
- (3) Die senior beampte in subregulasie (1) bedoel, moet 'n databasis byhou van tussengangers wat beskikbaar is om tussengangersdienste op 'n *ad hoc*-grondslag te voorsien.
- (4) 'n Tussenganger moet let op die beperkings en kapasiteit van 'n klaer of 'n getuie wat getuig, met inagneming van sy of haar vorm van kwesbaarheid, ouderdom, fisieke en verstandelike toestand en vlak van ontwikkeling.
- (5) 'n Tussenganger moet die hof om 'n reses vra indien dit vir hom of haar voorkom dat 'n klaer of 'n getuie wat getuig, moeg is of onder stres verkeer.
- (6) 'n Tussenganger moet verseker dat die onmiddellike behoeftes van 'n klaer of 'n getuie wat getuie is, aan voldoen word.

(7) 'n Tussenganger moet, voordat 'n klaer of 'n getuie getuig, die nodige stappe doen om 'n rapport met die klaer of die getuie te vorm.

(8) 'n Tussenganger moet, tydens hofverrigtinge, die hof inlig oor—

(a) enige veranderinge in die fisieke, emosionele of verstandelike gedrag van 'n klaer of 'n getuie; en

(b) enige kommunikasieprobleem met 'n klaer of 'n getuie, wat die hofverrigtinge kan beïnvloed.

(9) Die tussenganger moet, ná die klaer getuig het, die hofvoorbereidingsbeampte of die slagofferbystandsbeampte inlig van die uitwerking wat die gee van getuienis op die klaer gehad het.

Dienste deur hofondersteuners gelewer

19. (1) 'n Hofondersteuner, indien beskikbaar, kan—

(a) klaers en getuies na en van enige van die fasiliteite in regulasie 4 bedoel, die hofsaal en die kleedkamers wat hulle moet gebruik, vergesel;

(b) klaers in regulasie 7(1)(b) bedoel, na die aangewese area vergesel;

(c) ondersteuning aan klaers en getuies voorsien tydens die verrigtinge in die hof indien 'n klaer of getuie dit verlang;

(d) klaers en getuies na die regte instellings verwys vir professionele dienste; en

(e) klaers en getuies help om getuiegelde te kry.

(2) 'n Hofondersteuner kan slegs 'n hofvoorbereidingsprogram doen as hy of sy skriftelik deur die gesag verantwoordelik vir die hofvoorbereidingsprogram, gemagtig is om dit te doen: Met dien verstande dat 'n hofondersteuner nie 'n hofondersteuningsdiens bedoel in subregulasie (1) mag lewer en 'n hofvoorbereidingsprogram mag doen ten opsigte van dieselfde klaer of getuie nie.

(3) 'n Hofondersteuner mag nie—

(a) die meriete van die saak met die klaer of getuies bespreek terwyl hy of sy die klaer en getuies bystaan nie;

(b) die klaer of getuie voorsê wat hy of sy in die hof moet sê nie; en

(c) toegang tot die dossier, of enige vertroulike staatsdokumente hê nie.

(4) 'n Hofondersteuner mag geen diens ingevolge hierdie Regulasies lewer tensy hy of sy opleiding aangaande sodanige dienste van 'n organisasie sonder winsoogmerk of enige staatsdepartement ontvang het nie.

HOOFSTUK VI SPESIALE MAATREËLS VIR VERHORE

Gebaretaaltolke

20. By die aanwysing of aanstelling van 'n gebaretaaltolk, moet die fisieke uitputting wat hy of sy kan ervaar terwyl hy of sy tolk, behoorlik in ag geneem word.

Regshulp-praktisyns

21. (1) 'n Aangewese hof moet verseker dat die beskuldigde wat aangekla word van 'n seksuele misdryf, die geleentheid gebied word om, so gou as moontlik, aansoek te doen vir regshulp ingevolge die 'Legal Aid South Africa Act'.

(2) 'n Aansoek beoog in subregulasie (1) moet so gou as moontlik geevalueer word en moet voorkeur geniet waar sodanige aansoek verband hou met 'n saak waarin kinders betrokke is.

Afhandeling van seksuelemisdryfsake

22. 'n Aangewese hof moet verseker dat seksuelemisdryfsake spoedig afgehandel word en dat verdragings so ver as moontlik vermy word.

Klagtemeganismes vir getuies

23. (1) Toeganklike klagtemeganismes moet by 'n aangewese hof beskikbaar wees ingevolge waarvan klagtes van klaers of getuies in seksuelemisdryfsake ontvang kan word.

(2) Die klagtemeganisme na verwys in subregulasie (1) moet by die aangewese hof deur die hofbestuurder op enige wyse wat hy of sy goeddink, bekend gemaak word.

(3) 'n Beampte of 'n hofbeampte wat 'n klagte van 'n klaer of 'n getuie ontvang, moet—

- (a) die klaer of die getuie na die regte persoon of instelling verwys wat met die klagte sal handel ingevolge die gedragskode waaraan die persoon teen wie die klagte gemaak is, onderhewig is; en
- (b) die klaer of die getuie voorsien van die nodige kontakbesonderhede van die persoon of instelling bedoel in paragraaf (a).

(4) Die persoon of die instelling na verwys in subregulasie (3)(a) moet die klaer of die getuie wat die klagte ingedien het, skriftelik—

- (a) gereeld inlig oor die status van die klagte; en
- (b) inlig oor die uitslag van die klagte.

Vervoer van aangeklaagdes na aangewese hof

24. 'n Beampte wat verantwoordelik is vir die vervoer van 'n persoon aangekla van 'n seksuele misdryf na 'n aangewese hof moet—

- (a) die identiteit nagaan van die persoon wat vervoer moet word, voordat hulle die perseel van die korrektiewe fasiliteit, kinder- en jeugsorgsentrum of polisiehoofkwartier verlaat;
- (b) verseker dat die persoon betyds vervoer word vir die doeleindes van die verrigtinge by die aangewese hof; en
- (c) waar van toepassing, verseker dat die aangeklaagde apart van 'n klaer en 'n getuie vervoer word.

Wyse van hantering van klaers en getuies

25. Hofbeamptes moet tydens hofverrigtinge, by interaksie met 'n klaer of 'n getuie—

- (a) maklike woordeskat gebruik en tegniese terme vermy;
- (b) 'n klaer of getuie inlig of enige konsep of vraag verduidelik, op 'n wyse wat gepas is vir sy of haar vorm van kwesbaarheid, ouderdom, volwassenheid en stadium van ontwikkeling indien die klaer of die getuie 'n kind is, of 'n persoon se verstandelike gestremdheid;
- (c) genoeg besonderhede verstrek sodat 'n klaer of 'n getuie die inligting wat aan hom of haar oorgedra word, verstaan;
- (d) genoeg tyd toelaat sodat 'n klaer of 'n getuie die inligting wat aan hom of haar oorgedra is, kan inneem;
- (e) reaksies uit 'n klaer of 'n getuie kry deur vrae te vra ten einde vas te stel of hy of sy die inligting wat aan hom of haar oorgedra is, verstaan;
- (f) verseker dat die atmosfeer bevorderlik is vir deelname deur 'n klaer of 'n getuie; en

- (g) sensitief wees vir die behoeftes van 'n klaer of 'n getuie en die feit dat hy of sy deurmekaar mag wees of angstig of geïntimideer mag voel.

HOOFSTUK VII DIVERSE

Sitting van aangewese hof op deeltydse grondslag

26. Waar die saaklading van 'n aangewese hof nie vereis dat die hof daagliks sit nie, moet die tersaaklike Streekhofpresident of Regter-president, na gelang van die geval—

(a) bepaal hoe gereeld of op watter dae daardie hof moet sit; en

(b) verseker dat seksuelemisdryfsake betyds aangehoor word, in ooreenstemming met artikel 8(4)(b) van die Wet op Hoër Howe, 2013 (Wet No. 10 van 2013).

Kort titel

27. Hierdie Regulasies heet die Regulasies betreffende Howe vir Seksuele Misdrywe, 2020.

DEPARTMENT OF LABOUR

NO. R. 109

07 FEBRUARY 2020

LABOUR RELATIONS ACT, 1995

CORRECTION NOTICE

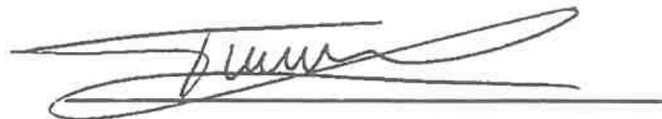
**BARGAINING COUNCIL FOR THE CIVIL ENGINEERING INDUSTRY (BCCEI):
EXTENSION OF DISPUTE RESOLUTION AMENDING COLLECTIVE
AGREEMENT TO NON-PARTIES**

The following correction to Government Notice No. R. 1415 appearing in *Government Gazette* No. 42813 of 1 November 2019 is hereby published for general information:

1. Please replace the published Notices and Schedule on pages 35, 36, 37 and 38 of the gazette with the following attached signed Notices and Schedule.

LABOUR RELATIONS ACT, 1995**BARGAINING COUNCIL FOR THE CIVIL ENGINEERING INDUSTRY (BCCEI):
EXTENSION OF DISPUTE RESOLUTION AMENDING COLLECTIVE AGREEMENT
TO NON-PARTIES**

I, **THEMBELANI WALTERMADE NXESI**, Minister of Labour, hereby in terms of section 32(2) of the Labour Relations Act, 1995, declare that the Collective Agreement which appears in the Schedule hereto, which was concluded in the **Bargaining Council Civil Engineering Industry** and is binding in terms of section 31 of the Labour Relations Act, 1995, on the parties which concluded the Dispute Resolution Agreement, shall be binding on the other employers and employees in that Industry, with effect from the second Monday after date of publication of this notice and for the period ending 31 August 2023.



MR TW NXESI, MP

MINISTER OF EMPLOYMENT AND LABOUR

DATE: 27/01/2020


UMYANGO WEZEMISEBENZI NEZABASEBENZI

R.

USUKU:

UMTHETHO WOBUDLELWANO KWEZABASEBENZI KA - 1995**UMKHANDLU KAZWELONKE WOKUXOXISANA PHAKATHI KWABAQASHI
NABASEBENZI BEMBONI YEZIKHUMBA: UKWELULELWA KWESIVUMELWANO
SABAQASHI NABASEBENZI BESIGABA KWEZIKHUMBA SELULELWA KULABO
ABANGEYONA INGXYENYE YESIVUMELWANO**

Mina, **THEMBELANI WALTERMADE NXESI**, onguNgqongqoshe Wezabasebenzi nezabasenzi, ngokwesigaba 32(2) soMthetho Wobudlelwano Kwezabasebenzi, ka-1995, ngazisa ukuthi isiVumelwano sabaqashi nabasebenzi esitholakala kuSheduli yesiNgisi exhanywe lapha, esenziwa umkhandlu Wokuxoxisana phakathi Kwabaqashi Nabasebenzi Embonini Yonjiniyela Bezokwakhiwa Kwemigwaqo Namabhuloho, futhi ngokwesigaba 31 somthetho wobudlelwano kwezabasebenzi ka-1995 esibopha labo abasenzayo, sizobopha bonke abanye abaqashi nabasebenzi kuleyomboni, kusukela ngomSombuluko wesibili emva kokushicilelwa kwalesisaziso kuze kube mhlaka 31 kuNcwaba 2023.

**MNUMZANE TW NXESI, MP****UNGQONGQOSHE WEZEMISEBENZI NEZABASEBENZI**

USUKU: ...27/01/2020...

SCHEDULE**BARGAINING COUNCIL FOR THE CIVIL ENGINEERING INDUSTRY
DISPUTE RESOLUTION COLLECTIVE AGREEMENT**

In accordance with the provisions of the Labour Relations Act, 1995, made and entered into by and between the-

Employers' Organisation

Consolidated Employers Organisation (CEO)

South African Forum of Civil Engineering Contractors (SAFCEC)

(Hereinafter referred to as the "employer" or the "employers' organisations")

of the one party and the-

Trade Unions

Building, Construction and Allied Workers Union (BCAWU)

National Union of Mineworkers (NUM)

(Hereinafter referred to as the "employees" or the "trade unions") of the other

part, being the parties to the Bargaining Council for the Civil Engineering

Industry), to publish the Dispute Resolution Collective Agreement

APPLICATION AND INTERPRETATION OF AGREEMENT**1. Application of the agreement****1.1 This agreement binds:**

- (a) All employees in the Civil Engineering industry that are members of the employers' organisations that are party to this agreement; and
- (b) All employees in the bargaining unit, employed in the Civil Engineering industry who are members of the trade unions that are party to this agreement.

- 1.2 This Agreement must be applied in the jurisdiction of Bargaining Council for the Civil Engineering Industry throughout the Republic of South Africa.
- 1.3 Except as otherwise provided for in this Agreement, the BCCEI established a Committee to deal with applications for exemption from the provisions of the BCCEI's Collective Agreements.
- 1.4 This agreement applies to learners, only insofar as it is not inconsistent with the Skills Development Act, 1998.
- 2. Period of operation of agreement: -**
- 2.1 This agreement becomes binding on the employers and employees – refer to sub-clause (1.1), once it is extended by the Honourable Minister of Labour, in terms of Section 32 of the Act 66 of 1995, from a date determined by the Minister of Labour;
- 2.2 This agreement becomes binding on the employers and employees referred to in sub-clause 1.1 to 1.4 once it is extended to non-parties by the Honourable Minister of Labour and shall remain in force until 31 August 2023.

SIGNED AT BEDFORDVIEW, for and on behalf of the parties, this day of 15/08/ 2019



Chairman of the BCCEI



Vice-Chairman of the BCCEI



General Secretary of the BCCEI

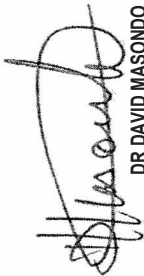
SOUTH AFRICAN REVENUE SERVICE

NO. R. 110

07 FEBRUARY 2020

CUSTOMS AND EXCISE ACT, 1964.
AMENDMENT OF SCHEDULE NO. 2 (NO. 2/1/388)

In terms of section 56 of the Customs and Excise Act, 1964, Part 1 of Schedule No. 2 to the said Act is hereby amended to the extent set out in the Schedule hereto.



DR DAVID MASONDO
DEPUTY MINISTER OF FINANCE

SCHEDULE

By the insertion of the following:

Item	Tariff Heading	Code	CD	Description	Rebate Items	Imported from or Originating in	Rate of Anti-dumping duty
213.03	7005.29.23	04.08	86	Float glass and surface ground or polished glass, in sheets, whether or not having an absorbent, reflecting or non-reflecting layer, but otherwise not worked, of a thickness exceeding 3 mm but not exceeding 4 mm (excluding solar glass and optical glass)	301.00-399.00; 401.00-499.00	Saudi Arabia	23,9%
213.03	7005.29.23	05.08	80	Float glass and surface ground or polished glass, in sheets, whether or not having an absorbent, reflecting or non-reflecting layer, but otherwise not worked, of a thickness exceeding 3 mm but not exceeding 4 mm (excluding solar glass and optical glass)	301.00-399.00; 401.00-499.00	United Arab Emirates	16,8%
213.03	7005.29.23	06.08	85	Float glass and surface ground or polished glass, in sheets, whether or not having an absorbent, reflecting or non-reflecting layer, but otherwise not worked, of a thickness exceeding 3 mm but not exceeding 4 mm, produced by Guardian Zoujaj (excluding solar glass and optical glass)	301.00-399.00; 401.00-499.00	United Arab Emirates	16,8%
213.03	7005.29.25	03.08	87	Float glass and surface ground or polished glass, in sheets, whether or not having an absorbent, reflecting or non-reflecting layer, but otherwise not worked, of a thickness exceeding 4 mm but not exceeding 5 mm (excluding solar glass and optical glass)	301.00-399.00; 401.00-499.00	Saudi Arabia	23,9%
213.03	7005.29.25	04.08	81	Float glass and surface ground or polished glass, in sheets, whether or not having an absorbent, reflecting or non-reflecting layer, but otherwise not worked, of a thickness exceeding 4 mm but not exceeding 5 mm (excluding solar glass and optical glass)	301.00-399.00; 401.00-499.00	United Arab Emirates	16,8%
213.03	7005.29.25	05.08	86	Float glass and surface ground or polished glass, in sheets, whether or not having an absorbent, reflecting or non-reflecting layer, but otherwise not worked, of a thickness exceeding 4 mm but not exceeding 5 mm, produced by Guardian Zoujaj (excluding solar glass and optical glass)	301.00-399.00; 401.00-499.00	United Arab Emirates	16,8%
213.03	7005.29.35	04.08	83	Float glass and surface ground or polished glass, in sheets, whether or not having an absorbent, reflecting or non-reflecting layer, but not otherwise worked, of a thickness exceeding 5 mm but not exceeding 6 mm (excluding solar glass and optical glass)	301.00-399.00; 401.00-499.00	Saudi Arabia	23,9%
213.03	7005.29.35	05.08	88	Float glass and surface ground or polished glass, in sheets, whether or not having an absorbent, reflecting or non-reflecting layer, but not otherwise worked, of a thickness exceeding 5 mm but not exceeding 6 mm (excluding solar glass and optical glass)	301.00-399.00; 401.00-499.00	United Arab Emirates	16,8%

By the insertion of the following:

Item	Tariff Heading	Code	CD	Description	Rebate Items	Imported from or Originating in	Rate of Anti-dumping duty
213.03	7005.29.35	06.08	82	Float glass and surface ground or polished glass, in sheets, whether or not having an absorbent, reflecting or non-reflecting layer, but not otherwise worked, of a thickness exceeding 5 mm but not exceeding 6 mm, produced by Guardian Zoujaj (excluding solar glass and optical glass)	301.00-399.00; 401.00-499.00	United Arab Emirates	16,8%

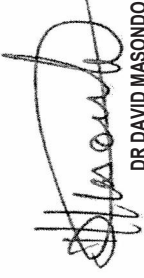
SUID-AFRIKAANSE INKOMSTEDIENS

NO. R. 110

07 FEBRUARIE 2020

DOEANE- EN AKSYNSWET, 1964.
WYSIGING VAN BYLAE NO. 2 (NO. 2/1/388)

Kragtens artikel 56 van die Doeane- en Aksynswet, 1964, word Deel 1 van Bylae No. 2 by bogenoemde Wet hiermee gewysig in die mate in die Bylae hierby aangetoon.



DR DAVID MASONDO
ADJUNKMINISTER VAN FINANSIES

BYLAE

Deur die invoeging van die volgende:

Item	Tarifpos	Kode	TS	Beskrywing	Kortingitems	Ingevoer vanaf of Oorspronklik van	Skaal van Anti-dumpingreg
213.03	7005.29.23	04.08	86	Afstrykglas en glas met die oppervlak geslyp of gepoleer, in velle, hetsy met 'n absorberende, weerkaatsende of nie-weerkaatsende laag al dan nie, maar nie andersins bewerk nie, met 'n dikte van meer as 3 mm maar hoogstens 4 mm (uitgesonderd son glas en optiese glas)	301.00-399.00; 401.00-499.00	Saudi Arabië	23,9%
213.03	7005.29.23	05.08	80	Afstrykglas en glas met die oppervlak geslyp of gepoleer, in velle, hetsy met 'n absorberende, weerkaatsende of nie-weerkaatsende laag al dan nie, maar nie andersins bewerk nie, met 'n dikte van meer as 3 mm maar hoogstens 4 mm (uitgesonderd son glas en optiese glas)	301.00-399.00; 401.00-499.00	Verenigde Arabiese Republiek	16,8%
213.03	7005.29.23	06.08	85	Afstrykglas en glas met die oppervlak geslyp of gepoleer, in velle, hetsy met 'n absorberende, weerkaatsende of nie-weerkaatsende laag al dan nie, maar nie andersins bewerk nie, met 'n dikte van meer as 3 mm maar hoogstens 4 mm, vervaardig deur Guardian Zoujaj (uitgesonderd son glas en optiese glas)	301.00-399.00; 401.00-499.00	Verenigde Arabiese Republiek	16,8%
213.03	7005.29.25	03.08	87	Afstrykglas en glas met die oppervlak geslyp of gepoleer, in velle, hetsy met 'n absorberende, weerkaatsende of nie-weerkaatsende laag al dan nie, maar nie andersins bewerk nie, met 'n dikte van meer as 4 mm maar hoogstens 5 mm (uitgesonderd son glas en optiese glas)	301.00-399.00; 401.00-499.00	Saudi Arabië	23,9%
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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)

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065