

<p>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.</p>	<p><b>[283,00]</b> <u>308,00</u></p>
<p>(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."</p>	

**Amendment of rule 69 of the Rules**

19. Rule 69 of the Rules is hereby amended by the substitution for subrule (5) of the following subrule:

"(5) The taxation of advocates' fees as between party and party shall be effected by the taxing master in accordance with this rule and, where applicable, the tariff. Where the tariff does not apply, **[he]** the taxing master shall allow such fees (not necessarily in excess thereof) as he or she considers reasonable."

**Amendment of rule 70 of the rules**

20. 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 an affidavit, per quarter of an hour or part thereof—
  - (a) by an attorney.....**[R357,00]**R388,00
  - (b) by a candidate attorney.....**[R111,50]**R120,50
  
2. Consultation to note, prosecute or defend an appeal, per quarter of an hour or part thereof—
  - (a) by an attorney .....**[R357,00]**R388,00
  - (b) by a candidate attorney .....**[R111,00]**R120,50
  
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 .....**[R357,00]**R388,00

4. (a) Attendance by an attorney, where necessary, to assist at a contested proceeding, per quarter of an hour or part thereof ..... R388,00  
 (b) Attendance by a candidate attorney, where necessary, to assist at a contested proceeding, per quarter of an hour or part thereof ..... ~~[R111,00]~~R120,50
5. Any conference with an advocate, with or without witnesses, on pleadings, including exceptions and particulars to pleadings, applications, 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 ..... ~~[R357,00]~~R388,00  
 (b) by a candidate attorney ..... ~~[R111,00]~~R120,50
6. Any other conference which the taxing officer may consider necessary, per quarter of an hour or part thereof—  
 (a) by an attorney ..... ~~[R357,00]~~R388,00  
 (b) by a candidate attorney ..... ~~[R111,00]~~R120,50
7. Any inspection *in situ*, or otherwise, per quarter of an hour or part thereof—  
 (a) by an attorney ..... ~~[R357,00]~~R388,00  
 (b) by a candidate attorney ..... ~~[R102,00]~~R120,50
8. Attending to give or take disclosure, per quarter of an hour or part thereof—  
 (a) by an attorney ..... ~~[R357,00]~~R388,00  
 (b) by a candidate attorney ..... ~~[R111,00]~~R120,50
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 ..... ~~[R357,00]~~R388,00  
 (b) by a candidate attorney ..... ~~[R111,00]~~R120,50
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 ~~[R357,00]~~ R388,00 per quarter of an hour or part thereof in the case of an attorney and ~~[R111,00]~~ R120,50 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 .....[R144,00]R156,50

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) 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 .....[R357,00]R388,00
  
3. Letters, facsimiles and electronic mail: inclusive tariff for drawing up, checking, typing, printing, scanning, delivery, postage, posting and transmission thereof, per page.....[R144,00]R156,50

**NOTE 1:** Particulars of dispatched letters [, telegrams and facsimiles] including letters electronically transmitted 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, 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.....[R72,00]R78,00
  
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.....[R357,00]R388,00
  - (b) by a candidate attorney.....[R111,00]R120,50

**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.....~~[R5,00]~~R6,00
2. Attending to arrange translation and thereafter to procure same, per quarter of an hour or part thereof—
  - (a) by an attorney.....~~[R357,00]~~R388,00
  - (b) by a candidate attorney.....~~[R111,00]~~R120,50
3. Necessary telephone calls: The actual cost thereof, plus for every five minutes or part thereof—
  - (a) by an attorney.....~~[R119,00]~~R130,00
  - (b) by a candidate attorney .....~~[R37,00]~~R40,00
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 percent 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 ~~[R284,00]~~R309,50 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)..... | <del>[R710,00]</del> R772,00  |
| 2. | Reissue.....   | <del>[R179,00]</del> R194,00" |

#### Substitution of rule 71 of the Rules

21. The following rule is hereby substituted for rule 71 of the Rules:

##### **"71 Repeal of rules**

All rules made under any provision of a law repealed by section ~~[forty-six]~~ 46 of the Act or under paragraph (a) of subsection (2) of section ~~[forty-three]~~ 43 of the Act, as substituted by section ~~[eleven]~~ 11 of the Supreme Court Amendment Act, 1963 (Act No. 85 of 1963) regulating the conduct of the proceedings of the various provincial and local divisions are hereby repealed in terms of subsection (5) of section ~~[forty-three]~~ 43 of the Act, save to the extent indicated in the appended schedule."  
imaging, or other documentary information of a like nature relevant to the assessment of such damages, and to provide copies or records thereof upon request."

#### Amendment of the First Schedule to the Rules

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

- (a) by the substitution for Form 1 of the following Form

**"FORM 1  
EDICTAL CITATION: SHORT FORM OF PROCESS**