

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 1343

18 OCTOBER 2019

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

AMENDMENT OF RULES REGULATING THE CONDUCT OF THE PROCEEDINGS
OF THE SEVERAL PROVINCIAL AND LOCAL DIVISIONS OF THE HIGH COURT OF
SOUTH AFRICA

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

SCHEDULE

GENERAL EXPLANATORY NOTE:

[] Words or expressions in bold type in square brackets indicate omissions from existing rules.

_____ Words or expressions underlined with a solid line indicate insertions into existing rules

Definition

1. In this Schedule the "Rules" means the Rules Regulating the Conduct of the Proceedings of the Several Provincial and Local Divisions of the High Court of South Africa published under Government Notice No. R. 48 of 12 January 1965, as amended by Government Notice Nos. R. 235 of 18 February 1966, R. 2004 of 15 December 1967, R. 3553 of 17 October 1969, R. 2021 of 5 November 1971, R. 1985 of 3 November 1972, R. 480 of 30 March 1973, R. 639 of 4 April 1975, R. 1816 of 8 October 1976, R. 1975 of 29 October 1976, R. 2477 of 17 December 1976, R. 2365 of 18 November 1977, R. 1546 of 28 July 1978, R. 1577 of 20 July 1979, R. 1535 of 25 July 1980, R. 2527 of 5 December 1980, R. 500 of 12 March 1982, R. 773 of 23 April 1982, R. 775 of 23 April 1982, R. 1873 of 3 September 1982, R. 2171 of 6 October 1982, R. 645 of 25 March 1983, R. 841 of 22 April 1983, R. 1077 of 20 May 1983, R. 1996 of 7 September 1984,

R. 2094 of 13 September 1985, R. 810 of 2 May 1986, R. 2164 of 2 October 1987, R. 2642 of 27 November 1987, R. 1421 of 15 July 1988, R. 210 of 10 February 1989, R. 608 of 31 March 1989, R. 2628 of 1 December 1989, R. 185 of 2 February 1990, R. 1929 of 10 August 1990, R. 1262 of 30 May 1991, R. 2410 of 30 September 1991, R. 2845 of 29 November 1991, R. 406 of 7 February 1992, R. 1883 of 3 July 1992, R. 109 of 22 January 1993, R. 960 of 28 May 1993, R. 974 of 1 June 1993, R. 1356 of 30 July 1993, R. 1843 of 1 October 1993, R. 2365 of 10 December 1993, R. 2529 of 31 December 1993, R. 181 of 28 January 1994, R. 411 of 11 March 1994, R. 873 of 31 May 1996, R. 1063 of 28 June 1996, R. 1557 of 20 September 1996, R. 1746 of 25 October 1996, R. 2047 of 13 December 1996, R. 417 of 14 March 1997, R. 491 of 27 March 1997, R. 700 of 16 May 1997, R. 798 of 13 June 1997, R. 1352 of 10 October 1997, R. 785 of 5 June 1998, R. 881 of 26 June 1998, R. 1024 of 7 August 1998, R. 1723 of 30 December 1998, R. 315 of 12 March 1999, R. 568 of 30 April 1999, R. 1084 of 10 September 1999, R. 1299 of 29 October 1999, R. 502 of 19 May 2000, R. 849 of 25 August 2000, R. 373 of 30 April 2001, R. 1088 of 26 October 2001, R. 1755 of 5 December 2003, R. 229 of 20 February 2004, R. 1343 of 12 December 2008, R. 1345 of 12 December 2008, R. 516 of 8 May 2009, R. 518 of 8 May 2009, R. 86 of 12 February 2010, R. 87 of 12 February 2010, R. 88 of 12 February 2010, R. 89 of 12 February 2010, R. 90 of 12 February 2010, R. 500 of 11 June 2010, R. 591 of 09 July 2010, R. 980 of 19 November 2010, R. 981 of 19 November 2010, R. 464 of 22 June 2012, R. 992 of 7 December 2012, R. 114 of 15 February 2013, R. 262 of 12 April 2013, R. 471 of 12 July 2013, R. 472 of 12 July 2013, R. 759 of 11 October 2013, R. 212 of 28 March 2014, R. 213 of 28 March 2014, R. 214 of 28 March 2014, R. 30 of 23 January 2015, R. 31 of 23 January 2015, R. 317 of 17 April 2015, R. 781 of 31 August 2015, R. 3 of 19 February 2016, R. 678 of 3 June 2016, R. 1055 of 29 September 2017, R. 1272 of 17 November 2017, R. 1318 of 30 November 2018, R. 61 of 25 January 2019 and R. 842 of 31 May 2019.

Substitution of rule 1 of the Rules

2. The following rule is hereby substituted for rule 1 of the Rules:

"1 Definitions

In these Rules and attached forms, unless the context otherwise indicates—

'Act' [shall] means the [Supreme Court Act, 1959 (Act 59 of 1959)] Superior Courts Act, 2013 (Act No. 10 of 2013);

'action' [shall] means a proceeding commenced by summons;

'advocate' [shall include a person referred to in section one of the Natal Advocates and Attorneys Preservation of Rights Act, 1939 (Act 27 of 1939)] means a legal practitioner as defined, admitted and enrolled as such, under the Legal Practice Act, 2014 (Act No. 28 of 2014);

'application' means a proceeding commenced by notice of motion or other forms of applications provided for by rule 6;

'attorney' [shall] means [an attorney admitted, enrolled and entitled to practise as such in the division concerned] a legal practitioner as defined, admitted and enrolled as such, under the Legal Practice Act, 2014 (Act No. 28 of 2014);

'civil summons' means a civil summons as defined in the Act;]

'combined summons' [shall] means a summons with **[a statement]** particulars of plaintiff's claim annexed thereto in terms of subrule (2) of rule 17;

'court' in relation to civil matters **[shall mean a court constituted in terms of section thirteen of the Act]** means the High Court as referred to in section 6 of the Act;

'court day' **[shall mean any day other than a Saturday, Sunday or Public Holiday,]** means a day that is not a public holiday, Saturday or Sunday and only court days shall be included in the computation of any time expressed in days prescribed by these rules or fixed by any order of court;

'deliver' [shall] means to serve copies on all parties and file the original with the registrar;

'judge' [shall] means a judge sitting otherwise than in open court;

['judge-president' . . .]

'Master' [shall] means the Master of the **[Supreme Court]** High Court as defined in the Administration of Estates Act, 1965 (Act No. 66 of 1965);

'mutatis mutandis' means 'subject to the necessary changes';

'party' or any reference to a plaintiff or other litigant in terms, **[shall]** includes **[his]** such party's attorney with or without an advocate, as the context may require;

'registrar' [shall] includes an assistant registrar;

['Republic' shall include the territory of South West Africa;]

'sheriff' [shall] means a person appointed in terms of section 2 of the Sheriffs' Act, 1986 (Act No. 90 of 1986), and **[shall]** includes a person appointed in terms of section 5 and section 6 of that Act as an acting sheriff and a deputy sheriff, **[respectively]** and a person designated to serve process in terms of section 6A of the said Act;."

Substitution of rule 2 of the Rules

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

"2 Sittings of the Court and [Vacations] recess periods

(1) Notice of the terms and sessions of **[the court of]** every **[provincial or local division prescribed by the Judge-President in terms]** Division of the High Court, as determined by the Chief Justice [in terms of] under the provisions of section **[forty-three of the Act]** 9(2) of the Act, shall be published in the **[Government]** Gazette and a copy thereof shall be affixed to the public notice-board at the office of the registrar.

(2) If the day prescribed for the commencement of a civil term or a criminal session is not a court day, the term or session shall commence on the next succeeding court day and, if the day prescribed for the end of a term or session is not a court day, the term or session shall end on the court day preceding.

(3) The periods between the said terms shall be **[vacations]** recess, during which, subject to the provisions of subrule (4), the ordinary business of the court shall be suspended, but at least one judge shall be available on such days to perform such duties as the Judge **[-]** President shall direct.

(4) During and out of term such judges shall sit on such days for the discharge of such business as the Judge **[-]** President may direct.

(5) **[If it appears convenient to the presiding judge, the court may sit at any place or at a time other than a time prescribed in terms of these rules or any rules under paragraph (b) of sub-section (2) of section forty-three of the Act, and may sit at any time during vacation.]**

(a) If it appears to the Judge President of a Division that it is expedient or in the interests of justice for the court to sit at a time other than any prescribed time, the Judge President may direct that the court sits at such other time, including during recess periods.

(b) If it appears to the Judge President of a Division that it is expedient or in the interests of justice to hold a sitting of the court for the hearing of any matter at a place elsewhere than at the seat or a local seat of the Division, the Judge President may, in accordance with the provisions of section 6(7) of the Act, hold a sitting of the court at such other place."

Substitution of rule 4 of the Rules

4. Rule 4 of the Rules, is hereby amended -

(a) by the substitution for subrule (1) of the following subrule :

"(1) (a) Service of any process of the court directed to the sheriff and subject to the provisions of paragraph (aA) any document initiating application proceedings shall be effected by the sheriff in one or other of the following manners:

(i) **[By]** by delivering a copy thereof to the said person personally: Provided that where such person is a minor or a person under legal disability, service shall be effected upon the guardian, tutor, curator or the like of such minor or person under disability;

(ii) by leaving a copy thereof at the place of residence or business of the said person, guardian, tutor, curator or the like with the person apparently in charge of the premises at the time of delivery, being a person apparently not less than sixteen years of age. For the purposes of this paragraph when a building, other than an hotel, boarding-house, hostel or similar residential building, is occupied by more than one person or family, 'residence' or 'place of business' means that portion of the building occupied by the person upon whom service is to be effected;

- (iii) by delivering a copy thereof at the place of employment of the said person, guardian, tutor, curator or the like to some person apparently not less than sixteen years of age and apparently in authority over **[him]** such person;
- (iv) if the person so to be served has chosen a *domicilium citandi*, by delivering or leaving a copy thereof at the *domicilium* so chosen;
- (v) in the case of a corporation or company, by delivering a copy to a responsible employee thereof at its registered office or its principal place of business within the court's jurisdiction, or if there be no such employee willing to accept service, by affixing a copy to the main door of such office or place of business, or in any manner provided by law;
- (vi) by delivering a copy thereof to any agent who is duly authorized in writing to accept service on behalf of the person upon whom service is to be effected;
- (vii) where any partnership, firm or voluntary association is to be served, service shall be effected in the manner referred to in paragraph (ii) at the place of business of such partnership, firm or voluntary association and if such partnership, firm or voluntary association has no place of business, service shall be effected on a partner, the proprietor or the **[chairman]** chairperson or secretary of the committee or other managing body of such association, as the case may be, in one of the manners set forth in this rule;
- (viii) where a local authority or statutory body is to be served, service shall be effected by delivering a copy to the **[town clerk or assistant town clerk or mayor]** municipal manager or a person in attendance at the municipal manager's office of such local authority, or to the secretary or similar officer or member of the board or committee of such body, or in any manner provided by law; or
- (ix) if two or more persons are sued in their joint capacity as trustees, liquidators, executors, administrators, curators or guardians, or in any other joint representative capacity, service shall be effected upon each of them in any manner set forth in this rule;

Provided that where service has been effected in accordance with subparagraphs (ii); (iii); (iv); (v) and (vii) of subparagraph (a), the sheriff shall in the return of service set out the details of the manner and circumstances under which such service was effected.

(aA) Where the person to be served with any document initiating application proceedings is already represented by an attorney of record, such document may be served upon such attorney by the party initiating such proceedings.

(b) Service shall be effected as near as possible between the hours of 7:00 and 19:00.

(c) No service of any civil summons, order or notice and no proceedings or act required in any civil action, except the issue or execution of a warrant of arrest, shall be validly effected on a Sunday unless the court or a judge otherwise directs.

(d) It shall be the duty of the sheriff or other person serving the process or documents to explain the nature and contents thereof to the person upon whom service is being effected and to state in **[his]** a return or affidavit or on the signed receipt that [he] the person serving the process or document has done so."

- (b) by the substitution in subrule (3) for paragraph (b) of the following paragraph:

"(b) by any person referred to in sub-paragraph (i) or (ii) of paragraph (a), if the law of such country permits **[him] such person** to serve such process or document or if there is no law in such country prohibiting such service and the authorities of that country have not interposed any objection thereto."

- (c) by the substitution in subrule (5) for paragraphs (b) and (c) of the following paragraphs:

"(b) Any process of court or document to be served as provided in subrule (3), shall be delivered to the registrar **[together with revenue stamps to the value of R150,00 fixed thereto: Provided that no revenue stamps shall be required where service is to be effected on behalf of the Government of the Republic]**.

(c) Any process of court or document delivered to the registrar in terms of paragraph (b) shall **[, after defacement of the revenue stamps affixed thereto,]** be transmitted by **[him] the registrar** together with the translation referred to in paragraph (a), to the Director-General; **[of Foreign Affairs or] International Relations and Cooperation** to a destination indicated by the Director-General; **[of Foreign Affairs,] International Relations and Cooperation** for service in the foreign country concerned. The registrar **[shall satisfy himself must be satisfied]** that the process of court or document allows a sufficient period for service to be effected in good time."

- (d) by the substitution in subrule (6) for paragraph (b) of the following paragraph:

"(b) Where service has not been effected by the sheriff, nor in terms of subrule (3) or (4), by an affidavit of the person who effected service, or in the case of service on an attorney or a member of **[his] such attorney's** staff, the Government of the Republic, **[the Administration of any Province]** or on any Minister, **[Administrator] Premier or a Member of an Executive Council**, or any other officer of such Government or **[Administration] Province**, in **[his] such person's official** capacity **[as such,]** by the production of a signed receipt therefor."

- (e) by the substitution in subrule (6A) for paragraph (b) of the following paragraph:

"(b) The said person shall file each such document on behalf of the person who effected service with the registrar when—

- (i) **[he] such person** sets the matter in question down for any purpose;
- (ii) it comes to **[his] such person's** knowledge in any manner that the matter is being defended;
- (iii) the registrar requests filing;

(iv) **[his]** the mandate to act on behalf of a party, if **[he]** such person is a legal practitioner, is terminated in any manner.”

- (f) by the substitution in subrule (7) for paragraphs (a) and (b) of the following paragraphs:

“(a) by a certificate of the person effecting service in terms of paragraph (a) of subrule (3) or subrule (4) in which **[he]** the person identifies himself or herself, states that he or she is authorized under the law of that country to serve process of court or documents therein and that the process of court or document in question has been served as required by the law of that country and sets forth the manner and the date of such service: Provided that the certificate of a person referred to in subrule (4) shall be duly authenticated; or

(b) by a certificate of the person effecting service in terms of paragraph (b) of subrule (3) in which **[he]** such person states that the process of court or document in question has been served **[by him]**, setting forth the manner and date of such service and affirming that the law of the country concerned permits **[him]** such person to serve process of court or documents or that there is no law in such country prohibiting such service and that the authorities of that country have not interposed any objection thereto.”

- (g) by the substitution for subrule (10) of the following subrule:

“(10) Whenever the court is not satisfied as to the effectiveness of the service, it may order such further steps to be taken as **[to it seems meet]** it deems fit.”

- (h) by the substitution for subrule (11) of the following subrule:

“(11) Whenever a request for the service on a person in the Republic of any civil process or citation is received from a State, territory or court outside the Republic and is transmitted to the registrar of a provincial or local division **[in terms]** under the provisions of subsection (2) of section **[thirty-three]** 40 of the Act, the registrar shall transmit to the sheriff or a sheriff or any person appointed by a judge of the division concerned for service of such process or citation—

(a) two copies of the process or citation to be served; and

(b) two copies of a translation in English **[or Afrikaans]** of such process or citation if the original is in any other language.”

- (i) by the substitution in subrule (13) for the words preceding paragraph (a) of the following words:

“(13) After service has been effected the sheriff **[or the sheriff]** or the person appointed for the service of such process or citation shall return to the registrar of the division concerned one copy of the process or citation together with—”

- (j) by the substitution for subrule (14) of the following subrule:

“(14) The particulars of charges for the cost of effecting service under subrule (11) shall be submitted to the taxing **[officer]** master of the division concerned, who shall certify the correctness of such charges or other amount payable for the cost of effecting service.”

- (k) by the substitution in subrule (15) for the words preceding paragraph (a) of the following words:

“(15) The registrar concerned shall, after effect has been given to any request for service of civil process or citation, return to the Director-General of **[Justice-]** the Department responsible for the administration of justice—”

Substitution of rule 19 of the Rules

5. Rule 19 of the Rules, is hereby amended-

- (a) by the substitution for subrule (1) of the following subrule:

(1) Subject to the provisions of section **[27]** 24 of the Act, the defendant in every civil action shall be allowed **[ten]** 10 days₁ after service of summons on **[him]** such defendant, within which to deliver a notice of intention to defend, either personally or through **[his]** an attorney: Provided that the days between 16 December and 15 January, both inclusive, shall not be counted in the time allowed within which to deliver a notice of intention to defend.”

- (b) by the substitution for subrule (2) of the following subrule:

“(2) In an action against any Minister, Deputy Minister, **[Administrator]** Premier or a Member of an Executive Council, officer or servant of the State, in **[his]** an official capacity, or the State **[or the administration of a province]**, the time allowed for delivery of notice of intention to defend shall not be less than 20 days after service of summons, unless the court has specially authorised a shorter period.”

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

“(4) A party shall not by reason of **[his]** delivery of notice of intention to defend be deemed to have waived any right to object to the jurisdiction of the court or to any irregularity or impropriety in the proceedings.”

Amendment of rule 23 of the Rules**6. Rule 23 of the Rules is hereby amended—****(a) by the substitution for subrule (1) of the following subrule:**

“(1) Where any pleading is vague and embarrassing, or lacks averments which are necessary to sustain an action or defence, as the case may be, the opposing party may, within the period allowed for filing any subsequent pleading, deliver an exception thereto and may apply to the registrar to set it down for hearing [in terms of paragraph (f) of subrule (5) of rule (6)] within 15 days after the delivery of such exception: Provided that—

(a) where a party intends to take an exception that a pleading is vague and embarrassing [he] such party shall, [within the period allowed as aforesaid] by notice, within 10 days of receipt of the pleading, afford [his opponent] the party delivering the pleading, an opportunity [of removing] to remove the cause of complaint within 15 days of such notice; [:] [Provided further that] and

(b) the party excepting shall, within [ten] 10 days from the date on which a reply to [such] the notice referred to in paragraph (a) is received, or [from the date on] within 15 days from which such reply is due, deliver [his] the exception.”

(b) by the substitution for subrule (2) of the following subrule:

“(2) Where any pleading contains averments which are scandalous, vexatious, or irrelevant, the opposite party may, within the period allowed for filing any subsequent pleading, apply for the striking out of the aforesaid matter [aforesaid], and may set such application down for hearing [in terms of paragraph (f) of subrule (5) of rule 6,] within five days of expiry of the time limit for the delivery of an answering affidavit or, if an answering affidavit is delivered, within five days after the delivery of a replying affidavit or expiry of the time limit for delivery of a replying affidavit, referred to in rule 6(5)(f): [but] Provided that—

(a) the party intending to make an application to strike out shall, by notice delivered within 10 days of receipt of the pleading, afford the party delivering the pleading an opportunity to remove the cause of complaint within 15 days of delivery of the notice of intention to strike out; and

(b) the court shall not grant the [same] application unless it is satisfied that the applicant will be prejudiced in the conduct of [his] any claim or defence if [it be] the application is not granted.”

Amendment of rule 68 of the Rules**7. Rule 68 of the Rules is hereby amended by the substitution for item 3(a) of the Tariff of the following item:**

" 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.	[5,00] <u>6,00</u> ."

Commencement

8. These Rules shall come into effect on **22 November 2019**.

DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

NO. R. 1343

18 OKTOBER 2019

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

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

BYLAE**ALGEMENE VERDUIDELIKENDE NOTA:**

[] Woorde of uitdrukkings in vet druk tussen vierkantige hake dui skappings uit bestaande reëls aan.

_____ Woorde of uitdrukkings met 'n volstreep daaronder dui invoegings in bestaande reëls aan.

Woordomskrywing

1. In hierdie Bylae beteken die "Reëls", die Reëls waarby die verrigtinge van die 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 Nos. 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 and 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 en R. 842 van 31 Mei 2019.

Vervanging van reël 1 van die Reëls

2. Reël 1 van die Reëls word hierby deur die volgende Reël vervang:

“1 Woordbepaling

In hierdie reëls en aangehegte vorms, tensy uit die samehang anders blyk, beteken-
‘aansoek’ ’n verrigting deur kennisgewing van mosie begin of ander vorme van
aansoeke deur reël 6 voor voorsiening gemaak;

‘advokaat’ [ook ’n persoon in artikel een van die Natalse Advokate en Prokureurs
Behoud van Regte Wet, 1939 (Wet 27 van 1939) bedoel] ’n regspraktisyn kragtens die
‘Legal Practice Act’, 2014 (Wet No. 28 van 2014), as sodanig omskryf, toegelaat en
ingeskryf;

‘aflewer’ die betekening van afskrifte aan alle partye en die indiening van die
oorspronklike by die griffier;

‘aksie’ ’n verrigting wat met ’n dagvaarding begin is;

‘balju’ ’n persoon aangestel kragtens artikel 2 van die Wet op Balju's, 1986 (Wet No. 90
van 1986), en ook ’n persoon aangestel kragtens artikel 5 en artikel 6 van daardie Wet
as [onderskeidelik] ’n waarnemende balju en ’n adjunk-balju, en ’n persoon ingevolge
artikel 6A van die genoemde Wet aangewys om prosesstukke te beteken;

'gekombineerde dagvaarding' 'n dagvaarding met **['n opgawe van feite]** besonderhede van die eiser se eis daaraan geheg soos bedoel in subreël (2) van reël 17;

'griffier' ook 'n assistent-griffier;

'hof' met betrekking tot siviele aangeleenthede, **['n hof saamgestel ingevolge artikel dertien van die Wet]** die Hooggeregshof soos bedoel in artikel 6 van die Wet;

'hofdag' enige dag wat nie 'n openbare vakansiedag, Saterdag[,] of Sondag **[of openbare vakansiedag]** is nie, en by dié berekening van 'n tydperk van dae by dié reëls voorgeskryf of in 'n hofbevel bepaal, word slegs hofdae ingesluit;

'Meester' die Meester van die Hooggeregshof soos in die Boedelwet, 1965 (Wet No. 66 van 1965), omskryf;

'mutatis mutandis' 'onderworpe aan die nodige veranderinge';

'party' of 'n uitdruklike verwysing na 'n eiser of ander gedingvoerder, ook **[sy]** die party se prokureur met of sonder 'n advokaat, soos die samehang mag vereis;

'prokureur' **['n prokureur wat in die betrokke afdeling toegelaat en ingeskryf is, en geregtig is om as sodanig aldaar te praktiseer]** 'n regspraktisyn kragtens die 'Legal Practice Act', 2014 (Wet No. 28 van 2014), as sodanig omskryf, toegelaat en ingeskryf;

'regter' 'n regter wat elders as in die ope hof sit; en

['regter-president

'Republiek' ook die gebied Suidwes-Afrika;

'siviele dagvaarding' 'n siviele dagvaarding soos in die Wet omskryf;]

'Wet' die Wet op **[die Hooggeregshof, 1959 (Wet 59 van 1959)]** Hoër Howe, 2013 (Wet No. 10 van 2013)."

Vervanging van reël 2 van die Reëls

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

"2 Sittings van die hof en [vakansies] resestydperke

(1) Die termynen en sittings van **[die hof van]** elke **[provinsiale en plaaslike afdeling soos deur die regter-president ingevolge]** afdeling van die hooggeregshof, soos deur die Hoofregter bepaal kragtens die bepalings van artikel [drie-en-veertig van die Wet voorgeskryf] 9(2) van die Wet, word in die *Staatskoerant* aangekondig en 'n afskrif daarvan word op die openbare kennisgewingbord by die kantoor van die griffier aangebring.

(2) As die eerste dag van 'n voorgeskrewe siviele termyn of strafsitting nie 'n hofdag is nie, begin die termyn of sitting op die eersvolgende hofdag en, as die laaste dag nie 'n hofdag is nie, eindig die termyn of sitting op die voorafgaande hofdag.

(3) Die tydperke tussen genoemde termyn is [vakansie] reses en die gewone werksaamhede van die hof word dan opgeskort, onderworpe aan subreël (4), maar minstens een regter bly beskikbaar vir werksaamhede *en* op dae deur die regter-president bepaal.

(4) Te alle tye sit dié regters op dié dae vir afhandeling van dié werksaamhede wat die regter-president bepaal.

(5) [As 'n voorsittende regter dit geleë ag, kan die hof op enige plek of op ander tye sit as dié wat voorgeskryf is ingevolge hierdie reëls of reëls uitgevaardig kragtens paragraaf (b) van sub-artikel (2) van artikel *drie-en-veertig* van die Wet, en die hof kan te eniger tyd gedurende 'n vakansie sit.]

(a) Indien dit vir die regter-president van 'n afdeling wil voorkom dat dit raadsaam of in die belang van geregtigheid is dat die hof op 'n tyd behalwe enige voorgeskrewe tyd sit, kan die regter-president gelas dat die hof op sodanige ander tyd sit, ook tydens reses.

(b) Indien dit vir die regter-president van 'n afdeling wil voorkom dat dit raadsaam of in die belang van geregtigheid is om 'n sitting van die hof te hou om enige aangeleentheid aan te hoor op 'n plek wat nie die setel of 'n plaaslike setel van die afdeling is nie, kan die regter-president, ooreenkomstig die bepalings van artikel 6(7) van die Wet, 'n sitting van die hof by sodanige ander plek hou."

Vervanging van reël 4 van die Reëls

4. Reël 4 van die Reëls word hierby gewysig—

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

"(1) (a) Prosesstukke van die hof, wat aan die balju gerig is, en behoudens die bepalings van paragraaf (aA) enige dokument waarby 'n aansoek begin word, word op een van die volgende maniere deur die balju beteken:

(i) deur 'n afskrif daarvan aan die betrokke persoon persoonlik te oorhandig: Met dien verstande dat as [hy] die persoon minderjarig of andersins handelingsonbevoeg is, betekening aan die voog, kurator of dergelike belangewaarnemer van die handelingsonbevoegde persoon moet geskied;

(ii) deur by die woon- of besigheidsplek van die betrokke persoon of van [sy] die persoon se voog, kurator of ander belangewaarnemer 'n afskrif daarvan by iemand te laat wat ten tye van die aflewering skynbaar in beheer van die perseel is en nie jonger as sestion jaar voorkom nie. As 'n gebou wat nie 'n hotel, losieshuis, hostel of soortgelyke woonplek is nie, deur meer as een persoon of gesin bewoon word, beteken 'woon- of besigheidsplek', vir die doel van hierdie paragraaf, dié gedeelte van die gebou wat deur die persoon aan wie betekening moet geskied, bewoon word;

(iii) deur by die werkplek van die betrokke persoon of van [sy] die persoon se voog, kurator of ander belangewaarnemer, 'n afskrif daarvan aan iemand

- af te lewer wat nie jonger as sestion jaar voorkom nie en skynbaar in 'n gesagsposisie teenoor [hom] daardie persoon staan;
- (iv) deur in die geval waar die betrokke persoon 'n *domicilium citandi* gekies het, 'n afskrif daarvan by die *domicilium* af te lewer of te laat;
 - (v) deur in die geval van 'n maatskappy of ander regspersoon by die geregistreerde kantoor of vernaamste besigheidsplek binne die hof se regsgebied 'n afskrif aan 'n verantwoordelike werknemer daarvan af te gee, of as daar nie so 'n werknemer is wat bereid is om die betekening te aanvaar nie, 'n afskrif aan die hoofdeur van so 'n kantoor of besigheidsplek te heg, of deur 'n ander metode te volg wat regtens geoorloof is;
 - (vi) deur 'n afskrif daarvan aan enige verteenwoordiger af te gee wat behoorlik skriftelik gemagtig is om betekening namens die betrokke persoon te aanvaar;
 - (vii) deur in die geval van 'n vennootskap, firma of vrywillige vereniging, by die besigheidsplek van sodanige vennootskap, firma of vrywillige vereniging op die wyse in paragraaf (ii) genoem, te beteken, en indien die vennootskap, firma of vrywillige vereniging nie 'n besigheidsplek het nie, dan onderskeidelik aan 'n vennoot, die eienaar of die voorsitter of sekretaris van die bestuur of ander beherende liggaam daarvan op een van die maniere in hierdie reël voorgeskryf;
 - (viii) deur in die geval van 'n plaaslike bestuur of statutêre liggaam 'n afskrif te beteken aan die [stadsklerk, assistentstadsklerk of burgemeester] munisipale bestuurder of 'n persoon by die munisipale bestuurder van daardie plaaslike bestuur se kantoor, [en] of in die geval van 'n statutêre liggaam aan die sekretaris of 'n dergelike amptenaar, of aan 'n lid van die bestuur of komitee van daardie liggaam, of deur 'n ander metode te volg wat regtens geoorloof is; of
 - (ix) deur in 'n geval waar twee of meer persone gesamentlik as trustees, likwidateurs, eksekuteurs, administrateurs, kurators of voogde aangespreek word, of op enige ander wyse as gesamentlike verteenwoordigers, aan elkeen van hulle te beteken op enige wyse in die reël uiteengesit;

Met dien verstande dat waar betekening ooreenkomstig subparagrafe (ii), (iii), (iv), (v) en (vii) van subparagraaf (a) gedoen is, gee die balju in die relaas die besonderhede van die wyse en omstandighede waaronder die betekening plaasgevind het, weer.

(aA) Waar die persoon aan wie 'n dokument waarby 'n aansoek begin word, beteken moet word, reeds deur 'n prokureur in die saak verteenwoordig is, kan die dokument aan sodanige prokureur deur die party wat die aansoek doen, beteken word.

(b) Betekening geskied so na as moontlik tussen die ure 7:00 en 19:00.

(c) Op 'n Sondag kan geen geldige betekening van 'n siviele dagvaarding, bevel of kennisgewing geskied nie, en kan geen prosesregtelike

stap, behalwe die uitreiking of tenuitvoerlegging van 'n lasbrief tot arrestasie, gedoen word nie tensy die hof of 'n regter dit gelas het.

(d) Dit is die plig van die balju of ander persoon wat die prosesstukke of dokumente beteken om die aard en inhoud daarvan aan die betrokke persoon te verduidelik en in [sy] 'n relaas of beëdigde verklaring of op die getekende kwitansie te meld dat [hy] die persoon wat die prosesstuk of dokument beteken, dit gedoen het.”;

- (b) deur in subreël (3) paragraaf (b) deur die volgende paragraaf te vervang:

“(b) deur iemand in subparagraaf (i) of (ii) van paragraaf (a) genoem, indien [hy] daardie persoon in so 'n land regtens gemagtig is om sodanige prosesstuk of dokument te beteken of indien die reg van so 'n land nie sodanige betekening verbied nie en die owerhede van daardie land geen beswaar daarteen geopper het nie.”

- (c) deur in subreël (5) paragraawe (b) en (c) deur die volgende paragraawe te vervang:

“(b) 'n Prosesstuk of dokument wat beteken moet word soos in subreël (3) bepaal, word aan die griffier afgelewer [met inkomsteseëls ten bedrae van R150,00 daaraan geheg: Met dien verstande dat inkomsteseëls nie vereis word waar betekening namens die Regering van die Republiek moet geskied nie].

(c) Die griffier stuur 'n prosesstuk of dokument wat ingevolge paragraaf (b) aan hom afgelewer is [, na rojering van die inkomsteseëls] aan die Direkteur-generaal van Buitelandse Sake of na 'n bestemming deur die Direkteur-generaal: [van Buitelandse Sake] Internasionale Betrekkinge en Samewerking aangedui, saam met die in paragraaf (a) bedoelde vertaling, vir betekening in die betrokke vreemde land. Die griffier moet [homself vergewis] seker maak dat die prosesstuk of dokument 'n voldoende tydperk toelaat vir tydigte betekening.”;

- (d) deur in subreël (6) paragraaf (b) deur die volgende paragraaf te vervang:

“(b) waar betekening nie deur die balju of ingevolge subreël (3) of (4) geskied het nie, deur 'n beëdigde verklaring van die persoon wat beteken het, en waar betekening in amptelike hoedanigheid aanvaar word deur 'n prokureur of 'n lid van [sy] daardie prokureur se personeel, of deur iemand namens die Regering van die Republiek, [die Administrasie van 'n provinsie] of deur 'n Minister, [Administrateur] premier of 'n lid van 'n uitvoerende raad, of 'n ander amptenaar van die Regering of so 'n [Administrasie] provinsie, deur die voorlegging van 'n getekende kwitansie daarvoor.”;

- (e) deur in subreël (6A) paragraaf (b) deur die volgende paragraaf te vervang:

“(b) Genoemde persoon moet elke sodanige dokument namens die persoon wat betekening gedoen het, by die griffier indien sodra—

- (i) [hy] daardie persoon die betrokke saak vir enige doel op die rol plaas;
- (ii) dit op enige wyse tot [sy] daardie persoon se kennis kom dat die saak bestry word;
- (iii) die griffier indiening aanvra;
- (iv) [sy] die opdrag om namens 'n party op te tree, indien [hy] die persoon 'n regspraktisyn is, op enige wyse beëindig word.”;

(f) deur in subreël (7) paragrawe (a) en (b) deur die volgende paragrawe te vervang:

“(a) deur 'n sertifikaat van die persoon wat ingevolge paragraaf (a) van subreël (3) of subreël (4) beteken het, waarin [hy homself] die persoon sigself identifiseer, vermeld dat hy of sy deur die reg van daardie land gemagtig is om prosesstukke of dokumente te beteken en dat die prosesstuk of dokument beteken is ooreenkomstig die reg van daardie land, en die wyse en die datum waarop sodanige betekening geskied het, uiteensit: Met dien verstande dat die sertifikaat van iemand in subreël (4) bedoel behoorlik gewaarmerk moet word; of
(b) deur 'n sertifikaat van die persoon wat ingevolge paragraaf (b) van subreël (3) beteken het, waarin [hy] daardie persoon vermeld dat die prosesstuk of dokument deur hom of haar beteken is, die wyse en datum waarop sodanige betekening geskied het en bevestig dat [hy] die persoon in die betrokke land regtens gemagtig is om prosesstukke of dokumente te beteken of dat die reg van so 'n land nie sodanige betekening verbied nie en dat die owerhede van daardie land nie enige beswaar daarteen geopper het nie.”;

(g) deur subreël (10) deur die volgende subreël te vervang:

“(10) As die hof nie oortuig is dat die betekening effektief was nie, kan [hy] die hof na goeddunke verdere stappe voorskryf.”;

(h) deur subreël (11) deur die volgende subreël te vervang:

“(11) Wanneer 'n versoek om betekening aan iemand in die Republiek van 'n siviele prosesstuk of sitasie van 'n staat, gebied of hof buite die Republiek ontvang word en [ingevolge] kragtens die bepalings van subartikel (2) van artikel [drie-en-dertig] 40 van die Wet aan die griffier van 'n provinsiale of plaaslike afdeling gestuur word, stuur die griffier aan die balju of aan iemand wat deur 'n regter van die betrokke afdeling aangestel is vir die betekening van sodanige prosesstuk of sitasie—

- (a) twee afskrifte van die prosesstuk of sitasie; en
- (b) twee afskrifte van 'n vertaling daarvan in [Afrikaans of] Engels, indien die oorspronklike in 'n ander taal is.”;

- (i) deur in subreël (13) in die Engelse teks die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

"After service has been effected the sheriff **[or the sheriff]** or the person appointed for the service of such process or citation shall return to the registrar of the division concerned one copy of the process or citation together with—";

- (j) deur subreël (14) in die Engelse teks deur die volgende subreël te vervang:

"(14) The particulars of charges for the cost of effecting service under subrule (11) shall be submitted to the taxing **[officer]** master of the division concerned, who shall certify the correctness of such charges or other amount payable for the cost of effecting service."

- (k) deur in subreël (15) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

"(15) Wanneer 'n versoek om betekening van 'n siviele prosesstuk of sitasie, nagekom is, besorg die betrokke griffier aan die **[Direkteur-generaal van Justisie]** direkteur-generaal van die departement verantwoordelik vir die regspleging—".

Vervanging van reël 19 van die Reëls

5. Reël 19 van die Reëls word hierby gewysig—

- (a) deur subreël (1) deur die volgende subreël te vervang:

"(1) Behoudens die bepalings van artikel **[27]** 24 van die Wet, word aan die verweerder in elke siviele aksie 10 dae na betekening van 'n dagvaarding aan hom verleen waarbinne **[hy]** die verweerder 'n kennisgewing van voorneme om te verdedig, hetsy persoonlik of deur **[sy]** 'n prokureur, kan aflewer. Met dien verstande dat die dae van 16 Desember af tot en met 15 Januarie nie ingereken word by die toegestane tyd om 'n kennisgewing van voorneme om te verdedig af te lewer nie.";

- (b) deur subreël (2) deur die volgende subreël te vervang:

"(2) In 'n aksie teen 'n Minister, Adjunk-minister, **[Administrateur]** premier of 'n lid van 'n uitvoerende raad, amptenaar of werknemer van die Staat, in **[sy]** 'n amptelike hoedanigheid, of die Staat, **[of die administrasie van 'n provinsie]** moet minstens 20 dae na betekening van die dagvaarding toegelaat word vir aflewering van 'n kennisgewing van voorneme om te verdedig, tensy die hof 'n korter tydperk gemagtig het.";

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

“(4) 'n Party word nie vanweë [sy] aflewering van 'n kennisgewing van voorneme om te verdedig geag afstand te gedoen het van enige reg om teen die regsbevoegdheid van die hof of teen enige onreëlmatigheid of tekortkoming in die verrigtinge beswaar te maak nie.”.

Wysiging van reël 23 van die Reëls

6. Reël 23 van die Reëls word hierby gewysig—

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

“(1) Waar 'n pleitstuk vaag en verwarrend is of beweringe mis wat nodig is om die aksie of verweer te staaf, na gelang van die geval, kan die teenparty in die tyd wat vir die indiening van 'n daaropvolgende pleitstuk toegelaat word, 'n eksepsie daarteen aflewer en by die griffier aansoek doen om dit [ingevolge paragraaf (f) van subreël (5) van reël 6] binne 15 dae ná die aflewering van sodanige uitsondering vir verhoor ter rolle te plaas: Met dien verstande dat—

(a) waar die eksepsie is dat 'n pleitstuk vaag en verwarrend is, [hy binne die bedoelde tyd] die party, by kennisgewing [sy teenparty], binne 10 dae vanaf ontvangs van die pleitstuk, die party wat die pleitstuk aflewer, die geleentheid moet gee om die oorsaak van die beswaar binne 15 dae vanaf daardie kennisgewing te verwyder; [: Met dien verstande verder dat as] en

(b) die party [dan nog] wat eksepsie [wil] opwerp, [hy] dit moet aflewer binne [tien] 10 dae van die dag af waarop [hy] 'n antwoord op [so 'n] die kennisgewing in paragraaf (a) bedoel, ontvang word of [waarop] binne 15 dae nadat die antwoord ingelewer moes gewees het.”;

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

“(2) As 'n pleitstuk aanstootlike, kwelsugtige of irrelevante beweringe bevat, kan die teenparty binne die tyd wat vir die indiening van 'n daaropvolgende pleitstuk toegelaat word, deurhaling aanvra en [sy aansoek ingevolge paragraaf (f) van subreël (5) van reël 6] vir verhoor ter rolle plaas binne vyf dae vanaf verstryking van die tydsbeperking vir die aflewering van 'n antwoordende verklaring of, indien 'n antwoordende verklaring afgelewer word, binne vyf dae ná die aflewering van 'n antwoordende verklaring of verstryking van die tydsbeperking vir aflewering van 'n antwoordende verklaring, in reël 6(5)(f) bedoel: Met dien verstande dat—

(a) die party wat voornemens is om deurhaling aan te vra, by kennisgewing wat binne 10 dae vanaf ontvangs van die pleitstuk afgelewer word, die party wat die pleitstuk aflewer 'n geleentheid moet gee om die oorsaak van die beswaar binne 15 dae vanaf aflewering van die kennisgewing van voorneme van deurhaling te verwyder; en

(b) [maar] die hof mag [dit] die aansoek alleen toestaan as [hy] die hof meen dat die applikant anders in die voer van [sy saak] enige eis of verweer benadeel sal word.”.

Wysiging van reël 68 van die Reëls

7. Reël 68 van die Reëls word hierby gewysig deur item 3(a) van die Tarief deur die volgende item te vervang:

"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.	[5,00] <u>6,00</u> ."

Inwerkingtreding

8. Hierdie Reëls tree op **22 November 2019** in werking.

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

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

SCHEDULE**GENERAL EXPLANATORY NOTE:**

[] Words or expressions in bold type in square brackets indicate omissions from the existing rules.

_____ Words or expressions underlined with a solid line indicate insertions into the existing rules.

Definition

1. In this Schedule "the Rules" means the Rules Regulating the Conduct of the Proceedings of the Magistrates' Courts of South Africa published under Government Notice No. R. 740 of 23 August 2010, as amended by Government Notice Nos. R. 1222 of 24 December 2010, R. 611 of 29 July 2011, R. 1085 of 30 December 2011, R. 685 of 31 August 2012, R. 115 of 15 February 2013, R. 263 of 12 April 2013, R. 760 of 11 October 2013, R. 183 of 18 March 2014, R. 215 of 28 March 2014 and R. 507 of 27 June 2014, R. 5 of 9 January 2015, R. 32 of 23 January 2015, R. 33 of 23 January 2015, R. 318 of 17 April 2015, R. 545 of 30 June 2015, R. 2 of 19 February 2016, R. 1055 of 29 September 2017, R. 1272 of 17 November 2017, R. 632 of 22 June 2018, R. 1318 of 30 November 2018, and R. 842 of 31 May 2019.

Amendment of rule 68 of the Rules

2. Rule 68 of the Rules is hereby amended—

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

"Oath of office of interpreter [and intermediary]"; and

(b) by the deletion of sub-rule (1A).

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

3. Part II of Table C of Annexure 2 to the Rules is hereby amended—

(a) by the substitution in item 4 for paragraph (a) of the following paragraph:

"(a) The Sheriff shall, in addition to the fees mentioned in items 1B(a), 1B(b), 2(a) and 2(b), but subject to item 4(b) and (c), be allowed a travelling allowance of ~~[R5,00]~~ R6,00 per kilometre, or part thereof, for the shortest possible forward and return journey from the office of the Sheriff to the place of service or execution and back.";

(b) by the substitution in item 5 for paragraph (a) of the following paragraph:

"(a) In respect of the discharge of any official duty, other than those mentioned in items 1 and 2, but subject to item 4(b) and (c), a travelling allowance of ~~[R5,00]~~ R6,00 per kilometre for every kilometre, or part thereof, shall be payable to the sheriff for going and returning."; and

(c) by the substitution in item 5 for paragraph (d) of the following paragraph:

"(d) When it is necessary for the sheriff to convey any person under arrest, an allowance of ~~[R5,00]~~ R6,00 per kilometre in respect of that portion of his or her journey on which he or she was necessarily accompanied by such person shall be allowed."

Commencement

4. This rule comes into operation on **22 November 2019**.

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

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

BYLAE

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde of uitdrukkings in vetdruk dui skappings uit die bestaande reëls aan.
_____ Woorde of uitdrukkings met 'n volstreep daaronder dui invoegings in die bestaande reëls aan.

Woordomskrywing

1. In hierdie Bylae beteken "die Reëls" die Reëls waarby die voer van die verrigtinge van die Landdroshowe van Suid-Afrika gereëel word, gepubliseer kragtens Goewermmentskennisgewing No. R. 740 van 23 Augustus 2010, soos gewysig by Goewermmentskennisgewing No's R1222 van 24 Desember 2010, R. 611 van 29 Julie 2011, R. 1085 van 30 Desember 2011, R. 685 van 31 Augustus 2012, R. 115 van 15 Februarie 2013, R. 263 van 12 April 2013, R. 760 van 11 Oktober 2013, R. 183 van 18 Maart 2014, R. 215 van 28 Maart 2014 en R. 507 van 27 Junie 2014, R. 5 van 9 Januarie 2015, R. 32 van 23 Januarie 2015, R. 33 van 23 Januarie 2015, R. 318 van 17 April 2015, R. 545 van 30 Junie 2015, R. 2 van 19 Februarie 2016, R. 1055 van 29 September 2017, R. 1272 van 17 November 2017, R. 632 van 22 Junie 2018, R. 1318 van 30 November 2018, en R. 842 van 31 Mei 2019.

Wysiging van reël 68 van die Reëls

2. Reël 68 van die Reëls word hierby gewysig—

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

"Ampseed van tolk [en tussenganger]"; en

- (b) deur subreël (1A) te skrap.

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

3. Deel II van Tabel C van Aanhangel 2 tot die Reëls word hierby gewysig—
(a) deur in item 4 paragraaf (a) deur die volgende paragraaf te vervang:

"(a) Die Balju moet, benewens die gelde ingevolge items 1B(a), 1B(b), 2(a) en 2(b), genoem, maar behoudens item 4(b) en (c), 'n reistoelaag toegelaat word van **[R5,00]** R6,00 per kilometer, of gedeelte daarvan, vir die kortste moontlike reis heen en terug van die kantoor van die Balju na die plek van betekening of uitwinning en terug.";

(b) deur in item 5 paragraaf (a) deur die volgende paragraaf te vervang:

"(a) Ten opsigte van die verrigting van enige amptelike plig behalwe dié in items 1 en 2 vermeld, maar behoudens item 4(b) en (c), is 'n reistoelaag van **[R5,00]** R6,00 per kilometer vir elke kilometer, of gedeelte daarvan, aan die balju betaalbaar vir die gaan en terugkeer."; en

(c) deur in item 5 paragraaf (d) deur die volgende paragraaf te vervang:

"(d) Wanneer die balju enige persoon onder arres moet vervoer, 'n toelating van **[R5,00]** R6,00 per kilometer ten opsigte van daardie gedeelte van sy of haar reis waarop hy of sy noodsaaklikerwys deur daardie persoon vergesel is, toegelaat word."

Inwerkingtreding

4. Hierdie reël tree in werking op 22 November 2019.