

No. R. 1222

24 December 2010

MAGISTRATES' COURTS: AMENDMENT OF THE RULES OF COURT

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

SCHEDULE**GENERAL EXPLANATORY NOTE:**

[] Expressions in bold type in square brackets indicate omissions from existing rules.

 Expressions underlined with a solid line indicate insertions into existing rules.

Definition

1. In this Schedule "the Rules" means the Rules Regulating the Conduct of the Proceedings of the Magistrates' Courts of South Africa published under Government Notice No. R. 740 of 23 August 2010.

Amendment of Part I of Table A of Annexure 2 to the Rules

2. Part I of Table A of Annexure 2 to the Rules is hereby amended by the substitution for item 1 of the following item:

"1. When the amount in dispute is less than or equal to the amount of **[R7 000]** R12 000, costs shall be taxed on Scale A; when the amount in dispute exceeds the amount of **[R7 000]** R12 000, but is less than or equal to R50 000, costs shall be taxed on Scale B; when the amount in dispute exceeds R50 000 or when the matter is in respect of a divorce or matrimonial dispute, costs shall be taxed on Scale C."

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

3. Table A of Annexure 2 to the Rules is hereby amended by the substitution for Part II of the following Part:

"UNDEFENDED ACTIONS

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Item 1 - Registered letter of demand in terms of section 56 of the Act	R29,00
Item 2 - Summons, inclusive of a letter of demand other than the letter of demand referred to in item 1:	
(a) Claim or claims where the aggregate amount of the claim or claims does not exceed [R7 000] <u>R12 000</u>	R98,00
(b) Claim or claims where the aggregate amount of the claim or claims exceeds [R7 000] <u>R12 000</u> but does not exceed R50 000	R327,00
(c) Claim or claims where the aggregate of the claim or claims exceeds R50 000, and in respect of divorces or matrimonial matters	R485,00
Item 3 - Judgment:	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the amount in 2(a)	R98,00

(b) Claim or claims where the aggregate of the claim or claims exceeds the amount in 2(b) but is not more than R50 000	R250,00
(c) Claim or claims where the aggregate of the claim or claims exceeds R50 000, and in respect of divorces or matrimonial matters	R408,00
Item 4 - Notice in terms of rule 12 (2)	R47,00
Item 5 - Notice in terms of rule 54 (1)	R47,00
Item 6 - Affidavit or certificate	—
Item 7 - Attending court at the request of the magistrate when claim is referred to court for judgment or to obtain provisional sentence when claim is undefended	as allowed under item 15 on the scale for defended actions.
Item 8 - For each registered letter forwarded to the debtor in terms of section 57(1) or (3) or section 58(2), of the Act by the creditor or his attorney, including copies	R30,00
Item 9 - Admission of liability and undertaking to pay debt in instalments or otherwise (section 57 of the Act)	R79,00
Item 10 - Consent to judgment or to judgment and an order for the payment of judgment debt in instalments (section 58 of the Act)	R79,00

Note: The amount of fees allowable under items 4, 5, 6, 7, 8, 9 and 10 shall be included without taxation in the amount of the costs for which judgment is entered."

Commencement

4. These rules shall come into operation on **28 January 2011**.