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REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Regulation Gazette

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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

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** **2022**

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

- **31 December 2021**, Friday for the issue of Friday **07 January 2022**
- **07 January**, Friday for the issue of Friday **14 January 2022**
- **14 January**, Friday for the issue of Friday **21 January 2022**
- **21 January**, Friday for the issue of Friday **28 January 2022**
- **28 January**, Friday for the issue of Friday **04 February 2022**
- **04 February**, Friday for the issue of Friday **11 February 2022**
- **11 February**, Friday for the issue of Friday **18 February 2022**
- **18 February**, Friday for the issue of Friday **25 February 2022**
- **25 February**, Friday for the issue of Friday **04 March 2022**
- **04 March**, Friday for the issue of Friday **11 March 2022**
- **11 March**, Friday for the issue of Friday **18 March 2022**
- **17 March**, Thursday for the issue of Friday **25 March 2022**
- **25 March**, Friday for the issue of Friday **01 April 2022**
- **01 April**, Friday for the issue of Friday **08 April 2022**
- **07 April**, Thursday for the issue of Thursday **14 April 2022**
- **13 April**, Wednesday for the issue of Friday **22 April 2022**
- **21 April**, Thursday for the issue of Friday **29 April 2022**
- **28 April**, Thursday for the issue of Friday **06 May 2022**
- **06 May**, Friday for the issue of Friday **13 May 2022**
- **13 May**, Friday for the issue of Friday **20 May 2022**
- **20 May**, Friday for the issue of Friday **27 May 2022**
- **27 May**, Friday for the issue of Friday **03 June 2022**
- **03 June**, Friday for the issue of Friday **10 June 2022**
- **09 June**, Thursday for the issue of Friday **17 June 2022**
- **17 June**, Friday for the issue of Friday **24 June 2022**
- **24 June**, Friday for the issue of Friday **01 July 2022**
- **01 July**, Friday for the issue of Friday **08 July 2022**
- **08 July**, Friday for the issue of Friday **15 July 2022**
- **15 July**, Friday for the issue of Friday **22 July 2022**
- **22 July**, Friday for the issue of Friday **29 July 2022**
- **29 July**, Friday for the issue of Friday **05 August 2022**
- **04 August**, Thursday for the issue of Friday **12 August 2022**
- **12 August**, Friday for the issue of Friday **19 August 2022**
- **19 August**, Friday for the issue of Friday **26 August 2022**
- **26 August**, Friday for the issue of Friday **02 September 2022**
- **02 September**, Friday for the issue of Friday **09 September 2022**
- **09 September**, Friday for the issue of Friday **16 September 2022**
- **16 September**, Friday for the issue of Friday **23 September 2022**
- **23 September**, Friday for the issue of Friday **30 September 2022**
- **30 September**, Friday for the issue of Friday **07 October 2022**
- **07 October**, Friday for the issue of Friday **14 October 2022**
- **14 October**, Friday for the issue of Friday **21 October 2022**
- **21 October**, Friday for the issue of Friday **28 October 2022**
- **28 October**, Friday for the issue of Friday **04 November 2022**
- **04 November**, Friday for the issue of Friday **11 November 2022**
- **11 November**, Friday for the issue of Friday **18 November 2022**
- **18 November**, Friday for the issue of Friday **25 November 2022**
- **25 November**, Friday for the issue of Friday **02 December 2022**
- **02 December**, Friday for the issue of Friday **09 December 2022**
- **08 December**, Thursday for the issue of Thursday **15 December 2022**
- **15 December**, Thursday for the issue of Friday **23 December 2022**
- **22 December**, Thursday for the issue of Friday **30 December 2022**

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 JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 2133

3 June 2022

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 for 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 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. 1967 of 17 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. 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, R. 1343 of 18 October 2019, R. 107 of 7 February 2020, R. 858 of 7 August 2020, R. 1157 of 30 October 2020 and R1603 of 17 December 2021.

Amendment of rule 6 of the Rules

2. Rule 6 of the Rules is hereby amended—
- (a) by the substitution for subrule (1) of the following subrule:
- "(1) **[Save where proceedings by way of petition are prescribed by law, every] Every** application must be brought on notice of motion supported by an affidavit as to the facts upon which the applicant relies for relief.";
- (b) by the repeal of subrule (3);
- (c) by the substitution in subrule (4) for paragraph (a) of the following paragraph:
- "(a) Every application brought *ex parte* **[(whether by way of petition or]** upon notice to the registrar supported by an affidavit as aforesaid**]** must be filed with the registrar and set down, before noon on the court day but one preceding the day upon which it is to be heard. If brought upon notice to the registrar, such notice must set forth the form of order sought, specify the affidavit filed in support thereof, request the registrar to place the matter on the roll for

hearing, and be as near as may be in accordance with Form 2 of the First Schedule.";

- (d) by the substitution in subrule (5)(b) for subparagraph (iii) of the following subparagraph:
- "(iii) set forth a day, not less than **[five]** 10 days after service thereof on the respondent, on or before which such respondent is required to notify the applicant, in writing, whether respondent intends to oppose such application, and must further state that if no such notification is given the application will be set down for hearing on a stated day, not being less than 10 days after service on the said respondent of the said notice:";
- (e) by the substitution in subrule (5) for paragraph (d) of the following paragraph:
- "(d) Any person opposing the grant of an order sought in the notice of motion must—
- (i) within the time stated in the said notice, give applicant notice, in writing that **[he or she]** such person intends to oppose the application, and in such notice appoint an address within 15 kilometres of the office of the registrar, at which such person will accept notice and service of all documents, as well as such person's postal, facsimile or electronic mail addresses where available;
- (ii) within fifteen days of notifying the applicant of **[his or her]** intention to oppose the application, deliver **[his or her]** such person's answering affidavit, if any, together with any relevant documents; and
- (iii) if **[he or she]** such person intends to raise any question of law only, **[he or she]** such person must deliver notice of **[his or her]** intention to do so, within the time stated in the preceding sub-paragraph, setting forth such question.";
- (f) by the repeal of paragraph (h) of subrule (5); and
- (g) by the substitution in subrule (12) for paragraph (b) of the following paragraph:
- "(b) In every affidavit **[or petition]** filed in support of any application under paragraph (a) of this subrule, the applicant must set forth explicitly the circumstances which is averred render the matter urgent and the reasons why the applicant claims that applicant could not be afforded substantial redress at a hearing in due course.".

Amendment of rule 30A of the Rules

3. Rule 30A of the Rules, is hereby amended—
- (a) by the substitution for the heading of the rule of the following heading:
"30A. **Non-compliance with Rules and Court Orders.**"; and
- (b) by the substitution for subrule (1) of the following subrule:

"(1) Where a party fails to comply with these rules or with a request made or notice given pursuant thereto, or with an order or direction made by a court or in a judicial case management process referred to in rule 37A, any other party may notify the defaulting party that he or she intends, after the lapse of 10 days from the date of delivery of such notification, to apply for an order—

(a) that such rule, notice, request, order or direction be complied with; or

(b) that the claim or defence be struck out."

Proposed Rule 37B of the Rules

4. The Rules are hereby amended by the insertion of rule 37B after rule 37A:

"Administrative archiving

- 37B.** (1) Subject to the further provisions of this rule—
- (a) if an application in writing has not been made to the registrar by any party to a case within 24 months of the date of issue of the summons for the setdown of the matter for trial; or
- (b) if after the expiry of the period of 24 months referred to in paragraph (a) the matter is not ready for referral by the registrar to judicial case management in terms of rule 37A—

the registrar shall, after giving the parties (thirty) 30 days' written notice, and subject to subrule (2), remove the file from the administrative record of pending matters and archive the court file.

- (2) Any party in a case to whom notice has been given by the registrar in terms of sub-rule (1) and who has not taken any steps referred to in subrule (1) may apply to a judge in chambers for an extension of time within which to render the matter ready for an application to be made for the set down of the matter for trial.

(3) A judge to whom an application is made in terms of sub-rule (2) may grant the extension of time subject to such terms and conditions for the further conduct of the matter as he or she deems fit, including any order as to costs.

(4) An order made in terms of subrule (3) which grants an application for an extension of time referred to in subrule (2) shall—

- (a) incorporate a timetable for the further conduct of the matter; and
- (b) include provision for a date by which an application shall be made, in writing to the registrar, for the setdown of the matter for trial.

(5) Any matter in which an application in terms of sub-rule (2) has been granted shall be referred by the registrar to a case management judge, in which event the provisions of rule 37A shall apply *mutatis mutandis*."

Amendment of rule 40 of Rules

5. Rule 40 of the Rules is hereby amended by the—

(a) substitution of the heading for the following heading:

"Legal assistance to indigent persons":

(b) substitution for subrule (1) of the following subrule:

"(1) (a) A natural person who desires to bring or defend proceedings [in forma pauperis], as an indigent litigant and who does not qualify for legal aid, or who requires to continue as an indigent litigant in an action or defended action already instituted, may apply to the registrar who, if it appears to him or her that [he] such person is [a person such] as [is] contemplated by paragraph (a) of subrule (2), shall refer [him] such person to an attorney and an advocate [at the same time inform the local society of advocates accordingly].

(aA) Where a person applies to continue as an indigent litigant in an action or defence already instituted, such person may do so by proceeding in terms of the provisions of this rule but in addition, shall—

- (i) set out the alteration in his or her circumstances which renders it necessary to continue the action or defence as an indigent litigant; and
- (ii) give notice of the application to the opposite party.

(aB) In the event of the opposite party objecting to the granting of the application, the applicant must apply formally to the court after giving proper notice to the opposite party.

(b) The attorney referred to in paragraph (a) of subrule (1) shall inquire into such person's means and the merits of his or her cause and upon being satisfied that the matter is one in which **[he]** such attorney may properly act **[in forma pauperis,]** in assisting the indigent litigant, [he] such attorney shall request the **[said society]** registrar to nominate an advocate who is willing and able to act, and upon being so nominated such advocate shall act therein.

(c) Should such attorney or advocate thereafter become unable so to act, the registrar **[or the said society, as the case may be,]** may, upon request, nominate another practitioner to act in **[his]** such attorney's or advocate's stead.”;

(c) substitution for subrule (2) of the following subrule:

“(2) If **[when]** such proceedings are instituted **[there]** the following must be lodged with the registrar on behalf of such person—

(a) an affidavit setting forth fully his or her financial position and stating that [, **excepting]** except for household goods, wearing apparel and tools of trade, **[he]** such person is not possessed of property to the amount of **[R10 000]** R640 000 and will not be able within a reasonable time to provide such sum from **[his]** such person's earnings;

(b) a statement signed by the advocate and attorney aforementioned that being satisfied that the person concerned is unable to pay fees they are acting for the said person in their respective professional capacities gratuitously in the proceedings to be instituted or defended by **[him]** such person; and

(c) a certificate of *probabilis causa* by the said advocate, the registrar shall issue all process and accept all documents in the said proceedings for the aforesaid person without fee of office.

(d) substitution for subrule (3) of the following subrule:

“(3) All pleadings, process and documents filed of record by a party proceeding **[in forma pauperis]** as an indigent litigant shall be headed accordingly.”;

(e) substitution for subrule (4) of the following subrule:

“(4) The registrar shall maintain in his or her office a roster of attorneys and advocates, and in referring persons desirous of bringing or defending proceedings **[in forma pauperis]** as indigent litigants to practitioners in terms of subrule (1), **[he]** the registrar shall do so as far as possible in rotation.”;

(f) substitution for subrule (6) of the following subrule:

"(6) When a person sues or defends [*in forma pauperis*] as an indigent litigant under process issued in terms of this rule, [his] such person's opponent shall, in addition to any other right [he] such person's opponent might have, have the right at any time to apply to the court on notice for an order dismissing the claim or defence or for an order debarring [him] such person from continuing [*in forma pauperis*] as an indigent litigant; and upon the hearing of such application the court may make such order thereon, including any order as to costs, as [to it seems meet] it deems fit."; and

(g) substitution for subrule (7) of the following subrule:

"(7) If upon the conclusion of the proceedings [a] an indigent litigant [*in forma pauperis*] is awarded costs, [his] such litigant's attorney may include in [his] the bill of costs such fees and disbursements [to] which [he] such attorney would ordinarily have been entitled, and upon receipt thereof, in whole or in part, [he] such attorney shall pay out in the following order of preference: first, [to the registrar, such amount in revenue stamps as would have been due in respect of his fees of office; second,] to the sheriff, [his] charges for the service and execution of process; [third, to himself] second, to such attorney and the advocate, their fees as allowed on taxation, *pro rata* if necessary.".

Amendment of rule 62 of the Rules

6. Rule 62 of the Rules is hereby amended—

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

"(3) Stated cases, [petitions,] affidavits, grounds of appeal and [the like] similar documents shall be divided into concise paragraphs which shall be consecutively numbered.";

(b) by the substitution for subrule (5) of the following subrule:

"(5) Every affidavit filed with the registrar by or on behalf of a respondent shall, if [he] such respondent is represented, on the first page thereof bear the name and address of the attorney filing it."; and

(c) by the substitution for subrule (7) of the following subrule:

"(7) Any party to a cause, and any person having a personal interest therein, with leave of the registrar on good cause shown, may at [his] the registrar's office, examine and make copies of all documents in such cause."

Amendment of rule 37 of Rules

7. Rule 37 of the Rules is hereby amended—
- (a) by the deletion in subrule (6) of the full stop at the end of paragraph (k) and substitution with a semi-colon; and
- (b) by the addition in subrule (6) of the following paragraph:
- "(l) any agreement regarding whether any issue or issues are to be referred to a referee for investigation in terms of rule 38A, or where an investigation has been conducted by a referee, any issue upon which the parties disagree and the referral of such issue for consideration by the court."

Insertion of rule 38A in Rules

8. The following rule is hereby inserted in the Rules after rule 38:

"38A: Referral of particular matters for investigation by referee

- (1) A court in any civil proceedings may, with the consent of the parties, refer a matter to a referee to investigate and report thereon to the court, as envisaged in section 38(1) of the Act.
- (2) The consent to appoint a referee shall be in writing and signed by the parties and shall contain at least the following particulars—
- (a) the identity of the referee by *inter alia* referring to the referee's full names, work address and work expertise;
- (b) the referee's hourly or daily rates, as applicable, and any other agreement which has been reached with regard to the remuneration of the referee;
- (c) the factual issue or issues to be considered by the referee, succinctly identified;
- (d) the documents or other material which must be considered by the referee for purposes of the enquiry and report;

(e) the powers of the referee to be approved by the court for inclusion in the order; and

(f) where appropriate, the time frame within which a report shall be produced.

(3) The powers to be ascribed to a referee shall be determined by the circumstances of each case and shall be confirmed by the court.

(4) When seeking a referral order under subrule (1), the parties shall—

(a) provide the court with the original written consent;

(b) provide written reasons why the matter is one which is appropriate to be referred to a referee under section 38(1) of the Act;

(c) make submissions why the nominated referee appears most suitable to decide the issues to be decided; and

(d) provide the court with the written consent of the referee to be appointed confirming his or her availability and the necessary expertise to consider the factual question or questions posed by the parties.

(5) Referees shall be entitled to be remunerated on the basis of the rates or amounts agreed upon by the parties, prior to the appointment: Provided that where there is no agreement the court may be requested to order the rates or amounts of remuneration.”.

Amendment of rule 41A of Rules

9. Rule 41A of the Rules is hereby amended by the substitution in subrule (2) for paragraph (d) of the following paragraph:

“(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.”.

Amendment of rule 68 of the rules

10 . Rule 68 of the rules is hereby amended by the substitution for the Tariff of the following Tariff:

"TARIFF

Item	R c
1 For registration of any document for service or execution, upon receipt thereof.	[11,00] <u>13,00</u>
2 (a) For service of summonses, [petitions together with] notices of motion [or set down], other notices, orders or any other documents, each	[70,50] <u>84,50</u>
Provided that-	
(i) Whenever any document to be served with any such process is mentioned in the process or forms an annexure thereto, no additional fee shall be charged for the service of such document, but otherwise a fee of [R11,00] <u>R13,00</u> may be charged in respect of each separate document served;	
(ii) No fee for the service of a separate document shall be charged in respect of the service of process in criminal cases.	
(b) Attempted service of summonses, [petitions together with] notices of motion [or notice of set down], other notices, orders and any other documents: Provided that an attempted service of more than one document on the same person shall be treated as an attempted service of one document only.	[52,50] <u>63,50</u>
3 Travelling allowance:	
(a) For the distance actually and necessarily travelled by the sheriff or his or her officer, reckoned, subject to item 3(c) and (d), from the office of the sheriff, both on the forward and the return journey, per kilometre or part thereof.	<u>6,00</u>
(b) When two or more summonses or other process, whether at the instance of the same party or of different parties, are capable of being served on one and the same journey, the travelling allowance for performing the round of service shall be fairly and equitably apportioned among the several cases, regard being had to the distance at which the parties against whom such process is directed respectively reside from the office of the sheriff, but the fee for service shall be payable for each service made or attempted to be made.	

<p>(c) The travelling allowance mentioned in item 3(a) and (b) shall be calculated on the distance reckoned from the office of the sheriff if-</p> <p>(i) the sheriff's office is situated within the area of jurisdiction allocated to the sheriff by the Minister; and</p> <p>(ii) the distance from the sheriff's office is less than the distance reckoned from the court-house closest to the address for service.</p>	
<p>(d) If the requirement in item 3(c) is not met, then the travelling allowance mentioned in item 3(a) and (b) shall be calculated on the distance reckoned from the court-house closest to the address for service.</p>	
4 (a) Postage in civil matters, as per postal tariff.	
(b) Postage in criminal matters, free.	
NOTE: The sheriff may take any postal matter to the registrar of the High Court, or if there is no registrar in his or her town or city, to the magistrate, who shall frank the envelope with his or her official franking stamp.	
5 For the execution of any writ-	
(a) (i) of personal arrest, including the conveyance of the person concerned to court, to an attorney's office or to a prison, per person	[88,00] <u>106,00</u>
(ii) for conveying the person concerned to court from a place of custody on a day subsequent to the day of arrest and attending at court, per hour or part thereof	[104,50] <u>126,00</u>
(iii) for attachment of property <i>ad fundandam jurisdictionem</i> or <i>ad confirmandam jurisdictionem</i>	[88,00] <u>106,00</u>
(iv) where an attachment in terms of item 5(a)(iii) is withdrawn or suspended;	[25,00] <u>30,00</u>
(b) of ejectment: [R104,50] <u>R126,00</u> per hour or part thereof, subject to a minimum of which shall include the first hour (in addition to reasonable expenses necessarily incurred);	[156,00] <u>188,00</u>
(c) against immovable property-	

(i) for execution, including service of notice of attachment upon the owner of the immovable property and upon the registrar of deeds or other officer charged with the registration of such property, and if the property is in occupation of some person other than the owner, also upon such occupier	[208,50] <u>251,00</u>
(ii) for notice of attachment to a single lessee or occupier	[19,00] <u>23,00</u>
(identical notices where there are several lessees, occupiers or owners, for each after the first)	[6,50] <u>8,50</u>
(iii) for making valuation report for purposes of sale per half hour or part thereof	[52,50] <u>63,50</u>
(iv) when— (aa) a sheriff has been authorised to sell property and the property is not sold by reason of the fact that the attachment is withdrawn or stayed, all the necessary notice for the withdrawal or stay of the attachment (bb) upliftment of judicial attachment on immovable property occurs	[208,00] <u>251,00</u> 208,00] <u>251,00</u>
(v) for ascertaining and recording what bonds or other encumbrances are registered against the property, together with the names and addresses of the persons in whose favour such bonds and encumbrances are so registered, including any correspondence in connection therewith (in addition to reasonable expenses necessarily incurred)	[104,50] <u>126,00</u>
(vi) for notifying the execution creditor of such bonds or other encumbrances and of the names and addresses of the persons in whose favour such bonds or other encumbrances are registered	[19,00] <u>23,00</u>
(vii) for consideration of proof that a preferent creditor has complied with the requirements of rule 46(5)(a)	[11,00] <u>13,00</u>
(viii) for the notice referred to in rule 46(6)	[19,00] <u>23,00</u>
(ix) for consideration of notice of sale prepared by the execution creditor in consultation with the sheriff; and	

(x) for verifying that notice of sale has been published in the newspapers indicated and in the <i>Gazette</i> inclusive fee for (ix) and (x)	[104,50] <u>126,00</u>
(xi) for forwarding a copy of the notice of sale to every judgment creditor who had caused the immovable property to be attached and to every mortgagee thereof whose address is known, for each copy	[19,00] <u>23,00</u>
(xii) for affixing a copy of the notice of sale to the notice board of the magistrate's court referred to in rule 46(7)(e) and at or as near as may be to the place where the sale is actually to take place, an inclusive fee of [R44,00] <u>R53,00</u> and travelling costs referred to in item 3	
(xiii) for—	
(aa) considering the conditions of sale prepared by the execution creditor	[104,50] <u>126,00</u>
(bb) considering further or amended conditions of sale submitted by an interested party	[104,50] <u>126,00</u>
(cc) settling of conditions of sale	[104,50] <u>126,00</u>
(dd) all necessary attendances prescribed by any law related to auctions, in particular the Consumer Protection Act, 2008 (Act No. 68 of 2008)	[315,00] <u>380,00</u>
(ee) the conducting of an auction, save that this fee may not be charged if commission is claimed in terms of item (xiv)	[208,50] <u>251,00</u>
(xiv) on the sale of immovable property by the sheriff as auctioneer, 6 per cent on the first R100 000,00, 3.5 per cent on R100 001,00 to R400 000,00 and 1.5 per cent on the balance of the proceeds of the sale, subject to a maximum commission of R40 000,00 in total and a minimum of R3 000,00 (inclusive in all instances of the sheriff's bank charges and other expenses incurred in paying the proceeds into his or her trust account), which commission shall be paid by the purchaser;	
(xv) for —	
(aa) written notice to the purchaser who has failed to comply with the conditions of sale	[52,50] <u>63,50</u>
(bb) any report referred to in rule 46(11)	[52,50] <u>63,50</u>

(cc) informing judgment debtor of the cancellation referred to in rule 46(11)(a)(iii)	[19,00] <u>23,00</u>
(dd) giving notice referred to in rule 46(11)(c)	[19,00] <u>23,00</u>
(xvi) for giving transfer to the purchaser	[25,00] <u>30,00</u>
(xvii) for— (aa) receipt of certificate referred to in rule 46(14)(a)	[19,00] <u>23,00</u>
(bb) preparing a plan of distribution of the proceeds (including the necessary copies) and for forwarding a copy to the registrar	[104,50] <u>126,00</u>
(xviii) for giving notice to all parties who have lodged writs and to the execution debtor that the plan of distribution will lie for inspection, for every notice	[19,00] <u>23,00</u>
(xix) for the report referred to in rule 46A(9)(d)	[52,50] <u>63,50</u>
(d) against movable property-	
(i) when a writ is paid on presentation, 9 per cent on the amount so paid, with a minimum fee of [R71,00] <u>R85,00</u> and a maximum of	[691,50] <u>832,50</u>
(ii) for any abortive attempt at attachment, including one hour's search and enquiry	[71,00] <u>85,00</u>
(iii) when a writ is withdrawn or stayed before any property is attached	[25,00] <u>30,00</u>
(iv) for making an attachment, including one hour's search and enquiry	[172,50] <u>208,00</u>

(v) notice of attachment, if necessary, to a single person (identical notices, when there is more than one person to be given notice, for each after the first)	[18,00] <u>22,00</u> [11,00] <u>13,00</u>
(vi) when an attachment is withdrawn by a judgment creditor or stayed before sale, 3 per cent on the value of the property attached or the amount of the writ, whichever is the lesser, but subject to a maximum of	[517,00] <u>574,00</u>
(vii) when a writ is paid by the debtor to the sheriff after attachment but before sale, 9 per cent on the amount so paid, with a minimum fee of [R71,00] R85,00 and a maximum of	[691,50] <u>832,50</u>
(viii) when moneys are taken in execution, 9 per cent of the amount so taken, but subject to a maximum of	[691,50] <u>832,50</u>
(ix) for drawing up advertisements of sale of goods attached	[71,00] <u>85,00</u>
(x) for selling in execution, including distribution of the proceeds, on the first R15 000,00 or part thereof, 9 per cent, and thereafter, 6 per cent, with a maximum of	[9607,50] <u>11653,50</u>
(xi)	
(xii) commission shall not be chargeable against a judgment debtor on the value of movable property attached and subsequently claimed by a person other than the judgment debtor and released in consequence of such claim, unless such property has been attached at the express direction of the judgment creditor, in writing, in which event the judgment creditor shall be liable to the sheriff for the commission;	
(xiii) for insuring movable property attached when it is considered necessary and when the sheriff is directed thereto in writing by the judgment creditor, in addition to the amount of premium paid, an inclusive fee of	[37,50] <u>45,00</u>
(e) for keeping possession of property (money excluded)-	

(i) for each officer necessarily left in possession, a reasonable inclusive fee per officer per day not exceeding	[132,00] <u>158,00</u>
NOTE: 'Possession' means the continuous and necessary presence on the premises for the period in respect of which possession is reckoned, of a person employed and paid by the sheriff for the sole purpose of retaining possession	
(ii) for removal and storage, the reasonable and necessary expenses for such removal and storage, and if an animal is to be stabled or fed, the reasonable charges for such stabling and feeding;	
(iii) for tending livestock, the necessary expenses for tending such stock;	
(iv) when no officer is left in possession and no security bond is taken, but movable property attached remains under the supervision of the sheriff, per day	[4,00] <u>6,00</u>
6 (a) For making an inventory, including all necessary copies and time spent in stocktaking, per hour or part thereof	[132,00] <u>158,00</u>
(b) For assistance, where necessary, in taking inventory, a reasonable and inclusive fee per day, not exceeding	[132,00] <u>158,00</u>
7 (a) For making return of service or execution, including drawing up and typing of original for court, limited to one person upon each original process; and	
(b) copy thereof for party desiring service or execution.	42,50] <u>52,00</u>
8 Drawing and completing of bail bond, deed of suretyship or indemnity bond.	[25,50] <u>31,00</u>
9 For the making of all necessary copies of documents per A4 size page.	[5,00] <u>6,50</u>
10	
11 Attending any criminal session of a superior court or any circuit court, [R104,50] <u>R126,00</u> per hour or part thereof, with a maximum per day of	[517,00] <u>574,00</u>

12 For the writing of each necessary letter, facsimile or electronic mail excluding formal letters accompanying process or returns	[19,00] <u>23,00</u>
13 Each necessary attendance by telephone:	[16,00] <u>20,00</u>
14 Sending and receiving of each necessary facsimile or electronic mail per page (in addition to telephone charges):	[6,50] <u>8,50</u>
15 Bank charges: Actual costs incurred regarding bank charges and cheque forms.	
16 For interpleaders referred to in rule 58	800,00
17 (a) Where the mandator instructs the sheriff, in writing, to serve or execute a document referred to in item 2 or 5 on an urgent basis or after hours, the sheriff shall charge an additional fee, irrespective of whether the service or execution was successful, and such additional fee shall be paid by the mandator, save where the court orders otherwise. (b) For the purpose of paragraph (a)— (i) "urgent" means on the same day or within twenty four hours of the written instruction; and (ii) "after hours" means any time— (aa) before 7h00 or after 19h00 on Mondays to Fridays; or (bb) on a Saturday, Sunday or public holiday.	[235,00] <u>283,00</u>

Amendment of rule 70 of the rules

11. Rule 70 of the rules is hereby amended by the substitution for the Tariff of Fees of Attorneys of the following Tariff of Fees of Attorneys:

"TARIFF OF FEES OF ATTORNEYS

A – CONSULTATIONS, APPEARANCES, CONFERENCES AND INSPECTIONS

1. Consultation with a client and witnesses to institute or to defend an action, for advice on evidence or advice on commission, for obtaining an opinion or an advocate's guidance

- in preparing pleadings, including exceptions, and to draft [a petition or] an affidavit, per quarter of an hour or part thereof—
- (a) by an attorney.....[R328,00] R357,00
 (b) by a candidate attorney.....[R102,00]R111,00
2. Consultation to note, prosecute or defend an appeal, per quarter of an hour or part thereof—
- (a) by an attorney[R328,00] R357,00
 (b) by a candidate attorney[R102,00] R111,00
3. Attendance by an attorney in court at proceedings in terms of rule 37 of these Rules, per quarter of an hour or part thereof
-[R328,00] R357,00
4. Attendance by a candidate attorney, where necessary, to assist at a contested proceeding, per quarter of an hour or part thereof
-[R102,00]R111,00
5. Any conference with an advocate, with or without witnesses, on pleadings, including exceptions and particulars to pleadings, applications, [petitions,] affidavits and testimony, and on any other matter which the taxing officer may consider necessary, per quarter of an hour or part thereof—
- (a) by an attorney.....[R328,00]R357,00
 (b) by a candidate attorney.....[R102,00]R111,00
6. Any other conference which the taxing officer may consider necessary, per quarter of an hour or part thereof—
- (a) by an attorney[R328,00]R357,00
 (b) by a candidate attorney[R102,00]R111,00
7. Any inspection *in situ*, or otherwise, per quarter of an hour or part thereof—
- (a) by an attorney.....[R328,00]R357,00
 (b) by a candidate attorney[R102,00]R111,00
8. Attending to give or take disclosure, per quarter of an hour or part thereof—
- (a) by an attorney[R328,00]R357,00
 (b) by a candidate attorney[R102,00]R111,00
9. Inclusive fee for necessary consultations and discussions with a client, witness, other party or advocate not otherwise provided for, per quarter of an hour or part thereof—
- (a) by an attorney.....[R328,00]R357,00
 (b) by a candidate attorney[R102,00]R111,00

10. Appearance by an attorney in court or the performance by an attorney of any of the other functions of an advocate, in terms of the Legal Practice Act, 2014 (Act No. 28 of 2014).
.....The tariff under rule 69 shall apply
11. The rates of remuneration in items 1 to 9 do not include time spent travelling or waiting and the taxing officer may, in respect of time necessarily so spent, allow such additional remuneration as he or she in his or her discretion considers fair and reasonable, but not exceeding ~~[R328,00]~~ R357,00 per quarter of an hour or part thereof in the case of an attorney and ~~[R102,00]~~ R111,00 per quarter of an hour or part thereof in the case of a candidate attorney plus a reasonable amount for necessary conveyance.

B - DRAFTING AND DRAWING

1. The drawing up of a formal statement in a matrimonial matter, verifying affidavits, affidavits of service or other formal affidavits, index to brief, short brief, statements of witnesses, powers of attorney to sue or defend, as well as other formal documents and summonses, including all documents such as the prescribed forms in the First Schedule to these Rules, but not the particulars of claim in an annexure to the summons: an inclusive tariff - drawing up, checking, typing, printing, delivery and filing thereof, per page of the original only~~[R132,00]~~R144,00
2. The drawing up of other necessary documents, including—
 (a) instructions for an opinion, for an advocate's guidance in preparing pleadings, including further particulars and requests for same, including exceptions;
 (b) instructions to advocate in respect of all classes of pleadings;
 (c) ~~[a petition,]~~ an exception or affidavit, any notice (except a formal notice), particulars of claim or an annexure to the summons, opinion by an attorney or any other important document not otherwise provided for,
 an inclusive tariff - drawing up, checking, typing, printing, delivery and filing thereof, per page of the original only~~[R328,00]~~R357,00
3. Letters, facsimiles and electronic mail: Inclusive tariff for drawing up, checking, typing, printing, scanning, delivery, postage, posting and transmission thereof, per page.....~~[R132,00]~~R144,00

NOTE 1: Particulars of dispatched letters, telegrams and facsimiles need not be specified in a bill of costs. The number of letters written must be specified, as well as the total amount charged. The opposing party, as well as the taxing officer, is entitled to inspect the papers should the correctness of the item be disputed.

NOTE 2: Whenever an attorney performs any of the work listed in this section, the fees set out herein in respect of such work shall apply and not any fees which would be applicable in terms of the tariff under rule 69 if an advocate had performed the work in question.

C - ATTENDANCE AND PERUSAL

1. Attending the receipt, entry, perusing, considering and filing of—
 - (a) any summons, [petition,] affidavit, pleading, advocate's advice and drafts, report, important letter, notice or document;
 - (b) any formal letter, record stock sheets in voluntary surrenders, judgments or any other material document not elsewhere specified;
 - (c) any plan or exhibit or other material document which was necessary for the conduct of the action, per page.....[R66,50]R72,00
2. Sorting, arranging and paginating papers for pleadings, advice on evidence or brief on trial or appeal, per quarter of an hour or part thereof—
 - (a) by an attorney.....[R328,00]R357,00
 - (b) by a candidate attorney.....[R102,00]R111,00

NOTE: Particulars of received papers need not be specified in bills of costs. The number of papers and pages received, as well as the total amount charged therefor, must be specified. The opposing party as well as the taxing officer is entitled to inspect the papers received if the correctness of the item is disputed.

D - MISCELLANEOUS

1. For necessary copies, including photocopies, of any document or papers not already provided for in this tariff, per A4 size page.....[R4,50]R5,00
2. Attending to arrange translation and thereafter to procure same, per quarter of an hour or part thereof—
 - (a) by an attorney.....[R328,00]R357,00
 - (b) by a candidate attorney.....[R102,00]R111,00
3. Necessary telephone calls: The actual cost thereof, plus for every five minutes or part thereof—
 - (a) by an attorney.....[R109,00]R119,00
 - (b) by a candidate attorney[R34,00]R37,00
4. ...

5. Testimony: Fair and reasonable charges and expenses which in the opinion of the taxing officer were duly incurred in the procurement of the evidence and the attendance of witnesses whose witness fees have been allowed on taxation: Provided that the preparation fees of a witness shall not be allowed without an order of the court or the consent of all interested parties.

E - BILL OF COSTS

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

1. For drawing the bill of costs, making the necessary copies and attending settlement, 11 per cent of the attorney's fees, either as charged in the bill, if not taxed, or as allowed on taxation.
2. In addition to the fees charged under item 1, if recourse is had to taxation for arranging and attending taxation and obtaining consent to taxation, 11 per cent on the first R10 000,00 or portion thereof, 6 per cent on the next R10 000,00 or portion thereof and 3 per cent on the balance of the total amount of the bill.
3. (a) Whenever an attorney employs the services of another person to draft his or her bill of costs, a certificate shall accompany that bill of costs in which that attorney certifies that—
 - (i) the bill of costs thus drafted was properly perused by him or her and found to be correct; and
 - (ii) every description in such bill with reference to work, time and figures is consistent with what was necessarily done by him or her.
- (b) The taxing officer may—
 - (i) if he or she is satisfied that one or more of the requirements referred to in item 3(a) has not been complied with, refuse to tax such bill;
 - (ii) if he or she is satisfied that fees are being charged in a party-and-party bill of costs —
 - (aa) for work not done;
 - (bb) for work for which fees are to be charged in an attorney-and-client bill of costs; or
 - (cc) which are excessively high,

deny the attorney the remuneration referred to in items 1 and 2 of this section, if more than 20 per cent of the number of items in the bill of costs, including expenses, or of the total amount of the bill of costs, including expenses, is taxed off.

NOTE: The minimum fees under items 1 and 2 shall be [R261,50] R284,00 for each item.

F - EXECUTION

1. Drafting, issue and execution of a warrant of execution and attendances in connection therewith, excluding sheriffs fees
if not taxed)..... [R652,50] R710,00
2. Reissue.....[R164,00]R179,00."

Commencement

12. These rules come into operation on 08 July 2022.

DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

NO. R. 2133

3 Junie 2022

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 vir Justisie en Korrektiewe Dienste, die reëls in die Bylae gemaak.

BYLAE**ALGEMENE VERDUIDELIKENDE NOTA:**

- [] Uitdrukings in vetdruk 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, R. 1343 van 18 Oktober 2019, R. 107 van 7 Februarie 2020, R. 1157 van 30 Oktober 2020 en R. 1603 van 17 Desember 2021.

Wysiging van reël 6 van die Reëls

2. Reël 6 van die Reëls word hierby gewysig—
- (a) deur subreël (1) deur die volgende subreël te vervang:
- "(1) [Behalwe waar 'n petisie by wet voorgeskryf is, moet 'n] Elke aansoek moet geskied by kennisgewing van mosie, gesteun deur 'n beëdigde verklaring wat die feite bevat waarop die aansoek berus.";
- (b) deur subreël (3) te herroep;
- (c) deur in subreël (4) paragraaf (a) deur die volgende paragraaf te vervang:
- "(a) Elke aansoek wat *ex parte* gedoen word [(hetsy by wyse van petisie of] by kennisgewing aan die griffier gesteun deur 'n beëdigde verklaring soos voormeld[)], moet voor middag van die tweede hofdag voor die dag waarop dit aangehoor moet word, by die griffier ingedien en ter rolle geplaas word. As dit by kennisgewing aan die griffier geskied, moet die kennisgewing die vorm van die bevel wat aangevra word, bevat en die beëdigde verklaring waarop

gesteun word noem, en die griffier moet daarin gevra word om die saak vir beregting ter rolle te plaas, moet wesentlik bewoord wees soos vorm 2 in die Eerste Bylae.";

(d) deur in subreël (5)(b) subparagraaf (iii) deur die volgende subparagraaf te vervang:

"(iii) 'n dag vermeld, minstens [vyf] 10 dae na betekening daarvan aan die respondent, waarbinne die respondent na betekening die applikant skriftelik kennis moet gee of die respondent van voorneme is om die aansoek te bestry, en verder vermeld dat as kennis nie aldus gegee word nie, die aansoek op 'n bepaalde dag, minstens 10 dae na betekening van die kennisgewing aan die respondent, vir beregting ter rolle geplaas sal word.";

(e) deur paragraaf (d) in subreël (5) deur die volgende paragraaf te vervang:

"(d) Iemand wat die toestaan van 'n bevel in die kennisgewing van mosie aangevra, teenstaan, moet—

- (i) binne die tyd in die kennisgewing vermeld, die applikant skriftelik kennis gee dat [hy of sy] daardie persoon van voorneme is om die aansoek te bestry, en in sodanige kennisgewing 'n adres vermeld binne 15 kilometer van die kantoor van die griffier, waar sodanige persoon kennisgewing en betekening van alle dokumente sal aanvaar, asook sodanige persoon se pos-, faksimilee- of elektroniese posadresse indien beskikbaar;
- (ii) binne vyftien dae na kennisgewing aan die applikant van [sy of haar] die voorneme om die aansoek teen te staan, [sy of haar] daardie persoon se antwoordende beëdigde verklaring, indien enige, aflewer saam met enige desbetreffende dokumente indien; en
- (iii) as [hy of sy] daardie persoon van voorneme is om enige regspunt te opper, moet [hy of sy] daardie persoon 'n kennisgewing aflewer van [sy of haar] die voorneme om so te doen, binne die tydperk vermeld in die voorafgaande subparagraaf, en sodanige regspunt vermeld.";

(f) deur paragraaf (h) van subreël (5) te herroep; en

(g) deur paragraaf (b) in subreël (12) deur die volgende paragraaf te vervang:

"(b) In elke beëdigde verklaring [of petisie] wat ter ondersteuning van 'n aansoek ingevolge paragraaf (a) van hierdie subreël ingedien word, moet die applikant uitdruklik die omstandighede vermeld wat na bewering die aangeleentheid dringend maak en die redes waarom die aansoeker

beweer dat die aansoeker nie mettertyd wesenlike verhaal by gewone beregting sal kry nie."

Wysiging van reël 30A van die Reëls

3. Reël 30A van die Reëls word hierby gewysig—
- (a) deur die opskrif van die reël deur die volgende reël te vervang:
- "30A. Nie-nakoming van reëls en Hofreëls"**; en
- (b) deur subreël (1) deur die volgende subreël te vervang:
- "(1) As 'n party versuim om aan hierdie reëls te voldoen of aan 'n versoek of kennisgewing ingevolge daarvan gerig of gegee, of aan 'n bevel of lasgewing deur 'n hof of in 'n geregtelike saakbestuurproses bedoel in reël 37A gegee, kan enige ander party die party wat in verstek is, kennis gee dat hy of sy van voorneme is om, na afloop van 10 dae vanaf die datum van lewering van sodanige kennisgewing, aansoek om 'n bevel te doen—
- (a) dat aan so 'n reël, kennisgewing, versoek, bevel of lasgewing voldoen word, of
- (b) dat die eis of verweer geskrap word."

Wysiging van reël 37 van Reëls

4. Reël 37 van die Reëls word hierby gewysig—
- (a) deur in subreël (6) die punt aan die einde van paragraaf (k) te skrap en dit met 'n kommapunt te vervang; en
- (b) deur in subreël (6) die volgende paragraaf by te voeg:
- "(l) enige ooreenkoms oor hetsy enige saak of sake na 'n skeidsregter verwys moet word vir bemiddeling ingevolge reël 38A, of waar 'n ondersoek deur 'n skeidsregter gedoen is, enige saak waaroor die partye verskil en die verwysing van sodanige saak vir oorweging deur die hof."

Voorgestelde Reël 37B van die Reëls

5. Die Reëls word hierby gewysig deur reël 37B na reël 37A in te voeg:

"Administratiewe argivering

37B. (1) Behoudens die verdere bepalings van hierdie reël—

- (a) indien 'n skriftelike aansoek nie by die griffier gedoen is nie deur enige party tot 'n saak binne 24 maande vanaf die datum van uitreiking van die dagvaarding om die saak vir beregting ter rolle te plaas; of
- (b) indien die aangeleentheid nie gereed is vir verwysing deur die griffier na geregtelike saakbestuur ingevolge reël 37A nie nadat die tydperk van 24 maande in paragraaf (a) bedoel, verstryk het—

moet die griffier, nadat 30 dae skriftelike kennis aan die partye gegee is, en behoudens subreël (2), die lêer van die administratiewe rekord van hangende aangeleenthede verwyder en die hoflêer argiveer.

(2) Enige party in 'n saak aan wie die griffier ingevolge subreël (1) kennis gegee het en wat geen stappe in subreël (1) bedoel gedoen het nie, kan by 'n regter in kamers aansoek doen om verlenging van die tyd waarin die aangeleentheid gereed gemaak kan word vir die doen van aansoek om die saak vir beregting ter rolle te plaas.

(3) 'n Regter by wie 'n aansoek ingevolge subreël (2) gedoen word, kan die verlenging van tyd toestaan onderworpe aan sodanige terme en voorwaardes vir die verdere voer van die aangeleentheid wat hy of sy goeddink, met inbegrip van enige bevel oor koste.

(4) 'n Bevel ingevolge subreël (3) gegee waarin 'n aansoek om verlenging bedoel in subreël (2) gedoen, toegestaan word—

- (a) moet 'n rooster vir die verdere voer van die aangeleentheid insluit; en
- (b) moet voorsiening insluit vir 'n datum wanneer skriftelik by die griffier aansoek gedoen moet word dat die saak vir beregting ter rolle geplaas word.

(5) Die griffier moet enige aangeleentheid waarin 'n aansoek ingevolge subreël (2) toegestaan is, na 'n saakbestuurregter verwys, in welke geval die bepalings van reël 37A *mutatis mutandis* van toepassing sal wees.”

Invoeging van reël 38A in Reëls

6. Die volgende reël word hierby na reël 38 in die Reëls ingevoeg:

"38A: Verwysing van bepaalde sake vir ondersoek deur skeidsregter

(1) 'n Hof kan in enige siviele verrigtinge, met die toestemming van die partye, 'n saak na 'n skeidsregter verwys om dit te ondersoek en daarvoor verslag te doen, soos in artikel 38(1) van die Wet beoog.

(2) Die toestemming om 'n skeidsregter aan te stel moet skriftelik wees en deur die partye onderteken word en moet ten minste die volgende besonderhede bevat:

(a) Die identiteit van die skeidsregter deur onder meer die skeidsregter se volle name, werksaders en werkervaring te vermeld;

(b) die skeidsregter se uurlikse of daaglikse tariewe, soos van toepassing, en enige ander ooreenkoms wat bereik is betreffende die skeidsregter se vergoeding;

(c) die feitevraag of vrae wat die skeidsregter moet oorweeg, bondig geïdentifiseer;

(d) die dokumente of ander materiaal wat die skeidsregter vir die doeleindes van die ondersoek en verslag moet oorweeg;

(e) die bevoegdhede van die skeidsregter wat die hof moet goedkeur vir insluiting in die bevel; en

(f) waar gepas, die tydbestek waarbinne 'n verslag geproduseer moet word.

(3) Die bevoegdhede wat aan 'n skeidsregter verleen staan te word, moet deur die omstandighede van elke saak bepaal word en moet deur die hof bevestig word.

(4) Wanneer die partye probeer om 'n verwysingsbevel te kry kragtens subreël (1), moet die partye—

(a) die oorspronklike skriftelike toestemming aan die hof voorsien;

(b) skriftelike redes voorsien waarom die saak gepas is om kragtens artikel 38(1) van die Wet na 'n skeidsregter verwys te word;

(c) voorleggings doen oor hoekom die benoemde skeidsregter die mees gepaste persoon blyk te wees om te beslis oor die vraagstukke waarvoor beslis moet word; en

(d) die hof voorsien van die skriftelike toestemming van die skeidsregter wat aangestel gaan word waarin bevestig word dat hy of sy beskikbaar is en oor die nodige

kundigheid beskik om die feitevraag of -vrae wat deur die partye gestel is, te oorweeg.

(5) Skeidsregters is geregtig op vergoeding op grond van die tariewe of bedrae waarop die partye voor die aanstelling ooreengekom het: Met dien verstande dat waar daar geen ooreenkoms is nie, versoek kan word dat die hof 'n bevel gee oor die tariewe of bedrae van vergoeding."

verskyn."

Wysiging van reël 40 van Reëls

7. Reël 40 van die Reëls word hierby gewysig deur—

(a) die opskrif deur die volgende opskrif te vervang:

"Regsbystand aan behoeftige persone";

(b) deur subreël (1) deur die volgende subreël te vervang:

"(1) (a) [Iemand] 'n Natuurlike persoon wat 'n geding [in forma pauperis] as 'n behoeftige gedingvoerder en wat nie vir regshulp kwalifiseer nie, of wat as 'n behoeftige gedingvoerder moet voortgaan in 'n aksie of verdedigde aksie wat reeds ingestel is, wil instel of verdedig, kan die griffier nader, en as hy of sy meen dat die aansoeker iemand is soos in paragraaf (a) van subreël (2) bedoel, moet [hy hom] die griffier daardie persoon na 'n prokureur of advokaat verwys [en terselfdertyd die plaaslike vereniging van advokate daarvan kennis gee].

(aA) Waar 'n persoon aansoek doen om as 'n behoeftige gedingvoerder voort te gaan in 'n aksie of verdediging wat reeds ingestel is, kan daardie persoon dit doen deur ingevolge die bepalings van hierdie reël voort te gaan, maar moet daarbenewens—

(i) die verandering in sy of haar omstandighede wat dit nodig maak om die aksie of verdediging as 'n behoeftige gedingvoerder voort te sit, uiteensit; en

(ii) kennis van die aansoek aan die teenoorgestelde party gee.

(aB) Indien die teenoorgestelde party beswaar maak teen die toestaan van die aansoek, moet die aansoeker formeel by die hof aansoek doen nadat gevoeglik kennis aan die teenoorgestelde party gegee is.

(b) Die prokureur moet dan ondersoek instel na die persoon se vermoë en die verdienstelikheid van sy of haar saak, en as [hy] die prokureur

oortuig is dat dit 'n geval is waar **[hy] die prokureur** gevoeglik **[in forma pauperis]** tot bystand van die behoeftige gedingvoerder kan optree, versoek **[hy] die prokureur** die **[genoemde vereniging]** griffier om 'n advokaat te benoem wat gewillig en in staat is om op te tree, en **[as hy benoem word]** by benoeming, moet die advokaat die saak waarneem.

(c) As die prokureur of advokaat daarna nie meer in staat is om op te tree nie, kan die griffier **[of die genoemde vereniging, na gelang van die geval,]** op versoek 'n ander praktisyn in **[sy] daardie prokureur of advokaat se** plek benoem.”;

(c) deur subreël (2) deur die volgende subreël te vervang:

“(2) **[As daar, wanneer 'n]** Wanneer daardie geding ingestel word, moet die volgende by die griffier namens so iemand ingedien word—

(a) 'n beëdigde verklaring wat sy finansiële posisie volledig uiteensit en vermeld dat, met uitsondering van huisraad, klere en ambagsgereedskap, **[hy] daardie persoon** minder as **[R10 000] R640 000** aan waarde besit en nie binne 'n redelike tyd so 'n bedrag uit **[sy] daardie persoon se** verdienste sal kan bybring nie;

(b) 'n verklaring deur die voormelde advokaat en prokureur onderteken dat hulle, oortuig synde dat die betrokke persoon nie in staat is om professionele gelde te betaal nie, vir die persoon in hul onderskeie professionele hoedanighede kosteloos optree in die gedingvoering wat deur daardie persoon ingestel of verdedig staan te word; en

(c) As die prokureur of advokaat daarna nie meer in staat is om op te tree nie, kan die griffier of die genoemde vereniging, na gelang van die geval, op versoek 'n ander praktisyn in sy plek benoem.

(d) deur subreël (3) deur die volgende subreël te vervang:

“(3) Alle pleitstukke, prosesstukke en dokumente ingedien deur 'n party wat **[in forma pauperis]** as 'n behoeftige gedingvoerder optree, moet dié feit in die opskrif vermeld.”;

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

“(4) Die griffier hou in sy of haar kantoor 'n lys van prokureurs en advokate wanneer **[hy]** persone wat verrigtinge as behoeftige gedingvoerders wil bring of verdedig, na praktisyns verwys word soos bedoel in subreël (1), doen **[hy]** die griffier dit sover moontlik om die beurt.”;

(f) deur subreël (6) deur die volgende subreël te vervang:

“(6) Wanneer iemand **[in forma pauperis]** as 'n behoeftige gedingvoerder dagvaar of verdedig deur middel van prosesstukke ingevolge hierdie reël uitgereik, het **[sy]** daardie persoon se teenparty, benewens enige ander reg wat **[hy]** daardie persoon se teenparty mag hê, die reg om te eniger tyd by kennisgewing 'n bevel by die hof aan te vra dat die eis of verweer afgewys word of dat die persoon belet word om **[in forma pauperis]** as 'n behoeftige gedingvoerder voort te gaan. By die aanhoor van so 'n aansoek kan die hof na goeddunke 'n bevel gee, ook betreffende koste.”; en

(g) deur subreël (7) deur die volgende subreël te vervang:

“(7) As aan die einde van die saak koste aan 'n behoefte gedingvoerder **[in forma pauperis]** toegeken word, kan **[sy]** daardie gedingvoerder se prokureur by **[sy]** die kosterekening die gelde en uitgawes waartoe **[hy]** daardie prokureur gewoonlik geregtig sou wees, insluit, en na ontvangs daarvan, in die geheel of gedeeltelik, moet **[hy]** daardie prokureur in die volgende voorkeurorde uitbetaal: **eerstens, [aan die griffier soveel in inkomsteseëls as wat betaalbaar sou gewees het aan leges; tweedens,]** aan die balju **[sy]**, gelde vir die betekening en tenuitvoerlegging van prosesstukke; **[derdens, aan homself]** tweedens, aan daardie prokureur en die advokaat hul gelde soos by taksasie toegeken, *pro rata* indien nodig.”.

Wysiging van reël 41A van Reëls

8. Reël 41A van die Reëls word hierby gewysig deur in subreël (2) paragraaf (d) deur die volgende paragraaf te vervang:

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

Wysiging van reël 62 van die Reëls

9. Reël 62 van die Reëls word hierby gewysig—

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

"(3) Gestelde sake, [petisies,] beëdigde verklarings, appèlgronde en [dergelike] soortgelyke dokumente moet in bondige, genommerde paragrawe verdeel word."; en

(b) deur subreël (5) deur die volgende subreël te vervang:

"(5) Op die eerste bladsy van elke beëdigde verklaring wat deur of namens 'n respondent by die griffier ingedien word, moet, as [hy] daardie respondent verteenwoordig is, die naam en adres van die indienende prokureur

Wysiging van reël 68 van die reëls

10. Reël 68 van die reëls word hierby gewysig deur die Tarief deur die volgende Tarief te vervang:

"TARIEF

Item	R c
1 Vir registrasie van 'n dokument vir betekening of tenuitvoerlegging, by ontvangs daarvan.	[11,00] <u>13,00</u>
2 (a) Betekening van dagvaardings, [petisies tesame met] kennisgewing van mosie [of van terrolleplasing], ander kennisgewings, bevele of enige ander dokumente, elk	[70,50] <u>84,50</u>
Met dien verstande dat—	
(i) Wanneer 'n dokument saam met 'n prosesstuk beteken moet word en in die prosesstuk genoem word of 'n aanhangsel daarvan is, geen addisionele gelde gevorder mag word vir betekening van die dokument nie. Origens mag [R11.00] <u>R13.00</u> gevorder word vir elke afsonderlike dokument wat beteken word;	
(ii) geen geld vir 'n aparte dokument gevorder word vir die betekening van prosesstukke in strafsake nie.	

(b) Gepoogde betekening van dagvaardings, [petisies met] kennisgewings van mosie [of van terrolleplasing], ander kennisgewings, bevele en enige ander dokumente: Met dien verstande dat 'n gepoogde betekening van meer as een dokument aan dieselfde persoon as 'n gepoogde betekening van slegs een dokument beskou word.	[52,50] <u>63,50</u>
3 Reistoelae:	
(a) Vir die afstand werklik en noodsaaklikerwys deur die balju of sy of haar verteenwoordiger afgelê, behoudens paragraaf 3(c) en (d) bereken, van die kantoor van die balju af vir die heen- en terugreis, per kilometer of deel van 'n kilometer of gedeelte daarvan.	<u>6,00</u>
(b) Wanneer twee of meer dagvaardings of ander prosesstukke, in opdrag van dieselfde partye, met een en dieselfde reis beteken kan word, moet die reistoelae redelik en billik verdeel word tussen die verskillende sake met inagneming van die afstand wat die onderskeie partye aan wie die prosesstukke gerig is van die kantoor van die balju af woon, maar die gelde is betaalbaar vir elke betekening of gepoogde betekening.	
(c) Die reistoelae soos in paragraaf 3(a) en (b) beoog, moet bereken word volgens die afstand van die kantoor van die balju af indien-- (i) (i)die balju se kantoor geleë is binne die regsgebied wat deur die Minister aan die balju toegewys is; en (ii) die afstand van die balju se kantoor af minder is as die afstand bereken vanaf die hofgebou naaste aan die adres van betekening.	
(d) Indien daar nie aan die vereiste in paragraaf 3(c) voldoen word nie, moet die reistoelaag soos beoog in paragraaf 3(a) en (b) bereken word volgens die afstand vanaf die hofgebou naaste aan die adres van betekening.	
4 (a) Posgeld in siviele sake, volgens die postarief.	
(b) Posgeld in siviele sake, volgens die postarief.	
LET WEL: Die balju kan enige posstuk na die griffier van die Hoë Hof neem of, as daar geen griffier in sy of haar dorp of stad is nie, na die landdros, wat die koevert met sy of haar amptelike frankeerstempel moet merk.	

5 Ter tenuivoerlegging van enige lasbrief—	
(a) (i) vir die arres van 'n persoon, insluitende sy of haar vervoer na die hof, na 'n prokureur se kantoor of na die gevangenis, per persoon	[88,00] <u>106,00</u>
(ii) vir vervoer van die betrokke persoon na die hof van die plek van aanhouding op 'n dag na die dag van arres, en bywoning van die hof per uur of gedeelte daarvan	[104,50] <u>126,00</u>
(iii) vir beslaglegging op goed <i>ad fundandam jurisdictionem</i> of <i>ad confirmandam jurisdictionem</i>	[88,00] <u>106,00</u>
(iv) waar 'n beslaglegging ingevolge artikel 5(a)(iii) teruggetrek of opgeskort word ;	[25,00] <u>30,00</u>
(b) vir uitsetting, [R104,50] <u>R126,00</u> per uur of gedeelte daarvan, met 'n minimum van wat die eerste uur insluit (benewens redelike uitgawes noodsaaklikerwys aangegaan);	[156,00] <u>188,00</u>
(c) teen onroerende goed—	
(i) vir tenuitvoerlegging, insluitende betekening van kennisgewing van beslaglegging aan die eienaar van die onroerende goed en die registrateur van aktes of ander beampte belas met registrasie van sodanige goed, en as die onroerende goed deur iemand anders as die eienaar geokkupeer word, ook aan die okkupant	[208,50] <u>251,00</u>
(ii) vir kennisgewing van beslaglegging aan 'n enkele huurder of okkupant	[19,00] <u>23,00</u>
(identiese kennisgewings waar daar meer as een huurder, okkupant of eienaar is, vir elkeen na die eerste)	[6,50] <u>8,50</u>
(iii) vir waardasie of verslag vir die doel van 'n verkoping, per uur of gedeelte daarvan	[52,50] <u>63,50</u>
(iv) waar—	

(aa) 'n balju gemagtig is om eiendom te verkoop en die eiendom nie verkoop nie, omdat die beslaglegging teruggetrek, opgeskort, gestaak of gestuit word, en al die nodige kennisgewing van terugtrekking of opskorting van die beslaglegging	[208,00] <u>251,00</u>
(bb) geregtelike beslaglegging op onroerende goed opgehef word	208,00 <u>251,00</u>
(v) vir die vasstelling en aantekening van watter verband of ander beswarings teen die eiendom geregistreer is, asook die name en adresse van die persone in wie se guns dit geregistreer is, insluitende enige briefwisseling in verband daarmee (benewens redelike uitgawes noodsaaklikerwys aangegaan)	[104,50] <u>126,00</u>
(vi) om die vonnisskuldeiser in kennis te stel van sodanige verbande of beswarings en van die name en adresse van die persone in wie se guns dit geregistreer is	[19,00] <u>23,00</u>
(vii) vir oorweging van bewys dat 'n preferente skuldeiser aan die vereistes van reël 46(5)(a) voldoen	[11,00] <u>13,00</u>
(viii) vir die kennisgewing in reël 46(6) bedoel	[19,00] <u>23,00</u>
(ix) vir oorweging van kennisgewing van verkoping wat deur die vonnisskuldeiser in oorleg met die balju opgestel word; en	
(x) vir die nagaan van aangeduide koerante en die <i>Staatskoerant</i> om seker te maak dat kennisgewing van verkoping geplaas is, insluitend geld vir (ix) en (x)	[104,50] <u>126,00</u>
(xi) vir die stuur van 'n eksemplaar van die kennisgewing van verkoping aan elke vonnisskuldeiser wat op die onroerende goed beslag laat lê het en aan elke verbandhouer wie se adres bekend is, vir elke eksemplaar,	[19,00] <u>23,00</u>
(xii) vir die aanbring van 'n eksemplaar van die kennisgewing van verkoping op die kennisgewingbord van die landdroshof bedoel in reël 46(7)(e) en op of so na moontlik aan die plek waar die verkoping sal plaasvind, 'n allesinsluitende bedrag van [R44,00] <u>R53,00</u> en reiskoste in item 3 bedoel	
(xiii) vir— (aa) oorweging van die verkoopvoorwaardes deur die uitwinnende skuldeiser voorberei;	[104,50] <u>126,00</u> [104,50]

(bb) oorweging van verdere of gewysigde verkoopvoorwaardes deur 'n belanghebbende party voorberei;	<u>126,00</u>
(cc) skikking van verkoopsvoorwaardes;	[104,50] <u>126,00</u>
(dd) alle nodige bywoning by wet voorgeskryf in verband met vendusies, in die besonder die "Consumer Protection Act", 2008 (Wet 68 van 2008);	[315,00] <u>380,00</u>
(ee) die voer van 'n vendusie, met die uitsondering dat hierdie geld nie gehef mag word nie indien kommissie ingevolge item (xiv) geëis word nie.	[208,50] <u>251,00</u>
(xiv) by die verkoop van onroerende goed deur die balju as afslaer, 6 persent op die eerste R100 000.00, en 3.5 persent op R100 001.00 tot R400 000.00 en 1.5 persent op die balans van die opbrengs van die verkoping, onderhewig aan 'n maksimum kommissie van R40 000.00 in totaal en 'n minimum van R3 000.00 (insluitende in alle gevalle die balju se bankkoste en ander uitgawes aangegaan om die opbrengs in sy of haar trustrekening in te betaal), welke kommissie deur die koper betaalbaar is;	
(xv) vir –	
(aa) skriftelike kennisgewing aan die koper wat versuim het om aan die verkoopsvoorwaardes te voldoen;	[52,50] <u>63,50</u>
(bb) 'n verslag in reël 46(11) bedoel;	[52,50] <u>63,50</u>
(cc) informing judgment debtor of the cancellation referred to in rule 46(11)(a)(iii)	[19,00] <u>23,00</u>
(dd) giving notice referred to in rule 46(11)(c)	[19,00] <u>23,00</u>
(xvi) for giving transfer to the purchaser	[25,00] <u>30,00</u>
(xvii) vir–	
(aa) ontvangs van sertifikaat in reël 46(14)(a) bedoel;	[19,00] <u>23,00</u>
	[104,50]

(bb) vir die opstel van 'n distribusieplan van die opbrengs (insluitende die nodige afskrifte) en afsending van 'n afskrif aan die griffier	<u>126,00</u>
(xviii) vir kennisgewing aan alle partye wat lasbriewe ingedien het en aan die vonnisskuldenaar dat die distribusieplan ter insae sal lê, vir elke kennisgewing	[19,00] <u>23,00</u>
(xix) vir die verslag in reël 46A(9)(d) bedoel	[52,50] <u>63,50</u>
(d) teen roerende goed—	
(i) wanneer 'n lasbrief by aanbidding betaal word, 9 persent van die bedrag aldus betaal, met 'n minimum van [R71,00] <u>R85,00</u> en 'n maksimum van	[691,50] <u>832,50</u>
(ii) vir 'n onsuksesvolle poging om beslag te lê, insluitende opsporing vir een uur en navraag	[71,00] <u>85,00</u>
(iii) waar 'n lasbrief teruggetrek, opgeskort, gestaak of gestuit word voordat daar op enige goed beslag gelê is	[25,00] <u>30,00</u>
(iv) vir die doen van 'n beslaglegging, met inbegrip van een eer se soek en odnersoek	[172,50] <u>208,00</u>
(v) kennisgewing van beslaglegging, indien nodig, aan een persoon (identiese kennisgewings waar daar meer as een persoon is wat kennis moet kry, vir elkeen na die eerste)	[18,00] <u>22,00</u> [11,00] <u>13,00</u>
(vi) waar beslaglegging deur die vonnisskuldeiser teruggetrek word of opgeskort, gestaak of gestuit word voor die verkoping, 3 persent van die waarde van die inbeslaggenome goed of die bedrag van die lasbrief, watter ook al die minste is, maar met 'n maksimum van	[517,00] <u>574,00</u>
(vii) waar die lasbrief aan die balju betaal word deur die skuldenaar na beslaglegging, maar voor verkoping, 9 persent van die bedrag betaal, met 'n minimum fooi van [R71,00] <u>R85,00</u> en 'n maksimum van	[691,50] <u>832,50</u>
(viii) waar beslag op geld gelê word, 9 persent van die betrokke bedrag, maar met 'n maksimum van	[691,50] <u>832,50</u>
(ix) vir die opstel van 'n advertensie van verkoping van inbeslaggenome goed	[71,00]

	<u>85,00</u>
(x) vir die verkoping vir uitwinning, insluitende verdeling van die opbrengs, vir die eerste R15 000.00 of deel daarvan, 9 persent, en daarna 6 persent, met 'n maksimum van:	[9607,50] <u>11653,50</u>
(xi)	
(xii) kommissie is nie op 'n vonnisskuldenaar verhaalbaar op die waarde van inbeslaggenome roerende goed wat daarna deur 'n derde opgeëis en gevolglik vrygegee is nie, tensy die goed in beslag geneem is op die uitdruklike skriftelike versoek van die vonnisskuldeiser, in welke geval die vonnisskuldeiser teenoor die balju aanspreeklik is vir die kommissie;	
(xiii) vir die versekering van inbeslaggenome roerende goed wanneer dit nodig geag word en in skriftelike opdrag van die vonnisskuldeiser aan die balju is, benewens die premie wat betaal word, 'n allesinsluitende bedrag van	[37,50] <u>45,00</u>
(e) vir bewaring van goed (geld uitgesluit)—	
(i) vir elke beampte wat noodsaaklikerwys in besit gelaat is, 'n redelike allesinsluitende bedrag per beampte per dag van hoogstens	[132,00] <u>158,00</u>
LET WEL: : 'Bewaring' beteken die voortdurende en noodsaaklike teenwoordigheid op die perseel vir die tydperk waarvoor bewaring bereken word, van iemand in diens van en betaal deur die balju, vir die uitsluitlike doel om besit te behou	
(ii) vir vervoer en opberging, die redelike en noodsaaklike uitgawes daaraan verbonde en, as 'n dier op stal geplaas of gevoer moet word, die redelike uitgawes daaraan verbonde;	
(iii) vir die oppas van lewende hawe, die nodige uitgawes daaraan verbonde;	
(iv) waar geen beampte in besit gelaat word en geen akte van sekerheidstelling verkry is nie, maar die inbeslaggenome roerende goed onder toesig van die balju bly, per dag	[4,00] <u>6,00</u>
6 (a) Vir die opstel van 'n inventaris, insluitende die maak van alle nodige afskrifte en tyd bestee aan voorraadopname, per uur of gedeelte daarvan	[132,00] <u>158,00</u>

(b) Vir bystand, waar nodig, by die opstel van 'n inventaris, 'n redelike allesinsluitende bedrag per dag van hoogstens	[132,00] <u>158,00</u>
7 (a) Vir opstel van relaas van betekening of tenuitvoerlegging, insluitende opstel en tik van die oorspronklike vir die hof, beperk tot een persoon op elke oorspronklike prosesstuk; en	
(b) afskrif daarvan vir die party wat betekening of tenuitvoerlegging verlang	42,50] <u>52,00</u>
8 stel en voltooiing van 'n akte van borgstelling, sekerheidstelling of vrywaring	[25,50] <u>31,00</u>
9 Vir die maak van alle noodsaaklike afskrifte van dokumente per A4-grootte bladsy,	[5,00] <u>6,50</u>
10	
11 Bywoning van strafsittings van 'n hoër hof of 'n rondgaande hof, [R104,50] R126,00 per uur of gedeelte daarvan met 'n maksimum per dag van	[517,00] <u>574,00</u>
12 12 Vir die skryf van elke noodsaaklike brief, faks of e-pos behalwe formele briewe wat prosesstukke of relase vergesel:	[19,00] <u>23,00</u>
13 Maak of beantwoording van elke noodsaaklike telefoonoproep:	[16,00] <u>20,00</u>
14 Afstuur en ontvangs van elke noodsaaklike faksimilee of e-pos per bladsy (benewens telefoongelde):	[6,50] <u>8,50</u>
15 Bankkoste: Werklike koste aangegaan in verband met bankkoste en tjekvorms.	
16 Vir die opstel en uitreik van 'n tussenpleitdagvaarding in reël 58 bedoel	800,00
17 (a) Waar die lasgewer die balju skriftelik opdrag gee om 'n dokument in item 2 of 5 bedoel dringend of na-ure te beteken of ten uitvoer te lê, hef die balju 'n bykomende tarief, ongeag of die betekening of tenuitvoerlegging suksesvol was,	[235,00] <u>283,00</u>

<p>en sodanige bykomende gelde word deur die lasgewer betaal, behalwe waar die hof anders gelas.</p> <p>(b) By die toepassing van paragraaf (a) beteken —</p> <p>(i) "dringend" op dieselfde dag of binne vier-en-twintig-uur van die skriftelike opdrag; en</p> <p>(ii) "na-ure" enige tyd —</p> <p>(aa) voor 7h00 of ná 19h00 van Maandae tot Vrydae; of</p> <p>(bb) op 'n Saterdag, Sondag of openbare vakansiedag.</p>	
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Wysiging van reël 70 van die reëls

11. Reël 70 van die reëls word hierby gewysig deur die Tarief van gelde van Prokureurs deur die volgende Tarief van gelde van Prokureurs te vervang:

"TARIEF VAN GELDE VAN PROKUREURS

A – KONSULTASIES, BYWONINGS, SAMESPREKINGS EN ONDERSOEKE

1. Konsultasie met 'n kliënt en getuies om 'n geding in te stel of te verdedig, vir advies oor getuienis of advies op kommissie, vir die verkryging van opinie of die leiding van 'n advokaat by die voorbereiding van pleitstukke, insluitende eksepsies, en om 'n [petisie of] beëdigde verklaring op te stel, per kwartier of gedeelte daarvan—

- (a) deur 'n prokureur.....[R328,00] R357,00
 (b) deur 'n kandidaatprokureur.....[R102,00] R111,00

2. Konsultasie om appèl aan te teken, voort te sit of te verdedig, per kwartier of gedeelte daarvan —

- (a) deur 'n prokureur[R328,00] R357,00
 (b) deur 'n kandidaatprokureur[R102,00] R111,00

3. Bywoning deur 'n prokureur in die hof by verrigtinge ingevolge reël 37 van hierdie Reëls, per kwartier of gedeelte daarvan[R328,00] R357,00

4. Bywoning deur 'n kandidaatprokureur om, waar noodsaaklik, by bestrede verrigtinge te help, per kwartier of gedeelte daarvan[R102,00] R111,00

5. Enige samespreking met 'n advokaat, met of sonder getuies, ten opsigte van pleitstukke, met inbegrip van eksepsies en besonderhede by pleitstukke, aansoeke, [petisies,] beëdigde verklarings en getuienis, en ten opsigte van enige ander aangeleenthede wat die takseermeester noodsaaklik ag, per kwartier of gedeelte daarvan —

- (a) deur 'n prokureur[R328,00] R357,00
 (b) deur 'n kandidaatprokureur[R102,00] R111,00

6. Enige ander samespreking wat die takseermeester noodsaaklik mag ag, per kwartier of gedeelte daarvan —
- (a) deur 'n prokureur[R328,00]R357,00
- (b) deur 'n kandidaatprokureur[R102,00]R111,00
7. Enige inspeksie *in situ* of elders, per kwartier of gedeelte daarvan—
- (a) deur 'n prokureur[R328,00]R357,00
- (b) deur 'n kandidaatprokureur[R102,00]R111,00
8. Opwagting by blootlegging of insae, per kwartier of gedeelte daarvan—
- (a) deur 'n prokureur[R328,00]R357,00
- (b) deur 'n kandidaatprokureur[R102,00]R111,00
9. Allesinsluitende gelde vir noodsaaklike konsultasies en samesprekings met 'n kliënt, getuie, ander party of advokaat waarvoor nie andersins voorsiening gemaak is nie, per kwartier of gedeelte daarvan—
- (a) deur 'n prokureur[R328,00]R357,00
- (b) deur 'n kandidaatprokureur[R102,00]R111,00
10. Verskyning deur 'n prokureur in die hof of die verrigting deur 'n prokureur van enige van die ander werksaamhede van 'n advokaat kragtens die bepalings van die 'Legal Practice Act, 2014 (Wet No. 28 van 2014).Die tarief ingevolge reël 69 is van toepassing
11. Die skale van vergoeding in items 1 tot 9 sluit nie reis- en wagtyd in nie en die takseermeester kan ten opsigte van tyd noodsaaklikerwys daaraan bestee, na goeddunke soveel addisionele vergoeding toestaan as wat hy of sy billik en redelik ag, maar hoogstens [R328,00] R357,00 per kwartier of gedeelte daarvan in die geval van 'n prokureur en [R102,00] R111,00 per kwartier of gedeelte daarvan in die geval van 'n kandidaatprokureur, plus 'n redelike bedrag vir noodsaaklike vervoerkoste.

B – OPSTEL VAN DOKUMENTE

1. Die opstel van 'n formele verklaring in 'n huweliksgeding, bevestigende beëdigde verklarings, beëdigde verklarings, beëdigde verklarings ten opsigte van betekening of ander formele beëdigde verklarings, inhoudsopgawe vir advokaatsopdrag, kort opdrag, getuieverklarings, prokurasie om te dagvaar of te verdedig, asook ander formele dokumente en dagvaardings, insluitende alle dokumente soos die voorgeskrewe vorms in die Eerste Bylae van hierdie Reëls, maar nie die besonderhede van 'n vordering in 'n aanhangsel by die dagvaarding nie: 'n allesinsluitende tarief vir opstel, nasien, tik, uitdruk, afskrifte, aflewering en indiening daarvan, per bladsy van slegs die oorspronklike[R132,00]R144,00
2. Die opstel van ander noodsaaklike dokumente, insluitende—

- (a) (a) instruksies vir die opinie, vir die leiding van 'n advokaat by die voorbereiding van pleitstukke, insluitende verdere besonderhede en versoeke daarom, insluitende eksepsies;
 (b) instruksies aan 'n advokaat ten opsigte van alle klasse pleitstukke
 (c) 'n [petisie,] eksepsie of beëdigde verklaring, enige kennisgewing (uitgesonderd 'n formele kennisgewing), besonderhede van vordering of 'n aanhangsel by die dagvaarding, 'n opinie deur 'n prokureur of enige ander belangrike dokument waarvoor andersins nie voorsiening gemaak is nie,

'n allesinsluitende tarief vir die opstel, nasien, tik, uitdruk, afskrifte, aflewering en indiening daarvan, per bladsy van slegs die oorspronklike **[R328,00]R357,00**

3. Briewe, telegramme en faksimilees: 'n allesinsluitende tarief vir die opstel, nasien, tik, uitdruk, aflewering, afskrifte, posgeld en pos daarvan, per bladsy **[R132,00]R144,00**

OPMERKING 1: Besonderhede van briewe wat afgestuurd is, telegramme en faksimilees hoef nie in 'n kosterekening gespesifiseer te word nie. Die aantal briewe wat geskryf is, moet vermeld word, asook die totale bedrag wat daarvoor gehef word. Die teenparty sowel as die takseermeester is daarop geregtig om die stukke in te sien, indien die korrektheid van die item betwis word.

OPMERKING 2: Wanneer 'n prokureur ook al enige van die werk gelys in hierdie afdeling verrig, is die gelde hierin uiteengesit ten opsigte van sodanige werk van toepassing en nie enige gelde wat van toepassing sou wees kragtens die tarief ingevolge Reël 69 indien 'n advokaat die betrokke werk verrig het nie.

C – OPWAGTING EN DEURLESING

1. Ontvangs, inskrywing, deurlesing, oorweging en liassering van—
 (a) enige dagvaarding, [petisie,] beëdigde verklaring, pleitstuk, advokaat se advies en konsep, verslag, belangrike brief, kennisgewing of dokument
 (b) enige formele brief, oorkonde, voorraadlyste by vrywillige oorgawe, uitsprake of enige ander belangrike dokument nie elders vermeld nie;
 (c) enige plan of bewysstuk of ander belangrike dokument wat noodsaaklik vir die voer van die geding was;..... **[R66,50]R72,00**
2. Sortering, rangskikking en paginerig van stukke vir die opstel van pleitstukke, advies oor getuienis of opdrag vir 'n verhoor of appèl, per kwartier of gedeelte daarvan—
 (a) deur 'n prokureur..... **[R328,00]R357,00**
 (b) deur 'n kandidaatprokureur **[R102,00]R111,00**

OPMERKING: Besonderhede van stukke wat ontvang word, hoef nie in kosterekenings gespesifiseer te word nie. Die aantal stukke en bladsye wat ontvang is, asook die totale bedrag wat daarvoor gehef word, moet vermeld word. Die teenparty sowel as die takseermeester is daarop geregtig om die stukke in te sien, indien die korrektheid van die item betwis word.

D - DIVERSE

1. Vir die maak van noodsaaklike afskrifte, insluitende fotostate, van enige dokument of stukke waarvoor daar nie reeds in hierdie tarief voorsiening gemaak is nie, per A4-grootte bladsy **[R4,50]R5,00**
- 2.
2. Opwagting om vertaling te reël en daarna te verkry, per kwartier of gedeelte daarvan—
 - (a) deur 'n prokureur **[R328,00]R357,00**
 - (b) deur 'n kandidaatprokureur **[R102,00]R111,00**
3. Noodsaaklike

telefoonoproepe: Die werklike koste daarvan plus per vyf minute of gedeelte daarvan—

 - (a) deur 'n prokureur **[R109,00]R119,00**
 - (b) deur 'n kandidaatprokureur **[R34,00]R37,00**
4. ...
5. **Getuienis:** Billike en redelike vorderings en uitgawes wat volgens die mening van die takseermeester behoorlik aangegaan is vir die verkryging van die getuienis en die bywoning van getuies wie se getuiegelde by taksasie toegestaan is: Met dien verstande dat die voorbereidingsgelde van 'n getuie nie sonder 'n bevel van die hof of die toestemming van alle belanghebbende partye toegestaan word nie.

E - KOSTEREKENING

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

1. Vir die opstel van die kosterekening, die maak van die nodige afskrifte en opwagting by afrekening, 11 persent van die prokureursgelde, hetsy soos gevra in die kosterekening indien nie getakseer nie, of soos toegestaan by taksasie
2. 2 Benewens die gelde kragtens item 1 gevra, indien tot taksasie oorgegaan word, vir die reëling en bywoning van taksasie en verkryging van toestemming tot taksasie, 11 persent op die eerste R10 000.00 of 'n gedeelte daarvan, 6 persent op die tweede R10 000.00 of 'n gedeelte daarvan en 3 persent op die balans van die totale bedrag van die rekening.

3. (a) Wanneer 'n prokureur van die dienste van 'n ander persoon gebruik maak om sy of haar kosterekening op te stel, moet daardie kosterekening van 'n sertifikaat vergesel gaan waarin daardie prokureur sertifiseer dat—

(i) die kosterekening aldus opgestel, behoorlik deur hom of haar nagegaan en korrek bevind is; en

(ii) elke beskrywing in sodanige rekening met betrekking tot werk, tye en syfers in ooreenstemming is met dit wat noodsaaklikerwys deur hom of haar verrig is.

(b) Die takseermeester kan—

(i) wanneer hy of sy oortuig is dat aan een of meer vereistes bedoel in item 3(a) nie voldoen is nie, weier om so 'n rekening te takseer;

(ii) wanneer hy of sy oortuig is dat gelde in 'n party-en-partykosterekening gevorder word —

(aa) vir werk wat nie gedoen is nie;

(bb) vir werk waarvoor gelde in 'n prokureur-en-kliëntekosterekening gevorder moet word; of

(cc) wat buitensporig hoog is,

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

OPMERKING: Die minimum gelde onder items 1 en 2 is [~~R261,50~~] R284,00 per item.

F - TENUITVOERLEGGING

1. Opstel, uitreiking en uitvoering van 'n lasbrief vir eksekusie en alle opwagtinge in verband daarmee, uitgesonderd baljugele

(indien nie getakseer nie)..... [~~R652,50~~] R710,00

2. Heruitreiking [~~R164,00~~] R179,00."

Inwerkingtreëding

12. Hierdie reëls tree in werking op 08 Julie 2022.

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 2134

3 June 2022

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 for the Minister for Justice and Correctional Services, made the rules in the Schedule.

SCHEDULE

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

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, R. 507 of 27 June 2014, 571 of 18 July 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, R. 1343 of 18 October 2019, R. 107 of 7 February 2020, R. 858 of 7 August 2020, R. 1156 of 30 October 2020, and R. 1602 of 17 December 2021.

Amendment of rule 5 of the Rules

2. Rule 5 of the Rules is hereby amended by the substitution for sub-rule (1) of the following sub-rule:

"(1) Every person making a claim against any other person may, through the office of the registrar or clerk of the court, sue out a simple summons or a combined summons addressed to the sheriff directing the sheriff to inform the defendant among other things that, if the defendant disputes the claim and wishes to defend, the defendant shall-

- (a) within the time stated in the summons, give notice of intention to defend; and
- (b) after complying with paragraph (a), if the summons is a combined summons, within 20 days after giving such notice, deliver a plea (with or without a claim in reconvention), or an exception, or an application to strike out: Provided that an exception or application to strike out shall be in the manner and within the timeframes provided for in rule 19."

Amendment of rule 43 of the Rules

3. Rule 43 of the Rules is hereby amended by—

(a) the substitution for paragraph (b) of sub-rule (1) of the following paragraph:

"(b) A warrant of execution against immovable property shall contain—

- (i) a full description of the nature, magisterial district and physical address of the immovable property to enable it to be traced and identified by the sheriff; and
- (ii) sufficient information to enable the sheriff to give effect to sub-rule (3) hereof, including the title deed number, the erf number or sectional title unit number and exclusive use area to enable the Registrar of Deeds to identify the immovable property and record the attachment as an interdict against the immovable property."; and

(b) the substitution in sub-rule (11) for paragraph (b) of the following paragraph:

"(b) Any loss sustained by reason of the purchaser's default may, on the application of any aggrieved creditor [whose name appears on the sheriff's distribution account] referred to in paragraph (14)(c), be recovered from the purchaser under judgment of a magistrate given on a written report by the sheriff, after notice in writing has been given to the purchaser that the report will be laid before a magistrate for the aforesaid purpose."

Amendment of rule 67 of the Rules

4. Rule 67 of the Rules is hereby amended by—

(a) the substitution in sub-rule (2)(b) for sub-paragraph (ii) of the following sub-paragraph:

"(ii) be sent by electronic means, and if not possible by registered post."; and

(b) the substitution in sub-rule (5A) for paragraph (a) of the following paragraph:

"(a)(i) A person contemplated in the first proviso of section 309(1)(a) of the Criminal Procedure Act, 1977, who wishes to appeal against his or her conviction or sentence or order, shall do so in writing to the registrar or clerk of the court within 10 days after the passing of the sentence or order following on the conviction and shall also send a copy of such notice of appeal to the director of public prosecutions concerned or in a case in which the prosecution was not at the public instance, to the prosecutor concerned.

(ii) In the event of the appeal being struck-off or removed from the roll for any reason, the appeal shall then be re-enrolled within 10 days of the date of such striking-off or removal, failing compliance therewith the appeal shall lapse."

Amendment of Annexure 1 to the Rules

5. Annexure 1 to the Rules is hereby amended by the substitution for Forms 2B and 2C of the Forms contained in the Annexure hereto.

Amendment of Annexure 2 to the rules

6. Annexure 2 to the rules is hereby amended—

(a) by the substitution for Tables A and B of the following Tables, respectively:

**"TABLE A
COSTS**

**PART I
GENERAL PROVISIONS**

1. When the amount in dispute is less than or equal to the amount of R7 000, costs shall be taxed on Scale A; when the amount in dispute exceeds the amount of R7 000, but is less than or equal to R50 000, costs shall be taxed on Scale B; when the amount in dispute exceeds R50 000, but is less than or equal to the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts, costs shall be taxed on Scale C; when the amount in dispute exceeds the maximum jurisdictional amount so determined by the Minister in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division or when the matter is in respect of a cause of action in terms of section 29(1B)(a) of the Act, costs shall be taxed on Scale D.

2. (a) For the purpose of computing costs, the expression 'amount in dispute' means, where costs are awarded to the plaintiff, the amount or value of the judgment and 'amount or value of the judgment' means, where more than one claim is involved in the action, the total of the amounts involved in the judgment. Where costs are awarded to the defendant, the expression 'amount in dispute' means, the amount or value of the claim, and 'amount or value of the claim' means, where more than one claim is involved in the action, the total of the amounts of all the claims. The amount or value of the judgment or claim shall be inclusive of interest but exclusive of costs. If a matter is settled at any time the costs shall be taxed on the scale laid down in the agreement of settlement.

(b) Where the amount in dispute is not apparent on the face of the proceedings and—

(i) the matter is instituted in the Magistrates' Court for a District, costs shall be computed on Scale C; or

(ii) the matter is instituted in the Regional Court for a Regional Division, costs shall be computed on Scale D,

unless the court orders otherwise.

3. Costs taxable in terms of rule 33(19) shall be deemed to have been awarded under a judgment for the amount offered or a judgment in the terms of the settlement, as the case may be.

4. Claims for ejectment shall be computed at two months' rent of the premises.

5. The rate at which costs are computed shall not be increased by reason of any claim for confirmation of any interdict or interlocutory order.

- 6(i) Fees to advocates referred to in section 34(2)(a)(i) of the Legal Practice Act, 2014 (Act No. 28 of 2014) shall be allowed on taxation only in cases falling within Scale B, C or D or where the court has made an order in terms of rule 33(8).
- (ii) Fees to advocates referred to in section 34(2)(a)(ii) of the Legal Practice Act, 2014 (Act No. 28 of 2014) shall be allowed on taxation for Scale A, B, C or D or where the court has made an order in terms of rule 33(8).
7. Where the amount allowed for an item is specified, the amount shall be inclusive of all necessary attendances and services (other than services by the sheriff for the magistrate's court) in connection therewith save that for the necessary filing of documents at court a charge shall be allowed at **[R30,00]** R33,00 per document.
8. Where the amount allowed for an item is left blank—
- (a) the drawing of documents (not pleadings) shall be allowed at **[R30,00]** R33,00 for each folio;
- (b) copies for filing, service and an attorney's copy to retain shall also be allowed;
- (c) **[R30,00]** R33,00 shall be allowed for each necessary service;
- (d) **[R30,00]** R33,00 shall be allowed per document for the necessary filing of documents at court.
9. (a) Where any document appears to the court to be unnecessary prolix, the court may disallow the whole or any part of the fee therefor.
- (b) Where printed forms of documents to be copied are available, the fees for copying shall be limited to the necessary particulars inserted in such printed forms.
10. (a) A folio shall consist of 100 written or printed words or figures or part thereof.
- (b) Four figures shall be reckoned as one word.
11. (a) Unless otherwise provided, a charge for perusal shall be allowed at **[R11,50]** R12,50 per folio in respect of any document or pleading necessarily perused.
- (b) For necessary copies, including photocopies, of any document or papers not already provided for in this tariff, per A4 size page **[R4,50]** R5,00.
12. Where there are more defendants than one **[R19,00]** R21,00 shall be added in respect of each additional defendant for each of items 2 and 3 of Part II and items 2 and 7 of Part III.
13. Where the judgment debt is payable in instalments in terms of the judgment or an agreement, a fee of 10% on each instalment collected in redemption of the capital, costs and interest shall be allowed, subject to a maximum of **[R459,00]** R499,00 on each instalment. No additional fee shall be charged for any attendance in connection with the receipt or payment of any instalment.
14. The clerk or registrar of the court shall on taxation disallow any charge unnecessarily incurred.
15. Where the fee under any item is calculated on a time basis, the total time spent on any one day shall be calculated and the fee for that day calculated on such total.

16. Any amount necessarily and actually disbursed in tracing the debtor shall be allowed in addition to the fees laid down in this tariff.

17. Item 10A and 14A of Part III in the tariff to Table A are also applicable to Part IV of the tariff to Table A.

18. Fees to advocates referred to in section 34(2)(a)(i) of the Legal Practice Act, 2014 (Act No. 28 of 2014) shall be allowed on taxation only for items 21 to 26 of Part IV.

**PART II
UNDEFENDED ACTIONS**

	R
Item 1 - Registered letter of demand in terms of section 56 of the Act	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts	[R45,00] <u>R49,00</u>
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division	[R61,00] <u>R67,00</u>
Item 2 - Summons, inclusive of a letter of demand other than the letter of demand referred to in item 1:	
(a) Claim or claims where the aggregate amount of the claim or claims does not exceed R7 000,00	[R151,50] <u>R165,00</u>
(b) Claim or claims where the aggregate amount of the claim or claims exceeds R7 000,00 but does not exceed R50 000	[R502,50] <u>R547,00</u>
(c) Claim or claims where the aggregate of the claim or claims exceeds R50 000 but does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts	[R743,00] <u>R808,00</u>
(d) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division or when the matter is in respect of a cause of action in terms of section 29(1B)(a) of the Act	[R969,50] <u>R1055,00</u>
Item 3 - Judgment:	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the amount in 2(a)	[R151,50] <u>R165,00</u>
(b) Claim or claims where the aggregate of the claim or claims exceeds the amount in 2(b) but is not more than R50 000	[R383,50] <u>R418,00</u>

	R
(c) Claim or claims where the aggregate of the claim or claims exceeds R50 000 but does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts.	[R627,00] R682,00
(d) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division or when the matter is in respect of a cause of action in terms of section 29(1B)(a) of the Act	[R815,00] R886,00
Item 4 - Notice in terms of rule 12(2)	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts.	[R71,50] R78,00
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division or when the matter is in respect of a cause of action in terms of section 29(1B)(a) of the Act.	[R93,00] R101,00
Item 5 - Notice in terms of rule 54(1)	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts.	[R71,50] R78,00
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division.	[R93,00] R101,00
Item 6 - Affidavit or certificate	-
Item 7 - Attending court at the request of the magistrate when claim is referred to court for judgment or to obtain provisional sentence when claim is undefended	as allowed under item 15 on the scale for defended actions.
Item 8 - For each registered letter forwarded to the debtor in terms of section 57(1) or (3) or section 58(2), of the Act by the creditor or his or her attorney, including copies	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts.	[R46,50] R51,00
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in	[R62,50] R68,00

	R
respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division.	
Item 9 - Admission of liability and undertaking to pay debt in instalments or otherwise (section 57 of the Act)	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts.	[R121,50] R132,00
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division.	[R157,00] R170,00
Item 10 - Consent to judgment or to judgment and an order for the payment of judgment debt in instalments (section 58 of the Act)	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts.	[R121,50] R132,00
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division.	[R157,00] R170,00

Note: The amount of fees allowable under items 4, 5, 6, 7, 8, 9 and 10 shall be included without taxation in the amount of the costs for which judgment is entered

**PART III
DEFENDED ACTIONS (AND INTERPLEADER PROCEEDINGS)**

Item	Scale A R	Scale B R	Scale C R	Scale D R
1 Instructions to sue or defend or to counterclaim or defend a counterclaim, perusal of all documentation and consideration of merits and all necessary consultations to issue summons	[R606,00] R659,00	[R804,50] R875,00	[R968,50] R1095,00	[R1258,00] R1369,00
2 Summons	[R304,50] R331,50	[R423,00] R460,00	[R506,50] R551,00	[R656,00] R713,00
2A Particulars of Claim or Declaration	[R304,50] R331,50	[R423,00] R460,00	[R506,50] R551,00	[R656,00] R713,00
3 Appearance	[R50,50] R55,00	[R50,50] R55,00	[R63,00] R69,00	[R81,00] R89,00

Item	Scale A R	Scale B R	Scale C R	Scale D R
4 Notice under rules 12(2) and 21B(2)	[R50,50] <u>R55,00</u>	[R50,50] <u>R55,00</u>	[R63,00] <u>R69,00</u>	[R81,00] <u>R89,00</u>
5 Plea	[R304,50] <u>R331,50</u>	[R423,00] <u>R460,00</u>	[R506,50] <u>R551,00</u>	[R656,00] <u>R713,00</u>
6 Claim in reconviction	[R304,50] <u>R331,50</u>	[R423,00] <u>R460,00</u>	[R506,50] <u>R551,00</u>	[R656,00] <u>R713,00</u>
7 Reply, if necessary	[R304,50] <u>R331,50</u>	[R423,00] <u>R460,00</u>	[R506,50] <u>R551,00</u>	[R656,00] <u>R713,00</u>
8 Drawing up of all documents not specifically mentioned, including request for further particulars, schedule of documents, all affidavits, subpoenas, any notice not otherwise provided for and drawing up of statements by witnesses	-	-	-	-
9 Production of documents for inspection, or inspecting documents, per quarter of an hour or part thereof of the time spent	[R180,50] <u>R196,00</u>	[R180,50] <u>R196,00</u>	[R226,50] <u>R246,00</u>	[R292,00] <u>R318,00</u>
10. ...				
10A Pagination and indexing of pleadings per quarter of an hour or part thereof :	[R121,00] <u>R132,00</u>	[R121,00] <u>R132,00</u>	[R147,50] <u>R161,00</u>	[R191,00] <u>R208,00</u>
11 The recording of statements by witnesses, per quarter of an hour or part thereof	[R180,50] <u>R196,00</u>	[R180,50] <u>R196,00</u>	[R226,50] <u>R246,00</u>	[R292,00] <u>R318,00</u>
12 Notice of trial or reinstatement	[R50,50] <u>R55,00</u>	[R50,50] <u>R55,00</u>	[R63,00] <u>R69,00</u>	[R81,00] <u>R89,00</u>
13 Preparing for trial (if counsel not employed)	[R1007,00] <u>R1095,00</u>	[R1370,00] <u>R1490,00</u>	[R1643,00] <u>R1788,00</u>	[R2136,00] <u>R2323,00</u>
14 Attendance at settlement negotiations, for each quarter of an hour or part thereof actually spent in such negotiations	[R180,50] <u>R196,00</u>	[R180,50] <u>R196,00</u>	[R226,50] <u>R246,00</u>	[R292,00] <u>R318,00</u>
14A Drawing up heads of argument per quarter of an hour or part thereof:	[R180,50] <u>R196,00</u>	[R180,50] <u>R196,00</u>	[R226,50] <u>R246,00</u>	[R292,00] <u>R318,00</u>
15 Attending court during trial, or at an on-the-spot inspection, or at postponement or examination on commission, for each quarter of				

Item	Scale A R	Scale B R	Scale C R	Scale D R
an hour or part thereof spent in court while the case is actually being heard-				
(a) if an advocate is not employed	[R180,50] R196,00	[R180,50] R196,00	[R226,50] R246,00	[R292,00] R318,00
(b) if an advocate is employed	Nil	[R71,50] R78,00	[R88,00] R96,00	[R113,00] R123,00
16 Attending pre-trial conference, for each quarter of an hour or part thereof actually spent in such conference	[R180,50] R196,00	[R180,50] R196,00	[R226,50] R246,00	[R292,00] R318,00
17 Attending court to hear reserved judgment, per quarter of an hour or part thereof	[R37,00] R40,00	[R37,00] R40,00	[R44,50] R49,00	[R57,50] R63,00
18 Correspondence-				
(a) for each necessary letter or telegram, per folio	[R28,50] R31,00	[R28,50] R31,00	[R37,00] R40,00	[R46,50] R50,00
(b) for each letter or telegram received, provided that a fee for perusal shall not be allowed in addition to the fee herein provided for	[R19,50] R21,50	[R28,50] R31,00	[R37,00] R40,00	[R46,50] R50,00
19 Attendances: For each necessary attendance not otherwise provided for, per attendance	[R19,50] R21,50	[R28,50] R31,00	[R37,00] R40,00	[R46,50] R50,00
20 Necessary formal telephone calls, per call	[R19,50] R21,50	[R28,50] R31,00	[R37,00] R40,00	[R46,50] R50,00
21 Telephone consultations: For every 5 minutes or part thereof, subject to a maximum fee per consultation of [R174,50] R190,00 for Scales A to C and [R225,50] R246,00 for Scale D	[R50,50] R55,00	[R50,50] R55,00	[R63,00] R69,00	[R81,00] R89,00
22 Each necessary consultation, per quarter of an hour or part thereof	[R180,50] R196,00	[R180,50] R196,00	[R226,50] R246,00	[R292,00] R318,00
23 The court may, on request made at the hearing, allow in addition to the fee prescribed in item 13 above a refresher fee in postponed or partly heard trials	[R627,00] R682,00	[R887,00] R965,00	[R1063,00] R1157,00	[R1381,00] R1503,00

Item	Scale A R	Scale B R	Scale C R	Scale D R
24 Time spent waiting at court (owing to no court being available) per quarter of an hour or part thereof	[R121,00] R132,00	[R121,00] R132,00	[R147,50] R161,00	[R191,00] R208,00
25 Travelling time [subject to the provisions of rule 33(9)] per quarter of an hour or part thereof	[R121,00] R132,00	[R121,00] R132,00	[R147,50] R161,00	[R191,00] R208,00
26 Subsistence and travelling expenses as laid down in rule 33(9)	The actual reasonable subsistence and travelling expenses as laid down in rule 33(9)			

**PART IV
OTHER MATTERS**

Exceptions, applications to strike out, applications for summary judgment, appearance to obtain provisional sentence when claim is defended, interlocutory applications, arrest, interdict, applications under rule 27(9), applications to review judgment, order or taxation, applications for liquidation of close corporations and applications in terms of section 65J of the Act, applications under rule 58 and any other applications.

ITEM	Scale A R	Scale B R	Scale C R	Scale D R
1. (a) Instructions to make application or to oppose or to show cause (the court may on request allow a higher amount)	[R152,00] R165,00	[R304,50] R331,00	[R361,50] R394,00	[R470,00] R512,00
(b) Instructions to make application for liquidation of close corporation, perusal of all documentation and consideration of merits, and all necessary consultations	[R743,00] R808,00	[R743,00] R808,00	[R890,50] R969,00	[R1158,00] R1260,00
2. Drawing up of all documents, affidavits, applications and notices, orders, etc	-	-	-	-
3. Attending court on hearing:				
(a) If unopposed or opposed (if an advocate is not employed), for each quarter of an hour or part thereof actually spent in court	[R180,50] R196,00	[R180,50] R196,00	[R226,50] R246,00	[R292,00] R318,00
(b) If opposed (if an advocate is employed), for each quarter of an hour actually spent in court or part thereof	Nil	[R71,50] R78,00	[R88,50] R96,00	[R113,00] R123,00
4. (a) Fee for preparation for argument when opposed	[R627,00] R682,00	[R739,00] R804,00	[R890,50] R969,00	[R1158,00] R1260,00
(b) Fee for preparation for trial where proceedings are referred to trial or oral evidence	[R627,00] R682,00	[R739,00] R804,00	[R890,00] R969,00	[R1158,00] R1260,00

ITEM	Scale A R	Scale B R	Scale C R	Scale D R
5. Consultations and settlement negotiations – when opposed, per quarter of an hour or part thereof	[R180,50] R196,00	[R180,50] R196,00	[R226,50] R246,00	[R292,00] R318,00

ITEM	Scale
TAXATION OF COSTS In connection with a bill of costs for services rendered by an attorney, the attorney shall be entitled to charge :	R
6. For drawing the bill of costs, making the necessary copies and attending settlement, 11 percent of the attorney's fees, either as charged in the bill, if not taxed, or as allowed on taxation.	
7. In addition to the fees charged under item 6, if recourse is had to taxation for arranging and attending taxation, and obtaining consent to taxation, 11 percent on the first R10 000,00 or portion thereof, 6 percent on the next R10 000,00 or portion thereof and 3 percent on the balance of the total amount of the bill.	
8. Attending on review of taxation, for each quarter of an hour or part thereof in court while review is actually being heard	[R180,50] R196,00
9. Notice of application for review of taxation and service	-
10. Affidavit, where necessary	-

EXECUTION	
11. (a) Issue of warrant of execution, ejectment, and delivery up of possession	[R121,50] R132,00
(b) For each reissue thereof	[R50,50] R55,00
12. Inclusive fee for work done in connection with releasing of immovable property attached	[R151,50] R165,00
13. Inclusive fee for work done in connection with sale in execution of immovable property only (excluding work in respect of which fees are already provided for elsewhere and the drawing up of the conditions of sale)	[R384,00] R418,00
14. (a) Drawing up of notice of sale in terms of rule 41(8) or rule 43[(6)], (7)(b)(i), or conditions of sale in terms of rule 43[(7)] (8)(a)(i)	-
(b) For all other work done and papers and documents supplied to the sheriff of the magistrate's court in connection with a sale in execution of movable property, an inclusive fee of	[R262,00] R285,00
15. Security for restitution, where necessary	[R99,50]

	R109,50
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WHERE AN ADVOCATE IS EMPLOYED	
16. Instructions for exception or application, where allowed	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts	[R180,50] R196,00
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division	[R234,50] R255,00
17. Instructions on trial	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts	[R230,50] R251,00
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division	[R290,00] R315,00
18. Drawing brief on exception or application, where allowed	-
19. Drawing brief on trial	-
20. Attending each necessary consultation with an advocate, per quarter of an hour or part thereof	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts	[R75,00] R82,00
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division	[R94,00] R103,00

FEEES TO ADVOCATES	
21. With brief to argue exception or application	[R887,00] R964,00
22. With trial brief for the first day, not exceeding	[R2514

FEES TO ADVOCATES	
	,50] <u>R2736,00</u>
23. In any court held more than 30 km from the nearest town where a provincial or local division (other than a Circuit Court) of the High Court sits, a travelling allowance (in addition to the fee on brief) may be allowed by special order of the court at	[R6,00] <u>R6,50</u> per km
24. Each necessary consultation, per quarter of an hour	[R180,50] <u>R196,00</u>
25. For every day exceeding one on which evidence is taken or arguments heard, a refresher not exceeding	[R1511,50] <u>R1644,00</u>
26. Drawing up pleadings	[R404,50] <u>R441,00</u>
<i>Notes:</i>	
(a) In regard to items 22 and 25 a fee in lieu of the fee for the first day's hearing shall be allowed as follows when the case is settled or withdrawn or postponed at the instance of any party on or before the date of hearing:	
(i) not more than two days prior to the date of hearing: The fee otherwise allowable on taxation for the first day's hearing;	
(ii) not less than three days and not more than seven days prior to the date of hearing: Two thirds of the fee under (i); and	
(iii) not less than eight days and not more than 21 days prior to the date of hearing: Half of the fee under (i).	
(b) The court may on request allow a higher fee for an advocate in regard to items 22, 24, 25 and 26.	
(c) A fee for travelling time by an advocate shall be allowed at the same rate as for attorneys under rule 33(9).	
MISCELLANEOUS	
27. Obtaining certified copy of judgment	[R91,00] <u>R99,00</u>
28. Obtaining payment in terms of rule 18(4)	[R63,00] <u>R69,00</u>
29. Request for security in terms of rule 62(1)	-
30. Furnishing security in terms of rule 62(1)	-

**TABLE B
COSTS**

PART I

**GENERAL PROVISIONS IN RESPECT OF PROCEEDINGS IN TERMS OF SECTIONS 65
AND 65A TO 65M OF THE ACT**

1. Subject to the provisions of paragraph 3, no fees other than those in the Tariff to this Part shall be allowed.
2. Subject to the provisions of section 65K of the Act, the fees laid down in items (a), (b) or (c) of the Tariff to this Part, as the case may be, shall be payable for the drawing up of the notice referred to in section 65A(1), including appearance at the inquiry into the judgment debtor's financial position referred to in section 65D, or any appearance at subsequent suspension, amendment or rescission proceedings, and shall, with the exception of the fee allowed under item (m) of the tariff, be chargeable only once for the drawing up, issue and all reissues of the notice and all postponements of the inquiry, irrespective of the number of days on which the proceedings are heard in court: Provided that where the debtor leaves the area of jurisdiction of the court after issue of the notice referred to in section 65A(1) and the notice is reissued in any other district, the aforesaid fee may also be charged in such other district if the court so orders.
3. The following shall be allowed in addition to the fees laid down in the Tariff to this Part:
 - (a) All necessary disbursements incurred in connection with the proceedings.
 - (b) A fee of 10% on each instalment collected in redemption of the capital and costs of the action, subject to a maximum amount of **[R459,00]** R499,00 on every instalment. Where the amount is payable in instalments the collection fees shall be recoverable only on payment of every instalment. Such fees shall be in substitution for and not in addition to the collection fees prescribed in paragraph 13 of Part 1 of Table A.
 - (c) All necessary disbursements incurred in connection with any prior abortive proceedings under section 72, if the court has so ordered.
 - (d) Any amount necessarily and actually disbursed in tracing the judgment debtor, where the capital amount of the debt at the time the tracing agent was employed was not less than **[R502,00]** R546,00. The total amount to be allowed for each tracing shall not exceed **[R383,50]** R417,00.
4. For the purpose of the Tariff to this Part the amount of the claim shall, subject to the provisions of paragraph 3(d), be the total of the capital amount and costs outstanding at the date of the first institution of proceedings under section 65A(1) of the Act.
5. Items 1 to 5 of Part IV of Table A of Annexure 2 are applicable in terms of section 65J of the Act.

TARIFF		R
(a)	Where the claim does not exceed the amount of R1 000,00	[R253,00] R276,00
(b)	Where the claim exceeds the amount of R1 000,00 but is not more than 000,00	R2 [R383,50] R417,00
(c)	Where the claim exceeds the amount of R2 000,00	[R452,00] R492,00
(d)	Warrant of arrest (Form 40A)	[R99,50] R109,00
(e)	(i) Emoluments attachment order (Form 38)	[R202,00] R218,00
	(ii) Reissue (Certificates included)	[R161,00] R175,00
(f)	Application for costs on notice (including appearance in court)	[R99,50] R109,00
(g)	Obtaining a certified copy of a judgment	[R99,50] R109,00
(h)	Affidavit or certificate by the judgment creditor or his or her attorney	[R71,00] R77,00
(i)	For each registered letter forwarded to the debtor in terms of sections 65A(2), 65E(6) or 65J(2) of the Act by the creditor or his or her attorney	[R46,00] R50,00
(j)	Affidavit or affirmation by debtor Rule 45(7)	[R121,00] R131,00
(k)	Request for an order under section 65 of the Act	[R71,00] R77,00
(l)	Attending postponed proceedings in terms of section 65E(3) of the Act or attending proceedings at court pursuant to the arrest of a judgment debtor, director or officer or pursuant to a notice referred to in 65A(8)(b)	[R99,50] R109,00
(m)	Subpoena:	
	(i) Drawing up of subpoena, per folio	[R28,50] R31,00
	(ii) Every necessary attendance, per attendance	[R19,00] R21,00
(n)	(i) Correspondence: For every necessary letter or telegram written or received, including copy to retain, provided that a fee for perusal shall not be allowed in addition to the fee herein provided for, per folio	[R28,50] R31,00
	(ii) Attendances: For each necessary attendance not otherwise provided for, per attendance	[R28,50] R31,00
	(iii) Necessary formal telephone calls, per call	[R28,50] R31,00

**PART II
GENERAL PROVISIONS IN RESPECT OF PROCEEDINGS IN TERMS OF SECTION 72
OF THE ACT**

1. Subject to the provisions of paragraphs 2 and 3 no fees other than those laid down in the Tariff to this Part shall be allowed.
2. Paragraph 3(a), (b) and (d) of the general provisions under Part 1 of this Table shall apply *mutatis mutandis* to this Part.
3. All necessary disbursements incurred in connection with any prior abortive proceedings under section 65 shall be allowed if the court has so ordered.
4. For the purpose of the Tariff to this Part the amount of the claim shall, subject to the provisions of paragraph 3(d) of the general provisions under Part 1 of this Table, be the total of the capital amount outstanding at the date of the first institution of proceedings in terms of section 72 of the Act.

TARIFF	
(a) Where the claim does not exceed R200.00	[R152,00] R165,00
(b) Where the claim exceeds R200.00	[R323,00] R352,00
(c) Obtaining certified copy of a judgment	[R91,00] R99,00
(d) Application for an order of execution against the garnishee	[R91,00] R99,00
(e) Garnishee order (Form 39)	[R121,00] R131,00

**PART III
GENERAL PROVISIONS IN RESPECT OF PROCEEDINGS IN TERMS OF SECTION 74
OF THE ACT**

1. The following fees shall be allowed in addition to those laid down in the Tariff to this Part:
 - (a) All necessary disbursements incurred in connection with the proceedings.
 - (b) In addition to the fees stated below, the administrator shall be entitled to a fee of 10% on each instalment collected for the redemption of capital and costs, which amount is included in the 12,5 % in terms of section 74L(2) of the Act.
2. For the purposes of items 4 and 5 of the Tariff to this Part, a folio shall consist of 100 written or printed words or figures and four figures shall be reckoned as one word.

TARIFF			
Item	One to ten creditors	Eleven to twenty creditors	Twenty-one or more creditors
	R	R	R
1. Instructions to apply for administration order, including the necessary perusal of summonses, demands, etc, and ascertaining the amount of assets and liabilities, including all attendances and correspondence necessary in connection therewith	[R180,50] <u>R196,00</u>	[R252,50] <u>R275,00</u>	[R403,00] <u>R439,00</u>
2. Instructions on application under section 74Q(1) or to oppose such application or the granting of administration order	[R142,00] <u>R156,00</u>	[R142,00] <u>R156,00</u>	[R142,00] <u>R156,00</u>
3. Drawing up application for administration order or review thereof and affidavit, including all annexures thereto and all attendances, excluding attendance in court	[R252,00] <u>R274,00</u>	[R252,00] <u>R274,00</u>	[R252,00] <u>R274,00</u>
4. Making copies of application, affidavit and annexures for creditors, per page	[R4,50] <u>R5,00</u>	[R4,50] <u>R5,00</u>	[R4,50] <u>R5,00</u>
5. Perusal of application and other documents served, if any, per folio. Note: The fees under this item are only claimed by the attorney or an opposing party.	[R11,00] <u>R12,00</u>	[R11,00] <u>R12,00</u>	[R11,00] <u>R12,00</u>
6. Attending court:			
(a) On postponement or setting aside, if not occasioned by the attorney or his or her client;	[R68,00] <u>R74,00</u>	[R68,00] <u>R74,00</u>	[R68,00] <u>R74,00</u>
(b) On any other hearing	[R142,00] <u>R156,00</u>	[R271,00] <u>R295,00</u>	[R271,00] <u>R295,00</u>
7. For furnishing to a creditor by the administrator of the information referred to in section 74 m(a) of the Act, per application	[R19,00] <u>R21,00</u>	[R19,00] <u>R21,00</u>	[R19,00] <u>R21,00</u>
8. For furnishing of a copy of the debtor's statement of affairs referred to in sections 74 and 74A(1) of the Act by the administrator in terms of section 74M(b) or of a list or account referred to in section 74G(1) or 74J of the Act or of the debtor's statement of affairs referred to in section 65I(2) of the Act, per page	[R4,50] <u>R5,00</u>	[R4,50] <u>R5,00</u>	[R4,50] <u>R5,00</u>
9. Correspondence and attendances	[R29,00] <u>R32,00</u>	[R29,00] <u>R32,00</u>	[R29,00] <u>R32,00"</u>

(b) by the substitution for Part II of Table C of the following Part:

**"PART II
SHERIFFS WHO ARE NOT OFFICERS OF THE PUBLIC SERVICE**

1A. For registration of any document for service or execution upon receipt thereof:
[R11,00] R12,00

1B. (a) For the service of a summons, subpoena, notice, order or other document not being a document mentioned in item 2, the journey to and from the place of service of any of the above-mentioned documents—

(i) within a distance of 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R44,00] R48,00**;

(ii) within a distance of 12 kilometres, but further than 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R52,00] R57,50**;

(iii) within a distance of 20 kilometres, but further than 12 kilometres from the court-house of the district for which the sheriff is appointed: **[R71,00] R77,00**;

(b) For the attempted service of the documents mentioned in paragraph (a), the journey to and from the place of attempted service of any of the above-mentioned documents—

(i) within a distance of 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R37,50] R41,50**;

(ii) within a distance of 12 kilometres but further than 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R44,00] R48,00**;

(iii) within a distance of 20 kilometres but further than 12 kilometres from the court-house of the district for which the sheriff is appointed: **[R63,00] R69,00**;

(c) (i) Where a document must be served together with a process of the court and is mentioned in such process or is an annexure thereto, no additional fees shall be charged for service of the document, otherwise **[R11,00] R12,00** may be charged for every separate document served;

(ii) No fees shall be charged for a separate document when process in criminal matters is served;

(iii) The service of a notice referred to in rule 54(1) simultaneously with the summons shall not be regarded as a separate service

(iv) Where a mandator instructs the sheriff, in writing, to serve or execute a document referred to in item 1B(a) or (2)(a) on an urgent basis or after hours, the sheriff shall charge an additional fee of **[R235,00] R256,00** for such service irrespective of whether the service or execution was successful, which additional fee shall be paid by the mandator, save where the court orders otherwise;

(v) For the purpose of sub-paragraph (iv)—

(aa) "urgent" means on the same day or within twenty four hours of the written instruction; and

(bb) "after hours" means any time—

(aaa) before 7h00 or after 19h00 on Mondays to Fridays; or

(bbb) on a Saturday, Sunday or public holiday.

2. (a) For the execution of a warrant (other than against immovable property), interdict, garnishee order or emoluments attachment order, the journey to and from the place of execution of the above-mentioned documents—
- (i) within a distance of 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R63,00]** R69,00;
 - (ii) within a distance of 12 kilometres, but further than 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R71,00]** R77,00;
 - (iii) within a distance of 20 kilometres, but further than 12 kilometres from the court-house of the district for which the sheriff is appointed: **[R88,00]** R96,00;
- (b) For the attempted execution of the documents mentioned in paragraph (a), the journey to and from the place of attempted execution of the above-mentioned documents —
- (i) within a distance of 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R52,00]** R57,50;
 - (ii) within a distance of 12 kilometres, but further than 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R63,00]** R69,00;
 - (iii) within a distance of 20 kilometres, but further than 12 kilometres from the court-house of the district for which the sheriff is appointed: **[R78,50]** R86,00;
- (c) (i) For the ejectment of a defendant from the premises referred to in the warrant of ejectment: **[R37,50]** R41,00 per half hour or part thereof (except extraordinary expenses necessarily incurred)
- (ii) A further fee of **[R24,50]** R27,00 shall be paid after execution for every person over and above the person named or referred to in the process of ejectment, in fact ejected from separate premises: Provided that where service on any person other than the judgment debtor, respondent or garnishee is necessary in order to complete the execution, the fee laid down in item 1B(a) may be charged in respect of each such service.
- (d) for the execution of any writ against immovable property—
- (i) for execution, including service of notice of attachment upon the owner of the immovable property and upon the registrar of deeds or other office charged with the registration of such property, and if the property is in occupation of some other person other than the owner, also upon such occupier: **[R208,50]** R227,00;
 - (ii) for notice of attachment to a single lessee or occupier: **[R19,00]** R21,00;
 - (iii) identical notices where there are several lessees, occupiers or owners, for each after the first: **[R6,50]** R7,50;
 - (iv) for making valuation report for purposes of sale, per half hour or part thereof: **[R52,50]** R57,50;
 - (v) when a sheriff has been authorised to sell property and the property is not sold by reason of the fact that the attachment is withdrawn or stayed, all the necessary notice for the withdrawal or stay of the attachment: **[R208,00]** R227,00; Upliftment of judicial attachment on immovable property: **[R208,00]** R227,00;
 - (vi) for ascertaining and recording what bonds or other encumbrances are registered against the property, together with the names and addresses of the persons in whose favour such bonds and encumbrances are so registered including any correspondence in connection therewith (in addition to reasonable expenses necessarily incurred): **[R104,50]** R114,00;
 - (vii) for notifying the execution creditor of such bonds or other encumbrances and of the names and addresses of the persons in whose favour such bonds or other encumbrances are registered: **[R19,00]** R21,00;

(viii) for consideration of proof that a preferent creditor has complied with the requirements of rule 43(5)(a): **[R11,00]** R12,00;

(ix) for notice referred to in rule 43(6): **[R19,00]** R21,00;

(x) for considering of notice of sale prepared by the execution creditor in consultation with the sheriff; and

for verifying that notice of sale has been published in the newspapers indicated and in the *Gazette*, inclusive fee for such consideration and verification: **[R104,50]** R114,00.

(xi) for forwarding a copy of the notice of sale to every judgment creditor who had caused the immovable property to be attached and to every mortgagee thereof whose address is known, for each copy: **[R19,00]** R21,00;

(xii) for affixing a copy of the notice of sale to the notice board of the magistrates' court referred to in rule 43(7)(e) and at or as near as may be to the place where the sale is actually to take place, an inclusive fee of **[R45,00]** R49,00 and travelling costs referred to in item 4(a);

(xiii) for considering the conditions of sale prepared by execution creditor; for considering further or amended conditions of sale submitted by interested party; settling of conditions of sale: **[R104,50]** R114,00 for each attendance;

(xiv) for all necessary attendances prescribed by any law related to auctions, in particular the Consumer Protection Act, 2008 (Act No. 68 of 2008): **[R315,00]** R343,00;

(xv) for the conducting of an auction, save that this fee may not be charged if commission is claimed in terms of items 2(d)(xvi) and (xvii): **[R208,00]** R227,00;

(xvi) On the sale of immovable property by the sheriff as auctioneer, 6 per cent on the first R100 000,00, 3.5 per cent on R100 001,00 to R400 000,00 and 1.5 per cent on the balance of the proceeds of the sale, subject to a maximum commission of R40 000,00, in total, and a minimum of R3 000,00 (inclusive in all instances of the sheriff's bank charges and other expenses incurred in paying the proceeds into his or her trust account), which commission shall be paid by the purchaser;

(xvii) If an auctioneer is employed as provided in rule 43(10), 3 per cent on the first R100 000,00, 2 per cent on R100 001,00 to R400 000,00 and 1 per cent on the balance thereof, subject to a maximum commission of R22 850,00, in total, and a minimum of R3 000,00 (inclusive in all instances of the sheriff's bank charges and other expenses incurred in paying the proceeds into his or her trust account), which commission shall be paid by the purchaser;

(xviii) for written notice to the purchaser who has failed to comply with the conditions of sale: **[R52,50]** R57,00;

(xix) for any report referred to in rule 43(11): **[R52,50]** R57,00;

(xx) for informing judgment debtor of the cancellation referred to in rule 43(11)(a)(iii): **[R19,00]** R21,00;

(xxi) for giving notice referred to in rule 43(11)(c): **[R19,00]** R21,00;

(xxii) for giving transfer to the purchaser: **[R25,00]** R27,00;

(xxiii) for receipt of certificate referred to in rule 43(14)(a): **[R19,00]** R21,00;

(xxiv) for preparing a plan of distribution of the proceeds (including necessary copies) and for forwarding a copy to the registrar: **[R104,50]** R114,00;

(xxv) for giving notice to all parties who have lodged writs and to the execution debtor that the plan of distribution will lie for inspection, for every notice: **[R19,00]** R21,00;

(xxvi) for the report referred to in rule 43A(9)(d): **[R52,50]** R57,00.

3. Compilation of any return in terms of rule 8, in duplicate: **[R17,50]** R19,50.

4. (a) The Sheriff shall, in addition to the fees mentioned in items 1B(a), 1B(b), 2(a) and 2(b), but subject to item 4(b) and (c), be allowed a travelling allowance of R6,00 per kilometre, or part thereof, for the shortest possible forward and return journey from the office of the Sheriff to the place of service or execution and back.
- (b) The travelling allowance mentioned in items 4(a), 5(a) and 5(c)(i) shall be calculated on the distance reckoned from the office of the sheriff if—
- (i) the sheriff's office is situated within the area of jurisdiction allocated to the sheriff by the Minister; and
- (ii) the distance from the sheriff's office is less than the distance reckoned from the court-house closest to the address for service.
- (c) If the requirement in item 4(b) is not met, then the travelling allowance mentioned in items 4(a), 5(a) and 5(c)(i) shall be calculated on the distance reckoned from the court-house closest to the address for service.
5. (a) In respect of the discharge of any official duty other than those mentioned in items 1 and 2, but subject to item 4(b) and (c), a travelling allowance of R6,00 per kilometre for every kilometre, or part thereof, shall be payable to the sheriff for going and returning.
- (b) A travelling allowance shall include all the expenses incurred in travelling, including train fares.
- (c) A travelling allowance shall be calculated in respect of each separate service, except that—
- (i) where more services than one can be done on the same journey, the distance from the sheriff's office to the first place of service may be taken into account only once, and shall be apportioned equally to the respective services, and the distance from the first place of service to the remaining places of service shall similarly be apportioned equally to the remaining services; and
- (ii) where service of the same process has to be effected by a sheriff on more than one person at the same service address, only one charge for travelling shall be allowed.
- (d) When it is necessary for the sheriff to convey any person under arrest, an allowance of R6,00 per kilometre in respect of that portion of his or her journey on which he or she was necessarily accompanied by such person shall be allowed.
6. (a) Making an inventory, including the making of all necessary copies and time spent on stock-taking: **[R37,50]** R41,00 per half hour or part thereof.
- (b) For assistance, if necessary, with the making of an inventory, **[R37,50]** R41,00 per half hour or part thereof.
7. The perusing, drawing up and completing of a bail bond, deed of suretyship or indemnity bond: **[R11,00]** R12,00.
8. Charge or custody of property (money excluded):
- (a) (i) For each officer necessarily left in possession, a reasonable inclusive amount not exceeding **[R132,00]** R142,00 per day.
- (ii) Travelling allowances, to include board in every case.
- (b) If livestock is attached, only the necessary expenses of herding and preserving the stock shall be allowed.

(c) If the goods are removed and stored, only the cost of removal and storage shall be allowed.

9. (a) **'possession'** shall mean actual physical possession by a person employed and paid by the sheriff, whose sole work for the time being is to remain on the premises where the goods have been attached, and who, in fact, remains in possession for the period for which possession is charged.

(b) **'cost of removal'** shall mean the amount actually and necessarily disbursed for removal or attempted removal if the goods were removed by a third party or an attempt was made to remove them, if they were removed by the sheriff him- or herself, such amount as would fairly be allowable in the ordinary course of business if the goods were removed by a third party, or an attempt was made to so remove them.

(c) **'cost of storage'** shall mean the amount actually and necessarily paid for storage if the goods were stored with a third person or, if the sheriff provided the storage, such amount as would fairly be allowable in the ordinary course of business if the goods were stored with a third person.

10. (a) (i) Where a garnishee order is paid in full or in part, to the sheriff, 9 per cent on the amount paid with a minimum fee of **[R70,50]** R76,50 and a maximum of **[R691,50]** R752,50.

(ii) For the execution of any warrant against movable property—

(aa) when a warrant is paid in full or in part on presentation to the sheriff, 9 per cent on the amount so paid with a minimum fee of **[R70,50]**, R76,50 and a maximum of **[R691,50]** R752,50

(bb) when a warrant is paid in full or in part to the sheriff after attachment but before sale, 9 per cent on the amount so paid with a minimum fee of **[R70,50]** R76,50 and a maximum of **[R691,50]** R752,50;

(cc) when moneys are taken in execution, 9 per cent of the amount so taken, but subject to a maximum of **[R691,50]** R752,50.

(b) Notice of attachment to defendant and to each person to be notified: **[R11,00]** R12,00

11. (a) Where property is released from attachment in terms of rule **[41(7)(f)(i)]** 41(18)(a), or the warrant of execution is withdrawn or stayed, or the judgment debtor's estate is sequestered after the attachment, but before the sale, 2,3 per cent of the value of the goods attached, subject to a maximum of **[R208,00]** R227,00: Provided that if a sale subsequently takes place in consequence of the said attachment, the amount so paid shall be deducted from the commission payable under item 12.

(b) Commission referred to in item 11(a) shall not be chargeable against a judgment debtor on the value of movable property attached and subsequently released pursuant to a claim by a third party, unless notwithstanding a claim by a third party, the removal of such property is done at the express direction of the judgment creditor, in writing, in which event the judgment creditor shall be liable to the sheriff for commission at a rate of 2.3% of the value of the goods and costs.

12. Where the warrant of execution against movables is completed by sale, 9 per cent for the first R15 000,00 or part thereof, and thereafter 6 per cent, with a maximum of **[R9209,50]** R10018,50.
13. For the insurance of attached property, if deemed necessary, and on written instructions of the judgment creditor to the sheriff, in addition to the premium to be paid, an all-inclusive amount of **[R37,50]** R41,00.
14. ...
15. When immovable property has been attached in execution and the attachment lapses, as referred to in section 66(4) of the Act: **[R63,00]** R69,00.
16. ...
17. In addition to the fees allowed by items 10 to 13, both inclusive, there shall be allowed—
- (a) the sum actually and reasonably paid by the sheriff or the auctioneer for printing, advertising and giving publicity to any sale or intended sale in execution.
18. Where the sheriff is in possession under more than one warrant of execution, he or she may charge fees for only one possession, and such possession shall, as far as possible, be apportioned equally to the several warrants issued during the same period: Provided that each execution creditor shall be jointly and severally liable for such possession to an amount not exceeding what would have been due under his or her execution if it had stood alone.
19. Fees payable on the value of goods attached or on the proceeds of the sale of goods in execution shall not be chargeable on such value or proceeds so far as they are in excess of the amount of the warrant.
20. The fees and expenses of the sheriff in execution of a garnishee order shall be added to the amount to be recovered under the order, and shall be chargeable against the judgment debtor.
21. If it is necessary for the sheriff to return a document received by him or her for service or execution to the mandator because—
- (a) the address of service which appears on the process does not fall within his or her jurisdiction; or
- (b) the mandator requested, before an attempted service or execution of the process, that it be returned to him or her,
- an amount of **[R11,00]** R12,00 shall be payable.
22. For the conveyance of any person arrested by the sheriff or committed to his or her custody from the place of custody to the court on a day subsequent to the day of arrest: **[R37,50]** R41,00 per journey and **[R71,00]** R77,00 per hour, or part thereof, for attending at court.

23. For the examination of an indicated newspaper[s and the **Gazette**] in which the notice of sale has been published, as referred to in rule **[41(8)(c)]** 41(19)(c): **[R11,00]** R12,00.
24. ...
25. For affixing a copy of the notice of sale on the notice board or door of the court-house or other public building and at or as near as may be to the place where the said sale is actually to take place referred to in rule **[41(8)(b)]** 41(19)(b): **[R25,50]** R28,00 and travelling costs, referred to in item 5(a).
26. For **[the drawing up preparing and, issuing, signing of interpleader summons]** interpleaders referred to in Magistrates' Courts Rule 44: **[R104,50]** R209,00.
27. In addition to the fees prescribed in this Table, the sheriff shall be entitled to the amount actually disbursed for postage and telephone calls.
28. For the writing of each necessary letter, facsimile or electronic mail, excluding formal letters accompanying process or returns: **[R19,00]** R21,00.
29. Each necessary attendance by telephone: **[R18,00]** R20,00.
30. Sending and receiving of each necessary facsimile or electronic mail per page (in addition to telephone charges): **[R6,50]** R7,50.
31. ...
32. For the making of all necessary copies of documents: **[R5,00]** R5,50, per A4 size page
33. (a) A request to tax an account of a sheriff shall be **[done]** made in writing within **[90]** 20 days after the date on which the account of which the fees are disputed, has been rendered.
- (b) For the drawing up of the bill for taxation and attendance of the taxation by the sheriff: **[R71,00]** R77,00.
34. Bank charges: Actual costs incurred relating to bank charges and cheque forms.
35. (a) Drafting of notice to the judgment debtor in terms of section 65A(8)(b) of the Act: **[R19,00]** R21,00.
- (b) Service of the notice referred to in paragraph (a): Tariff as prescribed in item 1B(a).
- (c) Attempted service of the notice referred to in paragraph (a): Tariff as prescribed in item 1B(b).
- (d) The tariff, as prescribed in item 4, shall apply to paragraphs (b) and (c).
36. (a) For the arrest or attempted arrest of a judgment debtor in terms of section 65A(6) of the Act:
- (i) The tariff as prescribed in item 2(a) or item 2(b), as the case may be.
- (ii) The tariff, as prescribed in item 4, shall apply to this item.

(b) For the handing over of the judgment debtor to the South African Police Service, prisoners' friend or clerk of the court or other lawful place of detention:

(i) The tariff, as prescribed in item 2(a).

(ii) Travelling costs from place of arrest to place of handing over to the relevant authority, referred to in paragraph (b), per kilometre or part thereof: R6,00.

(iii) Waiting time in regard to handing over the judgment debtor to the relevant authority, referred to in paragraph (b): ~~[R37,50]~~ R41,00, per half hour or part thereof, with a maximum of ~~[R139,00]~~ R151,00."

Commencement

7. These rules and forms come into operation on **08 July 2022**.

ANNEXURE

"No. 2B – Combined Summons

* For use in the District Court

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF

HELD AT.....

Case No.....of 20.....

In the matter between:

..... Plaintiff

and

..... Defendant

To the sheriff or his/her deputy:

INFORM A.B., of (state residence or place of business and if known, gender, occupation and place of employment)(hereinafter called the defendant), that C.D., (state gender and occupation), of (state residence or place of business) (hereinafter called the plaintiff), hereby institutes action against him or her in which action the plaintiff claims the relief and on the grounds set out in the particulars annexed hereto.

INFORM the defendant further that if he or she disputes the claim and wishes to defend the action he or she shall—

(i) within days of the service upon him or her of this summons file with the clerk of this court at..... (set out the physical address and electronic mail address of the clerk of the court) notice of his or her intention to defend and serve a copy thereof on the plaintiff or plaintiff's attorney, which notice shall give an address referred to in rule 13(3) for the service upon the defendant of all notices and documents in the action;

(ii) thereafter, and within 20 days after filing and serving notice of intention to defend as aforesaid, file with the clerk of the court and serve upon the plaintiff or plaintiff's attorney a plea (with or without a counter-claim), or an exception or application to strike out in the manner and within the timeframes provided for in rule 19 [, exception, notice to strike out, with or without a counter-claim].

INFORM the defendant further that if defendant fails to file and serve notice as aforesaid judgment as claimed may be given against him or her without further notice to him or her, or if, having filed and served such notice, defendant fails to plead, except, make application to

strike out or counter-claim, judgment may be given against him or her. And immediately thereafter serve on the defendant a copy of this summons and return the same to the clerk of the court with whatsoever you have done thereupon.

DATED atthisday of20.....

Clerk of the Court

* Consent to judgment.

I admit that I am liable to the plaintiff as claimed in this summons (or in the amount of R..... and costs to date) and I consent to judgment accordingly.

Dated at this day of, 20.....,

Defendant

WITNESSES:

1. (full names)....., (signature).....
(address).....

2. (full names)....., (signature).....
(address).....

OR

* Notice of intention to defend.

To the Clerk of the Court.

Kindly take notice that the defendant hereby notifies his or her intention to defend this action.

Dated at this day of, 20.....,

Defendant/Defendant's attorney

15 km physical address from the court-house for acceptance of service of process or documents

Postal address

Facsimile (fax) number (where available).....

Electronic mail (e-mail) address (where available).....

(Give full address for acceptance of service of process or documents within fifteen kilometres from the court-house and also the postal address.)

* The original notice must be filed with the clerk of the court and a copy thereof served on the plaintiff or plaintiff's attorney.

Costs if the action is undefended will be as follows:

Summons.....R
 Judgment.....R
 Attorney's charges.....R
 Sheriff's fees.....R
 Sheriff's fees on re-issue.....R
 Total:.....R

ANNEXURE

Particulars of Plaintiff's Claim

.....
 Dated at.....this.....day of.....20.....

Plaintiff/Plaintiff's Attorney

Address of Plaintiff/Plaintiff's Attorney

.....

Plaintiff's Advocate (if any)

No. 2B – Combined Summons

*** For use in the Regional Court**

IN THE REGIONAL COURT FOR THE REGIONAL DIVISION OF.....

HELD AT..... Case No.....of 20.....

In the matter between:

.....Plaintiff

and

.....Defendant

To the sheriff or his/her deputy:

INFORM A.B., of (state residence or place of business and if known, gender, occupation and place of employment)(hereinafter called the defendant), that C.D. (state gender and occupation), of (residence or place of business) (hereinafter called the plaintiff), hereby institutes action against him or her in which action the plaintiff claims the relief and on the grounds set out in the particulars annexed hereto.

INFORM the defendant further that if he or she disputes the claim and wishes to defend the action he or she shall—

(i) within days of the service upon him or her of this summons file with the registrar of this court at (set out the physical address and electronic mail address of the registrar of the court) notice of his or her intention to defend and serve a copy thereof on the plaintiff or plaintiff's attorney, which notice shall give an address referred to in rule 13(3) for the service upon the defendant of all notices and documents in the action;

(ii) thereafter, and within 20 days after filing and serving notice of intention to defend as aforesaid, file with the registrar of the court and serve upon the plaintiff or plaintiff's attorney a plea, exception (with or without a counter-claim), or an exception or application to strike out in the manner and within the timeframes provided for in rule 19 [, **exception, notice to strike out, with or without a counter-claim**].

INFORM the defendant further that if defendant fails to file and serve notice as aforesaid judgment as claimed may be given against him or her without further notice to him or her, or if, having filed and served such notice, defendant fails to plead, except, make application to strike out or counter-claim, judgment may be given against him or her. And immediately thereafter serve on the defendant a copy of this summons and return the same to the registrar of the court with whatsoever you have done thereupon.

DATED atthisday of20.....

Registrar

* Consent to judgment.

I admit that I am liable to the plaintiff as claimed in this summons (or in the amount of R..... and costs to date) and I consent to judgment accordingly.

Dated at this day of, 20.....

Defendant

WITNESSES:

1. (full names)....., (signature).....
(address).....

2. (full names)....., (signature).....
(address).....

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OR

* Notice of intention to defend.

To the Registrar.

Kindly take notice that the defendant hereby notifies his or her intention to defend this action.

Dated at this day of, 20.....

.....

Defendant/Defendant's attorney

15 km physical address from the court-house for acceptance of service of process or documents

.....

Postal address

.....

Facsimile (fax) number (where available).....

Electronic mail (e-mail) address (where available).....

(Give full address for acceptance of service of process or documents within fifteen kilometres from the court-house and also the postal address.)

* The original notice must be filed with the registrar of the court and a copy thereof served on the plaintiff or plaintiff's attorney.

Costs if the action is undefended will be as follows:

Summons.....R

Judgment.....R

Attorney's charges.....R

Sheriff's fees.....R

Sheriff's fees on re-issue.....R

Total:.....R

ANNEXURE

Particulars of Plaintiff's Claim

.....

Dated at this day of..... 20.....

.....

Plaintiff/Plaintiff's Attorney

Address of Plaintiff/Plaintiff's Attorney

.....

.....

Plaintiff's Advocate (if any)

No. 2C – COMBINED SUMMONS (DIVORCE MATTERS)*** For use only in the Regional Court**

IN THE REGIONAL COURT FOR THE REGIONAL DIVISION OF _____

HELD AT _____ CASE NUMBER: _____

IN THE MATTER BETWEEN:—

PLAINTIFF

Identity Number:

AND

DEFENDANT

Identity Number:

TO THE SHERIFF OR HIS/HER DEPUTY: _____

INFORM (Full names of the Defendant): _____

A MAJOR MALE/FEMALE BY OCCUPATION: _____

OF (Address):

(Hereinafter referred to as the defendant),

THAT (full names of the Plaintiff): _____

A MAJOR MALE/FEMALE BY OCCUPATION: _____

OF (Address):

(Hereinafter referred to as the Plaintiff),

HEREBY institutes action against him/her in which action the Plaintiff claims the relief on the grounds set out in the particulars of claim attached hereto;

INFORM the defendant further that if defendant disputes the claim and wishes to defend the action he/she shall within 10 (Ten) days of the service upon him or her of this summons file with the registrar of this court at _____ (here set out the physical address and electronic mail address of the assistant registrar's office) notice of his/her intention to defend and serve a copy thereof on the plaintiff or plaintiff's attorney, which notice shall give an address referred to in rule 13(3) for the service upon the defendant of all notices and documents in the action;

thereafter, and within 20 (Twenty) days after filing and serving notice of intention to defend as aforesaid, file with the assistant registrar and serve upon the plaintiff or plaintiff's attorney a plea (with or without a counter-claim), or an exception or application to strike out in the manner

and within the timeframes provided for in rule 19 [, exception, notice to strike out, with or without a counter-claim].

INFORM the defendant further that if he/she fails to file and serve notice as aforesaid, judgment as claimed may be given against him/her without further notice to him/her, or if, having filed and served such notice, he/she fails to plead, except or to counterclaim, judgment may be given against him/her.

INFORM the defendant also that if he/she does not intend to defend the action, he/she may give written notice to that effect to the plaintiff and the registrar and the action may then, at the written request of the plaintiff, be forthwith set down by the registrar for hearing without further notice to defendant.

And immediately thereafter serve on the defendant a copy of this summons and return the same to the registrar or assistant registrar with whatsoever you have done thereupon.

DATED AT _____ ON THIS _____ DAY OF _____ 20_____

REGISTRAR/ASSISTANT REGISTRAR

REGIONAL COURT

REGIONAL DIVISION OF _____

PLAINTIFF/PLAINTIFF'S ATTORNEY

Address

Postal address

Facsimile (fax) number (where available)

.....

Electronic mail (e-mail) address (where available)

.....

(Give full address for acceptance of service of process or documents within 15 kilometres from the court-house and also the postal address.)

The plaintiff is prepared to accept all subsequent documents and notices at the electronic mail address stated herein.**

(1) Notice of intention not to Defend

To the Registrar

Kindly take notice that the defendant hereby gives notice that he/she does not intend to defend the action.

Dated at..... this day of 20,

 Defendant/Defendant's attorney

OR

(2) Notice of intention to Defend*

To the Registrar

Kindly take notice that the defendant hereby notifies his or her intention to defend this action.

Dated at this day of 20,

.....
 Defendant/Defendant's attorney

Address

.....
 Postal address

.....
 Facsimile (fax) number (where available)

.....
 Electronic mail (e-mail) address (where available)

.....
 (Give full address for acceptance of service of process or documents within 15 kilometres from the court-house and also the postal address.)

Costs if the action is undefended will be as follows:

Summons.....	R
Judgment.....	R
Attorney's charges.....	R
Sheriff's fees.....	R
Sheriff's fees on re-issue.....	R
Total:	R

*The original notice must be filed with the registrar and a copy thereof served on the plaintiff or plaintiff's attorney.

** Delete if not applicable"

DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

NO. R. 2134

3 Junie 2022

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

BYLAE**ALGEMENE VERDUIDELIKENDE NOTA:**

[] Woorde of uitdrukings in vetdruk in vierkantige hakies dui op weglatings uit bestaande reëls.

_____ Woorde of uitdrukings 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 gereël 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 en R. 507 van 27 Junie 2014, R. 5 van 9 Januarie 2015, R. 32 van 23 Januarie 2015, R. 33 van 23 Januarie 2015, R. 318 van 17 April 2015, R. 545 van 30 Junie 2015, R. 2 van 19 Februarie 2016, R. 1055 van 29 September 2017, R. 1272 van 17 November 2017, R. 632 van 22 Junie 2018, R. 1318 van 30 November 2018, R. 842 van 31 Mei 2019, R. 1343 van 18 Oktober 2019., R. 107

van 7 Februarie 2020, R. 858 van 7 Augustus 2020, R.1156 van 30 Oktober 2020 en R. 1602 van 17 Desember 2021.

Wysiging van reël 5 van die Reëls

2. Reël 5 van die Reëls word hierby gewysig deur subreël (1) deur die volgende subreël te vervang:

"(1) Iedereen wat 'n eis teen iemand anders instel, kan deur die kantoor van die griffier 'n dagvaarding of 'n gekombineerde dagvaarding uitreik, gerig aan die balju, waarin die balju gelas word om die verweerder onder andere mee te deel dat as die verweerder die eis betwis en wil verdedig, die verweerder—

(a) binne die tyd in die dagvaarding gestel, kennis van voorneme om te verdedig, moet gee; en

(b) na voldoening aan paragraaf (a), indien die dagvaarding 'n gekombineerde dagvaarding is, binne 20 dae daarna 'n pleit (met of sonder teeneis), 'n eksepsie of 'n aansoek om deурhaling moet aflewer: Met dien verstande dat 'n uitsondering of aansoek om deурhaling op die wyse en binne die tydsbestekke waarvoor in reël 19 voorsiening gemaak word, moet geskied."

Wysiging van reël 43 van die Reëls

3. Reël 43 van die Reëls word hierby in Afrikaans vertaal, met die wysigings ingesluit:

43. Eksekusie teen onroerende goed

(1) (a) Behoudens die bepalings van reël 43A, word geen lasbrief vir eksekusie teen die onroerende goed van enige vonnisskuldenaar uitgeneem nie tensy—

(i) relaas gemaak is teen enige lasbrief uitgereik teen die roerende goed van die vonnisskuldenaar en waaruit dit voorkom dat sodanige persoon onvoldoende roerende goed besit om die lasbrief na te kom; of

(ii) sodanige onroerende goed spesiaal as vatbaar vir eksekusie deur die hof verklaar is, met inbegrip van die transportaktenommer, die erfnummer of deeltiteleenheidsnummer en area van uitsluitlike gebruik, om die registrateur van aktes in staat te stel om die onroerende goed te identifiseer en die beslaglegging aan te teken as 'n interdik teen die onroerende goed.

- (b) 'n Lasbrief vir eksekusie teen onroerende goed—
- (i) moet 'n volledige beskrywing bevat van die aard, landdrostdistrikte en fisieke adres van die goed om die balju in staat te stel om dit op te spoor en te identifiseer; en
 - (ii) moet voldoende inligting bevat om die balju in staat te stel om aan subreël (3) uitvoering te gee.
- (2) Beslaglegging op die onroerende goed moet uitgevoer word deur 'n balju van die distrik waarin die goed geleë is, kragtens 'n lasbrief wesenlik bewoord soos Vorm 32 van Aanhangsel 1.
- (3) (a) Kennisgewing van die beslagleggings, wesenlik bewoord soos Vorm 33 van Aanhangsel 1, moet deur die balju aan die eienaar van die goed en aan die registrateur van aktes of ander beampptes belas met die registrasie van sodanige goed beteken word, en indien die goed deur iemand anders as die eienaar geokkupeer word, ook aan sodanige okkupant.
- (b) Enige kennisgewing in paragraaf (a) bedoel, moet—
- (i) die aandag op die bepalings van subreël (8)(a)(iii) vestig; en
 - (ii) beteken word behoudens reël 9, behalwe dat betekening aan die registrateur van aktes of ander beamppte belas met die registrasie van onroerende goed uitgevoer kan word deur die balju deur middel van 'n geregistreerde brief, behoorlik vooruitbetaal en gepos, geadresseer aan die beamppte aan wie beoog word om dit te beteken.
- (4) (a) By die uitvoer van die beslaglegging, kan die balju geboue of strukture op die onroerende goed betree ten einde vas te stel watter verbeteringe aan die onroerende goed aangebring is, asook die toestand van sodanige verbeteringe: Met dien verstande dat waar die balju na redelike pogings nie toegang tot die onroerende goed of tot enige gebou of struktuur kan kry nie omdat die goed, gebou of struktuur gesluit is, kan die balju 'n slotmaker gebruik om toegang te verkry.
- (b) Na beslaglegging, vind enige verkoping in eksekusie plaas in die distrik waar die inbeslaggenome onroerende goed geleë is, en moet waargeneem word deur die balju van die distrik wat eerste op die goed beslag gelê het: Met dien verstande dat die balju in die eerste instansie en behoudens paragraaf (d) van subreël (8), by aanvoering van goeie redes die verkoping elders en deur 'n ander balju kan magtig.
- (c) By ontvangs van skriftelike opdragte van die vonnisskuldeiser om met die verkoping voort te gaan, moet die balju vasstel en aanteken watter verbande of ander beswarings teen die inbeslaggenome onroerende eiendom geregistreer is, asook die name en adresse van die persone in wie se guns dit geregistreer is en die vonnisskuldeiser dienoooreenkomstig in kennis stel.

(5) Behoudens reël 43A en enige bevel deur die hof gegee, word onroerende goed wat onderworpe is aan 'n eis wat voorkeur geniet bo dié van die vonnisskuldeiser nie ter eksekusie verkoop nie tensy—

(a) die vonnisskuldeiser kennisgewing van die voorgenome verkoping, wat wesenlik dieselfde bewoord is as Vorm 34 van aanhangsel 1, aan—

(i) preferente krediteure persoonlik;

(ii) die plaaslike owerheid, indien die eiendom belas is; en

(iii) die regs persoon, as die eiendom 'n deeltiteleenheid is,

laat beteken het waarby 'n beroep op die bogenoemde entiteite gedoen word om binne 10 dae na 'n bepaalde datum 'n redelike reserweprys vas te stel of skriftelik toe te stem tot 'n verkoping sonder reserwe; en aan die balju bewys gelewer het dat daardie entiteite aldus vasgestel of toegestem het, of

(b) die balju oortuig is dat, behoudens die bepaling van artikel 66(2)(b) van die Wet, dit onmoontlik is om enige preferente skuldeiser ingevolge hierdie reël van die voorgenome verkoping kennis te gee of so 'n skuldeiser, nadat kennis aan om of haar gegee is, versuim of nagelaat het om 'n reserweprys vas te stel of skriftelik toe te stem tot 'n verkoping sonder reserwe soos in paragraaf (a) bedoel in dieselfde tyd wat in daardie kennisgewing gestel is.

(6) Die balju kan by kennisgewing aan enige persoon beteken, vereis dat sodanige persoon alle dokumente in sodanige persoon se besit of beheer betreffende die skuldenaar se titel in daardie goed, onverwyld aan die balju verstrek.

(7) (a) Die balju wat die verkoping hou bepaal 'n dag en plek vir die verkoping van die inbeslaggenome onroerende eiendom, maar behalwe met spesiale verlof van 'n landdros, nie minder as 45 dae na betekening van die kennisgewing van beslaglegging nie en stel onverwyld al die ander balju's wat in die distrik aangestel is van die dag en die plek in kennis.

(b) (i) Die vonnisskuldeiser moet in oorleg met die balju 'n kennisgewing van verkoping opstel wat 'n kort beskrywing van die inbeslaggenome onroerende goed bevat, die verbeterings daaraan gedoen, die landdrosdistrik en fisieke adres daarvan, die tyd en plek van die verkoping en die feit dat die voorwaardes by die kantoor van die balju wat die verkoping hou, ingesien kan word.

(ii) Die vonnisskuldeiser moet soveel eksemplare van die kennisgewing van verkoping soos die balju vereis, aan die balju verskaf.

(c) Die vonnisskuldeiser moet—

(i) die kennisgewing een keer in 'n koerant plaas wat daagliks of weekliks sirkuleer in die distrik waar die inbeslaggenome onroerende goed geleë is en in die *Staatskoerant* minstens vyf dae en hoogstens 15 dae voor die datum van die verkoping; en

(ii) aan die balju wat die verkoping hou een bevredigende fotokopie van elk van die kennisgewings wat onderskeidelik in die koerant en die Staatskoerant verskyn het, per hand, of per faksimilee of elektroniese pos verskaf.

(d) Minstens 10 dae voor die datum van die verkoping moet die balju wat die verkoping hou 'n eksemplaar van die kennisgewing van verkoping in paragraaf (b) bedoel, stuur aan elke vonnisskuldeiser wat op die onroerende goed beslag laat lê het en aan elke verbandhouer wie se adres bekend is en moet tegelyk daarmee 'n afskrif van die kennisgewing van verkoping aan al die ander balju's aangestel in daardie distrik stuur.

(e) Minstens 10 dae voor die datum van die verkoping, moet die balju wat die verkoping hou—

- (i) een eksemplaar van die kennisgewing op die kennisgewingbord van die landdroshof van die distrik waarin die inbeslaggenome onroerende goed geleë is, aanbring, of as die goed geleë is in die distrik waar die hof waar die lasbrief uitgereik is, geleë is, dan op die kennisgewingbord van daardie hof; en
- (ii) een eksemplaar op of so na moontlik aan die plek waar die verkoping werklik sal plaasvind, aanbring.

(8) (a) (i) Die vonnisskuldeiser moet minstens 35 dae voor die datum van die verkoping die verkoopsvoorwaardes opstel, wesenlik bewoord soos Vorm 33A in die Aanhangsel 1, waarop die inbeslaggenome eiendom verkoop moet word en dit aan die balju wat die verkoping hou vir die doeleindes van vasstelling voorlê.

(ii) Benewens enige ander terme, sluit die verkoopsvoorwaardes enige voorwaardes deur die hof beveel, in.

(iii) Enige belanghebbende party kan, minstens 25 dae voor die datum van die verkoping, verdere of gewysigde verkoopsvoorwaardes skriftelik aan die balju voorlê.

(iv) Die balju moet, minstens 20 dae voor die datum van die verkoping, die verkoopsvoorwaardes vasstel.

(v) Die uitwinningsverkoping en die verkoopsvoorwaardes moet voldoen aan die bepalings van enige wet wat verband hou met veilings, in die besonder die 'Consumer Protection Act, 2008' (Wet No. 68 van 2008), en die Regulasies daarkragtens uitgevaardig.

(b) (i) Die vonnisskuldeiser moet daarna aan genoemde balju drie eksemplare van die verkoopsvoorwaardes gee, waarvan een in die kantoor van die balju ter insae van belanghebbende partye moet lê vir 15 dae voor die datum van die verkoping.

(ii) Die balju wat die verkoping hou, moet onverwyld 'n afskrif van die verkoopsvoorwaardes verskaf aan alle ander balju's wat in die distrik aangestel is.

(c) Die balju moet, minstens 15 dae voor die datum van die verkoping, een eksemplaar van die verkoopsvoorwaardes aan die vonnisskuldenaar beteken.

(d) Minstens 10 dae voor die datum van die verkoping kan enige belanghebbende party, behoudens reël 43A en enige bevel deur die hof kragtens die bepalings daarvan gegee en met 24-uurkennisgewing aan alle bekende geraakte partye by die landdros van die distrik waarin die inbeslaggenome onroerende goed verkoop sal word, daarom aansoek doen en die landdros kan daarop 'n bevel gee, insluitend 'n gepaste bevel betreffende koste.

(9) Die vonnisskuldeiser moet 'n aktebesorger aanstel om die transport van die inbeslaggenome onroerende eiendom te doen wanneer dit in eksekusie verkoop is: Met dien verstande dat die balju die reg het om 'n nuwe aktebesorger aan te stel sou die aktebesorger deur die vonnisskuldeiser aangestel nie betyds of bevredigend met die transport voortgang maak nie.

(10) (a) Onroerende goed waarop vir eksekusie beslag gelê is, moet deur die balju of 'n private afslaer wat ingevolge paragraaf (b) aangestel is, op 'n openbare veiling verkoop word.

(b) Die vonnisskuldeiser of enige persoon met 'n belang in die behoorlike verwesenliking van die inbeslaggenome onroerende goed kan, by kennisgewing aan die balju binne 15 na beslaglegging, maar behoudens die bepalings wat hierop volg, vereis dat sodanige goed deur 'n afslaer verkoop word in die gewone loop van sake en kan in sodanige kennisgewing die afslaer wat gebruik moet word, benoem.

(c) (i) Waar 'n kennisgewing ingevolge paragraaf (b) gegee word deur enige persoon behalwe die vonnisskuldeiser, moet sodanige kennis vergesel gaan van die deposito van 'n bedrag voldoende om die bykomende uitgawe van verkoping deur afslaer in die gewone loop van sake, te dek, en by gebrek van sodanige deposito sal sodanige kennisgewing van nul en gener waarde wees.

(ii) 'n Kennisgewing ingevolge paragraaf (b) verstryk indien die dienste van 'n afslaer nie verkry kan word nie.

(iii) Indien daar surplus opbrengs van die verkoping van die onroerende goed is nadat aan die eis van die vonnisskuldeiser voldoen is en alle lasbriewe vir eksekusie wat by die balju ingedien is op of voor die dag net voor die datum van die verkoping en alle koste gedek is, moet die deposito aan die deponeerder terugbetaal word: Met dien verstande dat indien daar geen surplus is nie, die deposito vir sover nodig mag wees, gebruik word om die afslaer se gelde en uitgawes te betaal.

(d) Indien twee of meer kennisgewings ingevolge paragraaf (b) gegee word, geniet die eerste voorkeur.

(11) (a) (i) As die koper versuim om enige verpligtinge deur die koper verskuldig ingevolge die verkoopsvoorwaardes na te kom, kan die koop summier deur 'n regter op grond van 'n verslag van die balju wat die verkoping hou en na behoorlike kennisgewing aan die koper, gekanselleer word en die inbeslaggenome onroerende goed kan weer te koop aangebied word.

(ii) Die verslag moet vergesel gaan van 'n kennisgewing wat wesenlik bewoord is soos vorm 33B van Aanhangsel 1.

(iii) Indien die verkoping gekanselleer word, moet die balju die vonnisskuldenaar van die kansellasië verwittig.

(b) Enige verliese gely vanweë die koper se versuim kan op aansoek van 'n benadeelde skuldeiser in paragraaf (14)(c) bedoel, van die koper verhaal word kragtens vonnis van 'n regter wat op grond van 'n skriftelike verslag van genoemde balju gegee word nadat die koper skriftelik in kennis gestel is dat die verslag vir die genoemde doel voor 'n regter gelê sal word.

(c) As die koper reeds in besit van die onroerende goed is, kan genoemde balju met kennisgewing aan geraakte persone by 'n regter 'n uitsettingsbevel kry teen die koper of teen iemand wat voorgee die goed deur die koper te okkupeer of die goed andersins okkupeer.

(12) Behoudens die bepalings van reël 43A en subreël (5) hiervan—

(a) geskied die verkoping op die voorwaardes ingevolge subreël (8) bepaal; en

(b) word die onroerende goed aan die hoogste bieder verkoop.

(13) (a) Alle gelde ten opsigte van die koopprijs van die onroerende eiendom in uitwinning verkoop, word aan die balju betaal en die balju hou daardie gelde in die balju se trustrekening totdat transport aan die koper gegee is.

(b) Die balju wat die verkoping hou gee transport aan die koper teen betaling van die koopsom en vervulling van die verkoopsvoorwaardes. Hy kan vir daardie doel al die nodige doen en enigiets aldus deur hom of haar gedaan is ewe geldig asof hy of sy die eienaar was.

(c) Geen bedrag van die koopprijs word uitbetaal totdat aan die bepalings van subreël (14) voldoen is nie.

(14) (a) Na die afsluiting van die verkoping, maar voor voorbereiding deur die balju van 'n distribusieplan, moet die vonnisskuldeiser of sy of haar prokureur die balju voorsien van 'n sertifikaat van alle geld deur die vonnisskuldenaar of sy of haar prokureur betaal na die uitreiking van die lasbrief vir eksekusie.

(b) (i) Binne 10 dae na die registrasiedatum van die transport, moet die balju 'n distribusieplan van die opbrengs voorberei hê in rangorde van voorkeur, en moet 'n eksemplaar van daardie plan aan die griffier en aan al die ander balju's in daardie distrik aangestel, stuur.

- (ii) Onmiddellik daarna moet die genoemde balju kennis gee aan alle partye wat lasbriewe ingedien het en aan die vonnisskuldenaar dat die distribusieplan vir insae by sy of haar kantoor en die kantoor van die griffier sal lê vir 15 dae vanaf 'n genoemde datum en tensy sodanige partye hul instemming tot die plan skriftelik aandui, sal daardie plan aldus vir insae lê.
- (c) Na aftrekking van uitwinningskoste word die opbrengs in die volgende rangorde van voorkeur verdeel:
- (i) Eise van preferente skuldeisers in die volgorde van hul geregtelike voorkeur; en daarna
- (ii) Eise van ander skuldeisers wie se lasbriewe by die balju ingedien is, in die rangorde van voorkeur soos vasgelê in artikels 96, en 98A tot en met 103 van die Insolvensiewet, 1936 (Wet No. 24 van 1936).
- (d) 'n Belanghebbende persoon wat teen so 'n plan beswaar het—
- (i) moet voor die verstryking van die tydperk in paragraaf (b)(ii) bedoel, skriftelik aan die balju en alle ander belanghebbende persone skriftelik kennis gee van die besonderhede van die beswaar; en
- (ii) binne 10 dae na die verstryking van die tydperk in paragraaf (b)(ii) bedoel, sodanige beswaar voor 'n landdros bring vir hersiening met 10 dae kennisgewing aan die balju en die genoemde persone.
- (e) Die landdros wat die hersiening doen, moet die geskilpunt aanhoor en beslis en hy kan die distribusieplan wysig of bekragtig of na goeë dunks 'n bevel gee, ook betreffende koste.
- (f) Indien—
- (i) geen beswaar teen so 'n plan ingedien word nie; of
- (ii) die belanghebbende partye te kenne gee dat hulle daarmee saamstem; of
- (iii) die plan by hersiening bekragtig of gewysig word, moet die balju na voorlegging van 'n sertifikaat van die aktebesorger dat transport aan die koper gegee is, uitbetaal ooreenkomstig die distribusieplan.
- (15) Nóg 'n balju nóg iemand namens die balju koop by enige verkoping in eksekusie hetsy vir sigself of vir enige ander persoon enige onroerende goed wat te koop aangebied word.

Wysiging van reël 67 van die Reëls

4. Reël 67 van die Reëls word hierby in Afrikaans vertaal, met die jongste wysigings ingesluit:

67. Strafappèlle

(1) (a) 'n Appellant, anders as 'n persoon wat mondeling aansoek doen om toestemming om te appelleer onmiddellik nadat die vonnis of bevel gegee is soos in artikel 309B(3)(b) van die Strafproseswet, 1977, bedoel, wat om toestemming om te appelleer wil aansoek doen ingevolge artikel 309B(1) van daardie Wet, moet dit skriftelik doen by die griffier of klerk van die hof en moet ook 'n afskrif van die aansoek stuur aan die betrokke direkteur van openbare vervolging, of, in 'n geval waar die vervolging nie van staatsweë was nie, aan die betrokke aanklaer.

(b) 'n Appellant wat om kondonering wil aansoek doen soos in artikel 309B(1)(b)(ii) van die Strafproseswet, 1977, bedoel, of 'n appellant wat wil aansoek doen om toestemming om verdere getuienis aan te bied soos in artikel 309B(5)(a) van daardie Wet bedoel, moet dit skriftelik by die griffier of klerk van die hof doen en moet ook 'n afskrif van die aansoek na die direkteur van openbare vervolgings stuur, of, in 'n geval waar die vervolging nie van Staatsweë, aan die betrokke aanklaer.

(2) (a) Waar 'n aansoek om verlof tot appèl skriftelik gedoen word, moet kennis ingevolge artikel 309B(2)(b) van die Strafproseswet deur die griffier of klerk van die hof gegee word ten minste 10 dae voor die datum wat vir die aanhoor van die versoek om verlof om te appelleer vasgestel is, tensy die appellant of sy of haar regsverteenvoerder en die direkteur van openbare vervolgings of enige persoon deur hom of haar in 'n saak aangewys waarvan die vervolging nie van Staatsweë is nie, die ander betrokke aanklaer op 'n korter tydperk ooreengekom het, en moet wesenlik dieselfde bewoord wees as Vorm 57 van Aanhangsel 1.

(b) Die kennisgewing in paragraaf (a) bedoel—

(i) moet aan die appellant of sy of haar regsverteenvoerder en die direkteur van openbare vervolgings of 'n persoon deur hom of haar aangewys of ander betrokke aanklaer oorhandig word en bewys van ontvangs van sodanige kennisgewing moet op 'n afskrif van die kennisgewing aangedui word, wat deur die griffier of klerk van die hof gehou moet word.; of

(ii) moet per elektroniese middele gestuur word en indien dit nie moontlik is nie, per geregistreerde pos.

(3) (a) 'n Regsverteenvoerder wat namens 'n appellant verskyn, moet gelyktydig met die indiening van die aansoek om verlof om te appelleer, 'n volmag indien waarin hy of sy gemagtig word om namens die appellant op te tree, of as 'n regsverteenvoerder in diens geneem word nadat 'n aansoek om verlof om te appelleer ingedien is, na sodanige aanstelling.

(b) 'n Appellant moet in die aansoek om verlof om te appelleer in subreël (1) bedoel, 'n posadres verstrek waar enige kennisgewing per geregistreerde pos aan hom of haar beteken kan word as hy of sy nie regsverteenvoerdiging het nie of as hy of sy nie langer regsverteenvoerdiging het nie.

(4) Indien die appellant weens ongeletterdheid of fisieke gebrek, nie 'n aansoek om verlof om te appelleer of kennisgewing van appèl kan uitskryf nie, moet die klerk van die hof dit op sy of haar versoek doen.

(5) Wanneer 'n aansoek om verlof tot appèl goedgekeur word, moet die griffier of klerk van die hof 'n afskrif van die oorkonde van die saak voorberei, insluitend 'n transkripsie daarvan indien dit opgeneem is ooreenkomstig die bepalings van reël 66(1), en sodanige afskrif voor die regterlike beampte plaas wat binne 15 dae daarna 'n verklaring aan die griffier of klerk van die hof moet verstrek waarin—

- (a) die feite wat hy of sy bevind dit bewys te wees;
- (b) sy of haar redes vir enige feitebevinding wat in die appellant se verklaring van gronde vir appèl gespesifiseer is; en
- (c) sy of haar redes vir enige bevinding oor enige regspraak of oor die toelating of verworping van getuienis aldus gespesifiseer as teen geappelleer, uiteengesit word.

(5A) (a) (i) 'n Persoon in die eerste bepaling van artikel 309(1)(a) van die Strafproseswet, 1977, beoog, wat teen sy of haar skuldigbevinding of vonnis of bevel wil appelleer, moet dit skriftelik doen aan die griffier of klerk van die hof binne 10 dae sedert die oplegging van die vonnis of bevel na die skuldigbevinding en moet ook 'n eksemplaar van sodanige kennisgewing van appèl aan die betrokke direkteur van openbare vervolgings of in 'n saak waarin die vervolging van Staatsweë is, aan die betrokke aanklaer, beteken.

(ii) Indien die appèl om enige rede van die rol deurgehaal of verwyder word, sal die appèl weer op die rol geplaas word binne 10 dae sedert die datum van sodanige deuring of verwydering, versuim om daaraan te voldoen sal lei tot die verstryking van die appèl.

(b) Die kennisgewing van appèl in paragraaf (a) beoog, moet die gronde waarop sodanige persoon wil appèl aanteken, duidelik en spesifiek uiteensit.

(c) Die bepalings van subreëls (3) tot (8) en (14) en (15) is verder van toepassing met enige veranderinge deur die samehang vereis.

(6) Die griffier of klerk van die hof moet by ontvangs van die regterlike beampte se verklaring in subreël (5) beoog, die appellant onverwyld inlig dat die verklaring verstrek is.

(7) Binne 15 dae nadat die appellant ingevolge subreël (6) ingelig is, kan hy of sy by kennisgewing aan die griffier of klerk van die hof, sy of haar verklaring van gronde van appèl by kennisgewing aan die griffier of klerk van die hof wysig en die regterlike beampte kan, na sy of haar goeddunke, binne 10 dae daarna, 'n verdere of gewysigde verklaring van sy of haar feitebevindings en redes vir uitspraak aan die griffier of klerk van die hof verstrek.

(8) Wanneer 'n appèl aangeteken word in 'n saak waarin die vervolging nie van Staatsweë, moet enige gewysigde verklaring waarvoor in subreël (7) voorsiening gemaak word, deur die appellant ook aan die aanklaer beteken word.

(9) 'n Direkteur van openbare vervolgings of ander aanklaer wat kragtens artikel 310 van die Strafproseswet, 1977, wil appèl aanteken teen die afwys van 'n dagvaarding of aanklag moet, binne 20 dae na sodanige afwysing, 'n kennis van appèl aflewer.

(10) By die aantekening van 'n appèl soos in subreël (9) bepaal, moet die griffier of klerk van die hof 'n afskrif van die oorkonde van die saak, met inbegrip van 'n transkripsie daarvan as dit ooreenkomstig die bepalings van reël 66(1) aangeteken is, en dan die rekord voor die regsbeampte plaas wat binne 15 dae daarna 'n skriftelike verklaring van sy of haar redes vir die afwys van die dagvaarding of aanklag, aan die griffier of klerk van die hof moet verstrek.

(11) 'n Direkteur van openbare vervolgings of ander aanklaer wat 'n appèl kragtens artikel 310 van die Strafproseswet, 1977, oorweeg, moet binne 20 dae na die afhandeling van die strafverrigtinge, 'n skriftelike versoek aan die regterlike beampte rig om 'n saak te stel.

(12) (a) By ontvangs van die versoek in subreël (11) bedoel, moet die griffier of klerk van die hof 'n afskrif van die oorkonde van die saak voorberei, met inbegrip van 'n transkripsie daarvan indien dit ooreenkomstig die bepalings van reël 66(1) opgeneem is, en dan die oorkonde voor die regterlike beampte plaas wat binne 15 dae daarna 'n gestelde saak aan die griffier of klerk van die hof moet voorlê, wat 'n afskrif daarvan aan die direkteur van openbare vervolgings, of ander aanklaer, na gelang van die geval, sal oordra.

(b) Die gestelde saak in paragraaf (a) beoog, moet in paragrawe verdeel wees en opeenvolgend genommer is en wat in die volgende volgorde georden wees:

- (i) Die regterlike beampte se feitebevindings vir sover dit wesentlik is tot die regsvrae waarop 'n beslissing ten gunste van die appellant gegee is;
- (ii) regsvrae; en
- (iii) die regterlike beampte se besluit oor sodanige vrae en sy of haar redes daarvoor.

(13) Die direkteur van openbare vervolgings of ander aanklaer kan, binne 15 dae na ontvangs deur hom of haar van die gestelde saak, kennis van appèl teen die beslissing oor die regsvrae, aflewer.

(14) Elke kennisgewing van appèl, verklarings van gronde vir appèl, regterlike beampte se verklaring en gestelde saak wat in die rekord ingedien is of aan die griffier of klerk van die hof verstrek is kragtens hierdie reël, word deel van die oorkonde.

(15) (a) Die griffier of klerk van die hof moet binne 10 dae na ontvangs deur hom of haar van die verklaring in subreël (7) of (10) bedoel of van die kennisgewing van appèl afgelewer ingevolge subreël (13), na gelang van die geval, aan die griffier van die appèlhof

die oorkonde van die strafverrigtinge of die gemelde saak, saam met drie eksemplare daarvan, oordra.

(b) Wanneer die vervolging van staatsweë is, moet hy of sy ook een sodanige eksemplaar aan die direkteur van openbare vervolgings oordra: Met dien verstande dat indien die appellant nie sy of haar verklaring of gronde vir appèl soos in subreël (7) bedoel, gewysig het nie, moet die griffier of klerk van die hof ook die oorkonde sonder oponthoud oordra nadat die tydperk wat vir 'n wysiging van verklaring van gronde vir appèl toegelaat word, verstryk het.

Wysiging van Aangangsel 1 tot die Reëls

5. Vorms 2B en 2C van Aangangsel 1 tot die Reëls is in die Aangangsel hierby in Afrikaans vertaal, met die jongste wysigings ingesluit.

6. Wysiging van Aangangsel 2 tot die reëls

Aangangsel 2 tot die reëls word hierby gewysig—

(a) deur Tabela A en C onderskeidelik deur die volgende Tabela te vervang:

"TABEL A KOSTE

DEEL I ALGEMENE BEPALINGS

1. Wanneer die bedrag in geskil minder as of gelyk aan R7 000 is, word koste op Skaal A getakseer, wanneer die bedrag in geskil meer as R7 000 is, maar minder of gelyk aan R50 000, word koste op Skaal B getakseer; wanneer die bedrag in geskil R50 000 oorskry, maar minder as of gelyk is aan die maksimum jurisdiksiebedrag van tyd tot tyd deur die Minister ten opsigte van landdroshowe vir distrikte vasgestel, word koste op Skaal C getakseer; wanneer die bedrag in geskil die maksimum jurisdiksiebedrag aldus deur die Minister bepaal ten opsigte van landdroshowe vir distrikte oorskry en die prosesstuk word uit 'n landdroshof vir 'n streeksafdeling uitgereik of wanneer die aangeleentheid handel oor 'n skuldoorsaak ingevolge artikel 29(1B)(a) van die Wet, word die koste op Skaal D getakseer.

2. (a) Vir die doeleindes van berekening van koste, beteken die uitdrukking 'bedrag in geskil', waar koste aan die eiser toegeken word, die bedrag of waarde van die vonnis en 'bedrag of waarde van die vonnis' beteken, waar meer as een eis in die aksie betrokke is, die totaal van die bedrae in die vonnis betrokke. Waar koste aan die verweerder toegestaan word, beteken die uitdrukking 'bedrag in geskil', waar meer as een eis in die aksie betrokke is, die totaal van die bedrae van al die eise. Die bedrag of waarde van die vonnis of eis sluit rente in

maar sluit koste uit. Indien 'n aangeleentheid te eniger tyd geskik word, word koste getakseer op die skaal in die skikking voorgeskryf.

- (b) Waar die bedrag in geskil nie uit verrigtinge ooglopend is nie en—
- (i) die aangeleentheid word in die landdroshof vir 'n distrik ingestel, word die koste op Skaal C bereken; of
 - (ii) die aangeleentheid word in die streekhof vir 'n streeksafdeling ingestel, word die koste op Skaal D bereken,

tensy die hof anders gelas.

3. Koste takseerbaar ingevolge reël 33(19) word geag kragtens 'n vonnis vir die bedrag aangebied of 'n vonnis ingevolge die skikking, na gelang van die geval, toegestaan te wees.

4. Eise vir uitsetting word bereken teen twee maande huur van die perseel.

5. Die koers waarteen koste bereken word, word nie verhoog weens enige eis vir bevestiging van enige interdik of tussentydse bevel nie.

6. Gelde vir advokate word by taksasie toegeken slegs in gevalle wat onder skaal B, C of D val of waar die hof 'n bevel ingevolge reël 33(8) gegee het.

7. Waar die bedrag wat vir 'n item toegelaat word gespesifiseer is, sluit die bedrag alle nodige bywonings en betekenings (behalwe betekenings deur die balju vir die Landdroshof) in verband daarmee in, behalwe dat 'n heffing van **[R30,00]** R33,00 per dokument toegelaat sal word vir die indiening van dokumente by die hof.

8. Waar die bedrag vir 'n item toegelaat oningevul gelaat word—

- (a) word die opstel van dokumente (nie pleitstukke nie) toegelaat teen **[R30,00]** R33,00 vir elke folio;
- (b) afskrifte vir liassering, betekening en 'n prokureur se afskrif om te hou word ook toegelaat;
- (c) **[R30,00]** R33,00 word toegelaat vir elke nodige betekening;
- (d) **[R30,00]** R33,00 per dokument word toegelaat vir die nodige indiening van dokumente by die hof.

9. (a) Waar enige dokument vir die hof blyk onnodig omslagtig te wees, kan die hof die geheel of enige deel van die gelde daarvoor weier.

(b) Waar gedrukte vorms van dokumente waarvan afskrifte gemaak moet word, beskikbaar is, word die gelde vir afskrifte beperk tot die nodige besonderhede in daardie gedrukte vorms ingevoeg.

10. (a) 'n Folio bestaan uit 100 skriftelike of gedrukte woorde of syfers of deel daarvan.

(b) Vier syfers word as een woord gereken.

11. (a) Tensy anders bepaal, word 'n heffing vir sorgvuldige deurlesing toegelaat teen **[R11,50]** R12,50 per folio ten opsigte van enige dokument of pleitstuk wat noodsaaklikerwys sorgvuldig deurgelees is.

(b) Vir die nodige afskrifte, met inbegrip van fotostate, van enige dokument of stukke waarvoor nie reeds in hierdie tarief voorsiening gemaak word nie, per A4-grootte folio **[R4,50]** R5,00.

12. Waar daar meer as een verweerder is, word **[R19,00]** R21,00 bygevoeg ten opsigte van elke bykomende verweerder vir elk van items 2 en 3 van Deel I en items 2 en 7 van Deel III.

13. Waar die vonnisskuld ingevolge die vonnis of 'n ooreenkoms in paaierente betaalbaar is, word 10% op elke paaierement ingevorder ter delging van die kapitaal, koste en rente, toegeken, behoudens 'n maksimum van **[R459,00]** R499,00 op elke paaierement. Geen bykomende geld word gehef vir enige bywoning in verband met die ontvangs of betaling van enige paaierement nie.

14. Die klerk of griffier van die hof keur by taksasie enige heffing wat onnodig aangegaan is, af.

15. Waar die gelde kragtens enige item op grond van tyd bereken word, word die totale tyd op enige een dag spandeer bereken en die gelde vir daardie dag word op daardie totaal bereken.

16. Enige bedrag noodsaaklikerwys en werklik in die opspoor van die skuldenaar uitgegee, word benewens die gelde in hierdie tarief uiteengesit, toegeken.

17. Item 10A en 14A van Deel III in die tarief tot Tabel A is ook van toepassing op Deel IV van die tarief by Tabel A.

18. Gelde aan advokate bedoel in artikel 34(2)(a)(i) van die Regspraktykwet, 2014 (Wet No. 28 van 2014), word op taksasie slegs vir items 21 tot 26 van Deel IV toegelaat.

DEEL II ONVERDEDIGDE AKSIES

	R
Item 1 Geregistreerde aanskrywe ingevolge artikel 56 van die Wet	
(a) Eis of eise waar die totaal van die eis of eise nie die maksimum juridiksiebedrag van tyd tot tyd ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry nie en die prosesstuk is uit 'n landdroshof vir 'n streeksafdeling uitgereik.	[R45,00] <u>R49,00</u>
(b) Eis of eise waar die totaal van die eis of eise die maksimum juridiksiebedrag van tyd tot tyd ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry	[R61,00] <u>R67,00</u>
Item 2 Dagvaarding, met inbegrip van 'n aanskrywing buiten die aanskrywing in item 1 bedoel:	
(a) Eis of eise waar die totale bedrag van die eise nie R7 000,00 oorskry nie	[R151,50] <u>R165,00</u>
(b) Eis of eise waar die totale bedrag van die eis of eise R7 000,00 oorskry, maar nie R50 000 oorskry nie	[R502,50] <u>R547,00</u>

(c) Eis of eise waar die totale bedrag van die eis of eise R50 000 oorskry, maar nie die maksimum jurisdiksiebedrag van tyd tot tyd ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry nie	[R743,00] R808,00
(d) Eis of eise waar die totaal van die eis of eise die maksimum jurisdiksiebedrag van tyd tot tyd ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry en die prosesstuk uit 'n landdroshof vir 'n streeksafdeling uitgereik word of wanneer die aangeleentheid ten opsigte van 'n skuldoorsaak ingevolge artikel 29(1B)(a) van die Wet is	[R969,50] R1055,00
Item 3 Vonnis:	
(a) Eis of eise waar die totaal van die eis of eise nie die bedrag in 2(a) oorskry nie	[R151,50] R165,00
(b) Eis of eise waar die totaal van die eis of eise die bedrag in 2(b) oorskry, maar nie meer as R50 000 is nie	[R383,50] R418,00
(c) Eis of eise waar die totaal van die eis of eise R50 000 oorskry, maar nie die maksimum jurisdiksiebedrag van tyd tot tyd ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry nie	[R627,00] R682,00
(d) Eis of eise waar die totaal van die eis of eise die maksimum jurisdiksiebedrag van tyd tot tyd ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry en die prosesstuk word uit 'n landdroshof vir 'n streeksafdeling uitgereik of waar die aangeleentheid handel oor 'n skuldoorsaak ingevolge artikel 29(1B)(a) van die Wet	[R815,00] R886,00
Item 4 Kennisgewing ingevolge reël 12(2)	
(a) Eis of eise waar die totaal van die eis of eise nie die maksimum jurisdiksiebedrag van tyd tot tyd ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry nie	[R71,50] R78,00
(b) Eis of eise waar die totaal van die eis of eise die maksimum jurisdiksiebedrag van tyd tot ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry en die prosesstuk word uit 'n landdroshof vir 'n streeksafdeling uitgereik of wanneer die aangeleentheid handel oor 'n skuldoorsaak ingevolge artikel 29(1B)(a) van die Wet	[R93,00] R101,00
Item 5 Kennisgewing ingevolge reël 54(1)	
(a) Eis of eise waar die totaal van die eis of eise nie die maksimum jurisdiksiebedrag van tyd tot tyd ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry nie	[R71,50] R78,50
(b) Eis of eise waar die totaal van die eis of eise die maksimum jurisdiksiebedrag van tyd tot ten opsigte van landdroshowe vir distrikte deur die minister vasgestel, oorskry en die prosesstuk word uit 'n landdroshof vir 'n streeksafdeling uitgereik	[R93,00] R101,00
Item 6 Beëdigde verklaring of sertifikaat	
Item 7 – Bywoning van hof op versoek van die landdros wanneer eis na die hofsoos verwys word vir vonnis of om voorlopige vonnis te kry wanneer die eis onverdedig is	toegelaat kragtens item 15 op

	die tarief vir verdedigde aksies.
Item 8 Vir elke geregistreerde brief wat ingevolge artikel 57(1) of (3) of artikel 58(2) van die Wet deur die krediteur of sy of haar prokureur, met inbegrip van afskrifte, aan die skuldenaar gestuur word	
(a) Eis of eise waar die totaal van die eis of eise nie die maksimum jurisdiksiebedrag van tyd tot tyd ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry nie.	[R46,50] R51,00
(b) Eis of eise waar die totaal van die eis of eise die maksimum jurisdiksiebedrag van tyd tot ten opsigte van landdroshowe vir distrikte deur die minister vasgestel, oorskry en die prosesstuk word uit 'n landdroshof vir 'n streeksafdeling uitgereik	[R62,50] R68,00
Item 9 Skulderkenning en onderneming om skuld in paaiemente of andersins te betaal (artikel 57 van die Wet)	
(a) Eis of eise waar die totaal van die eis of eise nie die maksimum jurisdiksiebedrag van tyd tot tyd ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry nie	[R121,50] R132,50
(b) Eis of eise waar die totaal van die eis of eise die maksimum jurisdiksiebedrag van tyd tot ten opsigte van landdroshowe vir distrikte deur die minister vasgestel, oorskry en die prosesstuk word uit 'n landdroshof vir 'n streeksafdeling uitgereik	[R157,00] R170,00

Item 10 Instemming tot vonnis of tot vonnis en 'n bevel vir die betaling van vonnisskuld in paaiemente (artikel 58 van die Wet)	
(a) Eis of eise waar die totaal van die eis of eise nie die maksimum jurisdiksiebedrag van tyd tot tyd ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry nie	[R121,50] R132,00
(b) Eis of eise waar die totaal van die eis of eise die maksimum jurisdiksiebedrag van tyd tot ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry en die prosesstuk word uit 'n landdroshof vir 'n streeksafdeling uitgereik	[R157,00] R170,00

Let wel: Die bedrag van gelde toelaatbaar kragtens items 4, 5, 6, 7, 8, 9 en 10 word sonder taksasie ingesluit in die bedrag van die koste waarvoor die vonnis ingedien word

DEEL III VERDEDIGDE AKSIES (EN TUSSENPLEITVERRIGTINGE)

Item	Tarief A R	Tarief B R	Tarief C R	Tarief D R
1. Instruksies om te dagvaar of verdedig of van teeneis of van verdediging van	[R606,00] R659,00	[R804,50] R875,00	[R968,50] R1095,00	[R1258,00] R1369,00

teeneis, bestudering van alle dokumentasie en meriete en alle nodige konsultasies om dagvaarding uit te reik				
2. Dagvaarding	[R304,50]	[R423,00]	[R506,50]	[R656,00]
2A. Besonderhede van eis of deklarasie	R331,50	R460,00	R551,00	R713,00
	[R304,50]	[R423,00]	[R506,50]	[R656,00]
	R331,50	R460,00	R551,00	R713,00
3. Bywoning	[R50,50]	[R50,50]	[R63,00]	[R81,00]
	R55,00	R55,00	R69,00	R89,00
4. Kennisgewing kragtens reëls 12(2) en 21B(2)	[R50,50]	[R50,50]	[R63,00]	[R81,00]
	R55,00	R55,00	R69,00	R89,00
5. Pleit	[R304,50]	[R423,00]	[R506,50]	[R656,00]
	R331,50	R460,00	R551,00	R713,00
6. Eis in rekonvensie	[R304,50]	[R423,00]	[R506,50]	[R656,00]
	R331,50	R460,00	R551,00	R713,00
7. Antwoord, indien nodig	[R304,50]	[R423,00]	[R506,50]	[R656,00]
	R331,50	R460,00	R551,00	R713,00
8. Opstel van alle dokumente wat nie spesifiek genoem word nie, met inbegrip van versoek vir verdere besonderhede, bylae van dokumente, alle beëdigde verklarings, dagvaardings, enige kennisgewing waarvoor nie andersins voorsiening gemaak is nie en opstel van verklarings deur getuies		-	-	-
9. Produksie van dokumente vir inspeksie, of inspeksie van dokumente, per kwartier of per gedeelte daarvan van die tyd wat spandeer is	[R180,50]	[R180,50]	[R226,50]	[R292,00]
	R196,00	R196,00	R246,00	R318,00
10. ...				
10A. Paginerings en indeksering van pleitstukke per kwartier of gedeelte daarvan:	[R121,00]	[R121,00]	[R147,50]	[R191,00]
	R132,00	R132,00	R161,50	R208,00
11. Die afneem van verklarings deur getuies, per kwartier of gedeelte daarvan	[R180,50]	[R180,50]	[R226,50]	[R292,00]
	R196,00	R196,00	R246,00	R318,00
12. Kennisgewing van verhoor of herinstelling	[R50,50]	[R50,50]	[R63,00]	[R81,00]
	R55,00	R55,00	R69,00	R89,00
13. Voorbereiding vir verhoor (indien 'n advokaat nie gebruik word nie)	[R1007,00]	[R1370,00]	[R1643,00]	[R2136,00]
	R1095,00	R1490,00	R1788,00	R2323,00

14. Bywoning by skikkingsonderhandelinge, vir elke kwartier of gedeelte daarvan werklik in sodanige onderhandelinge deurgebring	[R180,50] R196,00	[R180,50] R196,00	[R226,50] R246,00	[R292,00] R318,00
14A. Opstel van betooghoofde per kwartier of gedeelte daarvan:	[R180,50] R196,00	[R180,50] R196,00	[R226,50] R246,00	[R292,00] R318,00
15. Bywoning van hof tydens verhoor, of by 'n uitstel of ondersoek by kommissie, vir elke kwartier of deel daarvan in die hof deurgebring terwyl die saak werklik aangehoor word-				
(a) indien 'n advokaat nie aangestel is nie	[R180,50] R196,50	[R180,50] R196,50	[R226,50] R246,00	[R292,00] R318,00
(b) indien 'n advokaat aangestel is	Nul	[R71,50] R78,00	[R88,00] R96,00	[R113,00] R123,00
16. Bywoning van voorverhoorkonferensie, vir elke kwartier of deel daarvan wat werklik in daardie konferensie deurgebring is	[R180,50] R196,00	[R180,50] R196,00	[R226,50] R246,00	[R292,00] R318,00
17. Bywoning van hof om gereserveerde vonnis of gedeelte daarvan aan te hoor	[R37,00] R40,00	[R37,00] R40,00	[R44,50] R49,00	[R57,50] R63,00
18. Korrespondensie—				
(a) vir elke nodige brief of telegram, per folio	[R28,50] R31,00	[R28,50] R31,00	[R37,00] R40,00	[R46,50] R50,00
(b) vir elke brief of telegram ontvang, met dien verstande dat gelde vir bestudering nie toegelaat word saam met die gelde hierin voor voorsiening gemaak nie	[R19,50] R21,50	[R28,50] R31,00	[R37,00] R40,00	[R46,50] R50,00
19. Bywonings: Vir elke nodige bywoning waarvoor nie andersins voorsiening gemaak is nie, per bywoning	[R19,50] R21,50	[R28,50] R31,00	[R37,00] R40,00	[R46,50] R50,00
20. Nodige formele telefoonoproep, per oproep	[R19,50] R21,50	[R28,50] R31,00	[R37,00] R40,00	[R46,50] R50,00
21. Telefoonkonsultasies: Vir elke 5 minute of deel daarvan, behoudens 'n maksimum tarief per konsultasie van [R174,50] R190,00 vir Tariewe A tot C en [R225,50] R246,00 vir Skaal D	[R50,50] R55,00	[R50,50] R55,00	[R63,00] R69,00	[R81,00] R89,00
22. Elke nodige konsultasie, per kwartier of gedeelte daarvan	[R180,50] R196,00	[R180,50] R196,00	[R226,50] R246,00	[R292,00] R318,00

23. Die hof kan, op versoek by die verhoor gedoen, saam met die gelde in item 13 hierbo voorgeskryf, hernuwingsgelde in uitgestelde of gedeeltelik aangehoorde verhore, toeken	[R627,00] R682,00	[R887,00] R965,00	[R1063,00] R1157,00	[R1381,00] R1503,00
24. Tyd by die hof gewag (omdat hof nie beskikbaar is nie) per kwartier of deel daarvan	[R121,00] R132,00	R121,00 R132,00	[R147,50] R161,00	[R191,00] R208,00
25. Reistyd [onderworpe aan die bepaling van reël 33(9)] per kwartier of deel daarvan	[R121,00] R132,00	[R121,00] R132,00	[R147,50] R161,00	[R191,00] R208,00
26. Bestaans- en reisuittgawes soos in reël 33(9) gestel	Die werklike redelike bestaans- en reisuittgawes soos in reël 33(9) gestel			

DEEL IV ANDER AANGELEENTHEDE

Eksepsies, aansoeke om deurhaling, aansoeke om summiere vonnis, verskyning om voorlopige vonnis te verkry wanneer eis verdedig word, tussenaansoeke, arres, interdik, aansoeke kragtens reël 27(9), aansoeke om vonnis, bevel of taksasie te hersien, aansoeke om likwidasie van beslote korporasies en aansoeke ingevolge artikel 65J van die Wet, aansoeke kragtens reël 58 en enige ander aansoeke.

ITEM	Tarief A R	Tarief B R	Tarief C R	Tarief D R
1. (a) Instruksies om aansoek te doen of om te verdedig of om gronde aan te voer (die hof kan op versoek 'n hoër bedrag toelaat)	[R152,00] R165,00	[R304,50] R331,00	[R361,50] R394,00	[R470,00] R512,00
(b) Instruksies om aansoek te doen om likwidasie van beslote korporasie, bestudering van alle dokumentasie en oorweging van meriete, en alle nodige konsultasies	[R743,00] R808,00	[R743,00] R808,00	[R890,50] R969,00	[R1158,00] R1260,00
2. Opstel van alle dokumente, beëdigde-verklarings en kennisgewings, bevele, ens.				
3. Bywoning van hof by verhoor:				
(a) Indien onverdedig of verdedig (indien advokaat nie aangestel is nie), vir elke kwartier of deel daarvan werklik in die hof deurgebring	[R180,50] R196,00	[R180,50] R196,00	[R226,50] R246,00	[R292,00] R318,00
(b) Indien verdedig (indien advokaat aangestel is), vir elke kwartier werklik in die hof deurgebring of deel daarvan	Nul	[R71,50] R78,00	[R88,50] R96,00	[R113,00] R123,00

4. (a) Gelde vir voorbereiding vir betoog wanneer verdedig	[R627,00] R682,00	[R739,00] R804,00	[R890,50] R969,00	[R1158,00] R1260,00
(b) Gelde vir voorbereiding vir verhoor waar verrigtinge na verhoor verwys word of mondelinge getuienis	[R627,00] R682,00	[R739,00] R804,00	[R890,50] R969,00	[R1158,00] R1260,00
5 Konsultasies en skikkingsonderhandelinge – wanneer verdedig, per kwartier of deel daarvan	[R180,50] R196,00	[R180,50] R196,00	[R226,50] R246,00	[R292,00] R318,00

ITEM	Tarief
TAKSASIE VAN KOSTE In verband met 'n kosterekening vir dienste deur 'n prokureur gelewer, het die prokureur die reg om te hef:	R
6. Vir opstel van die kosterekening, maak van die nodige afskrifte en bywoning van skikking, 11 persent van die prokureursgelde, hetsy soos in die rekening gehef, indien nie getakseer nie, of soos by taksasie toegestaan	
7. Benewens die gelde kragtens item 6 gehef, indien van taksasie gebruik gemaak word, vir reëling en bywoning van taksasie, en vir verkryging van toestemming vir taksasie, 11 persent op die eerste R10 000,00 of gedeelte daarvan, 6 persent op die volgende R10 000,00 of gedeelte daarvan en 3 persent op die balans van die totale bedrag van die rekening	
8. Bywoning by hersiening van taksasie, vir elke kwartier of deel daarvan in die hof terwyl hersiening werklik aangehoor word	[R180,00] R196,00
9. Kennisgewing van aansoek om hersiening van taksasie en betekening	-
10. Beëdigde verklaring, waar nodig	-

UITWINNING	
11. (a) Uitreiking van 'n uitwinningslasbrief, uitsettingslasbrief, en lasbrief vir lewering van besit	[R121,50] R132,00
(b) Vir elke heruitreiking daarvan	[R50,50] R55,00
12. Insluitend gelde vir werk gedoen in verband met vrystelling van inbeslaggenome onroerende eiendom	[R151,50] R165,00

13. Insluitend gelde vir werk gedoen in verband met uitwinningsverkoop van slegs onroerende goed (uitsluitend werk ten opsigte waarvan gelde reeds elders voor voorsiening gemaak word en die opstel van die verkoopsvoorwaardes)	[R384,00] R418,00
14. (a) Opstel van verkopingskennisgewing ingevolge reël 41(8) of reël 43[(6)-(7)(b)(i), of verkoopsvoorwaardes ingevolge reël 43[(7) (8)(a)(i)]	-
(b) Vir alle ander werk gedoen en papiere en dokumente aan die balju van die landdroshof voorsien in verband met 'n uitwinningsverkoop van roerende goed, 'n allesinsluitende bedrag van	[R262,00] R285,00
15. Sekerheidstelling vir herstel, waar nodig	[R99,50] R109,50

WAAR ADVOKAAT AANGESTEL IS

16. Instruksies vir eksepsie of aansoek, waar toegelaat	
(a) Eis of eise waar die totaal van die eis of eise nie die maksimum juridiksiebedrag van tyd tot tyd ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry nie	[R180,50] R196,00
(b) Eis of eise waar die totaal van die eis of eise die maksimum juridiksiebedrag van tyd tot tyd ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry en die prosesstuk word uit 'n landdroshof vir 'n streeksafdeling uitgereik	[R234,50] R255,00
17. Instruksies vir verhoor	
(a) Eis of eise waar die totaal van die eis of eise nie die maksimum juridiksiebedrag van tyd tot tyd ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry nie	[R230,50] R251,00
(b) Eis of eise waar die totaal van die eis of eise die maksimum juridiksiebedrag van tyd tot tyd ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry en die prosesstuk word uit 'n landdroshof vir 'n streeksafdeling uitgereik	[R290,00] R315,00
18. Opstel van opdrag by eksepsie of aansoek, waar toegelaat	-
19. Opstel van opdrag vir verhoor	-
20. Bywoning van nodige konsultasie met advokaat, per kwartier of deel daarvan	
(a) Eis of eise waar die totaal van die eis of eise nie die maksimum juridiksiebedrag van tyd tot tyd ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry nie	[R75,00] R82,00
(b) Eis of eise waar die totaal van die eis of eise die maksimum juridiksiebedrag van tyd tot tyd ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry en die prosesstuk word uit 'n landdroshof vir 'n streeksafdeling uitgereik	[R94,00] R103,00

GELDE VIR ADVOKATE	
21. Met opdrag om eksepsie of aansoek te betoog	[R887,00] <u>R964,00</u>
Let wel:	
22. Met verhooropdrag vir die eerste dag, hoogstens	[R2514,50] <u>R2736,00</u>
23. In enige hof meer as 30 km van die naaste dorp waar 'n provinsiale of plaaslike afdeling (behalwe 'n rondgaande hof) van die Hooggeregshof gesetel is, gehou, 'n reistoelae (benewens die opdraggeld) wat by spesiale bevel deur die hof toegelaat kan word, teen	[R6,00] <u>R6,50</u> per km
24. Elke nodige konsultasie, per kwartier	[R180,50] <u>R196,00</u>
25. Vir elke dag meer as een waarop getuienis aangehoor of betooghoofde aangehoor word, 'n verfrisser van hoogstens	[R1511,50] <u>R1644,00</u>
26. Opstel van pleitstukke	[R404,50] <u>R441,00</u>

<i>Notas:</i>
(a) Omtrent items 22 en 25, 'n bedrag in plek van die bedrag vir die eerste dag se verhoor, word soos volg toegelaat wanneer die saak op of voor die verhoordatum deur enige party geskik of teruggetrek word:
(i) hoogstens twee dae voor die verhoordatum: Die gelde andersins toelaatbaar by taksasie vir die eerste dag se verhoor;
(ii) minstens drie dae en hoogstens sewe dae voor die verhoordatum: Twee derdes van die gelde kragtens (i); en
(iii) minstens agt dae en hoogstens 21 dae voor die verhoordatum: Helfte van die geld kragtens (i).
(b) Die hof kan op versoek hoër gelde vir 'n advokaat ten opsigte van items 22, 24, 25 en 26 toeken.
(c) 'n Bedrag vir reistyd deur advokaat word toegelaat teen dieselfde tarief as vir prokureurs kragtens reël 33(9).

DIVERSE	
27. Verkry gesertifiseerde afskrif van vonnis	[R91,00] R99,00
28. Verkry betaling ingevolge reël 18(4)	[R63,00] R69,00
29. Versoek vir sekerheidstelling ingevolge reël 62(1)	-
30. Voorsien sekerheidstelling ingevolge reël 62(1)	-

**TABEL B
KOSTE
DEEL I**

**ALGEMENE BEPALINGS TEN OPSIGTE VAN VERRIGTINGE INGEVOLGE ARTIKELS
65 EN 65a TOT 65M VAN DIE WET**

1. Behoudens die bepalings van paragraaf 3, word geen gelde behalwe dié in die Tarief by hierdie Deel toegelaat nie.
2. Behoudens die bepalings van artikel 65K van die Wet, is die gelde uiteengesit in items (a), (b) of (c) van die Tarief by hierdie Deel, na gelang van die geval, betaalbaar vir die opstel van die kennisgewing in artikel 65A(1) bedoel, met inbegrip van verskyning by die ondersoek na die vonnisskuldenaar se finansiële posisie in artikel 65D bedoel, of enige verskyning by daaropvolgende opskortings-, wysigings- of opheffingsverrigtinge, en kan, met uitsondering van die gelde kragtens item (m) van die tarief toegelaat, slegs een keer gehef word vir die opstel, uitreiking en alle heruitreikings van die kennisgewing en alle uitstelle van die ondersoek, ongeag die getal dae waarop die verrigtinge in die hof aangehoor word: Met dien verstande dat waar die skuldenaar die regsgebied van die hof verlaat nadat die kennisgewing in artikel 65A(1) bedoel, uitgereik is en die kennisgewing in enige ander distrik heruitgereik word, kan die voormelde gelde ook in die ander distrik gehef word indien die hof dit gelas.
3. Die volgende word toegelaat benewens die gelde in die Tarief tot hierdie Deel uiteengesit:
 - (a) Alle nodige uitbetalings in verband met die verrigtinge aangegaan.
 - (b) 'n Bedrag van 10% op elke paalement ter delging van die kapitaal en koste van die aksie, onderworpe aan 'n maksimum bedrag van [R459,00] R499,00 op elke paalement. Waar die bedrag in paalemente betaalbaar is, is die insamelingsgelde slegs verhaalbaar by betaling van elke paalement. Sodanige gelde is ter vervanging van en nie bykomstig tot die insamelingsgelde in paragraaf 13 van Deel 1 van Tabel A voorgeskryf nie.
 - (c) Alle nodige uitbetalings gedoen in verband met enige vorige vrugtelose verrigtinge kragtens artikel 72, as die hof aldus beveel het.
 - (d) Enige bedrag noodsaaklikerwys en werklik uitbetaal in die opspoor van die vonnisskuldenaar, waar die kapitaalbedrag van die skuld nie minder was nie as [R502,00] R546,00 toe die opsporingsagent in diens geneem is. Die totale bedrag wat werk elke opsporing toegeken word mag nie meer as [R383,50] R417,00 wees nie. ,

4. Vir die doeleindes van die Tarief tot hierdie Deel, is die bedrag van die eis, behoudens die bepalings van paragraaf 3(d), die totaal van die kapitaalbedrag en koste uitstaande op die datum van die eerste instelling van verrigtinge kragtens artikel 65A(1) van die Wet.

5. Items 1 tot 5 van Deel IV van Tabel A van Aangangsel 2 is van toepassing ingevolge artikel 65J van die Wet.

TARIEF		
		R
(a)	Waar die eis nie meer as die bedrag van R1 000,00 is nie	[R253,00] R276,00
(b)	Waar die eis meer is as R1 000,00, maar nie meer as R2 000,00 is nie	[R383,50] R417,00
(c)	Waar die eis meer as R2 000,00 is	[R452,00] R492,00
(d)	Lasbrief vir arres (Vorm 40A)	[R99,50] R109,00
(e)	<input type="checkbox"/> (i) Besoldigingsbeslagbevel (Vorm 38)	[R202,00] R218,00
	<input type="checkbox"/> (ii) Heruitreiking (Sertifikate ingesluit)	[R161,00] R175,00
(f)	Aansoek om koste by kennisgewing (met inbegrip van verskyning voor hof)	[R99,50] R109,00
(g)	Verkryging van gesertifiseerde afskrif van 'n vonnis	[R99,50] R109,00
(h)	Beëdigde verklaring of sertifikaat deur die vonnisskuldeiser of sy of haar prokureur	[R71,00] R77,00
(i)	Vir elke geregistreerde brief aangestuur aan die skuldenaar ingevolge artikels 65A(2), 65E(6) of 65J(2) van die Wet deur die krediteur of sy of haar prokureur	[R46,00] R50,00
(j)	Beëdigde verklaring of bevestiging deur skuldenaar [Reël 45(7)]	[R121,00] R131,00
(k)	Versoek om 'n bevel kragtens artikel 65 van die Wet	[R71,00] R77,00
(l)	Bywoning van uitgestelde verrigtinge ingevolge artikel 65E(3) van die Wet of bywoning van verrigtinge by die of in navolging van die inhegtenisneming van 'n vonnisskuldenaar, direkteur of beamppte in navolging van 'n kennisgewing in 65A(8)(b) bedoel	[R99,50] R109,00

(m)	Dagvaarding:	
	(i) Opstel van dagvaarding, per folio	[R28,50] R31,00
	(ii) Elke nodige bywoning, per bywoning	[R19,00] R21,00
(n)	(i) Korrespondensie: Vir elke nodige brief of telegram geskryf of ontvang, met inbegrip van afskrif om te hou, met dien verstande dat gelde vir bestudering nie toegestaan sal word saam met die gelde hierin voor voorsiening gemaak nie, per folio	[R28,50] R31,50
	(ii) Bywonings: Vir elke nodige bywoning nie andersins voor voorsiening gemaak nie, per bywoning	[R28,50] R31,00
	<input type="checkbox"/> (iii) Nodige formele telefoonoproepe, per oproep	[R28,50] R31,00

DEEL II

ALGEMENE BEPALINGS TEN OPSIGTE VAN VERRIGTINGE INGEVOLGE ARTIKEL 72 VAN DIE WET

- Behoudens die bepalings van paragrawe 2 en 3, word geen gelde behalwe dié in die Tarief by hierdie Deel uiteengesit, toegelaat nie.
- Paragraaf 3(a), (b) en (d) van die algemene bepalings kragtens Deel 1 van hierdie Tabel is *mutatis mutandis* van toepassing op hierdie Deel.
- Alle nodige uitbetalings aangegaan in verband met enige vorige onsuksesvolle verrigtinge kragtens artikel 65, moet toegelaat word indien die hof aldus gelas het.
- Vir die doeleindes van die Tarief van hierdie Deel, is die bedrag van die eis, onderworpe aan die bepalings van paragraaf 3(d) van die algemene bepalings kragtens Deel 1 van hierdie Tabel, die totaal van die kapitaalbedrag uitstaande op die datum van die eerste instelling van verrigtinge ingevolge artikel 72 van die Wet.

TARIEF	
	R
(a) Waar die eis nie meer as R200,00 is nie	[R152,00] R165,00
(b) Waar die eis meer as R200,00 is	[R323,00] R352,00
(c) Verkryging van 'n gesertifiseerde afskrif van 'n vonnis	[R91,00] R99,00
(d) Aansoek om 'n uitwinningsbevel teen die beslagskuldenaar	[R91,00] R99,00
(e) Loonbeslagorder (Vorm 39)	[R121,00] R131,00

DEEL III
ALGEMENE BEPALINGS TEN OPSIGTE VAN VERRIGTINGE INGEVOLGE ARTIKEL 74
VAN DIE WET

1. Die volgende gelde word toegestaan benewens die gelde uiteengesit in die Tarief by hierdie Deel:
- (a) Alle nodige uitbetalings in verband met die verrigtinge aangegaan.
- (b) Benewens die gelde hieronder gestel, is die administrateur geregtig op 'n bedrag van 10% op elke paaiement ingesamel vir die kapitaal en koste, welke bedrag ingesluit is in die 12.5% ingevolge artikel 74L(2) van die Wet.
2. By die toepassing van items 4 en 5 van die Tarief tot hierdie Deel, bestaan 'n folio uit 100 geskrewe of gedrukte woorde of syfers en vier syfers word as een word beskou.

TARIEF			
Item	Een tot tien krediteure	Elf tot twintig krediteure	Een-en-twintig of meer krediteure
	R	R	R
1. Instruksies om om 'n administrasiebevel aansoek te doen, met inbegrip van die nodige deurlesing van dagvaardings, eise, ens., en vasstelling van die bedrag van bates en laste, met inbegrip van alle bywonings en korrespondensie wat in verband daarmee nodig is.	[R180,50] R196,00	[R252,50] R275,00	[R403,50] R439,00
2. Instruksies by aansoek kragtens artikel 74Q(1) of om daardie aansoek of die toestaan van administrasiebevel, teen te staan.	[R142,00] R156,00	[R142,00] R156,00	[R142,00] R156,00
3. Opstel van aansoek om administrasiebevel of hersiening daarvan en beëdigde verklaring, met inbegrip van alle aanhangsels daarby en alle bywonings, bywoning in die hof uitgesluit.	[R252,00] R274,00	[R252,00] R274,00	[R252,00] R274,00
4. Maak van afskrifte van aansoek, beëdigde verklaring en aanhangsels vir krediteure, per bladsy	[R4,50] R5,00	[R4,50] R5,00	[R4,50] R5,00
5. Noukeurige deurlesing van aansoek en ander dokumente beteken, indien enige, per folio. Let wel: Die gelde onder hierdie item word slegs deur die prokureur of 'n teenparty geëis.	[R11,00] R12,00	[R11,00] R12,00	[R11,00] R12,00
6. Bywoning van hof:			
(a) By uitstel of tersydestelling, indien nie deur die prokureur of sy of haar kliënt veroorsaak nie;	[R68,00] R74,00	[R68,00] R74,00	[R68,00] R74,00
(b) By enige ander verhoor	[R142,00] R156,00	[R271,00] R295,00	[R271,00] R295,00

7. Vir voorsiening aan 'n krediteur deur die administrateur van die inligting in artikel 74M(a) van die Wet bedoel, per aansoek	[R19,00] R21,00	[R19,00] R21,00	[R19,00] R21,00
8. Vir voorsiening van 'n afskrif van die skuldenaar se vermoëstaat bedoel in artikel 74 en 74A(1) van die Wet deur die administrateur ingevolge artikel 74M(b) of van 'n lys of rekening bedoel in artikel 74G(1) of 74J van die Wet of die skuldenaar se vermoëstaat bedoel in artikel 65(2) van die Wet, per folio.	[R4,50] R5,00	[R4,50] R5,00	[R4,50] R5,00
9. Korrespondensie en bywonings	[R29,00] R32,00	[R29,00] R32,00	[R29,00] R32,00"

(b) deur Deel II van Tabel C deur die volgende Deel te vervang:

"DEEL II

BALJU'S WAT NIE STAATSAMPTENARE IS NIE

- 1A. Vir registrasie van enige dokument vir betekening of uitwinning by ontvangs daarvan: ~~[R11,00]~~ R12,00
- 1B. (a) By die betekening van 'n dagvaarding, subpoena, kennisgewing, bevel of ander dokument wat nie in item 2 genoem word nie, die reis na en van die plek van betekening van enige van die bogenoemde dokumente—
- (i) binne 'n afstand van 6 kilometer van die hofgebou van die distrik waarin die balju aangestel is: ~~[R44,00]~~ R48,00;
 - (ii) binne 'n afstand van 12 kilometer, maar verder as 6 kilometer van die hofgebou van die distrik waarvoor die balju aangestel is: ~~[R52,00]~~ R 57,50;
 - (iii) binne 'n afstand van 20 kilometer, maar verder as 12 kilometer van die hofgebou van die distrik waarvoor die balju aangestel is: ~~[R71,00]~~ R77,00;

(b) Vir die poging om die dokumente in paragraaf (a) genoem, te beteken, die reis na en van die plek van gepoogde betekening van enige van die bogenoemde dokumente

- (i) binne 'n afstand van 6 kilometer vanaf die hofgebou van die distrik waarvoor die balju aangestel is: ~~[R37,50]~~ R41,50;
- (ii) binne 'n afstand van 12 kilometer maar verder as 6 kilometer vanaf die hofgebou van die distrik waarvoor die balju aangestel is: ~~[R44,00]~~ R48,00;
- (iii) binne 'n afstand van 20 kilometer maar verder as 12 kilometer van die hofgebou van die distrik waarvoor die balju aangestel is: ~~[R63,00]~~ R69,00;

- (c) (i) Waar 'n dokument beteken moet word saam met 'n prosesstuk van die hof en in die prosesstuk of 'n aanhangsel daarby vermeld word, word geen bykomende gelde gehef vir betekening van die dokument nie, andersins kan ~~[R11,00]~~ R12,00 gehef word vir elke aparte dokument wat beteken word.
- (ii) Geen gelde word vir 'n aparte dokument gehef wanneer prosesstukke in strafregtelike aangeleenthede beteken word nie.
 - (iii) Die betekening van 'n kennisgewing in reël 54(1) bedoel, gelyktydig met die dagvaarding, word nie as 'n aparte betekening beskou nie.

- (iv) Waar 'n lasgewing die balju skriftelik opdrag gee om 'n dokument in item 1B(a) of (2)(a) dringend te beteken of uit te win, hef die balju bykomende gelde van **[R235,00]** R256,00 vir sodanige betekening, ongeag hetsy die betekening of uitwinning suksesvol was, welke bykomende gelde deur die opdraggewer betaal word, tensy die hof anders gelas.
- (v) By die toepassing van subparagraaf (iv) beteken—
- (aa) 'dringend' op dieselfde dag of binne 24 uur sedert die skriftelike opdrag; en
- (bb) 'na-ure' enige tyd—
- (aaa) voor 7h00 of na 19h00 op Maandae tot Vrydae; of
- (bbb) op 'n Saterdag, Sondag of openbare vakansiedag.
- (2) (a) By die uitvoering van 'n lasbrief (wat nie teen onroerende goed is nie), interdik, loonbeslagorder of besoldigingsbeslagbevel, die reis na en van die plek van tenuitvoerlegging van die bogenoemde dokumente-
- (i) binne 6 kilometer van die hofgebou van die distrik waarvoor die balju aangestel is: **[R63,00]** R69,00;
- (ii) binne 12 kilometer, maar verder as 6 kilometer van die hofgebou van die distrik waarvoor die balju aangestel is: **[R71,00]** R77,00;
- (iii) binne 20 kilometer, maar verder as 12 kilometer van die hofgebou van die distrik waarvoor die balju aangestel is: **[R88,00]** R96,00;
- (b) Vir die gepoogde tenuitvoerlegging van die dokumente in paragraaf (a) bedoel, die reis na en van die plek van gepoogde betekening van die bogenoemde dokumente-
- (i) binne 6 kilometer van die hofgebou van die distrik waarvoor die balju aangestel is: **[R52,00]** R57,50;
- (ii) binne 12 kilometer, maar verder as 6 kilometer van die hofgebou van die distrik waarvoor die balju aangestel is: **[R63,00]** R69,00;
- (iii) binne 20 kilometer, maar verder as 12 kilometer van die hofgebou van die distrik waarvoor die balju aangestel is: **[R78,50]** R86,00;
- (c) (i) Vir die uitsetting van 'n verweerder van die perseel in die uitsettingslasbrief bedoel: **[R37,50]** R41,00;
- (ii) Verdere gelde van **[R24,50]** R27,00 word na tenuitvoerlegging betaal vir elke persoon benewens die persoon genoem of na verwys in die uitsettingsprosesstuk, in werklikheid van 'n aparte perseel uitgeset: Met dien verstande dat waar betekening aan enige persoon behalwe die vonnisskuldenaar nodig is ten einde die tenuitvoerlegging te voltooi, kan die gelde in item 1B(a) vasgestel, ten opsigte van elke sodanige betekening gehef word.
- (d) vir die tenuitvoerlegging van enige lasbrief teen onroerende goed -
- (i) vir uitwinning, met inbegrip van betekening van kennisgewing van beslaglegging aan die eienaar van die onroerende goed en aan die akteregistrateur of ander kantoor belas met die registrasie van sodanige eiendom, en indien die eiendom deur iemand anders as die eienaar geokkupeer word, ook aan daardie okkupant: **[R208,50]** R227,00;
- (ii) vir kennisgewing van beslaglegging aan 'n enkele huurder of okkupant: **[R19,00]** R21,00;
- (iii) identiese kennisgewings waar daar verskeie huurders, okkupante of eienaars is, vir elkeen na die eerste: **[R6,50]** R7,50;
- (iv) vir 'n waardasieverslag vir verkoopdoeleindes, per halfuur of deel daarvan: **[R52,50]** R57,50;

- (v) wanneer 'n balju gemagtig is om eiendom te verkoop en die eiendom word nie verkoop nie omdat die beslaglegging ingetrek of opgeskort is, al die nodige kennisgewing vir die intrekking of opskorting van die beslaglegging: **[R208,00]** R227,00; Opheffing van regterlike beslaglegging op onroerende goed: **[R208,00]** R227,00
- (vi) vir seker maak en aanteken watter lenings of ander beswarings teen die eiendom geregistreer is, saam met die name en adresse van die persone in wie se guns daardie lenings en beswarings aldus geregistreer is, met inbegrip van enige korrespondensie daarby (saam met redelike uitgawes wat noodsaaklikerwys aangegaan is): **[R104,50]** R114,00;
- (vii) vir kennis aan die vonnisskuldeiser van daardie lenings of ander beswarings en van die name en adresse van die persone in wie se guns daardie lenings of ander beswarings geregistreer is: **[R19,00]** R21,00;
- (viii) vir oorweging van bewys dat 'n voorkeurskuldeiser aan die vereistes van reël 43(5)(a) voldoen het: **[R11,00]** R12,00;
- (ix) vir kennisgewing bedoel in reël 43(6): **[R19,00]** R21,00;
- (x) vir oorweging van verkopingskennisgewing deur die vonnisskuldeiser voorberei in oorleg met die balju; en
vir verifiëring dat die verkopingskennisgewing in die aangewese koerante en in die *Staatskoerant* gepubliseer is, insluitend gelde vir daardie oorweging en verifiëring: **[R104,50]** R114,00;
- (xi) vir die aanstuur van 'n afskrif van die verkopingskennisgewing aan elke vonnisskuldeiser wat die onroerende goed in beslag laat neem het en aan elke verbandhouer daarvan wie se adres bekend is, vir elke afskrif: **[R19,00]** R21,00;
- (xii) vir die aanheg van 'n afskrif van die verkopingskennisgewing aan die kennisgewingsbord van die landdroshof bedoel in reël 43(7)(e) en by of so naby moontlik aan die plek waar die verkoping werklik gaan plaasvind, 'n inklusiewe bedrag van **[R45,00]** R49,00 en reiskoste soos in item 4(a) bedoel;
- (xiii) vir oorweging van die verkoopsvoorwaardes deur die vonnisskuldeiser voorberei; vir verdere oorweging of gewysigde verkoopsvoorwaardes deur belangstellende party ingedien: **[R104,50]** R114,00 vir elke bywoning;
- (xiv) vir alle nodige bywonings voorgeskryf by enige wetsbepalings wat met veilings verband hou, in die besonder die 'Consumer Protection Act', 2008 (Wet No. 68 van 2008): **[R315,00]** R343,00;
- (xv) vir die hou van 'n veiling, behalwe dat hierdie gelde nie gehêf kan word nie indien kommissie ingevolge items 2(d)(xvi) en (xvii) geëis word nie: **[R208,00]** R227,00;
- (xvi) by die verkoop van onroerende goed deur die balju as afslaer, 6 persent op die eerste R100 000.00, 3.5 persent op R100 001.00 tot R400 000.00 en 1.5 persent op die saldo van die opbrengs van die verkoping, behoudens 'n maksimum van R3 000.00 (insluitend alle gevalle van die balju se bankkoste en ander uitgawes aangegaan in die betaling van die opbrengs in sy of haar trustrekening), welke kommissie deur die koper betaal sal word;
- (xvii) indien 'n afslaer gebruik word soos in reël 43(10) voor voorsiening gemaak, 3 persent op die eerste R100 000.00, 2 persent op R100 001.00 tot R400 000.00 en 1 persent op die balans daarvan, behoudens 'n maksimum kommissie van R22 850.00, in totaal, en 'n minimum van R3 000,00 (insluitend alle gevalle van die balju se bankkoste en ander uitgawes aangegaan in die betaal van die opbrengs in sy of haar trustrekening), welke kommissie deur die koper betaal sal word;

- (xviii) vir skriftelike kennisgewing aan die koper wat versuim het om aan die verkoopsvoorwaardes te voldoen: **[R52,50]** R57,00;
- (xix) vir enige verslag in reël 43(11) bedoel: **[R52,50]** R57,00;
- (xx) vir verwittiging van vonnisskuldenaar van die kansellasië in reël 43(11)(a)(iii): **[R19,00]** R21,00;
- (xxi) vir gee van kennis bedoel in reël 43(11)(c): **[R19,00]** R21,00;
- (xxii) vir gee van oordrag aan die koper **[R25,00]** R27,00;
- (xxiii) vir ontvangs van sertifikaat bedoel in reël 43(14)(a): **[19,00]** R21,00;
- (xxiv) vir voorbereiding van 'n plan vir die verspreiding van die opbrengs (met inbegrip van nodige afskrifte) en vir die aanstuur van 'n afskrif aan die registrateur: **[R104,50]** R114,00;
- (xxv) vir kennisgewing aan alle partye wat lasbriewe ingedien het en aan die vonnisskuldenaar dat die distribusieplan ter insae sal lê, vir elke kennisgewing: **[R19,00]** R21,00;
- (xxvi) vir die verslag in reël 43A(9)(d) bedoel: **[R52,50]** R57,00.

3. Opstel van enige opgawe ingevolge reël 8, in duplikaat: **[R17,50]** R19,50.

4. (a) Die balju word, benewens die gelde in items 1B(a), 1B(b), 2(a) en 2(b), bedoel, maar onderworpe aan item 4(b) en (c), 'n reistoelaag gegee van R6,00 per kilometer, of deel daarvan, vir die kortste moontlike heen- en terugreis van die kantoor van die balju na die plek van betekening of tenuitvoerlegging en terug.

(b) Die reistoelaag in items 4(a), 5(a) en 5(c)(i) genoem, word bereken op die afstand gereken van die kantoor van die balju af indien-

(i) die balju se kantoor binne die regsgebied deur die Minister aan die balju toegewys, geleë is; en

(ii) die afstand van die balju se kantoor minder is as die afstand gereken van die hofgebou naaste aan die adres vir betekening.

(c) Indien nie aan die vereiste in item 4(b) voldoen word nie, word die reistoelaag genoem in items 4(a), 5(a) en 5(c)(i) bereken op die afstand gereken van die hofgebou naaste aan die adres vir betekening.

5. (a) Ten opsigte van die verrigting van enige ander amptelike plig as dié in items 1 en 2 vermeld, maar onderworpe aan item 4(b) en (c), is 'n reistoelaag van R6,00 per kilometer vir elke kilometer, of deel daarvan, aan die balju betaalbaar vir die heen- en terugreis.

(b) 'n Reistoelaag sluit die uitgawes aangegaan om te reis in, met inbegrip van treinkaartjies.

(c) 'n Reistoelaag word bereken ten opsigte van elke onderskeie betekening, behalwe dat—

(i) waar meer as een betekening in die loop van dieselfde reis gedoen kan word, kan die afstand van die balju se kantoor na die eerste plek van betekening slegs een keer in berekening geneem word, en word gelyk toegeken aan die onderskeie betekeninge, en die afstand vanaf die eerste plek van betekening na die oorblywende plekke van betekening word insgelyks gelyk toegeken aan die oorblywende betekeninge; en

(ii) waar betekening van dieselfde prosesstuk deur 'n balju aan meer as een persoon by dieselfde adres van betekening gedoen moet word, word slegs een heffing vir reis toegelaat.

(d) Wanneer die balju enigiemand onder arrestasie moet vervoer, word 'n toelaag van R6,00 per kilometer ten opsigte van daardie deel van sy of haar reis waarop hy of sy noodsaaklikerwys deur daardie persoon vergesel is, toegelaat.

(6)(a) Maak van 'n inventaris, met inbegrip van die maak van alle nodige afdrukke en tyd op voorraadopname spandeer: **[R37,50]** R41,00.

(b) Vir bystand, indien nodig, met die maak van 'n inventaris, [R37,50] R41,00 per halfuur of deel daarvan.

7. Die bestudering, opstel en invul van 'n borgakte, 'n borgstellingsakte of skadeloosstellingsakte: [R11,00] R12,00.

8. Beheer of bewaring van eiendom (geld uitgesluit):

(a) (i) Vir elke beampte noodsaaklikerwys in besit gelaat, 'n redelike allesinsluitende bedrag van hoogstens [R132,00] R142,00 per dag.

(ii) Reistoelaes, om losies elke keer in te sluit.

(b) Indien op lewende hawe beslag gelê word, word slegs die noodsaaklike uitgawes om die lewende hawe op te pas en te preserveer, toegelaat.

(c) Indien die goedere verwyder en gestoor word, word slegs die koste van verwydering en stoor toegelaat.

9. (a) **'besit'** beteken werklike fisieke besit deur 'n persoon in diens van en betaal deur die balju, wie se enigste werk vir die tyd en wyl is om op die perseel te bly waar die goedere op beslag gelê gelê is, en wat, in werklikheid, in besit bly vir die tydperk waarvoor besit gehou word.

(b) **'koste van verwydering'** beteken die bedrag werklik en noodsaaklikerwys uitbetaal vir verwydering of gepoogde verwydering as die goedere deur 'n derde party verwyder is of 'n poging aangewend is om hulle te verwyder, indien dit deur die balju self verwyder is, sodanige bedrag wat billik toelaatbaar sal wees in die gewone loop van sake indien die goedere deur 'n derde party verwyder is, of 'n poging aangewend is om dit aldus te verwyder.

(c) **'koste van berging'** die bedrag werklik en noodsaaklikerwys betaal vir berging indien die goedere deur 'n derde persoon geberg is of, indien die balju die berging voorsien het, sodanige bedrag wat billik toelaatbaar sal wees in die gewone loop van sake indien die goedere by 'n derde persoon geberg is.

10. (a) (i) Waar 'n beslagleggingsorder ten volle, of gedeeltelik, aan die balju betaal word, 9 persent op die bedrag aldus betaal, met minimum gelde van [R63,00] R70,50 en 'n maksimum van [R614,00] R691,50.

(ii) Vir die tenuitvoerlegging van enige lasbrief teen roerende goed—

(aa) wanneer 'n lasbrief ten volle of gedeeltelik betaal word by voorlegging aan die balju, 9 persent op die aldus betaalde bedrag met minimum gelde van [R70,50] R76,50, en 'n maksimum van [R691,50] R752,50;

(bb) wanneer 'n lasbrief ten volle of gedeeltelik aan die balju betaal word ná beslaglegging of voor verkoping, 9 persent op die aldus betaalde bedrag met minimum gelde van [R70,50] R76,50 en 'n maksimum van [R691,50] R752,50; of

(cc) wanneer gelde in uitwinning geneem word, 9 persent van die aldus betaalde bedrag, maar onderworpe aan 'n maksimum van [R691,50] R752,50.

(b) Kennisgewing van beslaglegging aan die verweerder en aan elke persoon wat in kennis gestel moet word: [R11,00] R12,00

11. (a) Waar eiendom van beslaglegging vrygestel word ingevolge reël [41(7)(f)(i)] 41(18)(a), of die uitwinningslasbrief word ingetrek of opgeskort, of die vonnisskuldenaar se boedel word na die beslaglegging gesekwestreer, maar voor die verkoping, 2,3 persent van die waarde van die goedere waarop beslag gelê is, behoudens 'n maksimum van [R208,00] R227,00; Met dien verstande dat indien 'n verkoping daarna plaasvind na aanleiding van die voormelde beslaglegging, word die aldus betaalde bedrag afgetrek van die kommissie kragtens item 12 betaalbaar.

(b) Kommissie in item 11(a) bedoel is nie hefbaar teen 'n vonnisskuldenaar op die waarde van roerende goed waarop beslag gelê is en wat daarna vrygestel is in navolging van 'n eis deur 'n derde party nie, tensy ondanks 'n eis deur 'n derde party, die verwydering van sodanige goed volgens uitdruklike, skriftelike opdrag van die vonnisskuldeiser gedoen word, in welke geval die vonnisskuldeiser aan die balju aanspreeklik sal wees vir kommissie teen 'n koers van 2.3% van die waarde van die goedere en koste.

12. Waar die uitwinninglasbrief teen roerende goed by verkoping afgehandel word, 9 persent van die eerste R15 000.00 of deel daarvan, en daarna 6 persent, met 'n maksimum van **[R9 209,50]** R10 018,50.

13. Vir die versekering van eiendom waarop beslag gelê is, en by skriftelike opdrag van die vonnisskuldeiser aan die balju, benewens die premie wat betaal moet word, 'n allesinsluitende bedrag van **[R37,50]** R41,00

14.....

15. Wanneer vir uitwinning op onroerende goed beslag gelê word en die beslaglegging verstryk, soos in artikel 66(4) van die Wet bedoel: **[R63,00]** R69,00.

16.

17. Benewens die gelde deur items 10 tot 13 toegelaat, beide ingesluit, word toegeken—

(a) die bedrag werklik en redelik deur die balju of die afslaer betaal vir die druk, adverteer en gee van publisiteit aan enige verkoping of voorgenome verkoping in uitwinning.

18. Waar die balju kragtens meer as een uitwinninglasbrief in besit is, kan hy of sy gelde vra vir slegs een besit, en sodanige besit word, sover moontlik, gelyk toegedeel aan die verskillende lasbriewe in dieselfde tydperk uitgereik; Met dien verstande dat elke uitwinningsskuldeiser gesamentlik en apart aanspreeklik is vir sodanige besit tot 'n bedrag van nie meer nie as wat kragtens sy of haar uitwinning betaalbaar sou wees indien dit alleen gestaan het.

19. Gelde betaalbaar op die waarde van die goedere waarop beslag gelê is of op die opbrengs van die verkoping van goedere in uitwinning is nie hefbaar op sodanige waarde of opbrengs vir sover dit die bedrag van die lasbrief oorskry.

20. Die gelde en uitgawes van die balju in uitwinning van 'n beslagleggingsorder word bygevoeg by die bedrag wat kragtens die order verhaal staan te word, en is hefbaar teen die vonnisskuldenaar.

21. Indien dit vir die balju nodig is om 'n dokument wat deur hom of haar ontvang is vir betekening of uitwinning na die opdraggewer terug te stuur omdat—

(a) die adres van betekening wat op die prosesstuk verskyn nie in sy of haar regsgebied is nie; of

(b) die opdraggewer versoek het, voor 'n gepoogde betekening of tenuitvoerlegging van die prosesstuk, dat dit aan hom of haar terugbesorg word, is 'n bedrag van **[R11,00]** R12,00 betaalbaar.

22. Vir die vervoer van enige persoon deur die balju in hegtenis geneem of in sy of haar bewaring geplaas van die plek van bewaring aan die hof op 'n dag wat volg op die dag van inhegtenisname: **[R37,50]** R41,00 per reis en **[R71,00]** R77,00, of deel daarvan, vir bywoning van die hof.

23. Vir die bestudering van 'n aangeduide **[koerante en die Staatskoerant]** koerant waarin die verkopingskennisgewing gepubliseer is, soos bedoel in reël **[41(8)(c)]** 41(19)(c): **[R11,00]** R12,00.

24....

25. Vir die aanheg van 'n afskrif van die verkopingskennisgewing op die kennisgewingbord

of deur van die hofgebou of ander openbare gebou en by of so naby as moontlik aan die plek waar die genoemde verkoping werklik gaan plaasvind bedoel in reël **[41(8)(b)]** 41(19)(b): **[R25,50]** R28,00 en reiskoste, in item 5(a) bedoel.

26. Vir **[die opstel en uitreiking van 'n tussenpleitdagvaarding]** tussenpleitstukke in Landdroshofreël 44 bedoel: **[R104,50]** R209,00
27. Benewens die gelde in hierdie Tabel voorgeskryf, is die balju geregtig op die bedrag werklik uitbetaal vir posgeld en telefoonoproepe.
28. Vir die skryf van elke nodige brief, faks of e-pos, met uitsondering van formele briewe wat prosesstukke of relase vergesel: **[R19,00]** R21,00.
29. Elke nodige bywoning per telefoon: **[R18,00]** R20,00.
30. Stuur en ontvangs van elke nodige faks of e-pos per bladsy (benewens telefoonkoste): **[R6,50]** R7,50.
31.
32. Vir die maak van alle nodige afskrifte van dokumente: **[R5,00]** R5,50, per A4-grootte bladsy.
33. (a) **[’n Versoek om ’n rekening van ’n balju te takseer, moet binne 90 dae na die datum waarop die rekening waarvan die gelde betwis word, gelewer is, gedoen word]** ’n Versoek aan ’n balju om ’n rekening te takseer of word skriftelik gedoen binne 20 dae ná die rekening waarvan die gelde in geskil is, gelewer is.
- (b) Vir die opstel van die rekening vir taksasie en bywoning van die taksasie deur die balju: **[R71,00]** R77,00.
34. Bankkoste: Werklike koste aangegaan in verband met bankkoste en tjekvorms.
35. (a) Opstel van kennisgewing aan die vonnisskuldenaar ingevolge artikel 65A(8)(b) van die Wet: **[R19,00]** R21,00.
- (b) Betekening van die kennisgewing in paragraaf (a) bedoel: Tarief soos in item 1B(a) voorgeskryf.
- (c) Gepoogde betekening van die kennisgewing in paragraaf (a) bedoel: Tarief soos in item 1B(b) bedoel.
- (d) Die tarief, soos in item 4 voorgeskryf, is op paragrawe (b) en (c) van toepassing.
36. (a) Vir die inhegtenisname of gepoogde inhegtenisname van ’n vonnisskuldenaar ingevolge artikel 65A(6) van die Wet:
- (i) Die tarief soos in item 2(a) of item 2(b), na gelang van die geval, voorgeskryf.
- (ii) Die tarief, soos in item 4 voorgeskryf, is op hierdie item van toepassing.
- (b) Vir die oorhandiging van die vonnisskuldenaar aan die Suid-Afrikaanse Polisieagents, gevangenevriend of hofklerk of ander wettige plek van aanhouding:
- (i) Die tarief, soos in item 2(a) voorgeskryf.
- (ii) Reiskoste van plek van arres na plek van oorhandiging aan die tersaaklike owerheid, in paragraaf (b) bedoel, per kilometer of deel daarvan: R6,00.
- (iii) Wagtyd rakende oorhandiging van die vonnisskuldenaar aan die tersaaklike owerheid, in paragraaf (b) bedoel: **[R37,50]** R41,00, per halfuur of deel daarvan, met ’n maksimum van **[R124,00]** R151,00."

Inwerkingtreding

7. Hierdie reëls en vorms tree in werking op **08 Julie 2022**.

AANHANGSEL

"No. 2B – Gekombineerde dagvaarding*** Vir gebruik in die Distrikshof**

IN DIE LANDDROSHOF VIR DIE DISTRIK VAN.....

GEHOU TE..... Saakno.van 20.....

In die aangeleentheid tussen:

..... Eiser

en

..... Verweerder

Aan die balju en sy/haar adjunk:

VERWITTIG A.B., van (vermeld woning of sakeplek en indien bekend, geslag, beroep en werksplek)(hierna die verweerder genoem), dat C.D., (vermeld geslag en beroep), van (vermeld woning of sakeplek) (hierna die eiser genoem), hierby aksie instel teen hom of haar in welke aksie die eiser die regshulp eis op die gronde uiteengesit in die besonderhede hierby aangeheg.

VERWITTIG die verweerder verder dat indien hy of sy die eis betwis en die aksie wil verdedig, hy of sy—

(i) binne dae sedert die betekening aan hom of haar van hierdie dagvaardingleer aan die klerk van hierdie hof by..... (verstrek die fisieke adres en e-posadres van die klerk van die hof) kennis moet gee van sy of haar voorneme om te verdedig en 'n afskrif daarvan aan die eiser of eiser se prokureur moet beteken, welke kennisgewing 'n adres bedoel in reël 13(3) moet verstrek vir die betekening aan die verweerder van alle kennisgewings en dokumente in die aksie;

(ii) daarna, en binne 20 dae nadat die kennisgewing van voorneme om te verdedig ingedien en beteken is soos hierbo vermeld, 'n eis (met of sonder 'n teeneis), of 'n uitsondering of aansoek om deur te haal op die wyse en binne die tydsbestekke in reël 19 bepaal, by die klerk van die hof moet indien en aan die eiser of eiser se prokureur moet beteken.

VERWITTIG die verweerder verder dat indien die verweerder versuim om die kennisgewing soos hierbo genoem in te dien en te beteken, vonnis soos geëis teen hom haar gelewer kan word sonder verdere kennisgewing aan hom of haar, of indien die verweerder, nadat hy of sy sodanige kennisgewing ingedien en beteken het, versuim om te verdedig, eksepsie te gee, aansoek te doen om deурhaling of 'n teeneis in te dien, kan vonnis teen hom of haar gegee word. Beteken onmiddellik daarna 'n afskrif van hierdie dagvaarding aan die verweerder en besorg dit terug aan die klerk van die hof met wat u ook al vervolgens gedoen het.

GEDATEER te op hede die dag van 20.....

Klerk van die Hof

* Toestemming tot vonnis.

Ek erken dat ek teenoor die eiser aanspreeklik is soos in hierdie dagvaarding geëis (of tot die bedrag van R..... en koste tot op datum) en ek stem toe tot dienoorkomstige vonnis.

Gedateer te op hede die dag van 20.....,

.....

Verweerder

GETUIES:

1. (volle name)....., (handtekening).....
(adres).....

2. (volle name)....., (handtekening).....
(adres).....

OF

* Kennisgewing van voorneme om te verdedig.

Aan die Klerk van die Hof.

Geliewe kennis te neem dat die verweerder hierby kennis gee van sy of haar voorneme om hierdie aksie te verdedig.

Gedateer te op hede die dag van 20.....,

.....

Verweerder/Verweerder se prokureur

15 km fisieke adres van die hofgebou vir aanvaarding van betekening van prosesstukke of dokumente

.....

CONTINUES ON PAGE 130 OF BOOK 2

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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 for the Minister for Justice and Correctional Services, made the rules in the Schedule.

SCHEDULE**GENERAL EXPLANATORY NOTE:**

[] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

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, R. 507 of 27 June 2014, 571 of 18 July 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, R. 1343 of 18 October 2019, R. 107 of 7 February 2020, R. 858 of 7 August 2020, R. 1156 of 30 October 2020, and R. 1602 of 17 December 2021.

Amendment of rule 5 of the Rules

2. Rule 5 of the Rules is hereby amended by the substitution for sub-rule (1) of the following sub-rule:

"(1) Every person making a claim against any other person may, through the office of the registrar or clerk of the court, sue out a simple summons or a combined summons addressed to the sheriff directing the sheriff to inform the defendant among other things that, if the defendant disputes the claim and wishes to defend, the defendant shall-

- (a) within the time stated in the summons, give notice of intention to defend; and
- (b) after complying with paragraph (a), if the summons is a combined summons, within 20 days after giving such notice, deliver a plea (with or without a claim in reconvention), or an exception, or an application to strike out: Provided that an exception or application to strike out shall be in the manner and within the timeframes provided for in rule 19."

Amendment of rule 43 of the Rules

3. Rule 43 of the Rules is hereby amended by—

(a) the substitution for paragraph (b) of sub-rule (1) of the following paragraph:

"(b) A warrant of execution against immovable property shall contain—

- (i) a full description of the nature, magisterial district and physical address of the immovable property to enable it to be traced and identified by the sheriff; and
- (ii) sufficient information to enable the sheriff to give effect to sub-rule (3) hereof, including the title deed number, the erf number or sectional title unit number and exclusive use area to enable the Registrar of Deeds to identify the immovable property and record the attachment as an interdict against the immovable property."; and

(b) the substitution in sub-rule (11) for paragraph (b) of the following paragraph:

"(b) Any loss sustained by reason of the purchaser's default may, on the application of any aggrieved creditor [**whose name appears on the sheriff's distribution account**] referred to in paragraph (14)(c), be recovered from the purchaser under judgment of a magistrate given on a written report by the sheriff, after notice in writing has been given to the purchaser that the report will be laid before a magistrate for the aforesaid purpose."

Amendment of rule 67 of the Rules

4. Rule 67 of the Rules is hereby amended by—

(a) the substitution in sub-rule (2)(b) for sub-paragraph (ii) of the following sub-paragraph:

"(ii) be sent by electronic means, and if not possible by registered post."; and

(b) the substitution in sub-rule (5A) for paragraph (a) of the following paragraph:

"(a)(i) A person contemplated in the first proviso of section 309(1)(a) of the Criminal Procedure Act, 1977, who wishes to appeal against his or her conviction or sentence or order, shall do so in writing to the registrar or clerk of the court within 10 days after the passing of the sentence or order following on the conviction and shall also send a copy of such notice of appeal to the director of public prosecutions concerned or in a case in which the prosecution was not at the public instance, to the prosecutor concerned.

(ii) In the event of the appeal being struck-off or removed from the roll for any reason, the appeal shall then be re-enrolled within 10 days of the date of such striking-off or removal, failing compliance therewith the appeal shall lapse."

Amendment of Annexure 1 to the Rules

5. Annexure 1 to the Rules is hereby amended by the substitution for Forms 2B and 2C of the Forms contained in the Annexure hereto.

Amendment of Annexure 2 to the rules

6. Annexure 2 to the rules is hereby amended—

(a) by the substitution for Tables A and B of the following Tables, respectively:

**"TABLE A
COSTS**

**PART I
GENERAL PROVISIONS**

1. When the amount in dispute is less than or equal to the amount of R7 000, costs shall be taxed on Scale A; when the amount in dispute exceeds the amount of R7 000, but is less than or equal to R50 000, costs shall be taxed on Scale B; when the amount in dispute exceeds R50 000, but is less than or equal to the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts, costs shall be taxed on Scale C; when the amount in dispute exceeds the maximum jurisdictional amount so determined by the Minister in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division or when the matter is in respect of a cause of action in terms of section 29(1B)(a) of the Act, costs shall be taxed on Scale D.

2. (a) For the purpose of computing costs, the expression 'amount in dispute' means, where costs are awarded to the plaintiff, the amount or value of the judgment and 'amount or value of the judgment' means, where more than one claim is involved in the action, the total of the amounts involved in the judgment. Where costs are awarded to the defendant, the expression 'amount in dispute' means, the amount or value of the claim, and 'amount or value of the claim' means, where more than one claim is involved in the action, the total of the amounts of all the claims. The amount or value of the judgment or claim shall be inclusive of interest but exclusive of costs. If a matter is settled at any time the costs shall be taxed on the scale laid down in the agreement of settlement.

(b) Where the amount in dispute is not apparent on the face of the proceedings and—

(i) the matter is instituted in the Magistrates' Court for a District, costs shall be computed on Scale C; or

(ii) the matter is instituted in the Regional Court for a Regional Division, costs shall be computed on Scale D,

unless the court orders otherwise.

3. Costs taxable in terms of rule 33(19) shall be deemed to have been awarded under a judgment for the amount offered or a judgment in the terms of the settlement, as the case may be.

4. Claims for ejectment shall be computed at two months' rent of the premises.

5. The rate at which costs are computed shall not be increased by reason of any claim for confirmation of any interdict or interlocutory order.

- 6(i) Fees to advocates referred to in section 34(2)(a)(i) of the Legal Practice Act, 2014 (Act No. 28 of 2014) shall be allowed on taxation only in cases falling within Scale B, C or D or where the court has made an order in terms of rule 33(8).
- (ii) Fees to advocates referred to in section 34(2)(a)(ii) of the Legal Practice Act, 2014 (Act No. 28 of 2014) shall be allowed on taxation for Scale A, B, C or D or where the court has made an order in terms of rule 33(8).
7. Where the amount allowed for an item is specified, the amount shall be inclusive of all necessary attendances and services (other than services by the sheriff for the magistrate's court) in connection therewith save that for the necessary filing of documents at court a charge shall be allowed at ~~[R30,00]~~ R33,00 per document.
8. Where the amount allowed for an item is left blank—
- (a) the drawing of documents (not pleadings) shall be allowed at ~~[R30,00]~~ R33,00 for each folio;
- (b) copies for filing, service and an attorney's copy to retain shall also be allowed;
- (c) ~~[R30,00]~~ R33,00 shall be allowed for each necessary service;
- (d) ~~[R30,00]~~ R33,00 shall be allowed per document for the necessary filing of documents at court.
9. (a) Where any document appears to the court to be unnecessary prolix, the court may disallow the whole or any part of the fee therefor.
- (b) Where printed forms of documents to be copied are available, the fees for copying shall be limited to the necessary particulars inserted in such printed forms.
10. (a) A folio shall consist of 100 written or printed words or figures or part thereof.
- (b) Four figures shall be reckoned as one word.
11. (a) Unless otherwise provided, a charge for perusal shall be allowed at ~~[R11,50]~~ R12,50 per folio in respect of any document or pleading necessarily perused.
- (b) For necessary copies, including photocopies, of any document or papers not already provided for in this tariff, per A4 size page ~~[R4,50]~~ R5,00.
12. Where there are more defendants than one ~~[R19,00]~~ R21,00 shall be added in respect of each additional defendant for each of items 2 and 3 of Part II and items 2 and 7 of Part III.
13. Where the judgment debt is payable in instalments in terms of the judgment or an agreement, a fee of 10% on each instalment collected in redemption of the capital, costs and interest shall be allowed, subject to a maximum of ~~[R459,00]~~ R499,00 on each instalment. No additional fee shall be charged for any attendance in connection with the receipt or payment of any instalment.
14. The clerk or registrar of the court shall on taxation disallow any charge unnecessarily incurred.
15. Where the fee under any item is calculated on a time basis, the total time spent on any one day shall be calculated and the fee for that day calculated on such total.

16. Any amount necessarily and actually disbursed in tracing the debtor shall be allowed in addition to the fees laid down in this tariff.

17. Item 10A and 14A of Part III in the tariff to Table A are also applicable to Part IV of the tariff to Table A.

18. Fees to advocates referred to in section 34(2)(a)(i) of the Legal Practice Act, 2014 (Act No. 28 of 2014) shall be allowed on taxation only for items 21 to 26 of Part IV.

**PART II
UNDEFENDED ACTIONS**

	R
Item 1 - Registered letter of demand in terms of section 56 of the Act	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts	[R45,00] <u>R49,00</u>
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division	[R61,00] <u>R67,00</u>
Item 2 - Summons, inclusive of a letter of demand other than the letter of demand referred to in item 1:	
(a) Claim or claims where the aggregate amount of the claim or claims does not exceed R7 000,00	[R151,50] <u>R165,00</u>
(b) Claim or claims where the aggregate amount of the claim or claims exceeds R7 000,00 but does not exceed R50 000	[R502,50] <u>R547,00</u>
(c) Claim or claims where the aggregate of the claim or claims exceeds R50 000 but does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts	[R743,00] <u>R808,00</u>
(d) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division or when the matter is in respect of a cause of action in terms of section 29(1B)(a) of the Act	R969,50 <u>R1055,00</u>
Item 3 - Judgment:	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the amount in 2(a)	[R151,50] <u>R165,00</u>
(b) Claim or claims where the aggregate of the claim or claims exceeds the amount in 2(b) but is not more than R50 000	[R383,50] <u>R418,00</u>

	R
(c) Claim or claims where the aggregate of the claim or claims exceeds R50 000 but does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts.	[R627,00] R682,00
(d) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division or when the matter is in respect of a cause of action in terms of section 29(1B)(a) of the Act	[R815,00] R886,00
Item 4 - Notice in terms of rule 12(2)	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts.	[R71,50] R78,00
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division or when the matter is in respect of a cause of action in terms of section 29(1B)(a) of the Act.	[R93,00] R101,00
Item 5 - Notice in terms of rule 54(1)	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts.	[R71,50] R78,00
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division.	[R93,00] R101,00
Item 6 - Affidavit or certificate	-
Item 7 - Attending court at the request of the magistrate when claim is referred to court for judgment or to obtain provisional sentence when claim is undefended	as allowed under item 15 on the scale for defended actions.
Item 8 - For each registered letter forwarded to the debtor in terms of section 57(1) or (3) or section 58(2), of the Act by the creditor or his or her attorney, including copies	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts.	[R46,50] R51,00
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in	[R62,50] R68,00

	R
respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division.	
Item 9 - Admission of liability and undertaking to pay debt in instalments or otherwise (section 57 of the Act)	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts.	[R121,50] R132,00
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division.	[R157,00] R170,00
Item 10 - Consent to judgment or to judgment and an order for the payment of judgment debt in instalments (section 58 of the Act)	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts.	[R121,50] R132,00
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division.	[R157,00] R170,00

Note: The amount of fees allowable under items 4, 5, 6, 7, 8, 9 and 10 shall be included without taxation in the amount of the costs for which judgment is entered

**PART III
DEFENDED ACTIONS (AND INTERPLEADER PROCEEDINGS)**

Item	Scale A R	Scale B R	Scale C R	Scale D R
1 Instructions to sue or defend or to counterclaim or defend a counterclaim, perusal of all documentation and consideration of merits and all necessary consultations to issue summons	[R606,00] R659,00	[R804,50] R875,00	[R968,50] R1095,00	[R1258,00] R1369,00
2 Summons	[R304,50] R331,50	[R423,00] R460,00	[R506,50] R551,00	[R656,00] R713,00
2A Particulars of Claim or Declaration	[R304,50] R331,50	[R423,00] R460,00	[R506,50] R551,00	[R656,00] R713,00
3 Appearance	[R50,50] R55,00	[R50,50] R55,00	[R63,00] R69,00	[R81,00] R89,00

Item	Scale A R	Scale B R	Scale C R	Scale D R
4 Notice under rules 12(2) and 21B(2)	[R50,50] <u>R55,00</u>	[R50,50] <u>R55,00</u>	[R63,00] <u>R69,00</u>	[R81,00] <u>R89,00</u>
5 Plea	[R304,50] <u>R331,50</u>	[R423,00] <u>R460,00</u>	[R506,50] <u>R551,00</u>	[R656,00] <u>R713,00</u>
6 Claim in reconviction	[R304,50] <u>R331,50</u>	[R423,00] <u>R460,00</u>	[R506,50] <u>R551,00</u>	[R656,00] <u>R713,00</u>
7 Reply, if necessary	[R304,50] <u>R331,50</u>	[R423,00] <u>R460,00</u>	[R506,50] <u>R551,00</u>	[R656,00] <u>R713,00</u>
8 Drawing up of all documents not specifically mentioned, including request for further particulars, schedule of documents, all affidavits, subpoenas, any notice not otherwise provided for and drawing up of statements by witnesses	-	-	-	-
9 Production of documents for inspection, or inspecting documents, per quarter of an hour or part thereof of the time spent	[R180,50] <u>R196,00</u>	[R180,50] <u>R196,00</u>	[R226,50] <u>R246,00</u>	[R292,00] <u>R318,00</u>
10. ...				
10A Pagination and indexing of pleadings per quarter of an hour or part thereof :	[R121,00] <u>R132,00</u>	[R121,00] <u>R132,00</u>	[R147,50] <u>R161,00</u>	[R191,00] <u>R208,00</u>
11 The recording of statements by witnesses, per quarter of an hour or part thereof	[R180,50] <u>R196,00</u>	[R180,50] <u>R196,00</u>	[R226,50] <u>R246,00</u>	[R292,00] <u>R318,00</u>
12 Notice of trial or reinstatement	[R50,50] <u>R55,00</u>	[R50,50] <u>R55,00</u>	[R63,00] <u>R69,00</u>	[R81,00] <u>R89,00</u>
13 Preparing for trial (if counsel not employed)	[R1007,00] <u>R1095,00</u>	[R1370,00] <u>R1490,00</u>	[R1643,00] <u>R1788,00</u>	[R2136,00] <u>R2323,00</u>
14 Attendance at settlement negotiations, for each quarter of an hour or part thereof actually spent in such negotiations	[R180,50] <u>R196,00</u>	[R180,50] <u>R196,00</u>	[R226,50] <u>R246,00</u>	[R292,00] <u>R318,00</u>
14A Drawing up heads of argument per quarter of an hour or part thereof:	[R180,50] <u>R196,00</u>	[R180,50] <u>R196,00</u>	[R226,50] <u>R246,00</u>	[R292,00] <u>R318,00</u>
15 Attending court during trial, or at an on-the-spot inspection, or at postponement or examination on commission, for each quarter of				

Item	Scale A R	Scale B R	Scale C R	Scale D R
an hour or part thereof spent in court while the case is actually being heard-				
(a) if an advocate is not employed	[R180,50] R196,00	[R180,50] R196,00	[R226,50] R246,00	[R292,00] R318,00
(b) if an advocate is employed	Nil	[R71,50] R78,00	[R88,00] R96,00	[R113,00] R123,00
16 Attending pre-trial conference, for each quarter of an hour or part thereof actually spent in such conference	[R180,50] R196,00	[R180,50] R196,00	[R226,50] R246,00	[R292,00] R318,00
17 Attending court to hear reserved judgment, per quarter of an hour or part thereof	[R37,00] R40,00	[R37,00] R40,00	[R44,50] R49,00	[R57,50] R63,00
18 Correspondence-				
(a) for each necessary letter or telegram, per folio	[R28,50] R31,00	[R28,50] R31,00	[R37,00] R40,00	[R46,50] R50,00
(b) for each letter or telegram received, provided that a fee for perusal shall not be allowed in addition to the fee herein provided for	[R19,50] R21,50	[R28,50] R31,00	[R37,00] R40,00	[R46,50] R50,00
19 Attendances: For each necessary attendance not otherwise provided for, per attendance	[R19,50] R21,50	[R28,50] R31,00	[R37,00] R40,00	[R46,50] R50,00
20 Necessary formal telephone calls, per call	[R19,50] R21,50	[R28,50] R31,00	[R37,00] R40,00	[R46,50] R50,00
21 Telephone consultations: For every 5 minutes or part thereof, subject to a maximum fee per consultation of [R174,50] R190,00 for Scales A to C and [R225,50] R246,00 for Scale D	[R50,50] R55,00	[R50,50] R55,00	[R63,00] R69,00	[R81,00] R89,00
22 Each necessary consultation, per quarter of an hour or part thereof	[R180,50] R196,00	[R180,50] R196,00	[R226,50] R246,00	[R292,00] R318,00
23 The court may, on request made at the hearing, allow in addition to the fee prescribed in item 13 above a refresher fee in postponed or partly heard trials	[R627,00] R682,00	[R887,00] R965,00	[R1063,00] R1157,00	[R1381,00] R1503,00

Item	Scale A R	Scale B R	Scale C R	Scale D R
24 Time spent waiting at court (owing to no court being available) per quarter of an hour or part thereof	[R121,00] R132,00	[R121,00] R132,00	[R147,50] R161,00	[R191,00] R208,00
25 Travelling time [subject to the provisions of rule 33(9)] per quarter of an hour or part thereof	[R121,00] R132,00	[R121,00] R132,00	[R147,50] R161,00	[R191,00] R208,00
26 Subsistence and travelling expenses as laid down in rule 33(9)	The actual reasonable subsistence and travelling expenses as laid down in rule 33(9)			

**PART IV
OTHER MATTERS**

Exceptions, applications to strike out, applications for summary judgment, appearance to obtain provisional sentence when claim is defended, interlocutory applications, arrest, interdict, applications under rule 27(9), applications to review judgment, order or taxation, applications for liquidation of close corporations and applications in terms of section 65J of the Act, applications under rule 58 and any other applications.

ITEM	Scale A R	Scale B R	Scale C R	Scale D R
1. (a) Instructions to make application or to oppose or to show cause (the court may on request allow a higher amount)	[R152,00] R165,00	[R304,50] R331,00	[R361,50] R394,00	[R470,00] R512,00
(b) Instructions to make application for liquidation of close corporation, perusal of all documentation and consideration of merits, and all necessary consultations	[R743,00] R808,00	[R743,00] R808,00	[R890,50] R969,00	[R1158,00] R1260,00
2. Drawing up of all documents, affidavits, applications and notices, orders, etc	-	-	-	-
3. Attending court on hearing:				
(a) If unopposed or opposed (if an advocate is not employed), for each quarter of an hour or part thereof actually spent in court	[R180,50] R196,00	[R180,50] R196,00	[R226,50] R246,00	[R292,00] R318,00
(b) If opposed (if an advocate is employed), for each quarter of an hour actually spent in court or part thereof	Nil	[R71,50] R78,00	[R88,50] R96,00	[R113,00] R123,00
4. (a) Fee for preparation for argument when opposed	[R627,00] R682,00	[R739,00] R804,00	[R890,50] R969,00	[R1158,00] R1260,00
(b) Fee for preparation for trial where proceedings are referred to trial or oral evidence	[R627,00] R682,00	[R739,00] R804,00	[R890,00] R969,00	[R1158,00] R1260,00

ITEM	Scale A R	Scale B R	Scale C R	Scale D R
5. Consultations and settlement negotiations – when opposed, per quarter of an hour or part thereof	[R180,50] R196,00	[R180,50] R196,00	[R226,50] R246,00	[R292,00] R318,00

ITEM	Scale
TAXATION OF COSTS In connection with a bill of costs for services rendered by an attorney, the attorney shall be entitled to charge :	R
6. For drawing the bill of costs, making the necessary copies and attending settlement, 11 percent of the attorney's fees, either as charged in the bill, if not taxed, or as allowed on taxation.	
7. In addition to the fees charged under item 6, if recourse is had to taxation for arranging and attending taxation, and obtaining consent to taxation, 11 percent on the first R10 000,00 or portion thereof, 6 percent on the next R10 000,00 or portion thereof and 3 percent on the balance of the total amount of the bill.	
8. Attending on review of taxation, for each quarter of an hour or part thereof in court while review is actually being heard	[R180,50] R196,00
9. Notice of application for review of taxation and service	-
10. Affidavit, where necessary	-

EXECUTION	
11. (a) Issue of warrant of execution, ejection, and delivery up of possession	[R121,50] R132,00
(b) For each reissue thereof	[R50,50] R55,00
12. Inclusive fee for work done in connection with releasing of immovable property attached	[R151,50] R165,00
13. Inclusive fee for work done in connection with sale in execution of immovable property only (excluding work in respect of which fees are already provided for elsewhere and the drawing up of the conditions of sale)	[R384,00] R418,00
14. (a) Drawing up of notice of sale in terms of rule 41(8) or rule 43[(6)], (7)(b)(i), or conditions of sale in terms of rule 43[(7)] (8)(a)(i)	-
(b) For all other work done and papers and documents supplied to the sheriff of the magistrate's court in connection with a sale in execution of movable property, an inclusive fee of	[R262,00] R285,00
15. Security for restitution, where necessary	[R99,50]

	R109,50
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WHERE AN ADVOCATE IS EMPLOYED	
16. Instructions for exception or application, where allowed	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts	[R180,50] R196,00
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division	[R234,50] R255,00
17. Instructions on trial	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts	[R230,50] R251,00
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division	[R290,00] R315,00
18. Drawing brief on exception or application, where allowed	-
19. Drawing brief on trial	-
20. Attending each necessary consultation with an advocate, per quarter of an hour or part thereof	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts	[R75,00] R82,00
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division	[R94,00] R103,00

FEES TO ADVOCATES	
21. With brief to argue exception or application	[R887,00] R964,00
22. With trial brief for the first day, not exceeding	[R2514

FEES TO ADVOCATES	
	,50] <u>R2736,00</u>
23. In any court held more than 30 km from the nearest town where a provincial or local division (other than a Circuit Court) of the High Court sits, a travelling allowance (in addition to the fee on brief) may be allowed by special order of the court at	[R6,00] <u>R6,50</u> per km
24. Each necessary consultation, per quarter of an hour	[R180,50] <u>R196,00</u>
25. For every day exceeding one on which evidence is taken or arguments heard, a refresher not exceeding	[R1511,50] <u>R1644,00</u>
26. Drawing up pleadings	[R404,50] <u>R441,00</u>
<i>Notes:</i>	
(a) In regard to items 22 and 25 a fee in lieu of the fee for the first day's hearing shall be allowed as follows when the case is settled or withdrawn or postponed at the instance of any party on or before the date of hearing:	
(i) not more than two days prior to the date of hearing: The fee otherwise allowable on taxation for the first day's hearing;	
(ii) not less than three days and not more than seven days prior to the date of hearing: Two thirds of the fee under (i); and	
(iii) not less than eight days and not more than 21 days prior to the date of hearing: Half of the fee under (i).	
(b) The court may on request allow a higher fee for an advocate in regard to items 22, 24, 25 and 26.	
(c) A fee for travelling time by an advocate shall be allowed at the same rate as for attorneys under rule 33(9).	
MISCELLANEOUS	
27. Obtaining certified copy of judgment	[R91,00] <u>R99,00</u>
28. Obtaining payment in terms of rule 18(4)	[R63,00] <u>R69,00</u>
29. Request for security in terms of rule 62(1)	-
30. Furnishing security in terms of rule 62(1)	-

**TABLE B
COSTS**

PART I

**GENERAL PROVISIONS IN RESPECT OF PROCEEDINGS IN TERMS OF SECTIONS 65
AND 65A TO 65M OF THE ACT**

1. Subject to the provisions of paragraph 3, no fees other than those in the Tariff to this Part shall be allowed.
2. Subject to the provisions of section 65K of the Act, the fees laid down in items (a), (b) or (c) of the Tariff to this Part, as the case may be, shall be payable for the drawing up of the notice referred to in section 65A(1), including appearance at the inquiry into the judgment debtor's financial position referred to in section 65D, or any appearance at subsequent suspension, amendment or rescission proceedings, and shall, with the exception of the fee allowed under item (m) of the tariff, be chargeable only once for the drawing up, issue and all reissues of the notice and all postponements of the inquiry, irrespective of the number of days on which the proceedings are heard in court: Provided that where the debtor leaves the area of jurisdiction of the court after issue of the notice referred to in section 65A(1) and the notice is reissued in any other district, the aforesaid fee may also be charged in such other district if the court so orders.
3. The following shall be allowed in addition to the fees laid down in the Tariff to this Part:
 - (a) All necessary disbursements incurred in connection with the proceedings.
 - (b) A fee of 10% on each instalment collected in redemption of the capital and costs of the action, subject to a maximum amount of **[R459,00]** R499,00 on every instalment. Where the amount is payable in instalments the collection fees shall be recoverable only on payment of every instalment. Such fees shall be in substitution for and not in addition to the collection fees prescribed in paragraph 13 of Part 1 of Table A.
 - (c) All necessary disbursements incurred in connection with any prior abortive proceedings under section 72, if the court has so ordered.
 - (d) Any amount necessarily and actually disbursed in tracing the judgment debtor, where the capital amount of the debt at the time the tracing agent was employed was not less than **[R502,00]** R546,00. The total amount to be allowed for each tracing shall not exceed **[R383,50]** R417,00.
4. For the purpose of the Tariff to this Part the amount of the claim shall, subject to the provisions of paragraph 3(d), be the total of the capital amount and costs outstanding at the date of the first institution of proceedings under section 65A(1) of the Act.
5. Items 1 to 5 of Part IV of Table A of Annexure 2 are applicable in terms of section 65J of the Act.

TARIFF		R
(a)	Where the claim does not exceed the amount of R1 000,00	[R253,00] R276,00
(b)	Where the claim exceeds the amount of R1 000,00 but is not more than 000,00	R2 [R383,50] R417,00
(c)	Where the claim exceeds the amount of R2 000,00	[R452,00] R492,00
(d)	Warrant of arrest (Form 40A)	[R99,50] R109,00
(e)	(i) Emoluments attachment order (Form 38)	[R202,00] R218,00
	(ii) Reissue (Certificates included)	[R161,00] R175,00
(f)	Application for costs on notice (including appearance in court)	[R99,50] R109,00
(g)	Obtaining a certified copy of a judgment	[R99,50] R109,00
(h)	Affidavit or certificate by the judgment creditor or his or her attorney	[R71,00] R77,00
(i)	For each registered letter forwarded to the debtor in terms of sections 65A(2), 65E(6) or 65J(2) of the Act by the creditor or his or her attorney	[R46,00] R50,00
(j)	Affidavit or affirmation by debtor Rule 45(7)	[R121,00] R131,00
(k)	Request for an order under section 65 of the Act	[R71,00] R77,00
(l)	Attending postponed proceedings in terms of section 65E(3) of the Act or attending proceedings at court pursuant to the arrest of a judgment debtor, director or officer or pursuant to a notice referred to in 65A(8)(b)	[R99,50] R109,00
(m)	Subpoena:	
	(i) Drawing up of subpoena, per folio	[R28,50] R31,00
	(ii) Every necessary attendance, per attendance	[R19,00] R21,00
(n)	(i) Correspondence: For every necessary letter or telegram written or received, including copy to retain, provided that a fee for perusal shall not be allowed in addition to the fee herein provided for, per folio	[R28,50] R31,00
	(ii) Attendances: For each necessary attendance not otherwise provided for, per attendance	[R28,50] R31,00
	(iii) Necessary formal telephone calls, per call	[R28,50] R31,00

**PART II
GENERAL PROVISIONS IN RESPECT OF PROCEEDINGS IN TERMS OF SECTION 72
OF THE ACT**

1. Subject to the provisions of paragraphs 2 and 3 no fees other than those laid down in the Tariff to this Part shall be allowed.
2. Paragraph 3(a), (b) and (d) of the general provisions under Part 1 of this Table shall apply *mutatis mutandis* to this Part.
3. All necessary disbursements incurred in connection with any prior abortive proceedings under section 65 shall be allowed if the court has so ordered.
4. For the purpose of the Tariff to this Part the amount of the claim shall, subject to the provisions of paragraph 3(d) of the general provisions under Part 1 of this Table, be the total of the capital amount outstanding at the date of the first institution of proceedings in terms of section 72 of the Act.

TARIFF	
(a) Where the claim does not exceed R200.00	[R152,00] R165,00
(b) Where the claim exceeds R200.00	[R323,00] R352,00
(c) Obtaining certified copy of a judgment	[R91,00] R99,00
(d) Application for an order of execution against the garnishee	[R91,00] R99,00
(e) Garnishee order (Form 39)	[R121,00] R131,00

**PART III
GENERAL PROVISIONS IN RESPECT OF PROCEEDINGS IN TERMS OF SECTION 74
OF THE ACT**

1. The following fees shall be allowed in addition to those laid down in the Tariff to this Part:
 - (a) All necessary disbursements incurred in connection with the proceedings.
 - (b) In addition to the fees stated below, the administrator shall be entitled to a fee of 10% on each instalment collected for the redemption of capital and costs, which amount is included in the 12,5 % in terms of section 74L(2) of the Act.
2. For the purposes of items 4 and 5 of the Tariff to this Part, a folio shall consist of 100 written or printed words or figures and four figures shall be reckoned as one word.

TARIFF			
Item	One to ten creditors	Eleven to twenty creditors	Twenty-one or more creditors
	R	R	R
1. Instructions to apply for administration order, including the necessary perusal of summonses, demands, etc, and ascertaining the amount of assets and liabilities, including all attendances and correspondence necessary in connection therewith	[R180,50] <u>R196,00</u>	[R252,50] <u>R275,00</u>	[R403,00] <u>R439,00</u>
2. Instructions on application under section 74Q(1) or to oppose such application or the granting of administration order	[R142,00] <u>R156,00</u>	[R142,00] <u>R156,00</u>	[R142,00] <u>R156,00</u>
3. Drawing up application for administration order or review thereof and affidavit, including all annexures thereto and all attendances, excluding attendance in court	[R252,00] <u>R274,00</u>	[R252,00] <u>R274,00</u>	[R252,00] <u>R274,00</u>
4. Making copies of application, affidavit and annexures for creditors, per page	[R4,50] <u>R5,00</u>	[R4,50] <u>R5,00</u>	[R4,50] <u>R5,00</u>
5. Perusal of application and other documents served, if any, per folio. Note: The fees under this item are only claimed by the attorney or an opposing party.	[R11,00] <u>R12,00</u>	[R11,00] <u>R12,00</u>	[R11,00] <u>R12,00</u>
6. Attending court:			
(a) On postponement or setting aside, if not occasioned by the attorney or his or her client;	[R68,00] <u>R74,00</u>	[R68,00] <u>R74,00</u>	[R68,00] <u>R74,00</u>
(b) On any other hearing	[R142,00] <u>R156,00</u>	[R271,00] <u>R295,00</u>	[R271,00] <u>R295,00</u>
7. For furnishing to a creditor by the administrator of the information referred to in section 74 m(a) of the Act, per application	[R19,00] <u>R21,00</u>	[R19,00] <u>R21,00</u>	[R19,00] <u>R21,00</u>
8. For furnishing of a copy of the debtor's statement of affairs referred to in sections 74 and 74A(1) of the Act by the administrator in terms of section 74M(b) or of a list or account referred to in section 74G(1) or 74J of the Act or of the debtor's statement of affairs referred to in section 65I(2) of the Act, per page	[R4,50] <u>R5,00</u>	[R4,50] <u>R5,00</u>	[R4,50] <u>R5,00</u>
9. Correspondence and attendances	[R29,00] <u>R32,00</u>	[R29,00] <u>R32,00</u>	[R29,00] <u>R32,00"</u>

(b) by the substitution for Part II of Table C of the following Part:

**"PART II
SHERIFFS WHO ARE NOT OFFICERS OF THE PUBLIC SERVICE**

1A. For registration of any document for service or execution upon receipt thereof: **[R11,00]** R12,00

1B. (a) For the service of a summons, subpoena, notice, order or other document not being a document mentioned in item 2, the journey to and from the place of service of any of the above-mentioned documents—

(i) within a distance of 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R44,00]** R48,00;

(ii) within a distance of 12 kilometres, but further than 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R52,00]** R57,50;

(iii) within a distance of 20 kilometres, but further than 12 kilometres from the court-house of the district for which the sheriff is appointed: **[R71,00]** R77,00;

(b) For the attempted service of the documents mentioned in paragraph (a), the journey to and from the place of attempted service of any of the above-mentioned documents—

(i) within a distance of 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R37,50]** R41,50;

(ii) within a distance of 12 kilometres but further than 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R44,00]** R48,00;

(iii) within a distance of 20 kilometres but further than 12 kilometres from the court-house of the district for which the sheriff is appointed: **[R63,00]** R69,00;

(c) (i) Where a document must be served together with a process of the court and is mentioned in such process or is an annexure thereto, no additional fees shall be charged for service of the document, otherwise **[R11,00]** R12,00 may be charged for every separate document served;

(ii) No fees shall be charged for a separate document when process in criminal matters is served;

(iii) The service of a notice referred to in rule 54(1) simultaneously with the summons shall not be regarded as a separate service

(iv) Where a mandator instructs the sheriff, in writing, to serve or execute a document referred to in item 1B(a) or (2)(a) on an urgent basis or after hours, the sheriff shall charge an additional fee of **[R235,00]** R256,00 for such service irrespective of whether the service or execution was successful, which additional fee shall be paid by the mandator, save where the court orders otherwise;

(v) For the purpose of sub-paragraph (iv)—

(aa) "urgent" means on the same day or within twenty four hours of the written instruction; and

(bb) "after hours" means any time—

(aaa) before 7h00 or after 19h00 on Mondays to Fridays; or

(bbb) on a Saturday, Sunday or public holiday.

2. (a) For the execution of a warrant (other than against immovable property), interdict, garnishee order or emoluments attachment order, the journey to and from the place of execution of the above-mentioned documents—

(i) within a distance of 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R63,00]** R69,00;

(ii) within a distance of 12 kilometres, but further than 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R71,00]** R77,00;

(iii) within a distance of 20 kilometres, but further than 12 kilometres from the court-house of the district for which the sheriff is appointed: **[R88,00]** R96,00;

(b) For the attempted execution of the documents mentioned in paragraph (a), the journey to and from the place of attempted execution of the above-mentioned documents —

(i) within a distance of 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R52,00]** R57,50;

(ii) within a distance of 12 kilometres, but further than 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R63,00]** R69,00;

(iii) within a distance of 20 kilometres, but further than 12 kilometres from the court-house of the district for which the sheriff is appointed: **[R78,50]** R86,00;

(c) (i) For the ejectment of a defendant from the premises referred to in the warrant of ejectment: **[R37,50]** R41,00 per half hour or part thereof (except extraordinary expenses necessarily incurred)

(ii) A further fee of **[R24,50]** R27,00 shall be paid after execution for every person over and above the person named or referred to in the process of ejectment, in fact ejected from separate premises: Provided that where service on any person other than the judgment debtor, respondent or garnishee is necessary in order to complete the execution, the fee laid down in item 1B(a) may be charged in respect of each such service.

(d) for the execution of any writ against immovable property—

(i) for execution, including service of notice of attachment upon the owner of the immovable property and upon the registrar of deeds or other office charged with the registration of such property, and if the property is in occupation of some other person other than the owner, also upon such occupier: **[R208,50]** R227,00;

(ii) for notice of attachment to a single lessee or occupier: **[R19,00]** R21,00;

(iii) identical notices where there are several lessees, occupiers or owners, for each after the first: **[R6,50]** R7,50;

(iv) for making valuation report for purposes of sale, per half hour or part thereof: **[R52,50]** R57,50;

(v) when a sheriff has been authorised to sell property and the property is not sold by reason of the fact that the attachment is withdrawn or stayed, all the necessary notice for the withdrawal or stay of the attachment: **[R208,00]** R227,00; Upliftment of judicial attachment on immovable property: **[R208,00]** R227,00;

(vi) for ascertaining and recording what bonds or other encumbrances are registered against the property, together with the names and addresses of the persons in whose favour such bonds and encumbrances are so registered including any correspondence in connection therewith (in addition to reasonable expenses necessarily incurred): **[R104,50]** R114,00;

(vii) for notifying the execution creditor of such bonds or other encumbrances and of the names and addresses of the persons in whose favour such bonds or other encumbrances are registered: **[R19,00]** R21,00;

(viii) for consideration of proof that a preferent creditor has complied with the requirements of rule 43(5)(a): **[R11,00]** R12,00;

(ix) for notice referred to in rule 43(6): **[R19,00]** R21,00;

(x) for considering of notice of sale prepared by the execution creditor in consultation with the sheriff; and

for verifying that notice of sale has been published in the newspapers indicated and in the *Gazette*, inclusive fee for such consideration and verification: **[R104,50]** R114,00.

(xi) for forwarding a copy of the notice of sale to every judgment creditor who had caused the immovable property to be attached and to every mortgagee thereof whose address is known, for each copy: **[R19,00]** R21,00;

(xii) for affixing a copy of the notice of sale to the notice board of the magistrates' court referred to in rule 43(7)(e) and at or as near as may be to the place where the sale is actually to take place, an inclusive fee of **[R45,00]** R49,00 and travelling costs referred to in item 4(a);

(xiii) for considering the conditions of sale prepared by execution creditor; for considering further or amended conditions of sale submitted by interested party; settling of conditions of sale: **[R104,50]** R114,00 for each attendance;

(xiv) for all necessary attendances prescribed by any law related to auctions, in particular the Consumer Protection Act, 2008 (Act No. 68 of 2008): **[R315,00]** R343,00;

(xv) for the conducting of an auction, save that this fee may not be charged if commission is claimed in terms of items 2(d)(xvi) and (xvii): **[R208,00]** R227,00;

(xvi) On the sale of immovable property by the sheriff as auctioneer, 6 per cent on the first R100 000,00, 3.5 per cent on R100 001,00 to R400 000,00 and 1.5 per cent on the balance of the proceeds of the sale, subject to a maximum commission of R40 000,00, in total, and a minimum of R3 000,00 (inclusive in all instances of the sheriff's bank charges and other expenses incurred in paying the proceeds into his or her trust account), which commission shall be paid by the purchaser;

(xvii) If an auctioneer is employed as provided in rule 43(10), 3 per cent on the first R100 000,00, 2 per cent on R100 001,00 to R400 000,00 and 1 per cent on the balance thereof, subject to a maximum commission of R22 850,00, in total, and a minimum of R3 000,00 (inclusive in all instances of the sheriff's bank charges and other expenses incurred in paying the proceeds into his or her trust account), which commission shall be paid by the purchaser;

(xviii) for written notice to the purchaser who has failed to comply with the conditions of sale: **[R52,50]** R57,00;

(xix) for any report referred to in rule 43(11): **[R52,50]** R57,00;

(xx) for informing judgment debtor of the cancellation referred to in rule 43(11)(a)(iii): **[R19,00]** R21,00;

(xxi) for giving notice referred to in rule 43(11)(c): **[R19,00]** R21,00;

(xxii) for giving transfer to the purchaser: **[R25,00]** R27,00;

(xxiii) for receipt of certificate referred to in rule 43(14)(a): **[R19,00]** R21,00;

(xxiv) for preparing a plan of distribution of the proceeds (including necessary copies) and for forwarding a copy to the registrar: **[R104,50]** R114,00;

(xxv) for giving notice to all parties who have lodged writs and to the execution debtor that the plan of distribution will lie for inspection, for every notice: **[R19,00]** R21,00;

(xxvi) for the report referred to in rule 43A(9)(d): **[R52,50]** R57,00.

3. Compilation of any return in terms of rule 8, in duplicate: **[R17,50]** R19,50.

4. (a) The Sheriff shall, in addition to the fees mentioned in items 1B(a), 1B(b), 2(a) and 2(b), but subject to item 4(b) and (c), be allowed a travelling allowance of R6,00 per kilometre, or part thereof, for the shortest possible forward and return journey from the office of the Sheriff to the place of service or execution and back.
- (b) The travelling allowance mentioned in items 4(a), 5(a) and 5(c)(i) shall be calculated on the distance reckoned from the office of the sheriff if—
- (i) the sheriff's office is situated within the area of jurisdiction allocated to the sheriff by the Minister; and
- (ii) the distance from the sheriff's office is less than the distance reckoned from the court-house closest to the address for service.
- (c) If the requirement in item 4(b) is not met, then the travelling allowance mentioned in items 4(a), 5(a) and 5(c)(i) shall be calculated on the distance reckoned from the court-house closest to the address for service.
5. (a) In respect of the discharge of any official duty other than those mentioned in items 1 and 2, but subject to item 4(b) and (c), a travelling allowance of R6,00 per kilometre for every kilometre, or part thereof, shall be payable to the sheriff for going and returning.
- (b) A travelling allowance shall include all the expenses incurred in travelling, including train fares.
- (c) A travelling allowance shall be calculated in respect of each separate service, except that—
- (i) where more services than one can be done on the same journey, the distance from the sheriff's office to the first place of service may be taken into account only once, and shall be apportioned equally to the respective services, and the distance from the first place of service to the remaining places of service shall similarly be apportioned equally to the remaining services; and
- (ii) where service of the same process has to be effected by a sheriff on more than one person at the same service address, only one charge for travelling shall be allowed.
- (d) When it is necessary for the sheriff to convey any person under arrest, an allowance of R6,00 per kilometre in respect of that portion of his or her journey on which he or she was necessarily accompanied by such person shall be allowed.
6. (a) Making an inventory, including the making of all necessary copies and time spent on stock-taking: **[R37,50]** R41,00 per half hour or part thereof.
- (b) For assistance, if necessary, with the making of an inventory, **[R37,50]** R41,00 per half hour or part thereof.
7. The perusing, drawing up and completing of a bail bond, deed of suretyship or indemnity bond: **[R11,00]** R12,00.
8. Charge or custody of property (money excluded):
- (a) (i) For each officer necessarily left in possession, a reasonable inclusive amount not exceeding **[R132,00]** R142,00 per day.
- (ii) Travelling allowances, to include board in every case.
- (b) If livestock is attached, only the necessary expenses of herding and preserving the stock shall be allowed.

(c) If the goods are removed and stored, only the cost of removal and storage shall be allowed.

9. (a) **'possession'** shall mean actual physical possession by a person employed and paid by the sheriff, whose sole work for the time being is to remain on the premises where the goods have been attached, and who, in fact, remains in possession for the period for which possession is charged.

(b) **'cost of removal'** shall mean the amount actually and necessarily disbursed for removal or attempted removal if the goods were removed by a third party or an attempt was made to remove them, if they were removed by the sheriff him- or herself, such amount as would fairly be allowable in the ordinary course of business if the goods were removed by a third party, or an attempt was made to so remove them.

(c) **'cost of storage'** shall mean the amount actually and necessarily paid for storage if the goods were stored with a third person or, if the sheriff provided the storage, such amount as would fairly be allowable in the ordinary course of business if the goods were stored with a third person.

10. (a) (i) Where a garnishee order is paid in full or in part, to the sheriff, 9 per cent on the amount paid with a minimum fee of **[R70,50]** R76,50 and a maximum of **[R691,50]** R752,50.

(ii) For the execution of any warrant against movable property—

(aa) when a warrant is paid in full or in part on presentation to the sheriff, 9 per cent on the amount so paid with a minimum fee of **[R70,50]**, R76,50 and a maximum of **[R691,50]** R752,50

(bb) when a warrant is paid in full or in part to the sheriff after attachment but before sale, 9 per cent on the amount so paid with a minimum fee of **[R70,50]** R76,50 and a maximum of **[R691,50]** R752,50;

(cc) when moneys are taken in execution, 9 per cent of the amount so taken, but subject to a maximum of **[R691,50]** R752,50.

(b) Notice of attachment to defendant and to each person to be notified: **[R11,00]** R12,00

11. (a) Where property is released from attachment in terms of rule **[41(7)(f)(i)]** 41(18)(a), or the warrant of execution is withdrawn or stayed, or the judgment debtor's estate is sequestered after the attachment, but before the sale, 2,3 per cent of the value of the goods attached, subject to a maximum of **[R208,00]** R227,00: Provided that if a sale subsequently takes place in consequence of the said attachment, the amount so paid shall be deducted from the commission payable under item 12.

(b) Commission referred to in item 11(a) shall not be chargeable against a judgment debtor on the value of movable property attached and subsequently released pursuant to a claim by a third party, unless notwithstanding a claim by a third party, the removal of such property is done at the express direction of the judgment creditor, in writing, in which event the judgment creditor shall be liable to the sheriff for commission at a rate of 2.3% of the value of the goods and costs.

12. Where the warrant of execution against movables is completed by sale, 9 per cent for the first R15 000,00 or part thereof, and thereafter 6 per cent, with a maximum of **[R9209,50]** R10018,50.

13. For the insurance of attached property, if deemed necessary, and on written instructions of the judgment creditor to the sheriff, in addition to the premium to be paid, an all-inclusive amount of **[R37,50]** R41,00.

14. ...

15. When immovable property has been attached in execution and the attachment lapses, as referred to in section 66(4) of the Act: **[R63,00]** R69,00.

16. ...

17. In addition to the fees allowed by items 10 to 13, both inclusive, there shall be allowed—

(a) the sum actually and reasonably paid by the sheriff or the auctioneer for printing, advertising and giving publicity to any sale or intended sale in execution.

18. Where the sheriff is in possession under more than one warrant of execution, he or she may charge fees for only one possession, and such possession shall, as far as possible, be apportioned equally to the several warrants issued during the same period: Provided that each execution creditor shall be jointly and severally liable for such possession to an amount not exceeding what would have been due under his or her execution if it had stood alone.

19. Fees payable on the value of goods attached or on the proceeds of the sale of goods in execution shall not be chargeable on such value or proceeds so far as they are in excess of the amount of the warrant.

20. The fees and expenses of the sheriff in execution of a garnishee order shall be added to the amount to be recovered under the order, and shall be chargeable against the judgment debtor.

21. If it is necessary for the sheriff to return a document received by him or her for service or execution to the mandator because—

(a) the address of service which appears on the process does not fall within his or her jurisdiction; or

(b) the mandator requested, before an attempted service or execution of the process, that it be returned to him or her,

an amount of **[R11,00]** R12,00 shall be payable.

22. For the conveyance of any person arrested by the sheriff or committed to his or her custody from the place of custody to the court on a day subsequent to the day of arrest: **[R37,50]** R41,00 per journey and **[R71,00]** R77,00 per hour, or part thereof, for attending at court.

23. For the examination of an indicated newspaper[s and the **Gazette**] in which the notice of sale has been published, as referred to in rule **[41(8)(c)]** 41(19)(c): **[R11,00]** R12,00.
24. ...
25. For affixing a copy of the notice of sale on the notice board or door of the court-house or other public building and at or as near as may be to the place where the said sale is actually to take place referred to in rule **[41(8)(b)]** 41(19)(b): **[R25,50]** R28,00 and travelling costs, referred to in item 5(a).
26. For **[the drawing up preparing and, issuing, signing of interpleader summons]** interpleaders referred to in Magistrates' Courts Rule 44: **[R104,50]** R209,00.
27. In addition to the fees prescribed in this Table, the sheriff shall be entitled to the amount actually disbursed for postage and telephone calls.
28. For the writing of each necessary letter, facsimile or electronic mail, excluding formal letters accompanying process or returns: **[R19,00]** R21,00.
29. Each necessary attendance by telephone: **[R18,00]** R20,00.
30. Sending and receiving of each necessary facsimile or electronic mail per page (in addition to telephone charges): **[R6,50]** R7,50.
31. ...
32. For the making of all necessary copies of documents: **[R5,00]** R5,50, per A4 size page
33. (a) A request to tax an account of a sheriff shall be **[done]** made in writing within **[90]** 20 days after the date on which the account of which the fees are disputed, has been rendered.
- (b) For the drawing up of the bill for taxation and attendance of the taxation by the sheriff: **[R71,00]** R77,00.
34. Bank charges: Actual costs incurred relating to bank charges and cheque forms.
35. (a) Drafting of notice to the judgment debtor in terms of section 65A(8)(b) of the Act: **[R19,00]** R21,00.
- (b) Service of the notice referred to in paragraph (a): Tariff as prescribed in item 1B(a).
- (c) Attempted service of the notice referred to in paragraph (a): Tariff as prescribed in item 1B(b).
- (d) The tariff, as prescribed in item 4, shall apply to paragraphs (b) and (c).
36. (a) For the arrest or attempted arrest of a judgment debtor in terms of section 65A(6) of the Act:
- (i) The tariff as prescribed in item 2(a) or item 2(b), as the case may be.
- (ii) The tariff, as prescribed in item 4, shall apply to this item.

(b) For the handing over of the judgment debtor to the South African Police Service, prisoners' friend or clerk of the court or other lawful place of detention:

(i) The tariff, as prescribed in item 2(a).

(ii) Travelling costs from place of arrest to place of handing over to the relevant authority, referred to in paragraph (b), per kilometre or part thereof: R6,00.

(iii) Waiting time in regard to handing over the judgment debtor to the relevant authority, referred to in paragraph (b): [R37,50] R41,00, per half hour or part thereof, with a maximum of [R139,00] R151,00."

Commencement

7. These rules and forms come into operation on **08 July 2022**.

ANNEXURE

"No. 2B – Combined Summons

* For use in the District Court

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF

HELD AT.....

Case No.....of 20.....

In the matter between:

..... Plaintiff

and

..... Defendant

To the sheriff or his/her deputy:

INFORM A.B., of (state residence or place of business and if known, gender, occupation and place of employment)(hereinafter called the defendant), that C.D., (state gender and occupation), of (state residence or place of business) (hereinafter called the plaintiff), hereby institutes action against him or her in which action the plaintiff claims the relief and on the grounds set out in the particulars annexed hereto.

INFORM the defendant further that if he or she disputes the claim and wishes to defend the action he or she shall—

(i) within days of the service upon him or her of this summons file with the clerk of this court at..... (set out the physical address and electronic mail address of the clerk of the court) notice of his or her intention to defend and serve a copy thereof on the plaintiff or plaintiff's attorney, which notice shall give an address referred to in rule 13(3) for the service upon the defendant of all notices and documents in the action;

(ii) thereafter, and within 20 days after filing and serving notice of intention to defend as aforesaid, file with the clerk of the court and serve upon the plaintiff or plaintiff's attorney a plea (with or without a counter-claim), or an exception or application to strike out in the manner and within the timeframes provided for in rule 19 [, exception, notice to strike out, with or without a counter-claim].

INFORM the defendant further that if defendant fails to file and serve notice as aforesaid judgment as claimed may be given against him or her without further notice to him or her, or if, having filed and served such notice, defendant fails to plead, except, make application to

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strike out or counter-claim, judgment may be given against him or her. And immediately thereafter serve on the defendant a copy of this summons and return the same to the clerk of the court with whatsoever you have done thereupon.

DATED at this day of 20.....

.....
Clerk of the Court

* Consent to judgment.

I admit that I am liable to the plaintiff as claimed in this summons (or in the amount of R..... and costs to date) and I consent to judgment accordingly.

Dated at this day of 20.....

.....

Defendant

WITNESSES:

1. (full names)....., (signature).....
(address).....

2. (full names)....., (signature).....
(address).....

OR

* Notice of intention to defend.

To the Clerk of the Court.

Kindly take notice that the defendant hereby notifies his or her intention to defend this action.

Dated at this day of 20.....

.....

Defendant/Defendant's attorney

15 km physical address from the court-house for acceptance of service of process or documents

.....

Postal address

.....
Facsimile (fax) number (where available).....

Electronic mail (e-mail) address (where available).....

(Give full address for acceptance of service of process or documents within fifteen kilometres from the court-house and also the postal address.)

* The original notice must be filed with the clerk of the court and a copy thereof served on the plaintiff or plaintiff's attorney.

Costs if the action is undefended will be as follows:

- Summons.....R
- Judgment.....R
- Attorney's charges.....R
- Sheriff's fees.....R
- Sheriff's fees on re-issue.....R
- Total:.....R

ANNEXURE

Particulars of Plaintiff's Claim

.....
 Dated at.....this.....day of.....20.....

Plaintiff/Plaintiff's Attorney

Address of Plaintiff/Plaintiff's Attorney

.....

Plaintiff's Advocate (if any)

No. 2B – Combined Summons

* For use in the Regional Court

IN THE REGIONAL COURT FOR THE REGIONAL DIVISION OF.....

HELD AT..... Case No.....of 20.....

In the matter between:

.....Plaintiff

and

.....Defendant

To the sheriff or his/her deputy:

INFORM A.B., of (state residence or place of business and if known, gender, occupation and place of employment)(hereinafter called the defendant), that C.D. (state gender and occupation), of (residence or place of business) (hereinafter called the plaintiff), hereby institutes action against him or her in which action the plaintiff claims the relief and on the grounds set out in the particulars annexed hereto.

INFORM the defendant further that if he or she disputes the claim and wishes to defend the action he or she shall—

(i) within days of the service upon him or her of this summons file with the registrar of this court at (set out the physical address and electronic mail address of the registrar of the court) notice of his or her intention to defend and serve a copy thereof on the plaintiff or plaintiff's attorney, which notice shall give an address referred to in rule 13(3) for the service upon the defendant of all notices and documents in the action;

(ii) thereafter, and within 20 days after filing and serving notice of intention to defend as aforesaid, file with the registrar of the court and serve upon the plaintiff or plaintiff's attorney a plea, exception (with or without a counter-claim), or an exception or application to strike out in the manner and within the timeframes provided for in rule 19 [, **exception, notice to strike out, with or without a counter-claim**].

INFORM the defendant further that if defendant fails to file and serve notice as aforesaid judgment as claimed may be given against him or her without further notice to him or her, or if, having filed and served such notice, defendant fails to plead, except, make application to strike out or counter-claim, judgment may be given against him or her. And immediately thereafter serve on the defendant a copy of this summons and return the same to the registrar of the court with whatsoever you have done thereupon.

DATED atthisday of20.....

Registrar

* Consent to judgment.

I admit that I am liable to the plaintiff as claimed in this summons (or in the amount of R..... and costs to date) and I consent to judgment accordingly.

Dated at this day of, 20.....

Defendant

WITNESSES:

1. (full names)....., (signature).....
(address).....

2. (full names)....., (signature).....
(address).....

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OR

* Notice of intention to defend.

To the Registrar.

Kindly take notice that the defendant hereby notifies his or her intention to defend this action.

Dated at this day of, 20.....

Defendant/Defendant's attorney

15 km physical address from the court-house for acceptance of service of process or documents

Postal address

Facsimile (fax) number (where available).....

Electronic mail (e-mail) address (where available).....

(Give full address for acceptance of service of process or documents within fifteen kilometres from the court-house and also the postal address.)

* The original notice must be filed with the registrar of the court and a copy thereof served on the plaintiff or plaintiff's attorney.

Costs if the action is undefended will be as follows:

Summons.....R

Judgment.....R

Attorney's charges.....R

Sheriff's fees.....R

Sheriff's fees on re-issue.....R

Total:.....R

ANNEXURE

Particulars of Plaintiff's Claim

Dated at this day of..... 20.....

Plaintiff/Plaintiff's Attorney

Address of Plaintiff/Plaintiff's Attorney

Plaintiff's Advocate (if any)

No. 2C – COMBINED SUMMONS (DIVORCE MATTERS)*** For use only in the Regional Court**

IN THE REGIONAL COURT FOR THE REGIONAL DIVISION OF _____
 HELD AT _____ CASE NUMBER: _____
 IN THE MATTER BETWEEN:—

 PLAINTIFF

Identity Number:

AND

 DEFENDANT

Identity Number:

TO THE SHERIFF OR HIS/HER DEPUTY: _____

INFORM (Full names of the Defendant): _____

A MAJOR MALE/FEMALE BY OCCUPATION: _____

OF (Address):

(Hereinafter referred to as the defendant),

THAT (full names of the Plaintiff): _____

A MAJOR MALE/FEMALE BY OCCUPATION: _____

OF (Address):

(Hereinafter referred to as the Plaintiff),

HEREBY institutes action against him/her in which action the Plaintiff claims the relief on the grounds set out in the particulars of claim attached hereto;

INFORM the defendant further that if defendant disputes the claim and wishes to defend the action he/she shall within 10 (Ten) days of the service upon him or her of this summons file with the registrar of this court at _____ (here set out the physical address and electronic mail address of the assistant registrar's office) notice of his/her intention to defend and serve a copy thereof on the plaintiff or plaintiff's attorney, which notice shall give an address referred to in rule 13(3) for the service upon the defendant of all notices and documents in the action;

thereafter, and within 20 (Twenty) days after filing and serving notice of intention to defend as aforesaid, file with the assistant registrar and serve upon the plaintiff or plaintiff's attorney a plea (with or without a counter-claim), or an exception or application to strike out in the manner

and within the timeframes provided for in rule 19 [, exception, notice to strike out, with or without a counter-claim].

INFORM the defendant further that if he/she fails to file and serve notice as aforesaid, judgment as claimed may be given against him/her without further notice to him/her, or if, having filed and served such notice, he/she fails to plead, except or to counterclaim, judgment may be given against him/her.

INFORM the defendant also that if he/she does not intend to defend the action, he/she may give written notice to that effect to the plaintiff and the registrar and the action may then, at the written request of the plaintiff, be forthwith set down by the registrar for hearing without further notice to defendant.

And immediately thereafter serve on the defendant a copy of this summons and return the same to the registrar or assistant registrar with whatsoever you have done thereupon.

DATED AT _____ ON THIS _____ DAY OF _____ 20_____

REGISTRAR/ASSISTANT REGISTRAR

REGIONAL COURT

REGIONAL DIVISION OF _____

PLAINTIFF/PLAINTIFF'S ATTORNEY

Address

Postal address

Facsimile (fax) number (where available)

.....

Electronic mail (e-mail) address (where available)

.....

(Give full address for acceptance of service of process or documents within 15 kilometres from the court-house and also the postal address.)

The plaintiff is prepared to accept all subsequent documents and notices at the electronic mail address stated herein.**

(1) Notice of intention not to Defend

To the Registrar

Kindly take notice that the defendant hereby gives notice that he/she does not intend to defend the action.

Dated at..... this day of 20,

Defendant/Defendant's attorney

OR

(2) Notice of intention to Defend*

To the Registrar

Kindly take notice that the defendant hereby notifies his or her intention to defend this action.

Dated at this day of 20,

.....
Defendant/Defendant's attorney

Address

.....
Postal address

.....
Facsimile (fax) number (where available)

.....
Electronic mail (e-mail) address (where available)

.....
(Give full address for acceptance of service of process or documents within 15 kilometres from the court-house and also the postal address.)

Costs if the action is undefended will be as follows:

Summons.....	R
Judgment.....	R
Attorney's charges.....	R
Sheriff's fees.....	R
Sheriff's fees on re-issue.....	R
Total:	R

*The original notice must be filed with the registrar and a copy thereof served on the plaintiff or plaintiff's attorney.

** Delete if not applicable"

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 2135

3 June 2022

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 SUPREME COURT OF APPEAL OF SOUTH AFRICA**

The Rules Board for Courts of Law has, under section 6 of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985), and with the approval of the Minister for 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 Supreme Court of Appeal of South Africa published under Government Notice No. R. 1523 of 27 November 1998, as amended by Government Notice Nos. R. 979 of 19 November 2010, R. 191 of 11 March 2011, R. 113 of 15 February 2013, R. 1055 of 29 September 2017, R. 1318 of 30 November 2018, R. 842 of 31 May 2019, R. 858 of 7 August 2020, R. 1158 of 30 October 2020 and R. 1602 of 17 December 2021.

Amendment of rule 15 of Rules

2. Rule 15 of the Rules is hereby amended—
- (a) by the substitution of the heading for the following heading:
- "Legal assistance to indigent persons"**;
- (b) by the substitution for subrule (1) of the following subrule:
- "(1) (a) Any party who is a natural person, **[and]** who is of the opinion that he or she is indigent, and who does not qualify for legal aid, or who requires to continue as an indigent litigant in an appeal already commenced may request the registrar for leave to prosecute or defend an appeal **[in forma pauperis]** as an indigent litigant, and if it appears to the

registrar that such person is as contemplated by subrule (2), the registrar shall refer such person to an attorney and an advocate.

(b) Where a person applies to continue as an indigent litigant in an appeal already commenced, such person may do so by proceeding in terms of the provisions of this rule but in addition, he or she shall—

(i) set out the alteration in his or her circumstances which renders it necessary to continue to prosecute or defend an appeal as an indigent litigant; and

(ii) give notice of the application to the opposite party.

(c) In the event of the opposite party raising an objection to the granting of such an application, the applicant must apply formally to the court for such leave, after giving proper notice to the other side."

(c) by the substitution for subrule (2) of the following subrule:

"(2) A party shall be deemed to be indigent if **[he or she]** that party can satisfy the registrar that, except for household goods, wearing apparel and tools of trade **[he or she]** such party is not possessed of property to the amount of **[R10 000]** R640 000 and will not be able within a reasonable time to provide such sum from **[his or her]** own earnings or obtain legal aid.";

(d) by the substitution for subrule (3) of the following subrule:

"(3) No such request shall be lodged with the registrar unless the opposite party has been asked and has failed or refused to consent to the applicant proceeding **[in forma pauperis]** as an indigent litigant within one month thereafter."; and

(e) by the substitution for subrule (5) of the following subrule:

"(5) Whenever a party obtains leave to prosecute or defend an appeal **[in forma pauperis]** as an indigent litigant that party shall not be

required to lodge security in terms of these rules for the costs of the opposite party [or to pay any court fees] notwithstanding the existence of any order referred to in rule 9(1)."

Amendment of rule 18 of the rules

3. The rules are hereby amended by the substitution for rule 18 of the following rule:

"Attorneys' fees

18. The following fees shall be allowed to attorneys conducting appeals or other matters before the Court:

A – TAKING INSTRUCTIONS

R.c

- | | | | |
|----|------|--|----------------------------|
| 1. | (a) | To note an appeal or cross-appeal when leave to appeal is not required per quarter of an hour— | |
| | (i) | by an attorney | [328,00] 357,00 |
| | (ii) | by a candidate attorney | [102,00] 111,00 |
| | (b) | To prosecute or defend an appeal, including continuation of a cross-appeal per quarter of an hour— | |
| | (i) | by an attorney | [328,00] 357,00 |
| | (ii) | by a candidate attorney | [102,00] 111,00 |
| | (c) | To make or oppose an application per quarter of an hour— | |
| | (i) | by an attorney | [328,00] 357,00 |
| | (ii) | by a candidate attorney | [102,00] 111,00 |
| 2. | | To draft any application or affidavit per page | [131,50] 143,00 |

B – PREPARATION OF RECORDS

R.c

- | | | | |
|----|------|---|----------------------------|
| 1. | | Making, for the purpose of preparing copies of the record on appeal (except where a charge is made under paragraph 5 hereof), a copy of such particulars of the record as were not in the possession of the appellant or his or her attorney at the time when the order appealed from was made, per page..... | [4,50] 5,00 |
| 2. | | Arranging record for printing or typing, excluding unnecessary documents therefrom, and preparing an index and list of documents not included in the record on appeal, per quarter of an hour or part thereof— | |
| | (i) | by an attorney | [328,00] 357,00 |
| | (ii) | by a candidate attorney | [102,00] 111,00 |
| 3. | | Correcting typed copy, per quarter of an hour or part thereof— | |
| | (i) | by an attorney | [328,00] 357,00 |
| | (ii) | by a candidate attorney | [102,00] 111,00 |

4. Attending at the office of the registrar or officer of the court appealed from to peruse or authenticate the record, per quarter of an hour or part thereof —
- (i) by an attorney[328,00]357,00
- (ii) by a candidate attorney.....[102,00]111,00
5. Making typed copies of record on appeal and heads of arguments, per page.....[4,50]5,00

C – PERUSAL

R.c

1. (a) Perusing judgment of court *a quo* when taking instructions for the continuation of an appeal or cross-appeal, where leave to appeal is not required, per page.....[66,50]72,00
- (b) Perusing record of appeal, for each page.....[6,50]7,50
- (c) Perusing judgment of court *a quo* by which leave to appeal was denied, when taking instructions to apply for leave to appeal to the Court, per page.....[6,50]7,50
2. Perusing any plan, diagram, photograph or other annexure to the record to which the remuneration hereinbefore set out cannot be applied per page.....[66,50]72,00
3. (a) Attendance on and perusal of any application or affidavit or any other document not elsewhere provided for, per page.....[66,50]72,00
- (b) Attendance on and perusal of any annexure to an application and answering affidavit, per page.....[6,50]7,50
- (c) Attendance on and perusal of an application or affidavit composed or corrected by counsel, per page.....[16,00]18,00
4. Attendance on and perusal of heads of argument, excluding annexures for example unreported judgments of court or copies of publications attached as confirmation of heads of arguments, per page[66,50]72,00

D – ATTENDANCE

R.c

1. Any formal attendance on an acknowledgement, receipt, etc..... [66,50]72,00
2. (a) Attendance on any letter or document..... [66,50]72,00
- (b) Necessary telephone calls made, the actual costs thereof, plus for every five minutes or part thereof —
- (i) by an attorney.....[109,00] 119,00
- (ii) by a candidate attorney.....[34,00] 37,00
- (c) Attendance on telephone calls, the actual costs thereof, plus for every five minutes or part thereof —
- (i) by an attorney.....[109,00] 119,00
- (ii) by a candidate attorney.....[34,00] 37,00
3. (a) Attendance at office of registrar to deliver a letter or document, or to uplift an order, etc, per quarter of an hour or part thereof—
- (i) by an attorney.....[328,00]357,00
- (ii) by a candidate attorney[102,00]111,00

	(b)	Attendance on business other than formal business, per quarter of an hour or part thereof—		
	(i)	by an attorney.....	[328,00]	<u>357,00</u>
	(ii)	by a candidate attorney.....	[102,00]	<u>111,00</u>
4.	(a)	Attendance at any consultation with counsel or client—		
	(i)	by an attorney.....	[328,00]	<u>357,00</u>
	(ii)	by a candidate attorney.....	[102,00]	<u>111,00</u>
	(b)	A comprehensive fee for attendance, obtaining and payment of counsel for noting of judgment per quarter of an hour—		
	(i)	by an attorney.....	[328,00]	<u>357,00</u>
	(ii)	by a candidate attorney.....	[102,00]	<u>111,00</u>
5.		Attendance at court to note judgment per quarter of an hour —		
	(a)	by an attorney.....	[328,00]	<u>357,00</u>
	(b)	by a candidate attorney.....	[102,00]	<u>111,00</u>
6.		Attendance at court on hearing of appeal or application, per quarter of an hour or part thereof —		
	(a)	by an attorney.....	[328,00]	<u>357,00</u>
	(b)	by a candidate attorney.....	[102,00]	<u>111,00</u>

E - DRAWING UP OF DOCUMENTS

R

c

1.		Any application or affidavit, per page.....	[131,50]	<u>143,00</u>
2.		Instructions to counsel—		
	(a)	on appeal per page.....	[131,50]	<u>143,00</u>
	(b)	on application per page.....	[131,50]	<u>143,00</u>
	(c)	in justifiable cases, for the drawing up or correcting of application or affidavit for an application for leave to appeal or disputing thereof per page.....	[131,50]	<u>143,00</u>
3.		Drawing up of notice of appeal or other necessary notices, per page.....	[131,50]	<u>143,00</u>
4.		Letters per page, including copy to keep	[131,50]	<u>143,00</u>
5.		Drawing up power of attorney, per page.....	[131,50]	<u>143,00</u>
6.		Drawing up short brief to counsel per page.....	[131,50]	<u>143,00</u>
7.		Drawing up bond of security, per page.....	[131,50]	<u>143,00</u>

F – COPYING

R.c

	Other documents not specially provided for, per page.....	[4,50]	<u>5,00</u>
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G - BILLS OF COSTS

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

1. For drawing up the bill of costs, making the necessary copies and attending settlement, 11 per cent of the attorney's fees, either as charged in the bill, if not taxed or as allowed on taxation.
2. In addition to the fees charged under paragraph 1, if recourse is had to taxation for arranging and attending taxation, and obtaining consent to taxation, 11 per cent on the first R10 000,00 or portion thereof, 6 per cent on the next R10 000,00 or portion thereof and 3 per cent on the balance of the total amount of the bill.”.

Commencement

4. These Rules come into operation on 08 July 2022.

DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

NO. R. 2135

3 Junie 2022

WET OP DIE REËLSRAAD VIR GEREESHOWE, 1985 (WET NO. 107 VAN 1985)**REËLS WAARBY DIE VERRIGTINGE VAN DIE HOOGSTE HOF VAN APPËL 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 vir Justisie en Korrektiewe Dienste, die reëls in die Bylae gemaak.

BYLAE

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde of uitdrukkings in vetdruk in vierkantige hakies dui op weglatings uit bestaande reëls
 _____ Woorde of uitdrukkings 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 Hoogste Hof van Appèl van Suid-Afrika gereël word, afgekondig in Goewermentskennisgewing No. R. 1523 van 27 November 1998, soos gewysig deur Goewermentskennisgewings R. 979 van 19 November 2010, R. 191 van 11 Maart 2011, R. 113 van 15 Februarie 2013, R. 1055 van 29 September 2017, R. 1318 van 30 November 2018, R. 842 van 31 Mei 2019, R. 858 van 7 Augustus 2020, R. 1158 van 30 Oktober 2020 en R. 1602 van 17 Desember 2021.

Wysiging van reël 15 van Reëls

2. Reël 15 van die Reëls word hierby gewysig—

(a) deur die opskrif deur die volgende opskrif te vervang:

"Regshulp aan behoeftige persone";

(b) deur subreël (1) deur die volgende subreël te vervang:

"(1) (a) Enige party wat 'n natuurlike persoon is, **[en]**

wat van mening is dat hy of sy behoeftig is, en wat nie vir regshulp kwalifiseer

nie, of wat as 'n behoeftige gedingvoerder in 'n appèl wat reeds 'n aanvang

geneem het, moet voortgaan, kan by die griffier aansoek doen om **[in forma**

pauperis] as 'n behoeftige gedingvoerder 'n appèl voort te sit of te verdedig en indien dit vir die griffier wil voorkom dat daardie persoon 'n persoon beoog in subreël (2) is, moet die griffier daardie persoon na 'n prokureur en 'n advokaat verwys.

(b) Waar 'n persoon aansoek doen om voort te gaan as 'n behoeftige gedingvoerder in 'n appèl wat reeds in aanvang geneem het, kan sodanige persoon dit doen deur ingevolge die bepalings van hierdie reël voort te gaan, maar daarbenewens moet hy of sy—

(i) die verandering in sy of haar omstandighede uiteensit wat dit nodig maak om as 'n behoeftige gedingvoerder voort te gaan met die vervolging of verdediging van 'n appèl; en

(ii) kennis van die aansoek aan die teenparty gee.

(c) Indien die teenparty teen die toestaan van sodanige aansoek beswaar aanteken, moet die applikant formeel by die hof aansoek doen om sodanige toestemming, nadat behoorlik kennis aan die teenparty gegee is."

(c) deur subreël (2) deur die volgende subreël te vervang:

"(2) 'n Party word geag behoeftig te wees indien **[hy of sy]** daardie party die griffier daarvan kan oortuig dat, met uitsondering van huisraad, klere en ambagsgereedskap, **[hy of sy]** daardie party minder as **[R10 000] R640 000** aan waarde besit en nie binne 'n redelike tyd sodanige bedrag uit **[sy of haar]** eie verdienste sal kan bybring nie of regshulp sal verkry nie.";

(d) deur subreël (3) deur die volgende subreël te vervang:

"(3) Sodanige versoek mag nie by die griffier ingedien word nie tensy die teenparty wie se toestemming gevra is, versuim het om dit binne een maand te verskaf of toestemming geweier het om die applikant die

verrigtinge [*in forma pauperis*] as 'n behoefrige gedingvoerder te laat voortsit."; en

(e) deur subreël (5) deur die volgende subreël te vervang:

"(5) Indien 'n party verlot toegestaan is om 'n appèl [*in forma pauperis*] as 'n behoefrige gedingvoerder voort te sit of te verdedig, kan die verskaffing van sekuriteit ingevolge hierdie reëls vir die koste van die teenparty [**of die betaling van enige hofgelde**] nie van die party geëis word nie, ondanks die bestaan van 'n bevel in reël 9(1) bedoel."

Wysiging van reël 18 van die reëls

3. Die reëls word hierby gewysig deur reël 18 deur die volgende reël te vervang:

"Prokureursgelde

18. Die volgende gelde word toegelaat vir prokureurs wat appèlle of ander sake voor die Hof voer:

A – NEEM VAN INSTRUKSIES

	R.s
1. (a) Om 'n appèl of teenappèl aan te teken wanneer verlot om te appelleer nie 'n vereiste is nie per kwartier van 'n uur—	
(i) deur 'n prokureur	[328,00]357,00
(ii) deur 'n kandidaatprokureur	[102,00]111,00
(b) Om 'n appèl voort te sit of te verdedig, insluitende voortsetting van 'n teenappèl per kwartier van 'n uur—	
(i) deur 'n prokureur	[328,00]357,00
(ii) deur 'n kandidaatprokureur	[102,00]111,00
(c) Om 'n aansoek te doen of dit te bestry per kwartier van 'n uur—	
(i) deur 'n prokureur	[328,00]357,00
(ii) deur 'n kandidaatprokureur	[102,00]111,00
2. Om enige aansoek of beëdigde verklaring op te stel per bladsy.....	[131,50]143,00

B – VOORBEREIDING VAN STUKKE

	R.s
1. Die maak van 'n afskrif van besonderhede van die stukke wat nie in besit van die appellant of sy of haar prokureur was toe die bevel waarteen geappelleer word, uitgevaardig is nie, met die doel om afskrifte van die oorkonde van appèl (behalwe waar 'n bedrag kragtens paragraaf 5 hiervan gevorder word) voor te berei, per bladsy	[4,50]5,00

2. Rangskikking van stukke vir druk of tik, met uitsluiting van onnodige dokumente, en voorbereiding van 'n inhoudsopgawe en lys van dokumente nie ingesluit in die oorkonde van appèl nie, per kwartier van 'n uur of gedeelte daarvan —
- (i) deur 'n prokureur[328,00]357,00
- (ii) deur 'n kandidaatprokureur[102,00]111,00
3. Nasien van getikte afskrif, per kwartier van 'n uur of gedeelte daarvan—
- (i) deur 'n prokureur[328,00]357,00
- (ii) deur 'n kandidaatprokureur[102,00]111,00
4. Opwagting by die kantoor van die griffier of beamppte van die hof waarvandaan geappelleer word, om die oorkonde na te gaan of te laat waarmerk, per kwartier van 'n uur of gedeelte daarvan—
- (i) deur 'n prokureur[328,00]357,00
- (ii) deur 'n kandidaatprokureur.....[102,00]111,00
5. Maak van getikte afskrifte van die oorkonde van appèl en betoogpunte, per bladsy.....[4,50]5,00

C – NAGAAN

R.s

1. (a) Nagaan van die hofuitspraak *a quo* wanneer instruksies geneem word vir die voortsetting van 'n appèl of teenappèl, waar verlof om te appelleer nie 'n vereiste is nie, per bladsy.....[66,50]72,00
- (b) Nagaan van die oorkonde van appèl vir elke bladsy.....[6,50]7,50
- (c) Nagaan van die hofuitspraak *a quo* waarby verlof om te appelleer geweier word, wanneer instruksies geneem word om aansoek te doen om verlof om na die Hof te appelleer, per bladsy.....[6,50]7,50
2. Nagaan van enige plan, skets, foto of ander aanhangsel van die stukke waarop die vergoeding hierbo uiteengesit, nie toegepas kan word nie, per bladsy.....[66,50]72,00
3. (a) Aandag gee aan en nagaan van enige aansoek of beëdigde verklaring of enige ander dokument waarvoor nie elders voorsiening gemaak word nie, per bladsy[66,50]72,00
- (b) Aandag gee aan en nagaan van enige aanhangsel van 'n aansoek en antwoordende verklaring, per bladsy[6,50]7,50
- (c) Aandag gee aan en nagaan van 'n aansoek of beëdigde verklaring wat deur 'n advokaat opgestel of nagesien is, per bladsy.....[16,00]18,00
4. Aandag gee aan en nagaan van betoogpunte met uitsluiting van aanhangsels soos byvoorbeeld ongerapporteerde hofuitsprake of afskrifte van publikasies wat ter staving van betoogpunte aangeheg is, per bladsy[66,50]72,00

D – BEHARTIGING

R.s

1. Enige formele behartiging van 'n erkenning, ontvangs, ens..... [66,50]72,00
2. (a) Behartiging van enige brief of dokument [66,50]72,00
- (b) Nodige telefoonoproepe gemaak, die werklike koste daarvan, plus vir elke vyf minute of gedeelte daarvan—
- (i) deur 'n prokureur.....[109,00] 119,00
- (ii) deur 'n kandidaatprokureur.....[34,00] 37,00

- (c) Behartiging van telefoonoproepe vir elke vyf minute of gedeelte daarvan—
 (i) deur 'n prokureur.....[109,00] 119,00
 (ii) deur 'n kandidaatprokureur.....[34,00] 37,00
3. (a) Opwagting by kantoor van griffier om 'n brief of dokument af te lewer of om 'n bevel af te haal, ens., per kwartier van 'n uur of gedeelte daarvan—
 (i) deur 'n prokureur.....[328,00]357,00
 (ii) deur 'n kandidaatprokureur[102,00]111,00
- (b) Behartiging van besigheid wat nie formeel is nie, per kwartier van 'n uur of gedeelte daarvan—
 (i) deur 'n prokureur[328,00]357,00
 (ii) deur 'n kandidaatprokureur.....[102,00]111,00
4. (a) Opwagting by enige samesprekings met 'n advokaat of kliënt per kwartier van 'n uur of gedeelte daarvan —
 (i) deur 'n prokureur.....[328,00]357,00
 (ii) deur 'n kandidaatprokureur.....[102,00]111,00
- (b) 'n Allesinsluitende bedrag vir opwagtings, verkryging en betaling van 'n advokaat om 'n uitspraak te noteer —
 (i) deur 'n prokureur.....[328,00]357,00
 (ii) deur 'n kandidaatprokureur[102,00]111,00
5. Opwagting by hof om vonnis te noteer per kwartier van 'n uur—
 (a) deur 'n prokureur[328,00]357,00
 (b) deur 'n kandidaatprokureur.....[102,00]111,00
6. Opwagting by hof by verhoor van appèl of aansoek, per kwartier van 'n uur of gedeelte daarvan—
 (a) deur 'n prokureur.....[328,00]357,00
 (b) deur 'n kandidaatprokureur.....[102,00]111,00

E – OPSTEL VAN DOKUMENTE

- | | R s |
|---|----------------|
| 1. Enige aansoek of beëdigde verklaring, per bladsy | [131,50]143,00 |
| 2. Instruksies aan advokaat— | |
| (a) by appèl per bladsy | [131,50]143,00 |
| (b) by aansoek per bladsy | [131,50]143,00 |
| (c) in geregverdigde gevalle, vir die opstel of nasien van 'n aansoek of beëdigde verklaring vir 'n aansoek om verlof om te appelleer of bestryding daarvan per bladsy..... | [131,50]143,00 |
| 3. Opstel van kennisgewing van appèl of ander nodige kennisgewings, per bladsy | [131,50]143,00 |
| 4. Briewe, per bladsy, insluitende afskrif om te hou | [131,50]143,00 |
| 5. Opstel van volmag, per bladsy | [131,50]143,00 |
| 6. Opstel van kort opdrag aan advokaat, per bladsy | [131,50]143,00 |
| 7. Opstel van borgakte, per bladsy | [131,50]143,00 |

F – MAAK VAN AFSKRIFTE

- | | R.s |
|--|------------|
| Ander dokumente waarvoor nie spesiaal voorsiening gemaak is nie, per bladsy | [4,50]5,00 |

G - KOSTEREKENINGE

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

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

Inwerkingtreding

4. Hierdie Reëls tree in werking op 08 Julie 2022.

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