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GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF JUSTICE DEPARTEMENT VAN JUSTISIE

No. 1100

4 September 1998

AMENDMENT OF THE RULES FOR THE CONDUCT OF PROCEEDINGS IN THE LABOUR COURT

The Rules Board for Labour Courts has, in terms of section 159(3) of the Labour Relations Act, 1995 (Act No. 66 of 1995), made the rules in the Schedule.

SCHEDULE

Definitions

1. In these rules "the Rules" means the rules published under Government Notice No. 1665 of 14 October 1996, as amended by Government Notice No. R 961 of 11 July 1997.

Amendment of rule 1 of the Rules

2. Rule 1 of the Rules is hereby amended by the deletion of the following wording in the definition of "day":

"unless the last day falls on a Saturday, Sunday or public holiday when the number of days must be calculated to exclude the first day and also the Saturday, Sunday or public holiday".

Amendment of rule 2 of the Rules

3. Rule 2 of the Rules is hereby amended by the substitution in subrule (2) for the expression "Main Street" of the expression "Govan Mbeki Avenue" and for the expression "Fidelity House" of the expression "Auto and General Towers (formerly Fidelity House)".

Amendment of rule 4 of the Rules

4. Rule 4 of the Rules is hereby amended by the substitution in subrule (2)(c) for the word "or" of the word "of".

Amendment of rule 5 of the Rules

5. Rule 5 of the Rules is hereby amended by the substitution in subrule (3) for the expression "seven days" of the expression "5 days".

Amendment of rule 6 of the Rules**6. Rule 6 of the Rules is hereby amended -**

(a) by the addition of the following items after item 6 in the footnote to rule 6:

"7. if a material dispute of fact is foreseen rule 6 may be used to initiate the determination of any matter concerning a contract of employment in terms of section 77(3) of the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997) (see footnote to rule 7).

8. if a material dispute of fact is foreseen, proceedings concerning the interpretation or application of Part C of Chapter 10 of the Basic Conditions of Employment Act, 1997, may be initiated in terms of rule 6 (see footnote to rule 7).

9. if a material dispute of fact is foreseen, proceedings concerning the interpretation or application of the Mine Health and Safety Act, 1996 (Act No. 29 of 1996), may be initiated in terms of rule 6 (see footnote to rule 7).";

(b) by the substitution in subrule (1)(a)(iv) for the expression "14 days" of the expression "10 days";

(c) by the substitution in subrule (1)(e) for the "." of "; and";

(d) by the insertion after subrule (1)(e) of the following subrule:

"(f) be delivered.";

(e) by the substitution in subrule (2)(a) for the expression "14 days" of the expression "10 days";

(f) by the substitution in subrule (3)(c) for the expression "14 days" of the expression "10 days";

(g) by the substitution in subrule (4)(a) for the expression "14 days" of the expression "10 days";

(h) by the substitution for subrule (4)(b) of the following:

"(b) In a pre-trial conference, the parties must attempt to reach consensus on the following:

(i) Any means by which the dispute may be settled;

(ii) facts that are common cause;

- (iii) facts that are in dispute;
 - (iv) the issues that the court is required to decide;
 - (v) the precise relief claimed and if compensation is claimed the amount of the compensation and how it is calculated;
 - (vi) discovery and the exchange of documents, and the preparation of a paginated bundle of documentation in chronological order;
 - (vii) the manner in which documentary evidence is to be dealt with, including any agreement on the status of documents and whether documents, or parts of documents, will serve as evidence of what they purport to be;
 - (viii) whether evidence on affidavit will be admitted with or without the right of any party to cross-examine the deponent;
 - (ix) which party must begin;
 - (x) the necessity for any on-the-spot inspection;
 - (xi) securing the presence at court of any witness;
 - (xii) the resolution of any preliminary points that are intended to be taken;
 - (xiii) the exchange of witness statements;
 - (xiv) expert evidence;
 - (xv) any other means by which the proceedings may be shortened;
 - (xvi) an estimate of the time required for the hearing; and
 - (xvii) whether an interpreter is required and if so for which languages.”;
- (i) by the substitution in subrule (4)(d) for the expression “seven days” of the expression “5 days”;
- (j) by the substitution for subrule (10)(a) of the following:
- “(a) Any party intending to call an expert witness must deliver a notice to that effect, together with a summary of the evidence and opinion of the expert witness, at least 15 days before the date of hearing.”.

Amendment of rule 7 of the Rules

7. Rule 7 of the Rules is hereby amended -

- (a) by the addition of the following items after item 16 in the footnote to rule 7:

“17. application for authorisation to enter premises in terms of section 142(1)(f) of the Act;

18. application to make a settlement agreement or arbitration award an order of court in terms of section 158(1)(c) of the Act;

19. application for authorisation to enter premises in terms of section 65(3) of the Basic Conditions of Employment Act, 1997;

20. application by the Director-General: Labour to have a compliance order made an order of court in terms of section 73(1) of the Basic Conditions of Employment Act, 1997;

21. if a material dispute of fact is not reasonably foreseen, an application for the determination of any matter concerning a contract of employment in terms of section 77(3) of the Basic Conditions of Employment Act, 1997, may be initiated in terms of rule 7 (see footnote to rule 6);

22. if a material dispute of fact is not reasonably foreseen, an application in terms of section 80(4) of the Basic Conditions of Employment Act, 1997, concerning the interpretation or application of Part C of Chapter 10 of that Act may be initiated in terms of rule 7 (see footnote to rule 6);

23. if a material dispute of fact is not reasonably foreseen an application concerning the interpretation of the Mine Health and Safety Act, 1996, may be initiated in terms of rule 7 (see footnote to rule 6);

(b) by the substitution in subrule (2)(e) for the expression "14 days" of the expression "10 days";

(c) by the substitution in subrule (4)(b) for the expression "14 days" of the expression "10 days";

(d) by the substitution in subrule (5)(a) for the expression "seven days" of the expression "5 days";

(e) By renumbering subrule (6) subrule (6)(a) and by inserting the following paragraph after paragraph (a):

"(b) The registrar must notify the parties of the date, time and place for the hearing of the application.";

(f) by the insertion after subrule (6) of the following subrule :

"(6A) An application to make a settlement agreement or arbitration award an order of court which is unopposed must be enrolled by the registrar on notice to both parties. The court may make any competent order in the absence of the parties.";

(g) by the deletion of subrule (7);

(h) by the deletion of subrule (9);

(i) by renumbering subrule (8) as subrule (7).

Insertion of rule 7A

8. The following rule is hereby inserted after rule 7:

"7A Reviews³

(1) A party desiring to review a decision or proceedings of a body or person performing a reviewable function justiciable by the court must deliver a notice of motion to the person or body and to all other affected parties.

(2) The notice of motion must -

(a) call upon the person or body to show cause why the decision or proceedings should not be reviewed and corrected or set aside;

(b) call upon the person or body to dispatch, within 10 days after receipt of the notice of motion, to the registrar, the record of the proceedings sought to be corrected or set aside, together with such reasons as are required by law or desirable to provide, and to notify the applicant that this has been done; and

(c) be supported by an affidavit setting out the factual and legal grounds upon which the applicant relies to have the decision or proceedings corrected or set aside.

(3) The person or body upon whom a notice of motion in terms of subrule (2) is served must timeously comply with the direction in the notice of motion.

(4) If the person or body fails to comply with the direction or fails to apply for an extension of time to do so, any interested party may apply, on notice, for an order compelling compliance with the direction.

(5) The registrar must make available to the applicant the record which is received on such terms as the registrar thinks appropriate to ensure its safety. The applicant must make copies of such portions of the record as may be necessary for the purposes of the review and certify each copy as true and correct.

(6) The applicant must furnish the registrar and each of the other parties with a copy of the record or portion of the record, as the case may be, and a copy of the reasons filed by the person or body.

(7) The costs of transcription of the record, copying and delivery of the record and reasons, if any, must be paid by the applicant and then become costs in the cause.

(8) The applicant must within 10 days after the registrar has made the record available either -

³This rule applies to the following reviews:

1. In terms of section 145 or 158(1) (g) of the Act.
2. In terms of any other applicable law.

(a) by delivery of a notice and accompanying affidavit, amend, add to or vary the terms of the notice of motion and supplement the supporting affidavit; or

(b) deliver a notice that the applicant stands by its notice of motion.

(9) Any person wishing to oppose the granting of the order prayed in the notice of motion must, within 10 days after receipt of the notice of amendment or notice that the applicant stands by its notice of motion, deliver an affidavit in answer to the allegations made by the applicant.

(10) The applicant may file a replying affidavit within 5 days after receipt of an answering affidavit."

Amendment of rule 9 of the Rules

9. Rule 9 of the Rules is hereby amended -

(a) by the substitution in subrule (2) for the expression "14 days" of the expression "10 days";

(b) by the substitution in subrule (5) for the expression "21 days" of the expression "15 days";

(c) by the insertion the following subrule after subrule (5):

"(5A)(a) The person or body upon whom a notice of appeal in terms of subrule (3) is served must timeously comply with the direction in the notice of appeal.

(b) If the person or body fails to comply with the direction or fails to apply for an extension of time to do so, any interested party may apply, on notice, for an order compelling compliance with the direction.

(c) The registrar must make available to the appellant the record which is received on such terms as the registrar thinks appropriate to ensure its safety. The appellant must make copies of such portions of the record as may be necessary for the purposes of the review and certify each copy as true and correct.

(d) The appellant must furnish the registrar and each of the other parties with a copy of the record or portion of the record, as the case may be, and a copy of the reasons filed by the person or body.

(e) The costs of transcription of the record, copying and delivery of the record and reasons, if any, must be paid by the applicant and then become costs in the cause.";

(d) by the substitution in subrule (6) for the expression "14 days" of the expression "10 days";

(e) by the substitution in subrule (7) for the expression "14 days" of the expression "10 days".

Amendment of rule 10 of the Rules

10. Rule 10 of the Rules is hereby amended -

(a) by the substitution in subrule (2) for the expression "14 days" of the expression "10 days";

- (b) by the substitution in subrule (7) for the expression "seven days" of the expression "5 days".

Amendment of rule 11 of the Rules

11. Rule 11 of the Rules is hereby amended by the substitution in subrule (1)(c) for the word "directives" of the word "directions".

Amendment of rule 12 of the Rules

12. Rule 12 of the Rules is hereby amended by the substitution in subrule (2) for the word "directive" of the word "direction".

Amendment of rule 13 of the Rules

13. Rule 13 of the Rules is hereby amended -

(a) by renumbering subrule (1) (1)(a);

(b) by the insertion after paragraph (a) of subrule (1) of the following paragraph:

"(b) If costs are not tendered any other party may apply on notice for costs."

Amendment of rule 16 of the Rules

14. Rule 16 of the Rules is hereby amended -

(a) by the deletion in subrule (1) of subparagraphs (a) and (b) and by the substitution for the "-" of a ".";

(b) by the deletion in subrule (2) of the reference "(a)".

Insertion of rule 16A

15. The following rule is hereby inserted after rule 16:

"16A (1) The court may, in addition to any other powers it may have-

(a) of its own motion or on application of any party affected, rescind or vary any order or judgment-

(i) erroneously sought or erroneously granted in the absence of any party affected by it;

(ii) in which there is an ambiguity or a patent error or omission, but only to the extent of such ambiguity, error or omission;

(iii) granted as the result of a mistake common to the parties; or

(b) on application of any party affected, rescind any order or judgment granted in the absence of that party.

(2) Any party desiring any relief under-

(a) subrule 1(a) must apply for it on notice to all parties whose interests may be affected by the relief sought.

(b) subrule 1(b) may within 15 days after acquiring knowledge of an order or judgment granted in the absence of that party apply on notice to all interested parties to set aside the order or judgment and the court may, upon good cause shown, set aside the order or judgment on such terms as it deems fit."

Amendment of rule 18 of the Rules

16. The following rule is hereby substituted for rule 18 of the Rules:

"Heads of argument

18. (1) The court may at any time call on the parties to deliver concise heads of argument on the main points that they intend to argue.

(2) The heads of argument must -

(a) include a chronology of the material facts;

(b) in its first reference to a factual allegation contain a page and paragraph or line reference to the record or bundle of documents;

(c) include a list of the authorities referred to in the heads of argument;

(d) in its first reference to a text book specify the author, title, edition and page number (in that order for example: Smith, Labour Law, 2nd ed, 44); and

(e) in its first reference to a reported case must contain the full name of the case, the year, volume, commencement page, division of the court, and page and margin reference to which specific reference is made (for example: National Union of Hotel Workers a.o. v Smith (Pty) Ltd 1990 1 SA 127 (A) 130(D); Jones v Clark (Pty) Ltd a.o. (1990) 15 ILJ 1010 (LAC) 1031D).".

Amendment of rule 19 of the Rules

17. Rule 19 of the Rules is hereby amended by the substitution in subrule (3) for the expression "21 days" of the expression "15 days".

Amendment of rule 20 of the Rules

18. The following rule is hereby substituted for rule 20 of the Rules:

"Partnerships, firms and unincorporated associations

20(1) A partnership, firm or unincorporated association may be a party to any proceedings in its own name and proceedings may be initiated against it by any other party.

(2) A party in proceedings against a partnership, firm or unincorporated association need not allege the names of the partners, owner, members or office-bearers.

(3) (a) Any party to proceedings, initiated by or against a partnership, firm or unincorporated association, may notify the other party to provide it within 10 days of the of service of the notice with the names and addresses of the partners, owner, members or office-bearers of the partnership, firm or unincorporated association and a copy of its constitution at the date on which the cause of the proceedings arose.

(b) A partnership, firm or unincorporated association that has been served with a notice in terms of paragraph (a) must comply with it within the specified period.

(c) Once the necessary information has been furnished, the partners, owner, members become parties to the proceedings.

(d) In the event of a dispute about the identity of a partner, owner, member or office-bearer the court may, on application, decide the issue.

(4) If proceedings are instituted against a partnership, firm or unincorporated association and it appears that since the cause of the proceedings it has been dissolved, the proceedings continue against the persons alleged to be or stated by the partnership, firm or association to be partners or members.

(5) Execution in respect of a judgment against a partnership, firm or unincorporated association must first be levied against its assets and, after excussion, against the private assets of any person held to be or estopped from denying being a partner or member as if judgment had been entered against that person."

Amendment of rule 22A of the Rules

19. Rule 22A of the Rules is hereby amended -

- (a) by the substitution in subrule (3) for the expression "14 days" of the expression "10 days";
- (b) by the substitution in subrule (4) for the expression "seven days" of the expression "5 days";
- (d) by the substitution in subrule (5) for the expression "seven days" of the expression "5 days".

Amendment of rule 30 of the Rules

20. Rule 30 of the Rules is hereby amended -

- (a) by the insertion in subrule (2) before the final punctuation of the following wording:

" , except that the court may, on good cause shown, extend that period";

- (b) by the substitution in subrule (2) for the expression "21 days" of the expression "15 days";
- (c) by the substitution in subrule (3) for the expression "14 days" of the expression "10 days";

(d) by the insertion after subrule (3) of the following subrule:

"(3A) Unless the judge from whom leave to appeal is sought otherwise directs, the parties' respective submissions in respect of the application for leave to appeal must be-

- (a) in writing; and
- (b) delivered on or before a date fixed by the judge."

Insertion of Schedule 1 to the Rules

21. The following schedule is hereby inserted in the Rules before the forms:

"Schedule 1

Tariff of fees

1. The registrar may charge a fee of R1,00 per page for copying any document.
2. The registrar may charge a fee of R2,00 for certifying any document as a true copy."

Commencement

22. These rules will come into operation on [date of publication].

No. 1101

4 September 1998

AMENDMENT OF THE RULES FOR THE CONDUCT OF PROCEEDINGS IN THE LABOUR APPEAL COURT

The Rules Board for Labour Courts has, in terms of section 176 of the Labour Relations Act, 1995 (Act No. 66 of 1995), made the rules in the Schedule.

SCHEDULE***Definitions***

In these rules "the Rules" means the rules published under Government Notice No.1666 of 14 October 1996, as amended by Government Notice No. R 962 of 11 July 1997.

Amendment of rule 1 of the Rules

1. Rule 1 of the Rules is hereby amended by the deletion of the following wording in the definition of "day":

"unless the last day falls on a Saturday, Sunday or public holiday when the number of days must be calculated to exclude the first day and also Saturday, Sunday or public holiday".

Amendment of rule 4 of the Rules

2. Rule 4 of the Rules is hereby amended -

(a) by the insertion of the following expression before the final punctuation in subrule (5):

"and must be accompanied by proof of service on all other parties";

(b) by the substitution in subrule (5) for the expression "14 days" of the expression "10 days";

(c) by the substitution in subrule (6) for the expression "14 days" of the expression "10 days";

(d) by the deletion of subrule (10).

Amendment of rule 5 of the Rules

3. Rule 5 of the Rules is hereby amended -

- (a) by the substitution in subrule (1) for the expression "21 days" of the expression "15 days";
- (b) by the substitution in subrule (5) for the expression "14 days" of the expression "10 days";
- (c) by the substitution in subrule (10) for paragraph (e) of the following paragraph:

"(e) be divided into separate, conveniently-sized volumes of approximately 100 pages each: Provided that a volume may consist of a lesser number of pages if it is convenient that such volume consist in a self-contained separate portion of the record;"

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

"(g) contain a correct and complete index of the evidence and of all the documents and exhibits in the case, the date and nature of the exhibits being briefly stated in the index;"

- (e) by the substitution in subrule (12)(i) for the word "head", of the word "heads";

- (f) by the insertion of the following expression before the final punctuation in subrule (13):

"with the heading 'List of documents excluded from the record'";

- (g) by the substitution for subrule (15) of the following subrule:

"(15) Any reference in the record of evidence of any witness to any document or exhibit contained in the appeal record must reflect, in brackets in the margin opposite the reference, the page number in the appeal record of such document or exhibit.";

- (h) by the substitution for subrule (17) of the following subrule:

"(17) If the appellant fails to lodge the record within the prescribed period, the appellant will be deemed to have withdrawn the appeal, unless the appellant has within that period applied to the respondent or the respondent's representative for consent to an extension of time and consent has been given. If consent is refused the appellant may, after delivery to the respondent of the notice of motion supported by affidavit, apply to the Judge President in chambers for an extension of time. The application must be accompanied by proof of service on all other parties. Any party wishing to oppose the grant of an extension of time may deliver an answering affidavit within 10 days of service on such party of a copy of the application.";

- (i) by the substitution in subrule (18) for the expression:

"If an appellant has failed to lodge the record, or is deemed to have withdrawn an appeal" of the expression:

"If an appellant delivers a notice of withdrawal of an appeal, or is deemed, in terms of subrule (17), to have withdrawn an appeal";

(j) by the substitution in subrule (18) for the expression "14 days" of the expression "10 days";

(k) by the substitution in subrule (20) for the word "forms" of the word "form";

(l) by the insertion in subrule (22) after "may" of the expression "on notice to all other parties".

Amendment of rule 5A of the Rules

4. Rule 5A of the Rules is hereby amended -

(a) by the substitution in subrule (1) for the expressions "19 days" and "14 days" of the expressions "15 days" and "10 days";

(b) by the substitution in subrule 3(a) for the expression "14 days" of the expression "10 days";

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

"(4) When an appeal has been noted the provisions of rule 5(7) to (22) apply."

Amendment of rule 7 of the Rules

5. Rule 7 of the Rules is hereby amended -

(a) by the substitution in subrule (3) for the expression "21 days" of the expression "15 days";

(b) by the substitution in subrule (5) for the word "lodge" of the word "deliver";

(c) by the substitution in subrule (6) for the expression "seven days" of the expression "5 days".

Amendment of rule 8 of the Rules

6. Rule 8 of the Rules is hereby amended by the substitution in subrule (1) for the expression:

"Once the provisions of rule 5 have been complied with" of the expression: "Once the record on appeal has been delivered".

Amendment of rule 9 of the Rules

7. Rule 9 of the Rules is hereby amended -

- (a) by the substitution in subrule (1) for the expression "21 days" of the expression "15 days";
- (b) by the substitution in subrule (2) for the expression "14 days" of the expression "10 days";
- (c) by the substitution for subrule (3) of the following subrule:

"(3) The heads of argument of the appellant and the respondent must

- (a) include a chronology of the material facts;
- (b) in its first reference to a factual allegation contain a page and paragraph or line reference to the record or bundle of documents;
- (c) include a list of the authorities referred to in the heads of argument;
- (d) in its first reference to a textbook specify the author, title, edition and page number (in that order, for example: Smith Labour Law, 2nd ed, 44); and
- (e) in its first reference to a reported case contain the full name of the case, the year, volume, commencement page, division of the court, and page and margin reference to which specific reference is made (for example: National Union of Hotel Workers a.o. v Smith (Pty) Ltd 1990 1 SA 127 (A) 130D; Jones v Clark (Pty) Ltd a.o. (1990) 15 ILJ 1010 (LAC) 1013D)."

Amendment of Rule 13 of the Rules

8. Rule 13 of the Rules is hereby amended by the substitution in subrule (1) for the expression "of the Supreme Court of Appeals" of the expression "(as amended from time to time) of the Rules of the Supreme Court of Appeal of South Africa".

Commencement

9. These rules will come into operation on [date of publication].

No. 1100

4 September 1998

WYSIGING VAN DIE REËLS WAARBY DIE VOER VAN VERRIGTINGE IN DIE ARBEIDSHOF GEREËL WORD

Die Reëlsraad vir Arbeidshowe het kragtens artikel 159 (3) van die Wet op Arbeidsverhoudinge, 1995 (Wet No. 66 van 1995), die reëls in die Bylae gemaak.

BYLAE

Woordomskrywing

1. In hierdie reëls beteken "die Reëls" die reëls uitgevaardig by Goewermentskennisgewing No. 1665 van 14 Oktober 1996, soos gewysig by Goewermentskennisgewing No. R. 961 van 11 Julie 1997.

Wysiging van reël 1 van die Reëls

2. Reël 1 van die Reëls word hierby gewysig deur die skraping van die volgende bewoording in die omskrywing van "dag":

" , tensy die laaste dag 'n Saterdag, Sondag of openbare vakansiedag is, in welke geval die aantal dae bereken moet word deur die eerste dag sowel as daardie Saterdag, Sondag of openbare vakansiedag uit te sluit".

Wysiging van reël 2 van die Reëls

3. Reël 2 van die Reëls word hierby gewysig deur in subreël (2) die uitdrukking "Hoof-" deur "Govan Mbeki-" en die uitdrukking "Fidelity House" deur die uitdrukking "Auto and General Towers (voorheen Fidelity House)" te vervang.

Wysiging van reël 4 van die Reëls

4. Reël 4 van die Reëls word hierby gewysig deur in subreël (2)(c) van die Engelse teks die woord "or", waar dit eerste voorkom, deur die woord "of" te vervang.

Wysiging van reël 5 van die Reëls

5. Reël 5 van die Reëls word hierby gewysig deur in subreël (3) die uitdrukking "sewe dae" deur die uitdrukking "5 dae" te vervang.

Wysiging van reël 6 van die Reëls

6. Reël 6 van die Reëls word hierby gewysig –

- (a) deur die volgende items na item 6 in die voetnoot by reël 6 by te voeg:

"(7) indien 'n wesenlike feitegeskil voorsien word, kan reël 6 gebruik word om die beslissing van enige aangeleentheid betreffende 'n dienskontrak ingevolge artikel 77(3) van die Wet op Basiese Diensvoorwaardes, 1997 (Wet No. 75 van 1997), te laat begin (sien voetnoot by reël 7);

(8) indien 'n wesenlike feitegeskil voorsien word, kan verrigtinge betreffende die interpretasie of toepassing van Deel C van Hoofstuk 10 van die Wet Op Basiese Diensvoorwaardes, 1997, ingevolge reël 6 begin word (sien voetnoot by reël 7);

(9) indien 'n wesenlike feitegeskil voorsien word, kan verrigtinge rakende die interpretasie of toepassing van die Wet op Gesondheid en Veiligheid in Myne, 1996 (Wet No. 29 van 1996), ingevolge reël 6 begin word (sien voetnoot by reël 7).”;

(b) deur die uitdrukking “14 dae” in subreël (1)(a)(iv) deur die uitdrukking “10 dae” te vervang;

(c) deur die “.” in subreël (1)(e) deur “; en” te vervang;

(d) deur die volgende subreël na subreël (1)(e) in te voeg:

“(f) afgelewer word.”;

(e) deur die uitdrukking “14 dae” in subreël (2)(a) deur die uitdrukking “10 dae” te vervang;

(f) deur die uitdrukking “14 dae” in subreël (3)(c) deur die uitdrukking “10 dae” te vervang;

(g) deur die uitdrukking “14 dae” in subreël (4)(a) deur die uitdrukking “10 dae” te vervang;

(h) deur subreël (4)(b) deur die volgende te vervang:

“(b) By 'n voorverhoorkonferensie moet die partye poog om ooreenstemming te bereik oor die volgende:

- (i) Enige wyse waarop die geskil geskik kan word;
- (ii) feite wat gemene saak is;
- (iii) feite wat in geskil is;
- (iv) die geskilpunte wat die hof moet beslis;

- (v) die presiese regshulp wat geëis word en indien vergoeding geëis word, die bedrag van die vergoeding en hoe dit bereken word;
- (vi) blootlegging en die uitruiling van dokumente en die voorbereiding van 'n gepagineerde bundel dokumente, in chronologiese volgorde;
- (vii) die wyse waarop met dokumentêre getuienis gehandel moet word, insluitende enige ooreenkoms oor die status van dokumente, en of dokumente, of dele daarvan, sal dien as bewys van wat hulle voorgee om te wees;
- (viii) of getuienis by beëdigde verklaring toegelaat sal word met of sonder die reg van 'n party om die deponent te kruisvra al dan nie;
- (ix) watter party moet begin;
- (x) die nodigheid van enige inspeksies ter plaatse;
- (xi) metodes om die aanwesigheid van getuies by die hof te verseker;
- (xii) die beslegting van enige voorlopige punte wat 'n party voornemens is om aan te voer;
- (xiii) die uitruil van getuieverklarings;
- (xiv) deskundige getuienis;
- (xv) enige ander wyses waarop die verrigtinge verkort kan word;
- (xvi) 'n raming van die duur van die verhoor;
- (xvii) of 'n tolk nodig is en indien wel, vir watter tale.”;

(i) Deur die uitdrukking “sewe dae” in subreël (4)(d) deur die uitdrukking “5 dae” te vervang;

(j) Deur subreël (10)(a) deur die volgende te vervang:

“(a) 'n Party wat 'n deskundige getuie wil roep, moet minstens 15 dae voor die verhoordatum 'n kennisgewing te dien effekte aflewer, tesame

met 'n opsomming van die getuienis en oordeel van die deskundige getuie.”.

Wysiging van reël 7 van die Reëls

7. Reël 7 van die Reëls word hierby gewysig –

(a) deur die volgende items na item 16 in die voetnoot by reël 7 by te voeg:

- “17. aansoek om magtiging om 'n perseel te betree ingevolge artikel 142(1)(f) van die Wet;
18. aansoek om 'n skikkingsooreenkoms of arbitrasietoekenning 'n hofbevel te maak ingevolge artikel 158(1) van die Wet;
19. aansoek om magtiging om 'n perseel te betree ingevolge artikel 65(3) van die Wet op Basiese Diensvoorwaardes, 1997;
20. aansoek van die Direkteur-generaal: Arbeid om 'n nakomingsbevel 'n hofbevel te maak ingevolge artikel 73(1) van die Wet op Basiese Diensvoorwaardes 1997;
21. indien 'n wesenlike feitegeskil nie redelikerwys voorsien word nie, kan 'n aansoek om die beslissing van enige aangeleentheid betreffende 'n dienskontrak ingevolge artikel 77(3) van die Wet op Basiese Diensvoorwaardes, 1997, begin word ingevolge reël 7 (sien voetnoot by reël 6);
22. indien 'n wesenlike feitegeskil nie redelikerwys voorsien word nie, kan 'n aansoek ingevolge artikel 80(4) van die Wet op Basiese Diensvoorwaardes, 1997, betreffende die vertolking of

toepassing van Deel C van Hoofstuk 10 van daardie Wet geïnisieer word kragtens reël 7 (sien voetnoot by reël 6).”;

23. indien ‘n wesentliche feitegeskil nie redelikerwys voorsien word nie, kan ‘n aansoek betreffende die vertolking van die Wet op Gesondheid en Veiligheid in Myne, 1996, geïnisieer word ingevolge reël 7 (sien voetnoot by reël 6).”;

- (b) deur in subreël (2)(e) die uitdrukking “14 dae” deur die uitdrukking “10 dae” te vervang;
- (c) deur in subreël (4)(b) die uitdrukking “14 dae” deur die uitdrukking “10 dae” te vervang;
- (d) deur in subreël (5)(a) die uitdrukking “sewe dae” deur die uitdrukking “5 dae” te vervang;
- (e) deur subreël (6) tot subreël (6)(a) te hernoem en deur die volgende paragraaf na paragraaf (a) in te voeg:
“(b) Die griffier moet die partye in kennis stel van die datum, tyd en plek vir die aanhoor van die aansoek.”;
- (f) deur na subreël (6) die volgende subreël in te voeg:
“(6A) ‘n Aansoek om ‘n skikkingsooreenkoms of arbitrasiebeslissing ‘n hofbevel wat onbestrede is, te maak, moet by die griffier ter rolle geplaas word met kennisgewing aan albei partye. In die afwesigheid van die partye kan die Hof ‘n geldige bevel gee.”;
- (g) deur subreël (7) te skrap;
- (h) deur subreël (9) te skrap
- (i) deur subreël (8) subreël (7) te hernoem.

Invoeging van reël 7A

8. Die volgende reël word hierby na reël 7 ingevoeg:

“7A Hersienings³

³ Hierdie reël is van toepassing op die volgende hersienings –

1. Ingevolge artikel 145 of 158(1)(g) van die Wet.
2. Ingevolge enige ander toepaslike wet.

- (1) 'n Party wat 'n besluit of verrigtinge wil hersien van 'n liggaam of persoon wat 'n hersienbare funksie verrig wat deur die hof beregbaar is, moet 'n kennisgewing van mosie lewer aan die persoon of liggaam en aan alle ander partye wat geraak word.
- (2) Die kennisgewing van mosie moet –
 - (a) die persoon of liggaam versoek om rede aan te voer waarom die besluit of verrigtinge nie hersien en reggestel of tersyde gestel moet word nie;
 - (b) die persoon of liggaam versoek om, binne 10 dae na ontvangs van die kennisgewing van mosie, aan die griffier die rekord te versend van die verrigtinge wat reggestel of tersyde gestel wens te word, tesame met sodanige redes as wat regtens vereis word of wenslik voorsien moet word, en om die aansoeker te verwittig dat dit gedoen is; en
 - (c) ondersteun word deur 'n beëdigde verklaring wat die feitelike en regsgronde uiteensit waarop die aansoeker staatmaak om die besluit of verrigtinge reggestel of tersyde gestel te kry.
- (3) Die persoon of liggaam aan wie 'n kennisgewing van mosie ingevolge subrel (2) beteken is, moet betyds aan die voorskrif in die kennisgewing van mosie voldoen.
- (4) Indien die persoon of liggaam versuim om aan die voorskrif te voldoen, of versuim om aansoek te doen om tydsverlenging om dit te doen, kan enige belanghebbende party by kennisgewing aansoek doen om 'n bevel wat nakoming van die voorskrif afdwing.
- (5) Die griffier moet die oorkonde wat ontvang word aan die aansoeker beskikbaar stel op sodanige voorwaardes as wat die griffier gepas ag ten einde die veiligheid daarvan te verseker. Die aansoeker moet afskrifte maak van sodanige dele van die oorkonde as wat nodig mag wees vir doeleindes van die hersiening en moet elke afskrif as waar en korrek sertifiseer.
- (6) Die aansoeker moet die griffier en elk van die ander partye voorsien van 'n afskrif van die oorkonde of deel van die oorkonde, na gelang

van die geval, en 'n afskrif van die redes ingedien deur die persoon of liggaam.

(7) Die koste van transkripsie van die oorkonde, kopiëring en aflewering van die oorkonde en redes, indien enige, moet deur die aansoeker betaal word en word dan koste in die geding.

(8) Die aansoeker moet binne 10 dae nadat die griffier die oorkonde beskikbaar gestel het, –

(a) deur aflewering van 'n kennisgewing en bygaande beëdigde verklaring, die voorwaardes van die kennisgewing van mosie wysig, daarby byvoeg of verander en die ondersteunende beëdigde verklaring aanvul; of

(b) 'n kennisgewing aflewer dat die aansoeker by sy kennisgewing van mosie hou.

(9) 'n Persoon wat die toestaan van die bevel wat in die kennisgewing van mosie versoek is wil teenstaan, moet binne 10 dae na ontvangs van die kennisgewing van wysiging of kennisgewing dat die aansoeker by sy kennisgewing van mosie hou, 'n beëdigde verklaring aflewer in antwoord op die bewerings gemaak deur die aansoeker.

(10) Die aansoeker kan binne 5 dae na ontvangs van 'n antwoordende verklaring 'n repliserende verklaring indien."

Wysiging van reël 9 van die Reëls

9. Reël 9 van die Reëls word hierby gewysig –

(a) deur in subreël (2) die uitdrukking "14 dae" deur die uitdrukking "10 dae" te vervang;

(b) deur in subreël (5) die uitdrukking "21 dae" deur die uitdrukking "15 dae" te vervang;

(c) deur die volgende subreël na subreël (5) in te voeg:

"(5A) (a) Die persoon of liggaam aan wie 'n kennisgewing van appèl ingevolge subreël (3) beteken is, moet betyds aan die voorskrif in die kennisgewing van appèl voldoen.

(b) Indien die persoon of liggaam versuim om aan die voorskrif te voldoen of versuim om aansoek te doen om 'n verlenging van tyd om

dit te doen, kan 'n belanghebbende party by kennisgewing aansoek doen om 'n bevel wat nakoming van die voorskrif afdwing.

- (c) Die griffier moet die oorkonde wat ontvang is aan die appellant beskikbaar stel op sodanige voorwaardes as wat die griffier gepas ag ten einde die veiligheid daarvan te verseker. Die appellant moet afskrifte maak van sodanige dele van die oorkonde as wat vir die doeleindes van die hersiening nodig mag wees en moet elke afskrif as waar en korrek sertifiseer.
- (d) Die appellant moet die griffier en elk van die ander partye voorsien van 'n afskrif van die oorkonde of deel van die oorkonde, na gelang van die geval, en 'n afskrif van die redes deur die persoon of liggaam ingedien.
- (e) Die koste van transkripsie van die oorkonde, afskrifte maak en aflewering van die oorkonde en redes, indien enige, moet deur die aansoeker betaal word en word dan koste in die geding.”;
- (d) deur in subreël (6) die uitdrukking “14 dae” deur die uitdrukking “10 dae” te vervang;
- (e) deur in subreël (7) die uitdrukking “14 dae” deur die uitdrukking “10 dae” te vervang.

Wysiging van reël 10 van die Reëls

10. Reël 10 van die Reëls word hierby gewysig –

- (a) deur in subreël (2) die uitdrukking “14 dae” deur die uitdrukking “10 dae” te vervang;
- (b) deur in subreël (7) die uitdrukking “sewe dae” deur die uitdrukking “5 dae” te vervang.

Wysiging van reël 11 van die Reëls

11. Reël 11 van die Reëls word hierby gewysig deur in die Engelse teks in subreël (1)(c) die woord “directives” deur die woord “directions” te vervang.

Wysiging van reël 12 van die Reëls

12. Reël 12 van die Reëls word hierby gewysig deur in die Engelse teks in subreël (2) die woord "directives" deur die woord "directions" te vervang.

Wysiging van reël 13 van die Reëls

13. Reël 13 van die Reëls word hierby gewysig –
- (a) deur subreël (1) subreël (1)(a) te hernommer;
 - (b) deur na paragraaf (a) van subreël (1) die volgende paragraaf in te voeg:
“(b) Indien koste nie toegeken word nie, kan ‘n ander party by kennisgewing aansoek doen om koste.”.

Wysiging van reël 16 van die Reëls

14. Reël 16 van die Reëls word hierby gewysig –
- (a) deur in subreël (1) paragrawe (a) en (b) te skrap en deur die “-“ deur ‘n “.” te vervang.”;
 - (b) deur in subreël (2) die verwysing “(a)” te skrap.

Invoeging van reël 16A

15. Die volgende reël word hierby na reël 16 ingevoeg:
- “16A(1) Die hof kan, benewens enige ander bevoegdhede wat hy kan hê –
- (a) uit eie beweging of by aansoek van enige party wat geraak word, enige bevel of beslissing herroep of verander –
 - (i) wat verkeerdelik versoek of verkeerdelik toegestaan is in die afwesigheid van ‘n party wat daardeur geraak word;
 - (ii) waarin daar ‘n dubbelsinnigheid of ‘n klaarblyklike fout of weglating is, maar slegs in soverre dit sodanige dubbelsinnigheid, fout of weglating aangaan;
 - (iii) wat toegestaan is as gevolg van ‘n fout waaroor die partye saamstem; of
 - (b) by aansoek deur ‘n party wat geraak word, enige bevel of beslissing toegestaan in die afwesigheid van daardie party, herroep.
- (2) ‘n Party wat regshulp verlang ingevolge –

- (a) subreël 1(a), moet daarom aansoek doen by kennisgewing aan alle partye wie se belange deur die verlangde regshulp geraak kan word;
- (b) subreël 1(b), kan binne 15 dae nadat kennis geneem is van 'n bevel of beslissing toegestaan in die afwesigheid van daardie party, by kennisgewing aan alle belanghebbende partye aansoek doen om tersydestelling van die bevel of beslissing en die hof kan, by aanvoering van gegronde redes, die bevel of beslissing ter syde stel op sodanige voorwaardes as wat hy goeddink."

Wysiging van reël 18 van die Reëls

16. Reël 18 van die Reëls word hierby vervang deur die volgende reël:

"Hoofde van betoog

- 18.** (1) Die hof kan te enigertyd die partye versoek om bondige uiteensettings van die hoofpunte wat hulle voornemens is om te beredeneer, af te lewer.
- (2) Die hoofde van betoog moet –
- (a) 'n chronologie van die wesenlike feite insluit;
 - (b) in sy eerste verwysing na 'n feitelike bewering 'n bladsy- en paragraaf- of reëlverwysing na die rekord of bundel dokumente bevat;
 - (c) 'n lys insluit van die owerhede waarna in die hoofde van betoog verwys word;
 - (d) in sy eerste verwysing na 'n teksboek die skrywer, titel, uitgawe en bladsynommer bevat (in daardie volgorde, byvoorbeeld: Smith, Arbeidswet, 2de ed, 44); en
 - (e) in sy eerste verwysing na 'n gerapporteerde saak die volle naam van die saak, die jaar, volume, aanvangsbladsy, afdeling van die hof, en bladsy- en kantverwysing behels waarna spesifiek verwys word (byvoorbeeld: Nasionale Vakbond van Hotelwerkers e.a. v Smith (Edms) Bpk, 1990, 1 SA 127 (A)

130(D); Jones v Clark (Edms) Bpk e.a. (1990) 15 ILJ 1010 (LAC) 1031D).".

Wysiging van reël 19 van die Reëls

17. Reël 19 van die Reëls word hierby gewysig deur in subreël (3) die uitdrukking "21 dae" deur die uitdrukking "5 dae" te vervang.

Wysiging van reël 20 van die Reëls

18. Reël 20 van die Reëls word hierby deur die volgende reël vervang:

"Vennootskappe, firmas en ongeïnkorporeerde verenigings

20. (1) 'n Vennootskap, firma of ongeïnkorporeerde vereniging kan in eie naam 'n party wees by enige verrigtinge en verrigtinge kan deur enige ander partye teen hom geïnisieer word.
- (2) 'n Party by verrigtinge teen 'n vennootskap, firma of ongeïnkorporeerde vereniging hoef nie die name van die vennote, eienaar, lede of ampsdraers te beweer nie.
- (3) (a) 'n Party by verrigtinge wat geïnisieer is deur of teen 'n vennootskap, firma of ongeïnkorporeerde vereniging kan die ander party kennis gee om binne 10 dae na betekening van die kennisgewing die name en adresse van die vennote, eienaar, lede of ampsdraers van die vennootskap, firma of ongeïnkorporeerde vereniging te verskaf asook 'n afskrif van sy konstitusie op die datum waarop die gronde vir die verrigtinge ontstaan het.
- (b) 'n Vennootskap, firma of ongeïnkorporeerde vereniging aan wie 'n kennisgewing ingevolge paragraaf (a) beteken is, moet binne die vasgestelde tydperk daaraan voldoen.
- (c) Sodra die nodige inligting verskaf is, word die vennote, eienaar of lede partye by die verrigtinge.
- (d) In die geval van 'n geskil oor die identiteit van 'n vennoot, eienaar, lid of ampsdraer kan die hof, by aansoek, 'n beslissing gee.
- (4) Indien verrigtinge ingestel word teen 'n vennootskap, firma of ongeïnkorporeerde vereniging watsedert die oorsaak van die

verrigtinge blyk te ontbind het, gaan die verrigtinge voort teen die persone wat na bewering vennote of lede is of wat deur die vennootskap, firma of vereniging verklaar word vennote of lede te wees.

- (5) Tenuitvoerlegging van 'n vonnis teen 'n vennootskap, firma of ongeïnkorporeerde vereniging moet eers teen sy bates ten uitvoer gelê en, na tenuitvoerlegging, teen die privaat bates van 'n persoon wat na bewering 'n vennoot of lid is of onder estoppel is om te ontken dat hy/sy 'n vennoot of lid is, asof uitspraak teen daardie persoon aangeteken is.”.

Wysiging van reël 22A van die Reëls

19. Reël 22A van die reëls word hierby gewysig –

- (a) deur in subreël (3) die uitdrukking “14 dae” deur die uitdrukking “10 dae” te vervang;
- (b) deur in subreël (4) die uitdrukking “sewe dae” deur die uitdrukking “5 dae” te vervang;
- (c) deur in subreël (5) die uitdrukking “sewe dae” deur die uitdrukking “5 dae” te vervang.

Wysiging van reël 30 van die Reëls

20. Reël 30 van die reëls word hierby gewysig –

- (a) deur in subreël (2), voor die finale punktulasie, die volgende bewoording in te voeg :

“, maar die hof kan, by aanvoering van gegronde redes, daardie tydperk verleng.”;
- (b) deur in subreël (2) die uitdrukking “21 dae” deur die uitdrukking “15 dae” te vervang.
- (c) deur in subreël (3) die uitdrukking “14 dae” deur die uitdrukking “10 dae” te vervang;
- (d) deur na subreël (3) die volgende subreël in te voeg:

“(3A) Tensy die regter by wie verlot tot appèl versoek word anders bepaal, moet die partye se onderskeie voorleggings ten opsigte van die aansoek om verlot tot appèl –

(a) op skrif wees; en

(b) voor of op die datum deur die regter bepaal, afgelewer word.”.

Invoeging van Bylae 1 tot die Reëls

21. Die volgende bylae word hierby voor die vorms in die Reëls ingevoeg:

“Bylae 1

Geldetarief

1. Die griffier kan ‘n tarief van R1,00 per bladsy hef vir die kopiëring van ‘n dokument.
2. Die griffier kan ‘n tarief van R2,00 hef om ‘n dokument as ‘n ware afskrif te waarmerk.”.

Inwerkingtreding

22. Hierdie reëls tree in werking op [datum van publikasie].

No. 1101

4 September 1998

WYSIGING VAN DIE REËLS WAARBY DIE VOER VAN VERRIGTINGE IN DIE ARBEIDSAPPÈLHOF GEREËL WORD

Die Reëlsraad vir Arbeidshoe het kragtens artikel 176 van die Wet op Arbeidsverhoudinge, 1995 (Wet No. 66 van 1995), die reëls in die Bylae gemaak.

BYLAE

Woordomskrywing

1. In hierdie reëls beteken "die Reëls" die reëls uitgevaardig by Goewermentskennisgewing No. 1666 van 14 Oktober 1996, soos gewysig by Goewermentskennisgewing No. R. 962 van 11 Julie 1997.

Wysiging van reël 1 van die Reëls

1. Reël 1 van die Reëls word hierby gewysig deur die skraping van die volgende bewoording in die omskrywing van "dag":

" , tensy die laaste dag 'n Saterdag, Sondag of openbare vakansiedag is, in welke geval die aantal dae bereken moet word deur die eerste dag sowel as daardie Saterdag, Sondag of openbare vakansiedag uit te sluit".

Wysiging van reël 4 van die reëls

2. Reël 4 van die reëls word hierby gewysig –

- (a) deur in subreël (5) die volgende uitdrukking voor die finale punktuering in te voeg:
"en moet vergesel gaan van bewys van betekening aan alle ander partye";
- (b) deur in subreël (5) die uitdrukking "14 dae" deur die uitdrukking "10 dae" te vervang;
- (c) deur in subreël (6) die uitdrukking "14 dae" deur die uitdrukking "10 dae" te vervang;
- (d) deur die skraping van subreël (10).

Wysiging van reël 5 van die Reëls

3. Reël 5 van die reëls word hierby gewysig –

- (a) deur in subreël (1) die uitdrukking "21 dae" deur die uitdrukking "15 dae" te vervang;
- (b) deur in subreël (5) die uitdrukking "14 dae" deur die uitdrukking "10 dae" te vervang;
- (c) deur paragraaf (e) in subreël (10) deur die volgende paragraaf te vervang:
"(e) verdeel word in afsonderlike volumes van geskikte grootte van ongeveer 10 bladsye elk: Met dien verstande dat 'n volume uit 'n kleiner aantal bladsye kan bestaan indien dit gerieflik is dat sodanige volume in 'n selfstandige afsonderlike deel van die oorkonde bestaan;"
- (d) deur paragraaf (g) in subreël (10) deur die volgende paragraaf te vervang:
"(g) 'n korrekte en volledige inhoudsopgawe van die getuienis en van al die dokumente en bewysstukke in die saak bevat en die datum en aard van die bewysstukke moet kortliks aangedui word in die inhoudsopgawe;"
- (e) deur in die Engelse teks in subreël (10) die woord "head" deur die woord "heads" te vervang;
- (f) deur in subreël (13) die volgende uitdrukking voor die finale punktuering in te voeg:
"met die opskrif 'Lys van dokumente wat uit die oorkonde uitgesluit is'";
- (g) deur subreël (15) deur die volgende subreël te vervang:
"(15) In die oorkonde van die getuienis van enige getuie moet 'n verwysing na 'n dokument of bewysstuk wat in die appèloorkonde vervat is, die

bladsynommer in die appèloorkonde van sodanige dokument of bewysstuk aangee tussen hakies in die kantlyn regoor die verwysing.”;

- (h) deur subreël (17) deur die volgende subreël te vervang:

“(17) Indien die appellant versuim om die oorkonde binne die voorgeskrewe tydperk te liasseer, word die appellant geag die appèl terug te getrek het, tensy die appellant binne daardie tydperk by die respondent of die respondent se verteenwoordigers aansoek gedoen het om toestemming tot ‘n verlenging van die tydperk en toestemming verleen is. Indien toestemming geweier word, kan die appellant, na lewering aan die respondent van die kennisgewing van mosie ondersteun deur beëdigde verklaring, ‘n aansoek by die Regter-president in kamers doen om ‘n verlenging van die tydperk. Die aansoek moet vergesel gaan van bewys van betekening aan alle ander partye. ‘n Party wat die toestaan van ‘n verlenging van tyd wil teenstaan, kan ‘n antwoordende verklaring lewer binne 10 dae na betekening aan sodanige party van ‘n afskrif van die aansoek.”;

- (i) deur in subreël (18) die uitdrukking -

“Indien die appellant versuim het om die oorkonde te liasseer, of geag word die appèl terug te getrek het”

deur die uitdrukking -

“Indien ‘n appellant ‘n kennisgewing van terugtrekking van ‘n appèl aflewer, of, ingevolge subreël (17) geag word ‘n appèl terug te getrek het”

te vervang;

- (j) deur in subreël (18) die uitdrukking “14 dae” deur die uitdrukking “10 dae” te vervang;

- (k) deur in die Engelse teks in subreël (20) die woord “forms” deur die woord “form” te vervang;

- (l) deur in subreël (22) na “kan” die uitdrukking “by kennisgewing aan alle ander partye” in te voeg.

Wysiging van reël 5A van die Reëls

4. Reël 5A van die Reëls word hierby gewysig –

- (a) deur in subreël (1) die uitdrukking “14 dae” deur die uitdrukking “10 dae” te vervang;

- (b) deur in subreël (3)(a) die uitdrukking "14 dae" deur die uitdrukking "10 dae" te vervang;
- (c) deur subreël (4) deur die volgende subreël te vervang:
"(4) Nadat 'n appèl aangeteken is, geld die bepalings van reël 5(7) to (22).".

Wysiging van reël 7 van die reëls

5. Reël 7 van die reëls word hierby gewysig –

- (a) deur in subreël (3) die uitdrukking "21 dae" deur die uitdrukking "15 dae" te vervang;
- (b) deur in subreël (5) die uitdrukking "in te dien" deur die uitdrukking "te lewer" te vervang;
- (c) deur in subreël (6) die uitdrukking "sewe dae" deur die uitdrukking "vyf dae" te vervang.

Wysiging van reël 8 van die reëls

6. Reël 8 van die reëls word hierby gewysig deur in subreël (1) die uitdrukking "Sodra die bepalings van reël 5 nagekom is" deur die uitdrukking "Sodra die oorkonde op appèl afgelewer is" te vervang.

Wysiging van reël 9 van die Reëls

7. Reël 9 van die Reëls word hierby gewysig –

- (a) deur in subreël (1) die uitdrukking "21 dae" deur die uitdrukking "15 dae" te vervang;
- (b) deur in subreël (2) die uitdrukking "14 dae" deur die uitdrukking "10 dae" te vervang;
- (c) deur subreël (3) deur die volgende subreël te vervang:
"(3) Die hoofde van betoog van die appellant en die respondent moet –
 - (a) die wesenlike feite, in chronologiese volgorde, insluit;
 - (b) in die eerste verwysing na 'n feitelike bewering 'n bladsy- en paragraaf- of reëlverwysing na die oorkonde of bundel dokumente bevat;
 - (c) 'n lys van die gesag waarna in die hoofde van betoog verwys word, insluit;

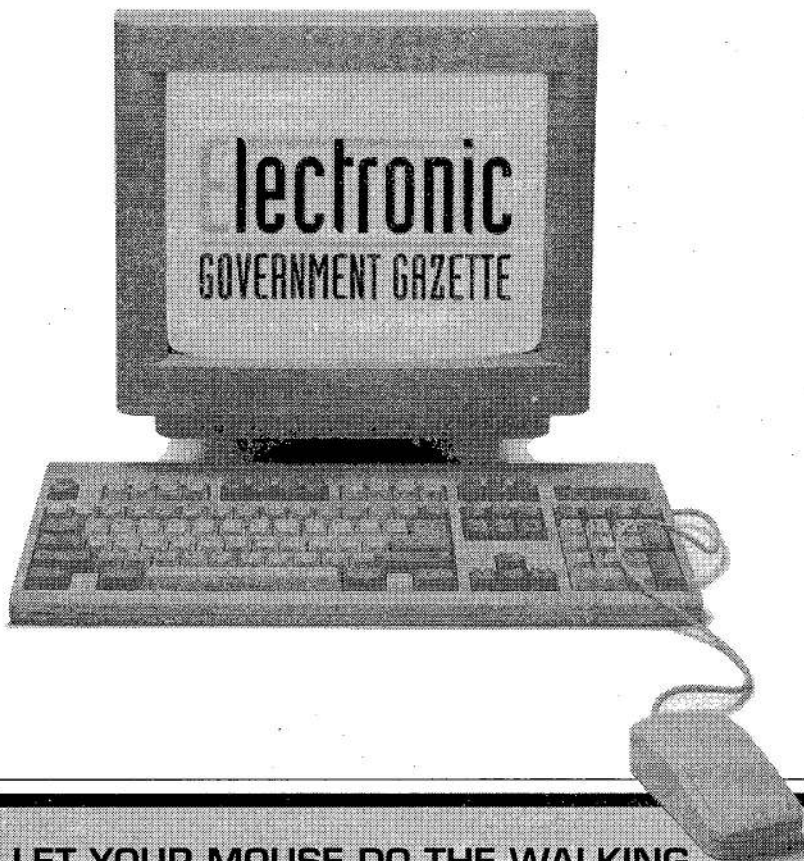
- (d) in die eerste verwysing na 'n teksboek die skrywer, titel, uitgawe en bladsynommer spesifiseer (in daardie volgorde, byvoorbeeld: Smith Arbeidswet, 2de ed, 44); en
- (e) in die eerste verwysing na 'n gemelde saak, die volle naam van die saak, die jaar, volume, aanvangsbladsy, afdeling van die hof, en bladsy en kantverwysing waarna spesifiek verwys word, bevat (byvoorbeeld: Nasionale Vakbond van Hotelwerkers e.a. v Smith (Edms) Bpk 1990 1 SA 127 (A) 130D; Jones v Clark (Edms) Bpk e.a. (1990) 15 ILJ 1010 (LAC) 1013D)."

Wysiging van reël 13 van die Reëls

8. Reël 13 van die Reëls word hierby gewysig deur in subreël (1) die uitdrukking "van die Hofreëls van die Appèlafdeling van die Hooggeregshof" deur die uitdrukking "(soos van tyd tot tyd gewysig) van die Hoogste Hof van Appél" te vervang.

Inwerkingtreding

9. Hierdie reëls tree op [datum van publikasie] in werking.
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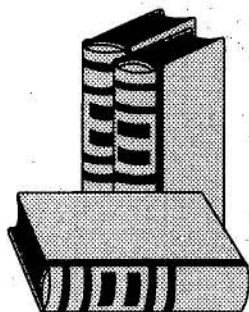
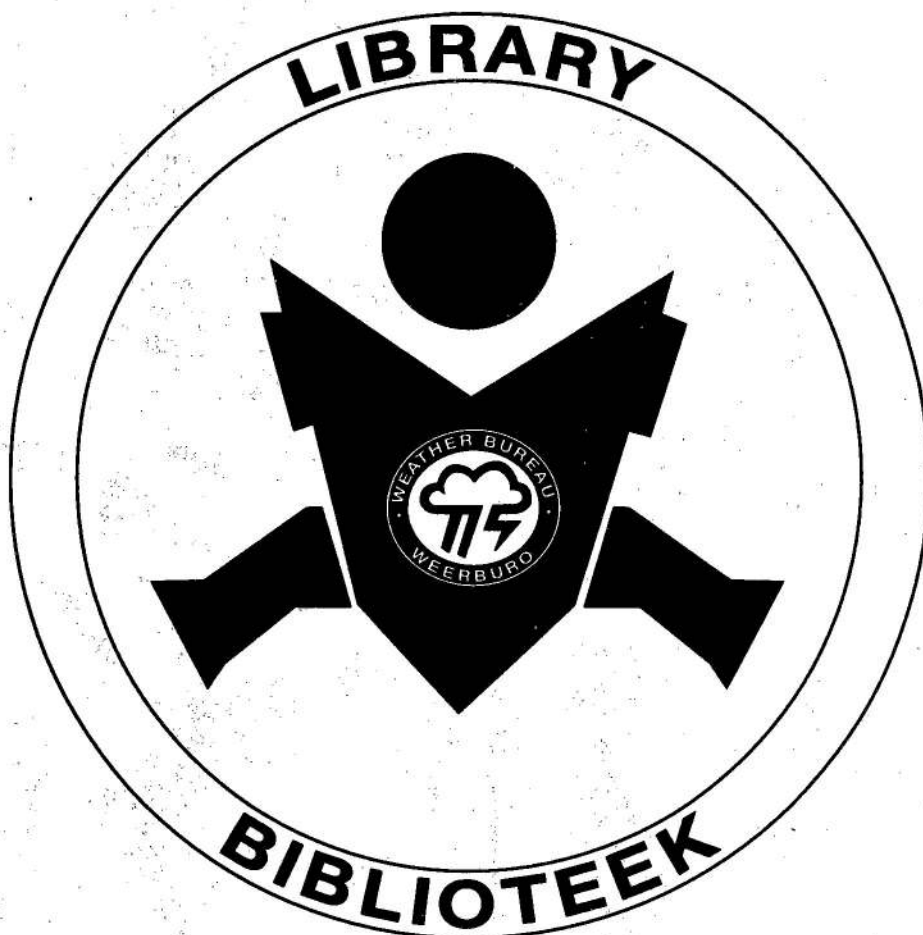
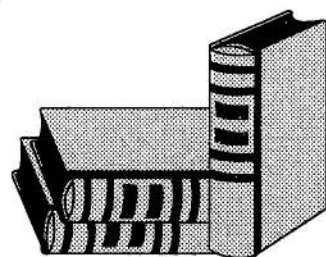
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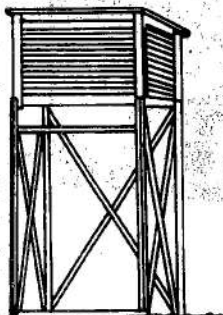
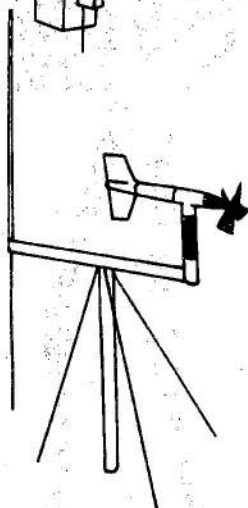
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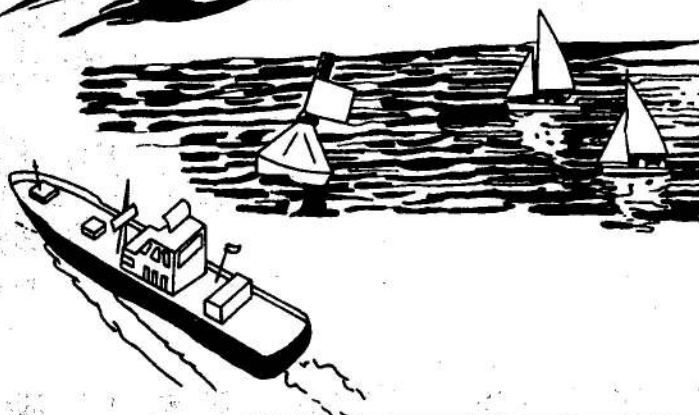
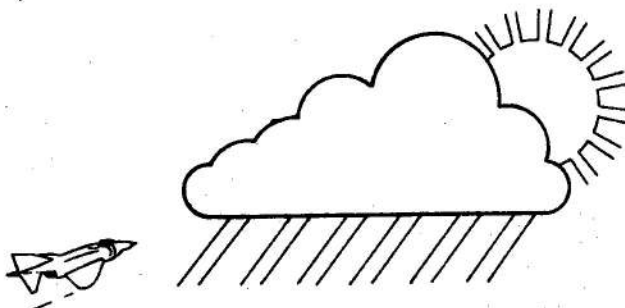


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