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STAATSKOERANT
 VAN DIE REPUBLIEK VAN SUID-AFRIKA

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GOVERNMENT NOTICES

DEPARTMENT OF JUSTICE

No. 2170

6 October 1982

RULES REGULATING THE CONDUCT OF THE PROCEEDINGS OF THE APPELLATE DIVISION OF THE SUPREME COURT OF SOUTH AFRICA

The Chief Justice of South Africa and the Judges of Appeal have, in terms of section 43 (1) of the Supreme Court Act, 1959 (Act 59 of 1959), with the approval of the State President, made the following amendments to the rules regulating the conduct of the proceedings of the Appellate Division of the Supreme Court of South Africa, promulgated by Government Notice R. 1207, dated 15 December 1961, as amended:

1. The substitution for rule 10 of the following rule:

“10. The following fees shall be allowed to attorneys conducting appeals or other matters before the court:

A. TAKING INSTRUCTIONS

1. (a) To note an appeal: R15.
- (b) To prosecute or defend an appeal: R25 to R150.
- (c) To make or oppose an application: R20 to R80.
2. To draft any petition of affidavit: Half the charge allowed under item E1 for drafting.

B. PREPARATION OF RECORDS

1. Making, for the purpose of preparing copies of the record on appeal (except where a charge is made under subparagraph 5 hereof), a copy of such particulars of the record as were not in the possession of the appellant or his attorney at the time when the order appealed from was made, per folio: 50c.
2. Arranging record for printing or typing, excluding unnecessary documents therefrom, and preparing index and list of documents not included in record of appeal, per half-hour or part thereof: R25.
3. Correcting printer's proof or typed or roneoed copy, per half-hour or part thereof: R25.
4. Attending at registrar's office of the court appealed from to check record, per half-hour or part thereof: R15.

GOEWERMENSKENNISGEWINGS

DEPARTEMENT VAN JUSTISIE

No. 2170

6 Oktober 1982

REÛLS WAARBY DIE VERRIGTINGS VAN DIE APPËLAFDELING VAN DIE HOOGGEREGSHOF VAN SUID-AFRIKA GEREËL WORD

Die Hoofregter van Suid-Afrika en die Appèlregters het kragtens artikel 43 (1) van die Wet op die Hooggeregshof, 1959 (Wet 59 van 1959), met die goedkeuring van die Staatspresident, die reëls waarby die verrigtings van die Appèlafdeling van die Hooggeregshof van Suid-Afrika gereël word, afgekondig by Goewermentskennisgewing R. 1207 van 15 Desember 1961, soos gewysig, soos volg gewysig:

1. Die vervanging van reël 10 deur die volgende reël:
 “10. Die volgende gelde word toegelaat vir prokureurs wat appèlle of ander sake voor die hof voer:

A. NEEM VAN INSTRUKSIES

1. (a) Om appèl aan te teken: R15.
- (b) Om 'n appèl voort te sit of te verdedig: R25 tot R150.
- (c) Om 'n aansoek te doen of dit te bestry: R20 tot R80.
2. Om enige petisie of beëdigde verklaring op te stel: Die helfte van die gelde toegelaat onder item E1 vir opstel.

B. VOORBEREIDING VAN STUKKE

1. Die maak van 'n afskrif van besonderhede van die stukke wat nie in besit van die appellant of sy prokureur was toe die bevel waarteen geappelleer word, uitgevaardig is nie, met die doel om afskrifte van die oorkonde van appèl (behalwe waar 'n bedrag kragtens subparagraaf 5 hiervan gevorder word) voor te berei, per folio: 50c.
2. Rangskikking van stukke vir druk of tik, met uitsluiting van onnodige dokumente, en voorbereiding van inhoudsopgawe en lys van dokumente nie ingesluit in die oorkonde van appèl nie, per halfuur of gedeelte daarvan: R25.
3. Nasien van drukproef of getikte of afgerolde afskrif, per halfuur of gedeelte daarvan: R25.
4. Opwagting by die kantoor van die griffier van die hof waarvandaan geappelleer word om die oorkonde na te gaan, per halfuur of gedeelte daarvan: R15.

5. (a) Making typed copies of record on appeal and heads of arguments, per folio: 50c.

(b) Where copies are made other than by typewriter, the charge shall be, for the first copy, 50c per page, for the next four copies, 20c per page and for further copies, 10c per page.

(Note.—In the calculation of the number of folios the total number of words of all necessary documents are to be divided by 100, i.e. the entire record is to be treated as one document.)

C. PERUSAL

1. (a) Perusing judgment of court *a quo* when taking instructions, per page: R7,50.

(b) Perusing record on appeal, for each page or part thereof: 20c.

(Note.—The minimum fee under this item shall be R50.)

2. Perusing any plan, diagram, photograph or other annexure to the record to which the remuneration hereinbefore set out cannot be applied: R2,50 to R50.

3. Attendance on and perusal of any petition or affidavit including annexures or any other document not elsewhere provided for, per page: R5.

(Note.—The minimum fee under this item shall be: For formal affidavits, R4, for affidavits other than formal affidavits, R10.)

4. Attendance on and perusal of heads of argument for each 10 pages or portion thereof: R10.

(Note.—The minimum fee under this item shall be R20.)

D. ATTENDANCE

1. Any formal attendance on an acknowledgement, receipt, etc.: R1,50.

2. Attendance on any letter, telegram, document, telephone call, or any other necessary attendance not otherwise provided for: R2,50 to R10.

(A composite fee to be charged for all letters received.)

3. (a) Attendance at office of registrar to deliver a letter or document, or to uplift an order, etc.: R2.

(b) Attendance on business other than formal business, per half-hour or part thereof: R20.

4. Attendance at any consultation with counsel or client, per half-hour or part thereof: R20 to R30.

5. Attendance at court to note judgment—

(a) by an attorney: R15.

(b) by a clerk: R5.

6. Attendance at court on hearing of appeal or application, per half-hour or part thereof—

(a) by an attorney: R20 to R30.

(b) by a clerk: R12,50.

E. DRAWING UP OF DOCUMENTS

1. Any petition or affidavit, per folio: R6.

(Note.—In computing the number of folios, the taxing master shall deduct, but treat as annexures, any relevant portion consisting of quotations from other documents.)

2. Instructions to counsel, whether written or verbal—

(a) on appeal: R20 to R100.

(b) on petition: R20 to R100.

5. (a) Maak van getikte afskrifte van die oorkonde van appèl en betoogpunte, per folio: 50c.

(b) Indien afskrifte op 'n ander wyse as met behulp van 'n tikmasjien gemaak word, is die koste vir die eerste afskrif 50c per bladsy, vir die volgende 4 afskrifte 20c per bladsy en vir verdere afskrifte 10c per bladsy.

(Opmerking.—By die berekening van die getal folio's moet die totale getal woorde van alle noodsaaklike dokumente deur 100 gedeel word, dit wil sê al die stukke moet as een dokument beskou word.)

C. NAGAAN

1. (a) Nagaan van die hofuitspraak *a quo* wanneer instruksies geneem word, per bladsy: R7,50.

(b) Nagaan van die oorkonde van appèl, vir elke bladsy of gedeelte daarvan: 20c.

(Opmerking.—Die minimum bedrag onder hierdie item is R50.)

2. Nagaan van enige plan, skets, foto of ander aanhangsel van die stukke waarop die vergoeding hierbo uiteengesit nie toegepas kan word nie: R2,50 tot R50.

3. Aandag gee aan en nagaan van enige petisie of beëdigde verklaring, insluitende aanhangsels of enige ander dokument waarvoor nie elders voorsiening gemaak word nie, per bladsy: R5.

(Opmerking.—Die minimum bedrag onder hierdie item is soos volg: Vir formele beëdigde verklarings, R4; vir beëdigde verklarings wat nie formeel is nie, R10.)

4. Aandag gee aan en nagaan van betoogpunte, vir elke 10 bladsye of gedeelte daarvan: R10.

(Opmerking.—Die minimum bedrag onder hierdie item is R20.)

D. BEHARTIGING EN OPWAGTING

1. Enige formele behartiging van 'n erkenning, ontvangs, ens.: R1,50.

2. Behartiging van enige brief, telegram, dokument, telefoonoproep, of enige ander nodige behartiging waarvoor nie andersins voorsiening gemaak is nie: R2,50 tot R10.

('n Saamgestelde bedrag moet gevorder word vir alle briewe ontvang.)

3. (a) Opwagting by kantoor van griffier om 'n brief of dokument af te lewer of om 'n bevel af te haal, ens.: R2.

(b) Behartiging van besigheid wat nie formeel is nie, per halfuur of gedeelte daarvan: R20.

4. Opwagting by enige samesprekings met 'n advokaat of kliënt, per halfuur of gedeelte daarvan: R20 to R30.

5. Opwagting by hof om vonnis aan te teken—

(a) deur 'n prokureur: R15.

(b) deur 'n klerk: R5.

6. Opwagting by hof by verhoor van appèl of aansoek, per halfuur of gedeelte daarvan—

(a) Deur 'n prokureur: R20 tot R30;

(b) deur 'n klerk: R12,50.

E. OPSTEL VAN DOKUMENTE

1. Enige petisie of beëdigde verklaring, per folio: R6.

(Opmerking.—By die berekening van die getal folio's moet die takseermeester enige tersaaklike gedeelte bestaande uit aanhalings uit ander dokumente aftrek, maar hulle as aanhangsels behandel.)

2. Instruksies aan advokaat, hetsy skriftelik of mondeling—

(a) by appèl: R20 tot R100;

(b) by petisie: R20 tot R100.

3. Drawing up notice of appeal or other necessary notices, per folio: R5.

4. Letters and telegrams, per folio, including copy to keep: R3.

(A composite fee shall be charged for all letters written.)

5. Drawing up power of attorney, per folio: R3.

6. Drawing up short brief to counsel: R3.

7. Drawing up bond of security, per folio: R6.

F. COPYING

Other documents not specially provided for:

(a) First copy, per page: 75c.

(b) Each further necessary copy, per page: 20c.

G. BILLS OF COSTS

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

1. For drawing up the bill of costs, making the necessary copies and attending settlement: 5 per cent of the amount of attorney's fees, either as charged in the bill if not taxed, or as allowed on taxation.

2. For arranging and attending taxation: 5 per cent of the fees allowed.

(Note.—The minimum fee under each of these items shall be R15.)

3. For perusal of the other party's bill of costs, as submitted for taxation, including preparation for taxation, per folio R2,50.

4. For attending taxation of the other party's bill of costs: 5 per cent on fees appearing in the bill of costs as submitted before taxation.

(Note.—The minimum fee under this item shall be R15.)

(Note I.—With a view to affording the party who has been awarded an order for costs a full indemnity for all costs reasonably incurred by him in relation to his claim or defence and to ensure that all such costs shall be borne by the party against whom such order has been made, the taxing master shall on every taxation allow such costs, charges and expenses as appear to him to have been necessary or proper for the attainment of justice or for defending the rights of any party, but, save as against the party who incurred them, no costs shall be allowed which appear to the taxing master to have been incurred or increased through overcaution, negligence or mistake, or by payment of a special fee to counsel or by other unusual expenses.)

(Note II.—The taxing master shall be entitled in his discretion at any time to depart from any of the provisions of this tariff in extraordinary or exceptional circumstances and in this regard will take into account the time necessarily taken, the complexity of the matter, the nature of the subject matter in dispute, the amount in dispute and any other factors he considers relevant.)

(Note III.—In order to diminish as much as possible the costs arising from the copying of the record or of documents to accompany the briefs of counsel, the taxing master shall not allow the costs of any unnecessary duplication.)

(Note IV.—Where in the opinion of the taxing master more than one attorney has been necessarily engaged in the performance of any of the work covered by this tariff, each such attorney shall be entitled to be remunerated, on the basis set out in this tariff, for the work necessarily done by him.)

3. Opstel van kennisgewing van appèl of ander nodige kennisgewings, per folio: R5.

4. Briewe en telegramme, per folio, insluitende afskrif om te hou: R3.

(’n Saamgestelde bedrag moet gevorder word vir alle briewe geskryf.)

5. Opstel van volmag, per folio: R3.

6. Opstel van kort opdrag aan advokaat: R3.

7. Opstel van borgakte, per folio: R6.

F. MAAK VAN AFSKRIFTE

Ander dokumente waarvoor nie spesiaal voorsiening gemaak is nie:

(a) Eerste afskrif, per bladsy: 75c.

(b) Elke verdere nodige afskrif, per bladsy: 20c.

G. KOSTEREKENING

In verband met ’n kosterekening vir werk gedoen of dienste gelewer deur ’n prokureur is sodanige prokureur geregtig om die volgende te vorder:

1. Vir die opstel van die kosterekening, die maak van die nodige afskrifte en opwagting by afrekening: 5 persent van die bedrag van die prokureursgelde, hetsy soos geëis in die ongetakseerde kosterekening of soos by taksasie toegelaat.

2. Vir die reëling en bywoning van taksasie: 5 persent van die gelde toegelaat.

(Opmerking.—Die minimum bedrag ingevolge elk van hierdie items is R15.)

3. Vir die nagaan van die ander party se kosterekening soos voorgelê vir taksasie, insluitende voorbereiding vir taksasie, per folio R2,50.

4. Vir die bywoning van taksasie van die ander party se kosterekening: 5 persent op gelde wat verskyn in die kosterekening soos voorgelê, voor taksasie.

(Opmerking.—Die minimum bedrag ingevolge hierdie item is R15.)

(Opmerking I.—Met die oog daarop om die party in wie se guns die koste toegestaan is, ten volle te vrywaar teen alle koste wat redelikerwys deur hom aangegaan is in verband met sy eis of verweer en ten einde te verseker dat al sodanige koste gedra word deur die party teen wie die koste toegestaan is, laat die takseermeester by iedere taksasie sodanige koste, vorderings en uitgawes toe as wat vir hom noodsaaklik of gepas voorkom ten einde reg te laat geskied of om die regte van enige party te beskerm, maar behalwe teenoor die party wat dit aangegaan het, word geen koste toegelaat nie wat, na dit vir die takseermeester voorkom, aangegaan of verhoog is deur oorversigtigheid, nalatigheid of ’n fout, of deur die betaling van ’n spesiale geld aan ’n advokaat of deur ander buitengewone uitgawes.)

(Opmerking II.—Die takseermeester is geregtig om te eniger tyd en na goeddunke in buitengewone of besondere gevalle van enige van die bepalings van hierdie tarief af te wyk en moet in dié verband die tyd noodsaaklikerwys bestee, die ingewikkeldheid van die aangeleentheid, die aard van die onderwerp in geskil, die bedrag in geskil en alle faktore wat hy as relevant beskou, in ag neem.)

(Opmerking III.—Ten einde die koste van die kopiëring van die stukke of dokumente wat die opdragte aan advokate vergesel, sover moontlik te verminder, laat die takseermeester nie die koste van enige onnodige duplisering toe nie.)

(Opmerking IV.—Waar na die mening van die takseermeester meer as een prokureur noodsaaklikerwys vir die verrigting van enige van die werk deur hierdie tarief gedek, in diens geneem is, is elke sodanige prokureur daarop geregtig om op die basis in hierdie tarief bepaal, vergoed te word vir die werk noodsaaklikerwys deur hom verrig.)

(Note V.—A folio shall contain 100 words, four figures to be counted as a word, and any fraction of less than 25 words shall not be allowed as an additional folio.)”

No. 2171

6 October 1982

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

The Chief Justice of South Africa, after consultation with the Judges President of the several divisions of the Supreme Court of South Africa, has, in terms of section 43 (2) (a) of the Supreme Court Act, 1959 (Act 59 of 1959), with the approval of the State President, made the following amendments to the rules regulating the conduct of the proceedings of the provincial and local divisions of the Supreme Court of South Africa promulgated by Government Notice R. 48, dated 12 January 1965, as amended:

1. The addition after subrule (7) of rule 43 of the following subrule:

“(8). No instructing attorney in cases under this rule shall charge a fee of more than R200 if the claim is undefended or R250 if it is defended, unless the court in an exceptional case otherwise directs.”

2. The substitution for rule 70 of the following rule:

“70. (1) (a) The taxing master shall be competent to tax any bill of costs for services actually rendered by an attorney in his capacity as such in connection with litigious work and such bill shall be taxed subject to the provisions of subrule (5), in accordance with the provisions of the appended tariff: Provided that the taxing master shall not tax costs in instances where some other officer is empowered so to do.

(b) The provisions relating to taxation existing prior to the promulgation of this subrule shall continue to apply to any work done or to be done pursuant to a mandate accepted by a practitioner prior to such date.

(2) At the taxation of any bill of costs the taxing master may call for such books, documents, papers or accounts as in his opinion are necessary to enable him properly to determine any matter arising from such taxation.

(3) With a view to affording the party who has been awarded an order for costs a full indemnity for all costs reasonably incurred by him in relation to his claim or defence and to ensure that all such costs shall be borne by the party against whom such order has been awarded, the taxing master shall, on every taxation, allow all such costs, charges and expenses as appear to him to have been necessary or proper for the attainment of justice or for defending the rights of any party, but save as against the party who incurred the same, no costs shall be allowed which appear to the taxing master to have been incurred or increased through over-caution, negligence or mistake, or by payment of a special fee to an advocate, or special charges and expenses to witnesses or to other persons or by other unusual expenses.

(4) The taxing master shall not proceed to the taxation of any bill of costs unless he is satisfied that the party liable to pay the same has received due notice as to the time and place of such taxation and notice that he is entitled to be present thereat: Provided that such notice shall not be necessary—

(a) if the party against whom costs have been awarded has not appeared at the hearing either in person or through his legal representative;

(Opmerking V.—'n Folio bestaan uit 100 woorde, vier syfers word as 'n woord getel en enige gedeelte van minder as 25 woorde word nie as 'n bykomende folio toegelaat nie.)”

No. 2171

6 Oktober 1982

REÛLS WAARBY DIE VERRIGTINGS VAN DIE VERSKILLENDE PROVINSIALE EN PLAASLIKE AFDELINGS VAN DIE HOOGGEREGSHOF VAN SUID-AFRIKA GEREÛL WORD

Die Hoofregter van Suid-Afrika het, na oorlegpleging met die Regters-president van die onderskeie afdelings van die Hooggeregshof van Suid-Afrika, kragtens artikel 43 (2) (a) van die Wet op die Hooggeregshof, 1959 (Wet 59 van 1959), met die goedkeuring van die Staatspresident, die reëls waarby die verrigtings van die provinsiale en plaaslike afdelings van die Hooggeregshof van Suid-Afrika gereël word, afgekondig by Goewermentskennisgewing R. 48 van 12 Januarie 1965, soos gewysig, soos volg gewysig:

1. Die invoeging van die volgende subreël na subreël (7) van reël 43:

“(8) Die gelde vir 'n opdraggewende prokureur in sake kragtens hierdie reël beloop hoogstens R200 as dit onbestrede is of R250 as dit bestrede is, tensy die hof in 'n uitsonderlike geval anders aanbeveel.”

2. Die vervanging van reël 70 deur die volgende reël:

“70. (1) (a) Die takseermeester mag enige kosterekening vir dienste in verband met hofwerk werklik deur 'n prokureur in sy hoedanigheid van prokureur gelewer, takseer, en sodanige rekening word behoudens die bepalings van subreël (5) getakseer ooreenkomstig die bepalings van onderstaande tarief: Met dien verstande dat die takseermeester nie koste mag takseer nie in gevalle waar 'n ander beaampte gemagtig is om dit te doen.

(b) Die bepalings betreffende taksasie soos wat dit van krag was voor die afkondiging van hierdie subreël, gaan voort om van toepassing te wees op enige werk wat verrig is of verrig moet word ooreenkomstig 'n opdrag wat voor sodanige datum deur die praktisyn aanvaar is.

(2) By die taksasie van 'n kosterekening kan die takseermeester boeke, dokumente, stukke of rekeninge aanvra wat syns insiens nodig is om hom in staat te stel om 'n aangeleentheid wat uit die taksasie voortspruit, behoorlik te beslis.

(3) Ten einde die party aan wie koste toegestaan is ten volle te vergoed vir alle uitgawes redelikerwys deur hom aangegaan met betrekking tot sy eis of verweer en om te verseker dat dit deur die party teen wie die bevel gegee is, betaal word, moet die takseermeester by elke taksasie al die koste en uitgawes toelaat wat syns insiens nodig of gepas was om reg te laat geskied of om die regte van enige party te beskerm, maar behalwe teen die party wat hulle aangegaan het, moet hy geen koste toelaat nie wat syns insiens aangegaan of verhoog is uit oorversigtigheid of deur nalatigheid of dwaling of deur die betaling van spesiale gelde aan 'n advokaat, spesiale uitgawes aan getuies of andere of deur ander ongewone uitgawes.

(4) Voordat die takseermeester 'n kosterekening takseer, moet hy oortuig wees dat die party wat die rekening moet betaal, behoorlik kennis gekry het van die tyd en plek van sodanige taksasie en kennis dat hy geregtig is om daarby teenwoordig te wees: Met dien verstande dat so 'n kennisgewing nie nodig is nie—

(a) as die party teen wie koste toegestaan is, nie persoonlik of deur middel van sy regsvertegenwoordiger by die verhoor verskyn het nie;

(b) if the person liable to pay costs has consented in writing to taxation in his absence; and

(c) for the taxation of writ and postwrit bills.

(5) (a) The taxing master shall be entitled, in his discretion, at any time to depart from any of the provisions of this tariff in extraordinary or exceptional cases, where strict adherence to such provisions would be inequitable.

(b) In computing the fee to be allowed in respect of items 1, 2, 3, 6, 7 and 8 of Section A; 1, 2 and 6 of Section B and 2, 3, 4 and 7 of Section C, the taxing master shall take into account the time necessarily taken, the complexity of the matter, the nature of the subject matter in dispute, the amount in dispute and any other factors which he considers relevant.

(6) (a) In order to diminish as far as possible the costs arising from the copying of documents to accompany the briefs of advocates, the taxing master shall not allow the costs of any unnecessary duplication in briefs.

(b) Fees may be allowed by the taxing master in his discretion as between party and party for the copying of any document which, in his view, was reasonably required for any proceedings.

(7) Fees for copying shall be disallowed to the extent by which such fees could reasonably have been reduced by the use of printed forms in respect of bonds, credit agreements or other documents.

(8) Where, in the opinion of the taxing master, more than one attorney has necessarily been engaged in the performance of any of the services covered by the tariff, each such attorney shall be entitled to be remunerated on the basis set out in the tariff for the work necessarily done by him.

(9) A folio shall contain 100 words or part thereof and four figures shall be counted as a word.

TARIFF OF FEES OF ATTORNEYS

A. TAKING INSTRUCTIONS

1. To institute or defend any proceeding: R10 to R100.
2. For advice on evidence or on commission: R5 to R50.
3. For case on opinion, or for advocate's guidance in preparing pleadings, including exceptions: A fee equivalent to the fee allowed under item 2 of Section D for drafting the document.
4. For statement of witness: R10 to R50.
5. To set down cause, issue subpoena or writ or any other simple instructions: R2,50.
6. To draft a petition or affidavit: A fee equivalent to one half of the fee allowed under item 7 of Section D for drafting the document: Provided that in cases where no petition or affidavit is actually drawn the taxing master shall allow a fee in his discretion, but not less than R10.
7. To note an appeal: R10.
8. To prosecute or defend an appeal, exclusive of the perusal of the record: R10 to R30.

B. ATTENDANCE AND PERUSAL

1. Attending the receipt of and perusing, and considering—
 - (a) any summons, petition, affidavit, pleading, advocate's advice and drafts, report, or important letter, notice or document per folio: R1,50;
 - (b) any formal letter, record, stock sheets in voluntary surrenders, judgments or any other material document not elsewhere specified, per folio: 50c; subject to a minimum fee of: R1.

(b) as die persoon wat vir die betaling van koste aanspreeklik is, skriftelik toegestem het tot taksasie in sy afwesigheid; en

(c) vir die taksasie van lasbriefrekeninge en uitwiningsrekeninge.

(5) (a) Die takseermeester mag in buitengewone of uitsonderlike gevalle na goëddunke te eniger tyd van enige van die bepalings van hierdie tarief afwyk waar die strenge nakoming daarvan onbillik sou wees.

(b) By die berekening van die tariewe wat met betrekking tot items 1, 2, 3, 6, 7 en 8 van Afdeling A; 1, 2, en 6 van Afdeling B en 2, 3, 4 en 7 van Afdeling C toegestaan kan word, moet die takseermeester in ag neem die tyd noodsaaklikerwys bestee, die ingewikkeldheid van die aangeleentheid, die aard van die onderwerp in geskil, die bedrag in geskil en alle ander faktore wat hy as relevant beskou.

(6) (a) Ten einde die koste van die kopiëring van stukke wat die opdragte van advokate vergesel, sover moontlik te verminder, moet die takseermeester nie die koste van onnodige duplikasie in opdrag toestaan nie.

(b) Gelde kan deur die takseermeester in sy diskresie tussen partye en party toegestaan word vir die kopiëring van 'n dokument wat, na sy oordeel, redelikerwys vir verrigtinge nodig was.

(7) Gelde vir kopiëring moet geweier word vir sover hulle redelikerwys verminder kon gewees het deur gedrukte vorms vir verbande, kredietooreenkomste of ander dokumente te gebruik.

(8) Waar na die mening van die takseermeester meer as een prokureur noodsaaklikerwys in diens geneem is vir enige van die dienste wat deur die tarief gedek word, is elke sodanige prokureur geregtig om volgens die tarief vergoed te word vir werk noodsaaklikerwys deur hom gedoen.

(9) 'n Folio bestaan uit 100 woorde of 'n gedeelte daarvan en vier syfers word as 'n woord beskou.

TARIEF VAN GELDE VAN PROKUREURS

A. NEEM VAN INSTRUKSIES

1. Om 'n geding in te stel of te verdedig: R10 tot R100
2. Vir advies oor getuienis of op kommissie: R5 tot R50.
3. Vir verkryging van opinie, of vir die leiding van 'n advokaat by die opstel van pleitstukke, insluitende eksepsies: Gelde gelykstaande met dié wat ingevolge item 2 van Afdeling D vir die opstel van die dokument toegelaat word.
4. Vir 'n getuieverklaring: R10 tot R50.
5. Om 'n saak ter rolle te plaas, uitreiking van 'n getuiedagvaarding of lasbrief, of enige ander eenvoudige instruksies: R2,50.
6. Om 'n petisie of beëdigde verklaring op te stel: Gelde gelykstaande met die helfte van dié wat ingevolge item 7 van Afdeling D vir die opstel van die dokument toegelaat word: Met dien verstande dat die takseermeester, in gevalle waar geen petisie of beëdigde verklaring werklik opgestel is nie, na goëddunke gelde toelaat, maar minstens R10.
7. Om appèl aan te teken: R10.
8. Om appèl voort te sit of te verdedig, met uitsluiting van deurlesing van die oorkonde: R10 tot R30.

B. OPWAGTING EN DEURLESING

1. Ontvangs, deurlesing en oorweging van—
 - (a) 'n dagvaarding, petisie, beëdigde verklaring, pleitstuk, advokaat se advies en konsep, verslag, en belangrike brief, kennisgewing of dokument, per folio: R1,50;
 - (b) 'n formele brief, oorkonde, voorraadlyste by vrywillige oorgawe, uitsprake of enige ander belangrike dokument nie elders vermeld nie, per folio: 50c; met 'n minimum van: R1.

2. Attending the receipt of and considering any plan or exhibit or other material document in respect of which the basis of remuneration set out in item 1 of this Section cannot be applied: R2,50 to R30.

3. Making searches in offices of record, per half hour or part thereof—

(a) by an attorney: R15;

(b) by a clerk: R5.

4. Sorting out, arranging and paginating papers for pleading, advice on evidence or brief on trial or appeal, per half-hour or part thereof: R5.

5. Attending to give or take disclosure, per half-hour or part thereof—

(a) by an attorney: R10 to R20;

(b) by a clerk: R5.

6. Attending on witness to obtain particulars of his claim and to settle same: R4.

7. Attending to bespeak and thereafter to procure translation: R4.

8. Other attendances including telephone calls other than formal telephone calls: R3 to R30.

(Note.—The fees allowed under this Section shall be in addition to such fees as may be allowed for instructions under Section A. In computing the fees chargeable for perusal of documents in connection with instructions under items A1 and A6, the number of words in all documents to be perused, shall be added together and the total divided by 100.)

C. ATTENDANCE (FORMAL)

1. To serve or deliver (other than by post) any necessary document or letter or despatch any telegram: R2.

2. To sue out any process or file any document: R2.

3. To set down causes for trial: R2.

4. To search for any return: R2.

5. On receipt of notice of intention to defend: R2.

6. On advocate, e.g. with brief or to make appointment: R2.

7. On signature of powers of attorney to sue or defend: R2.

8. Other formal attendances, including telephone calls: R2.

9. Attending receipt of a formal acknowledgment: R1.

D. DRAFTING AND DRAWING

1. An entry in the chamber book, where used, including all attendances: R4.

2. Instructions for case on opinion, for advocate's guidance in preparing pleadings, including further particulars and requests for same, including exceptions, per folio: R3.

3. Instructions to advocate for advice on evidence for brief on trial or on commission, per folio: R3.

4. Instructions to advocate for argument in respect of all classes of pleading: Provided that a fee for drafting instructions on motion, petition, exception or appeal, shall only be allowed in discretion of the taxing master, per folio: R2.

5. Statements of witnesses, per folio: R3.

6. (a) Powers of attorney to sue or defend, per folio: R3.

(b) Formal notices and subpoenas, per folio: R1,50.

2. Ontvangs en oorweging van enige plan of bewysstuk of ander belangrike dokument ten opsigte waarvan die vergoedingskaal uiteengesit in item 1 van hierdie Afdeling nie toegepas kan word nie: R2,50 tot R30.

3. Nasporing in oorkondekantore, per halfuur of gedeelte daarvan—

(a) deur 'n prokureur: R15;

(b) deur 'n klerk: R5.

4. Sortering, rangskikking en paginerings van stukke vir die opstel van pleitstukke, advies oor getuienis of opdrag vir 'n verhoor of appèl, per halfuur of gedeelte daarvan: R5.

5. Opwagting by blootlegging of insae, per halfuur of gedeelte daarvan—

(a) deur 'n prokureur: R10 tot R20;

(b) deur 'n klerk: R5.

6. Te woord staan vir getuie om besonderhede van sy eis te kry en dit te betaal: R4.

7. Opwagting om vertaling te reël en dit daarna te verkry: R4.

8. Ander dienste, insluitende telefoonoprope, behalwe formele oproepe: R3 tot R30.

(Opmerking.—Die gelde alhier toegelaat is bykomend by dié wat vir opdragte onder Afdeling A toegestaan kan word. By die berekening van gelde vir die deurlesing van dokumente in verband met opdragte ingevolge items A1 en A6 moet die aantal woorde in al die dokumente bymekaargetel en die totaal deur 100 verdeel word.)

C. OPWAGTING (FORMEEL)

1. Om 'n noodsaaklike dokument of brief te beteken of af te lewer (anders as deur die pos) of 'n telegram te stuur: R2.

2. Om 'n prosesstuk uit te neem of 'n dokument in te dien: R2.

3. Om sakë vir verhoor ter rolle te plaas: R2.

4. Om 'n relaas na te spoor: R2.

5. Ontvangs van kennisgewing van voorneme om te verdedig: R2.

6. By 'n advokaat, bv. met 'n opdrag of om 'n afspraak te maak: R2.

7. By ondertekening van prokurasies om te dagvaar of te verdedig: R2.

8. Ander formele opwagtings, insluitende telefoonoprope: R2.

9. Aandag skenk aan die ontvangs van 'n formele erkenning: R1.

D. OPSTEL VAN DOKUMENTE

1. Inskrywing in kamerboek waar dit in gebruik is, insluitende alle opwagtings: R4.

2. Instruksies vir 'n opinie, vir die leiding van advokate by die voorbereiding van pleitstukke, met inbegrip van verdere besonderhede en versoeke daarom, insluitende eksepsies, per folio: R3.

3. Instruksies aan advokaat insake advies oor getuienis, vir opdrag op verhoor of op kommissie, per folio: R3.

4. Instruksie vir argument aan advokate ten opsigte van alle soorte pleitstukke: Met dien verstande dat gelde vir die opstel van instruksies insake 'n mosie, petisie, eksepsie of appèl slegs na goeddunke van die takseermeester toegestaan word, per folio: R2.

5. Getuieverklarings, per folio: R3.

6. (a) Prokurasies om te dagvaar of te verdedig, per folio: R3.

(b) Formele kennisgewings en dagvaardings, per folio: R1,50.

7. (a) A petition, affidavit, any notice (except a formal notice), summons, further particulars requested and furnished for trial, writs of execution, arrest or attachment and any other important document not otherwise provided for, per folio: R6.

(b) A formal affidavit of non-return in restitution suits, verifying affidavits, affidavits of service and other formal affidavits, per folio: R2.

8. (a) Letter or telegram, per folio: R1 to R3.

(b) Copy to keep, per folio: 20c.

9. Drawing index to brief, per folio: R1,50.

10. Short brief: R2.

(Note 1.—In computing the number of folios of any document referred to in items 2, 3, 4, 5 and 7 of this Section, the taxing master shall deduct, but treat as annexures where relevant, any portions consisting of quotations from other documents and papers.)

(Note 2.—The charges allowed in this Section for drafting and drawing do not, save in the case of items 1, 6, 8 and 10, include making the first fair copy, which shall be charged for under item 1 of Section F.)

E. APPEARANCE, CONFERENCE AND INSPECTION

1. (a) Attendance by attorney when an advocate is employed in court or before a judge or before a commissioner or referee or at an inspection directed by the Court—

(i) to note judgment only—

(a) by an attorney: R15;

(b) by a clerk: R5;

(ii) otherwise, per half-hour or part thereof: R20 to R30.

(b) Appearance by attorney without an advocate before a judge on request by the judge, or before a commissioner or referee, per half-hour or part thereof: R20 to R30.

The above rates of remuneration shall not be applicable in respect of the time spent in travelling or waiting, but the taxing master shall, in respect of time necessarily so spent, allow such additional remuneration not exceeding R50 per diem as he in his discretion may deem fair and reasonable, and shall also allow a reasonable amount to cover the cost of necessary conveyance.

2. Attendance of attorney's articulated clerk to assist a contested proceeding—

(i) if advocate employed, per hour or part thereof: R5;

(ii) if advocate not employed, per hour or part thereof: R5;

(iii) when assisting attorney, per diem if necessary: R20.

3. Any conference or consultation with advocate with or without witnesses and on pleadings including exceptions and particulars to pleadings, applications, petitions, affidavits, testimony and on any other matter which the taxing officer may consider necessary, per half-hour or part thereof: R20 to R30.

4. (a) Any conference or consultation with client, witness or opposite party, and any other conference or consultation which the taxing officer may consider necessary, per half-hour or part thereof: R20 to R30.

(b) Attending conference in terms of Rule 37, per half-hour or part thereof—

(i) by an attorney: R20 to R30.

(ii) by a clerk: R10 to R15.

7. (a) Petisie, beëdigde verklaring, enige kennisgewing (uitgesonderd 'n formele kennisgewing), dagvaarding, versoek om en verskaffing van verdere besonderhede vir verhoor, lasbriewe vir uitwinning, arres of beslaglegging en enige ander belangrike dokument waarvoor geen ander voorsiening gemaak is nie, per folio: R6.

(b) 'n Formele beëdigde versuimverklaring in geding om herstel van huweliksregte, bevestigende beëdigde verklarings, beëdigde verklarings ten opsigte van betekening of ander formele beëdigde verklarings, per folio: R2.

8. (a) Brief of telegram, per folio: R1 tot R3.

(b) Lêerafskrif, per folio: 20c.

9. Inhoudsopgawe vir advokaatsopdrag, per folio: R1,50.

10. Kort opdrag: R2.

(Opmerking 1.—By die berekening van die aantal folio's van 'n dokument bedoel in items 2, 3, 4, 5 en 7 van hierdie Afdeling, trek die takseermeester gedeeltes af wat bestaan uit aanhalings uit ander stukke, maar wanneer dit ter sake is, behandel hy dit as bylaes.)

(Opmerking 2.—Die vordering wat in hierdie Afdeling toegelaat word vir die opstel van dokumente sluit nie, behalwe in die geval van items 1, 6, 8 en 10, die maak van die eerste skoon afskrif in nie, waarvoor ingevolge item 1 van Afdeling F gehef word.

E. BYWONING, SAMESPREKING EN ONDERSOEK

1. (a) Bywoning van prokureur wanneer 'n advokaat optree, in hof of voor 'n regter of voor 'n kommissaris of skeidsregter of by 'n ondersoek wat deur die hof gelas is—

(i) om slegs uitspraak te noteer—

(a) deur 'n prokureur: R15;

(b) deur 'n klerk: R5;

(ii) andersins, per halfuur of gedeelte daarvan: R20 tot R30.

(b) Opwagting van prokureur sonder 'n advokaat voor 'n regter op versoek van die regter, of voor 'n kommissaris of skeidsregter, per halfuur of gedeelte daarvan: R20 tot R30.

Bostaande skaal van vergoeding geld nie vir reis- en wagtyd nie, maar die takseermeester moet ten opsigte van tyd noodsaaklikewys daaraan bestee, na goeddunke soveel addisioneel daarvoor toestaan as wat hy billik en redelik ag, maar hoogstens R50 per dag, plus 'n redelike bedrag vir noodsaaklike vervoerkoste.

2. Bywoning deur 'n prokureur se ingeskrewe klerk om by bestrede verrigtinge te help—

(i) as 'n advokaat optree, per uur of gedeelte daarvan: R5;

(ii) as geen advokaat optree nie, per uur of gedeelte daarvan: R5.

(iii) wanneer hy die prokureur bystaan, per dag indien nodig: R20.

3. Enige samespreking met 'n advokaat, met of sonder getuies, en ten opsigte van pleitstukke met inbegrip van eksepsies en besonderhede by pleitstukke, aansoeke, petisies, beëdigde verklarings, getuienis en enige ander aangeleentheid wat die takseermeester noodsaaklik ag, per halfuur of gedeelte daarvan: R20 tot R30.

4. (a) Enige samespreking met 'n kliënt, getuie of teenparty en enige ander samespreking wat die takseermeester noodsaaklik ag, per halfuur of gedeelte daarvan: R20 tot R30.

(b) Bywoning van samespreking ingevolge reël 37, per halfuur of gedeelte daarvan—

(i) deur 'n prokureur: R20 tot R30;

(ii) deur 'n klerk: R10 tot R15.

5. Any inspection *in situ*, or otherwise, per half-hour or part thereof—

- (a) by an attorney: R20 to R30.
- (b) by a clerk: R10 to R15.

The above rates of remuneration shall not be applicable in respect of time spent in travelling but the taxing master shall in respect of time necessarily so spent allow additional remuneration not exceeding R50 per diem, and shall also allow the reasonable cost of necessary conveyance.

6. Evidence: Such just and reasonable charges and expenses as may, in the opinion of the taxing master, have been properly incurred in procuring the evidence and attendance of witnesses whose fees have been allowed on taxation: Provided that the qualifying expenses of a witness shall not be allowed without an order of court or the consent of all interested parties.

F. MISCELLANEOUS

1. (a) Briefing and copying: For making typewritten copies for the court, counsel or attorney, or for service or for any other necessary purpose, the charge shall be, for the first copy at the rate of 50c per folio (including the first copy of any document drafted in respect of which a charge is recoverable under items 2, 3, 4, 5, 7 and 9 of Section D of this tariff) and for further copies, 20c per folio.

(b) For making typewritten copies of the record in a civil appeal from a magistrate's court the charge shall be as set out above.

(c) Where any of the above copies are made other than by typewriter, the charge shall be, for the first copy, 50c per page, for the next four copies, 20c per page, and for further copies, 10c per page.

2. For giving a written opinion (as between attorney and client): R10 to R100.

3. General: Inclusive fee for consultations and discussions with client or advocate not otherwise provided for: R10 to R60.

G. BILL OF COSTS

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

1. For drawing the bill of costs, making the necessary copies and attending settlement, 5 per cent on the first R500 or portion thereof, 2½ per cent on the second R500 or portion thereof, and 1 per cent on the amount in excess of R1 000 of the amount of the attorney's fees, either as charged in the bill if not taxed, or as allowed on taxation.

2. In addition thereto, if recourse is had to taxation for arranging and attending taxation and obtaining consents to taxation, 5 per cent on the first R500 or portion thereof, and 2½ per cent on the second R500 or portion thereof, and 1½ per cent on the amount in excess of R1 000 of the fees allowed.

[Note:

(1) The minimum fee under each item of this Section shall be R5.

(2) The fee under each item of this Section shall be calculated on the same amount.]”.

5. Enige inspeksie *in situ* of elders, per halfuur of gedeelte daarvan—

- (a) deur 'n prokureur: R20 tot R30;
- (b) deur 'n klerk: R10 tot R15.

Bostaande skaal van vergoeding geld nie vir reistyd nie, maar die takseermeester moet ten opsigte van tyd noodsaaklikerwys daaraan bestee, hoogstens R50 per dag addisioneel toestaan, plus 'n redelike bedrag vir noodsaaklike vervoerkoste.

6. Getuienis: Billike en redelike vorderings en uitgawes wat volgens die mening van die takseermeester behoorlik aangegaan is vir die verkryging van die getuienis en die bywoning van getuies wie se getuiegelde by taksasie toegestaan is: Met dien verstande dat die voorbereidingsgelde van 'n getuie nie sonder 'n bevel van die hof of die toestemming van alle belanghebbende partye toegestaan word nie.

F. DIVERSE

1. (a) Advokaatsopdragte en kopiëring: Om afskrifte vir die hof, 'n advokaat of 'n prokureur of vir betekening of vir enige ander noodsaaklike doel te maak, is die bedrag 50c per folio vir die eerste afskrif (met inbegrip van die eerste afskrif van 'n opgestelde dokument waarvoor 'n vordering ingevolge items 2, 3, 4, 5, 7 en 9 van Afdeling D van hierdie tarief verhaalbaar is), en vir verdere afskrifte 20c per folio.

(b) Vir die maak van getikte afskrifte van die oorkonde in 'n siviele appèl afkomstig uit 'n landdroshof is die vordering soos hierbo uiteengesit.

(c) Indien afskrifte op 'n ander wyse as met behulp van 'n tikmasjien gemaak word, is die koste vir die eerste afskrif 50c per bladsy, vir die volgende vier afskrifte 20c per bladsy en vir verdere afskrifte 10c per bladsy.

2. Om 'n skriftelike opinie te gee (soos tussen prokureur en kliënt): R10 tot R100.

3. Algemeen: Allesinsluitende gelde vir konsultasies en samesprekings met 'n kliënt of advokaat waarvoor geen ander voorsiening gemaak is nie: R10 tot R60.

G. KOSTEREKENINGE

In verband met 'n kosterekening van 'n prokureur is die prokureur geregtig om te vorder:

1. Vir die opstel van die kosterekening, die maak van die nodige afskrifte en opwagting by afrekening, 5 persent op die eerste R500 of gedeelte daarvan, 2½ persent op die tweede R500 of gedeelte daarvan en 1 persent op die gedeelte bo R1 000 van die prokureursgelde, hetsy soos geëis in die kosterekening indien nie getakseer nie, of soos toegestaan by taksasie.

2. Daarbenewens, indien tot taksasie oorgegaan word, vir die reëling en bywoning van taksasie en verkryging van toestemming tot taksasie, 5 persent of die eerste R500 of gedeelte daarvan, 2½ persent op die tweede R500 of gedeelte daarvan en 1½ persent op die gedeelte bo R1 000 van die toegestane gelde.

[Opmerking:

(1) Die minimum onder elke item in hierdie Afdeling is R5.

(2) Die gelde onder elke item van hierdie Afdeling word op dieselfde bedrag bereken.]”.

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Sales tax must accompany inland orders.

DIE BLOMPLANTE VAN AFRIKA

Hierdie publikasie word uitgegee as 'n geïllustreerde reeks, baie na die aard van Curtis se "Botanical Magazine". Die doel van die werk is om die skoonheid en variasie van vorm van die flora van Afrika aan die leser bekend te stel, om belangstelling in die studie en kweek van die inheemse plante op te wek, en om plantkunde in die algemeen te bevorder.

Die meeste van die illustrasies word deur kunstenaars van die Navorsingsinstituut vir Plantkunde gemaak, dog die redakteur verwelkom geskikte bydraes van 'n wetenskaplike en kunsstandaard afkomstig van verwante inrigtings.

Onder huidige omstandighede word twee dele van die werk gelyktydig gepubliseer, maar met onreëlmatige tussenpose; elke deel bevat tien kleurplate. Intekengeld bedra R5 per deel (buitelands R5,25 per deel): Vier dele per band. Vanaf band 27 is die prys per band in linne gebind R30; in moroccoleer gebind R35. (Buitelands, linne gebind R31; moroccoleer R36).

Verkrygbaar van die Direkteur, Afdeling Landbou-inligting, Privaatsak X144, Pretoria.

Verkoopbelasting moet by binnelandse bestellings ingesluit word.

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