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**GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS**

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**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.



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	[208,00] <u>251,00</u>
(bb) upliftment of judicial attachment on immovable property occurs	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)	<b>[19,00]</b> <u>23,00</u>
(dd) giving notice referred to in rule 46(11)(c)	<b>[19,00]</b> <u>23,00</u>
(xvi) for giving transfer to the purchaser	<b>[25,00]</b> <u>30,00</u>
(xvii) for— (aa) receipt of certificate referred to in rule 46(14)(a)	<b>[19,00]</b> <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	<b>[104,50]</b> <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	<b>[19,00]</b> <u>23,00</u>
(xix) for the report referred to in rule 46A(9)(d)	<b>[52,50]</b> <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 <b>[R71,00]</b> <u>R85,00</u> and a maximum of	<b>[691,50]</b> <u>832,50</u>
(ii) for any abortive attempt at attachment, including one hour's search and enquiry	<b>[71,00]</b> <u>85,00</u>
(iii) when a writ is withdrawn or stayed before any property is attached	<b>[25,00]</b> <u>30,00</u>
(iv) for making an attachment, including one hour's search and enquiry	<b>[172,50]</b> <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 Geregshowe het kragtens artikel 6 van die Wet op die Reëlsraad vir Geregshowe, 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 behoefte 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 behoefte 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	<b>[88,00]</b> <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	<b>[104,50]</b> <u>126,00</u>
(iii) vir beslaglegging op goed <i>ad fundandam jurisdictionem</i> of <i>ad confirmandam jurisdictionem</i>	<b>[88,00]</b> <u>106,00</u>
(iv) waar 'n beslaglegging ingevolge artikel 5(a)(iii) teruggetrek of opgeskort word ;	<b>[25,00]</b> <u>30,00</u>
(b) vir uitsetting, <b>[R104,50]</b> <u>R126,00</u> per uur of gedeelte daarvan, met 'n minimum van wat die eerste uur insluit (benewens redelike uitgawes noodsaaklikerwys aangegaan);	<b>[156,00]</b> <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	<b>[208,50]</b> <u>251,00</u>
(ii) vir kennisgewing van beslaglegging aan 'n enkele huurder of okkupant	<b>[19,00]</b> <u>23,00</u>
(identiese kennisgewings waar daar meer as een huurder, okkupant of eienaar is, vir elkeen na die eerste)	<b>[6,50]</b> <u>8,50</u>
(iii) vir waardasie of verslag vir die doel van 'n verkoping, per uur of gedeelte daarvan	<b>[52,50]</b> <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;	<b>[104,50]</b> <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);	<b>[315,00]</b> <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.	<b>[208,50]</b> <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;	<b>[52,50]</b> <u>63,50</u>
(bb) 'n verslag in reël 46(11) bedoel;	<b>[52,50]</b> <u>63,50</u>
(cc) informing judgment debtor of the cancellation referred to in rule 46(11)(a)(iii)	<b>[19,00]</b> <u>23,00</u>
(dd) giving notice referred to in rule 46(11)(c)	<b>[19,00]</b> <u>23,00</u>
(xvi) for giving transfer to the purchaser	<b>[25,00]</b> <u>30,00</u>
(xvii) vir–	
(aa) ontvangs van sertifikaat in reël 46(14)(a) bedoel;	<b>[19,00]</b> <u>23,00</u>
	<b>[104,50]</b>



(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	<b>[19,00]</b> <u>23,00</u>
(xix) vir die verslag in reël 46A(9)(d) bedoel	<b>[52,50]</b> <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 <b>[R71,00]</b> <u>R85,00</u> en 'n maksimum van	<b>[691,50]</b> <u>832,50</u>
(ii) vir 'n onsuksesvolle poging om beslag te lê, insluitende opsporing vir een uur en navraag	<b>[71,00]</b> <u>85,00</u>
(iii) waar 'n lasbrief teruggetrek, opgeskort, gestaak of gestuit word voordat daar op enige goed beslag gelê is	<b>[25,00]</b> <u>30,00</u>
(iv) vir die doen van 'n beslaglegging, met inbegrip van een eer se soek en odnersoek	<b>[172,50]</b> <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)	<b>[18,00]</b> <u>22,00</u>  <b>[11,00]</b> <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	<b>[517,00]</b> <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 <b>[R71,00]</b> <u>R85,00</u> en 'n maksimum van	<b>[691,50]</b> <u>832,50</u>
(viii) waar beslag op geld gelê word, 9 persent van die betrokke bedrag, maar met 'n maksimum van	<b>[691,50]</b> <u>832,50</u>
(ix) vir die opstel van 'n advertensie van verkoping van inbeslaggenome goed	<b>[71,00]</b>

	<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:	<b>[9607,50]</b> <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	<b>[37,50]</b> <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	<b>[132,00]</b> <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	<b>[4,00]</b> <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	<b>[132,00]</b> <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 paginerings 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.