
DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

No. R. 191

11 March 2011

AMENDMENT OF THE RULES REGULATING THE CONDUCT OF THE PROCEEDINGS OF THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

The Rules Board for Courts of Law has under section 6 of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985), with the approval of the Minister of 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 of the Supreme Court of Appeal published under Government Notice No. R. 1523 of 27 November 1998, as amended by Government Notice No. R. 979 of 19 November 2010.

Substitution of rule 7 of the Rules

2. The following rule is hereby substituted for rule 7 of the Rules:

"Notice of appeal

7. (1) An appellant [**in a civil case**] shall lodge a notice of appeal with the

registrar and the registrar of the court *a quo* within one month after the date of -

- (a) the granting of the judgment or order appealed against where leave to appeal is not required;
- (b) the granting of leave to appeal where leave to appeal is required; or
- (c) the setting aside of a direction of a high court in terms of section 20(2)(b) of the Supreme Court Act, 1959 (Act No. 59 of 1959) or section 315(2)(b) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).

(2) A respondent in a civil appeal who intends to cross-appeal shall, within one month after receipt of the appellant's notice of appeal, lodge a notice of the cross-appeal with the registrar and with the registrar of the court *a quo*.

(3) Every notice of appeal and cross-appeal shall –

- (a) state what part of the judgment or order is appealed against;
- (b) state the particular respect in which the variation of the judgment or order is sought; and
- (c) be accompanied by a certified copy of the order (if any) granting leave to appeal or to cross-appeal.

(4) The time limit for lodging of the notice of appeal may be extended by written agreement of all the parties to the appeal for a period not exceeding a further month."

Commencement

3. These rules shall come into operation on **15 April 2011**.