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GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

No. R. 113

15 February 2013

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 regulating the conduct of the proceedings of the Supreme Court of Appeal of South Africa published under Government Notice R. 1523 of 27 November 1998, as amended by Government Notices R. 979 of 19 November 2010 and R. 191 of 11 March 2011.

Amendment of Rule 18 of the Rules

2. The Rules are hereby amended by the substitution for rule 18 of the following rule:

"18 Attorneys' fees

The following shall be allowed to attorneys conducting appeals or other matters before the Court:

A – TAKING INSTRUCTIONS

		R	
1.	(a) To note an appeal or cross-appeal when leave to appeal is not required <u>per quarter of an hour</u>	[56,00]	
	(i) <u>by an attorney</u>		<u>235.00</u>
	(ii) <u>by a candidate attorney</u>		<u>72.00</u>
	(b) To prosecute or defend an appeal, including	[91,00]	
	continuation of a cross-appeal <u>per quarter of an hour</u> to	532,00]	
	(i) <u>by an attorney</u>		<u>235.00</u>
	(ii) <u>by a candidate attorney</u>		<u>72.00</u>
	(c) To make or oppose an application <u>per quarter of an hour</u>	[84,00]	
	 to	280.00]	
	(i) <u>by an attorney</u>		<u>235.00</u>
	(ii) <u>by a candidate attorney</u>		<u>72.00</u>
2.	To draft any application or affidavit <u>per page</u>	[Half the charge allowed under item E1 for drafting]	<u>94.00</u>

B – PREPARATION OF RECORDS

		R	c
1.	Making, for the purpose of preparing copies of the record on appeal (except where a charge is made under paragraph 5 hereof), a copy of such particulars of the record as were not in the possession of the appellant or his or her attorney at the time when the order appealed from was made, per [folio] page.....	[1,50]	<u>2.50</u>
2.	Arranging record for printing or typing, excluding unnecessary documents therefrom, and preparing an index and list of documents not included in the record on appeal, per [half-hour] <u>quarter of an hour</u> or part thereof.....	[91.00]	
	(i) <u>by an attorney</u>		<u>235.00</u>
	(ii) <u>by a candidate attorney</u>		<u>72.00</u>

3. Correcting **[printer's proof or]** typed **[or roneoed]** copy, per **[half-hour]** quarter of an hour or part thereof **[91.00]**
- (i) by an attorney **235.00**
(ii) by a candidate attorney **72.00**
4. Attending at the office of the registrar or officer of the court appealed from to peruse or authenticate the record, per **[half-hour]** quarter of an hour or part thereof..... **[56.00]**
- (i) by an attorney **235.00**
(ii) by a candidate attorney **72.00**
5. **[(a)]** Making typed copies of record on appeal and heads of arguments, per **[folio]** page..... **[1.50]** 2.50
- [(b) Where copies are made other than by typewriter, the charge shall be R1.50 per page for the first copy, and for further copies per page...0.75]**

C – PERUSAL

1. (a) Perusing judgment of court *a quo* when taking instructions for the continuation of an appeal or cross-appeal, where leave to appeal is not required, per page..... **[27.00]** 47.00
- (b) Perusing record of appeal, for each page **[or part thereof.]** **[0.75]** 3.50
- (c) Perusing judgment of court *a quo* by which leave to appeal was denied, when taking instructions to apply for leave to appeal to the Court, per page..... **[17.00]** 3.50
- [(Note: The minimum fee under items (a) and (b) shall be R168,00)]**
2. Perusing any plan, diagram, photograph or other annexure to the record to which the remuneration hereinbefore set out cannot be applied per page..... **[10,00 to 182.00]** 47.00
3. (a) Attendance on and perusal of any application or affidavit or any other document not elsewhere provided for, per page. **[17.00]** 47.00
- (b) Attendance on and perusal of any annexure to an application and answering affidavit, per page..... **[0.75]** 3.50
- (c) Attendance on and perusal of an application or affidavit composed or corrected by counsel, per page..... **[2.00]** 10.00

[(Note I: The minimum fees under item (a) shall be as follows: For formal affidavits, R17,00; for affidavits other than formal affidavits R35,00.)]

[(Note II: In the calculation of the number of pages the total number of words of all necessary annexures is to be divided by at least 250, i.e. the entire record is to be

treated as one document.))]

4. Attendance on and perusal of heads of argument, excluding annexures for example unreported judgments of court or copies of publications attached as confirmation of heads of arguments, **[for every 10 pages or portion thereof] per page**..... **[35.00]** 47.00

[(Note: The minimum fee under this item shall be R70,00)]

D - ATTENDANCE

R c

1. Any formal attendance on an acknowledgement, receipt, etc **[7,00]** 47,00
 2. (a) Attendance on any letter [, **telegram,**] or document **[telephone call,** **10,00** **or any other necessary attendance not otherwise provided for]** to **35,00]** 47,00
 - (b) Necessary telephone calls made, per quarter of an hour or part thereof
 - (i) by an attorney 235,00
 - (ii) by a candidate attorney 72,00
 - (c) Attendance on telephone calls, per quarter of an hour or part thereof
 - (i) by an attorney 235,00
 - (ii) by a candidate attorney 72,00
- [(Note: A composite fee shall be charged for all letters received: Provided that a short summary of the contents of such letters is to be attached to the bill of costs before taxation.)]**
3. (a) Attendance at office of registrar to deliver a letter or document, or to uplift an order, etc, per quarter of an hour or part thereof **[7,00]**
 - (i) by an attorney 235,00
 - (ii) by a candidate attorney 72,00
 - (b) Attendance on business other than formal business, per **[half-hour] quarter of an hour** or part thereof **[70,00]**
 - (i) by an attorney 235,00
 - (ii) by a candidate attorney 72,00
 4. (a) Attendance at any consultation with counsel or client, **[70** per **[half-hour] quarter of an hour** or part thereof **to** **105]**
 - (i) by an attorney 235,00
 - (ii) by a candidate attorney 72,00
 - (b) A comprehensive fee for attendance, obtaining and payment of counsel for noting of judgment per quarter of an hour **[56,00]**
 - (i) by an attorney 235,00
 - (ii) by a candidate attorney 72,00

5. Attendance at court to **[enter] note judgment per quarter of an hour**
- (a) by an attorney..... **[70,00]** 235,00
- (b) by a **[clerk] candidate attorney**..... **[27,00]** 72,00
6. Attendance at court on hearing of appeal or application,
per **[half-hour] quarter of an hour** or part thereof-
- (a) by an attorney..... **[70,00**
to
105,00] 235,00
- (b) by a **[clerk] candidate attorney**..... **[42,00]** 72,00

E - DRAWING UP OF DOCUMENTS

R c

1. Any application or affidavit, per **[folio] page**..... **[21,00]** 94,00
- [(Note: In the calculation of 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 per page **[84,00**
to
350,00] 94,00
- (b) on application per page **[84,00**
.....to
350,00] 94,00
- (c) in justifiable cases, for the drawing up or correcting of
application or affidavit for an application for leave to appeal..... **[56 to**
or disputing thereof per page..... **112,00]** 94,00
3. Drawing up of notice of appeal or other necessary notices,
per **[folio] page**..... **[17,00]** 94,00
4. Letters **[and telegrams,]** per **[folio] page**, including copy to keep ... **[11,00]** 94,00
- [(Note: A composite fee shall be charged for all letters written:
Provided that a short summary of such letters is to be attached to
the bill of costs before taxation.)]**
5. Drawing up power of attorney, per **[folio] page**..... **[11,00]** 94,00
6. Drawing up short brief to counsel per page..... **[11,00]** 94,00
7. Drawing up bond of security, per **[folio] page**..... **[22,00]** 94,00

F - COPYING

- Other documents not specially provided for, per page 2,50
- [(a) First copy,] per page**..... **[1,50]**
- (b) [Each further necessary copy, per page**..... **[0,75]]**

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 the following:

1. For drawing up the bill of costs, making the necessary copies and attending settlement: **[5] 11** per cent of the **[amount of]** attorney's fees, either as charged in bill if not taxed or as allowed on taxation.
2. For arranging and attending taxation: **[5 per cent of the fees allowed]** 11 per cent on the first R10 000,00 or portion thereof, 6 per cent on the next R10 000,00 or portion thereof and 2,12 per cent on the balance of the total amount of the bill.

[(Note I: The minimum fee under each of these items shall be R70, 00.)]"

Commencement

3. These rules shall come into operation on **22 March 2013**.

No. R. 113

15 Februarie 2013

**WYSIGING VAN DIE REËLS WAARBY DIE VERRIGTINGE VAN DIE HOOGSTE HOF VAN
APPÈL VAN SUID-AFRIKA GEREËL WORD**

Die Reëlsraad vir Geregshowe het kragtens artikel 6 van die Wet op die Reëlsraad vir Geregshowe, 1985 (Wet No. 107 van 1985), met die goedkeuring van die Minister van Justisie en Staatkundige Ontwikkeling, die Reëls in die Bylae gemaak.

BYLAE**ALGEMENE VERDUIDELIKENDE NOTA:**

[] Uitdrukings in vet druk tussen vierkantige hakies dui skrappings uit bestaande reëls aan.

_____ Uitdrukings met 'n volstreep daaronder dui invoegings in bestaande reëls aan.

Woordomskrywing

1. In hierdie Bylae beteken "die Reëls" die Reëls wat die verrigtinge van die Hoogste Hof van Appèl van Suid-Afrika reël, afgekondig by Goewermentskennisgewing No. R. 1523 van 27 November 1998, soos gewysig by Goewermentskennisgewings Nos. R. 979 van 19 November 2010 en R. 191 van 11 Maart 2011.

Wysiging van Reël 18 van die Reëls

2. Die Reëls word hierby gewysig deur die vervanging van reël 18 deur die volgende reël:

“18 Prokureursgelde

Die volgende gelde word toegelaat vir prokureurs wat appèlle of ander sake voor die Hof voer:

A – NEEM VAN INSTRUKSIES

	R	
1. (a) Om 'n appèl of teenappèl aan te teken wanneer verlof om te appelleer nie 'n vereiste is nie <u>per kwartier van 'n uur</u>	[56,00]	
(i) <u>deur 'n prokureur</u>	235,00	
(ii) <u>deur 'n kandidaatprokureur</u>	72,00	
(b) Om 'n appèl voort te sit of te verdedig, insluitende voortsetting van 'n teenappèl <u>per kwartier van 'n uur</u>	[91,00] tot 532,00]	
(i) <u>deur 'n prokureur</u>	235,00	
(ii) <u>deur 'n kandidaatprokureur</u>	72,00	
(c) Om 'n aansoek te doen of dit te bestry <u>per kwartier van 'n uur</u>	[84,00] tot 280,00]	
(i) <u>deur 'n prokureur</u>	235,00	
(ii) <u>deur 'n kandidaatprokureur</u>	72,00	
2. Om enige aansoek of beëdigde verklaring op te stel <u>per bladsy</u> ...	[Die helfte van die gelde toegelaat onder item E1 vir opstel]	94,00

B – VOORBEREIDING VAN STUKKE

	R	c
1. Die maak van 'n afskrif van besonderhede van die stukke wat nie in besit van die appellant of sy of haar 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 paragraaf 5 hiervan gevorder word) voor te berei, per [folio] <u>bladsy</u>	[1,50]	2,50
2. Rangskikking van stukke vir druk of tik, met uitsluiting van onnodige dokumente, en voorbereiding van 'n inhoudsopgawe en lys van dokumente nie ingesluit in die oorkonde van appèl nie, per [halfuur] <u>kwartier van 'n uur</u>		

- of gedeelte daarvan [91,00]
- (i) deur 'n prokureur 235,00
- (ii) deur 'n kandidaatprokureur 72,00
3. Nasien van **[drukproef of]** getikte **[of afgerolde]** afskrif, per **[halfuur]** kwartier van 'n uur of gedeelte daarvan
- (i) deur 'n prokureur 235,00
- (ii) deur 'n kandidaatprokureur 72,00
- 4 Opwagting by die kantoor van die griffier of beamppte van die hof waarvandaan geappelleer word, om die oorkonde na te gaan of te laat waarmerk, per **[halfuur]** kwartier van 'n uur of gedeelte daarvan..... [56,00]
- (i) deur 'n prokureur 235,00
- (ii) deur 'n kandidaatprokureur 72,00
5. **[(a)]** Maak van getikte afskrifte van die oorkonde van appèl en betoogpunte, per **[folio]** bladsy..... [1,50] 2,50
- [(b)]** Indien afskrifte op 'n ander wyse as met behulp van 'n tikmasjien gemaak word, is die koste vir die eerste afskrif R1,50 per bladsy, en vir verdere afskrifte per bladsy 0,75]

C – NAGAAN

1. (a) Nagaan van die hofuitspraak *a quo* wanneer instruksies geneem word vir die voortsetting van 'n appèl of teenappèl, waar verlof om te appelleer nie 'n vereiste is nie, per bladsy..... [27,00] 47,00
- (b) Nagaan van die oorkonde van appèl vir elke bladsy **[of gedeelte daarvan]** [0,75] 3,50
- (c) Nagaan van die hofuitspraak *a quo* waarby verlof om te appelleer geweier word, wanneer instruksies geneem word om aansoek te doen om verlof om na die Hof te appelleer, per bladsy [17,00] 3,50
- [(Opmerking: Die minimum bedrag onder items (a) en (b) is R168,00)]**
2. Nagaan van enige plan, skets, foto of ander aanhangsel van die stukke waarop die vergoeding hierbo uiteengesit, nie toegepas kan word nie per bladsy [10,00 tot 182,00] 47,00
3. (a) Aandag gee aan en nagaan van enige aansoek of beëdigde verklaring of enige ander dokument waarvoor nie elders voorsiening gemaak word nie, per bladsy [17,00] 47,00
- (b) Aandag gee aan en nagaan van enige aanhangsel van 'n aansoek en antwoordende verklaring, per bladsy..... [0,75] 3,50
- (c) Aandag gee aan en nagaan van 'n aansoek of beëdigde verklaring wat deur 'n advokaat opgestel of nagesien is, per bladsy..... [2,00] 10,00

[(Opmerking I: Die minimum bedrae onder item (a) is soos volg:

Vir formele beëdigde verklarings, R17,00; vir beëdigde verklarings wat nie formeel is nie, R35,00.]]

[(Opmerking II: By die berekening van die getal bladsye moet die totale getal woorde van alle noodsaaklike aanhangsels deur ten minste 250 gedeel word, dit wil sê al die stukke moet as een dokument beskou word.)]

4. Aandag gee aan en nagaan van betoogpunte met uitsluiting van aanhangsels soos byvoorbeeld ongerapporteerde hofuitsprake of afskrifte van publikasies wat ter staving van betoogpunte aangeheg word, **[vir elke 10 bladsye of gedeelte daarvan]** per bladsy..... **[35,00]** 47,00

[(Opmerking: Die minimum bedrag onder hierdie item is R70,00.)]

D – BEHARTIGING EN OPWAGTING

R c

1. Enige formele behartiging van 'n erkenning, ontvangs, ens. **[7,00]** 47,00
2. (a) Behartiging van enige brief **[, telegram,]** of dokument **[telefoonoproep, of enige ander nodige behartiging waarvoor nie andersins voorsiening gemaak is nie]** tot **[70,00]**
350,00]
..... 47,00
- (b) Nodige telefoonoproepe gemaak, per kwartier van 'n uur of gedeelte daarvan
(i) deur 'n prokureur 235,00
(ii) deur 'n kandidaatprokureur 72,00
- (c) Behartiging van telefoonoproepe, per kwartier of gedeelte daarvan
(i) deur 'n prokureur 235,00
(ii) deur 'n kandidaatprokureur 72,00

[(Opmerking: 'n Saamgestelde bedrag moet gevorder word vir alle briewe ontvang: Met dien verstande dat 'n kort opsomming van die inhoud van sodanige briewe voor taksasie aan die kosterekening geheg moet word.)]

3. (a) Opwagting by kantoor van griffier om 'n brief of dokument af te lewer of om 'n bevel af te haal, ens., per kwartier van 'n uur of gedeelte daarvan..... **[7,00]**
(i) deur 'n prokureur 235,00
(ii) deur 'n kandidaatprokureur 72,00
- (b) Behartiging van besigheid wat nie formeel is nie, per **[halfuur]** kwartier van 'n uur of gedeelte daarvan **[70,00]**
(i) deur 'n prokureur 235,00
(ii) deur 'n kandidaatprokureur 72,00
4. (a) Opwagting by enige samesprekings met 'n advokaat of kliënt, **[70]** per **[halfuur]** kwartier van 'n uur of gedeelte daarvan **tot**

		105]	
	(i) <u>deur 'n prokureur</u>		<u>235.00</u>
	(ii) <u>deur 'n kandidaatprokureur</u>		<u>72.00</u>
(b)	'n Allesinsluitende bedrag vir opwagtings, verkryging en betaling van 'n advokaat om 'n uitspraak te noteer		
	[per kwartier van 'n uur]	[56,00]	
	(i) <u>deur 'n prokureur</u>		<u>235.00</u>
	(ii) <u>deur 'n kandidaatprokureur</u>		<u>72.00</u>
5.	Opwagting by hof om vonnis [aan te teken] te noteer per kwartier van 'n uur		
	(a) <u>deur 'n prokureur</u>	[70,00]	<u>235.00</u>
	(b) <u>deur 'n [klerk] kandidaatprokureur</u>	[27,00]	<u>72.00</u>
6.	Opwagting by hof by verhoor van appèl of aansoek, per [halfuur] kwartier van 'n uur of gedeelte daarvan		
	(a) <u>deur 'n prokureur</u>	[70,00]	
		tot	
		105,00]	<u>235.00</u>
	(b) <u>deur 'n [klerk] kandidaatprokureur</u>	[42,00]	<u>72.00</u>

E - OPSTEL VAN DOKUMENTE

R c

1. Enige aansoek of beëdigde verklaring,, per **[folio]** bladsy **[21,00]** 94.00

[(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 per bladsy **[84,00]**
tot
350,00] 94.00

(b) by aansoek per bladsy **[84,00]**
tot
350,00] 94.00

(c) in geregverdigde gevalle, vir die opstel of nasien van 'n aansoek of beëdigde verklaring vir 'n aansoek om verlof om **[56 tot te appelleer of bestryding daarvan per bladsy112,00]** 94.00

3. Opstel van kennisgewing van appèl of ander nodige kennisgewings, per **[folio]** bladsy..... **[17,00]** 94.00

4. Briewe **[en telegramme,]** per **[folio]** bladsy, insluitende afskrif om te hou **[11,00]** 94.00

[(Opmerking: 'n Saamgestelde bedrag moet gevorder word vir alle briewe geskryf: Met dien verstande dat 'n kort opsomming

van sodanige briewe voor taksasie aan die kosterekening geheg moet word.))

- | | | |
|---|---------|--------------|
| 5. Opstel van volmag, per [folio] bladsy..... | [11,00] | <u>94,00</u> |
| 6. Opstel van kort opdrag aan advokaat, per bladsy..... | [11,00] | <u>94,00</u> |
| 7. Opstel van borgakte, per [folio] bladsy..... | [22,00] | <u>94,00</u> |

F – MAAK VAN AFSKRIFTE

Ander dokumente waarvoor nie spesiaal voorsiening gemaak is
nie, per bladsy

2,50

[(a) Eerste afskrif, per bladsy..... [1,50]]

(b) [Elke verdere nodige afskrif, per bladsy..... [0,75]]

G - KOSTEREKENINGE

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

1. Vir die opstel van die kosterekening, die maak van die nodige afskrifte en opwagting by afrekening: **[5] 11** 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] 11** persent op die eerste R10 000,00 of gedeelte daarvan, 6 persent op die volgende R10 000,00 of gedeelte daarvan en 2,12 persent op die balans van die totale bedrag van die rekening.
[(Opmerking 1: Die minimum gelde onder elk van hierdie items is R70,00.)]

Inwerkingtreding

3. Hierdie reëls tree in werking op **22 Maart 2013**.

No. R. 114

15 February 2013

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

The Rules Board for Courts of Law has under section 6 of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985), 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 regulating the conduct of the proceedings of the several provincial and local divisions of the High Court of South Africa published under Government Notice No. R. 48 of 12 January 1965, as amended by Government Notices No R. 235 of 18 February 1966, R. 2004 of 15 December 1967, R. 3553 of 17 October 1969, R. 2021 of 5 November 1971, R. 1985 of 3 November 1972, R. 480 of 30 March 1973, R. 639 of 4 April 1975, R. 1816 of 8 October 1976, R. 1975 of 29 October 1976, R. 2477 of 17 December 1976, R. 2365 of 18 November 1977, R. 1546 of 28 July 1978, R. 1577 of 20 July 1979, R. 1535 of 25 July 1980, R. 2527 of 5 December 1980, R. 500 of 12 March 1982, R. 773 of 23 April 1982, R. 775 of 23 April 1982, R. 1873 of 3 September 1982, R. 2171 of 6 October 1982, R. 645 of 25 March 1983, R. 841 of 22 April 1983, R. 1077 of 20 May 1983, R. 1996 of 7 September 1984, R. 2094 of 13 September 1985, R. 810 of 2 May 1986, R. 2164 of 2 October 1987, R. 2642 of 27 November 1987, R. 1421 of 15 July 1988, R. 210 of 10 February 1989, R. 608 of 31 March 1989, R. 2628 of 1 December 1989, R. 185 of 2 February 1990, R. 1929 of 10 August 1990, R. 1262 of 30

May 1991, R. 2410 of 30 September 1991, R. 2845 of 29 November 1991, R. 406 of 7 February 1992, R. 1883 of 3 July 1992, R. 109 of 22 January 1993, R. 960 of 28 May 1993, R. 974 of 1 June 1993, R. 1356 of 30 July 1993, R. 1843 of 1 October 1993, R. 2365 of 10 December 1993, R. 2529 of 31 December 1993, R. 181 of 28 January 1994, R. 411 of 11 March 1994, R. 873 of 31 May 1996, R. 1063 of 28 June 1996, R. 1557 of 20 September 1996, R. 1746 of 25 October 1996, R. 2047 of 13 December 1996, R. 417 of 14 March 1997, R. 491 of 27 March 1997, R. 700 of 16 May 1997, R. 798 of 13 June 1997, R. 1352 of 10 October 1997, R. 785 of 5 June 1998, R. 881 of 26 June 1998, R. 1024 of 7 August 1998, R. 1723 of 30 December 1998, R. 315 of 12 March 1999, R. 568 of 30 April 1999, R. 1084 of 10 September 1999, R. 1299 of 29 October 1999, R. 502 of 19 May 2000, R. 849 of 25 August 2000, R. 373 of 30 April 2001, R. 1088 of 26 October 2001, R. 1755 of 5 December 2003, R. 229 of 20 February 2004, R. 1343 of 12 December 2008, R. 1345 of 12 December 2008, R. 516 of 8 May 2009, R. 518 of 8 May 2009, R. 86 of 12 February 2010, R. 87 of 12 February 2010, R. 88 of 12 February 2010, R. 89 of 12 February 2010, R. 90 of 12 February 2010, R. 500 of 11 June 2010, R. 591 of 09 July 2010, R. 980 of 19 November 2010, R. 981 of 19 November 2010, R. 464 of 22 June 2012 and R. 992 of 7 December 2012.

Substitution of Rule 68 of the Rules

2. The following rule is hereby substituted for rule 68 of the Rules:

“68 Tariff for Sheriffs

(1) The fees and charges contained in the appended tariff shall be chargeable and allowed to sheriffs: Provided that no fees shall be charged for the service of process in *in forma pauperis* proceedings (but the necessary disbursements for the purpose of such service may be recovered).

(2) Where there are more ways than one of doing any particular act, the least expensive way shall be adopted unless there is some reasonable objection thereto, or unless the party at whose instance process is executed desires any particular way to be adopted at his expense.

(3)(a) Where any dispute arises as to the validity or amount of any fees or charges, or where necessary work is done and necessary expenditure incurred for which no provision is made, the matter shall be determined by the taxing officer of the court whose process is in question.

(b) A request to tax an account of a sheriff shall be done within 90 days after the date on which the account of which the fees are disputed has been rendered.

“Tariff

[Tariff] Item	R c
1. For registration of any document for service or execution, upon receipt thereof	[6,00] 7,00
2. (a) For service of summonses, petitions together with notice of	[44,00]

motion or set down, other notices, orders or any other documents, each	<u>49,00</u>
Provided that -	
(i) Whenever any document to be served with any such process is mentioned in the process or forms an annexure thereto, no additional fee shall be charged for the service of such document, but otherwise a fee of [6.00] <u>7,00</u> may be charged in respect of each separate document served;	
(ii) No fee for the service of a separate document shall be charged in respect of the service of process in criminal cases.	
(b) Attempted service of summonses, petitions together with notice of motion or notice of set down, other notices, orders and any other documents Provided that an attempted service of more than one document on the same person shall be treated as an attempted service of one document only.	[33,00] <u>36,50</u>
☐ 3 Travelling allowance:	
☐ (a) For the distance actually and necessarily travelled by the sheriff or his or her officer, reckoned from the office of the sheriff, both on the forward and the return journey, per kilometer or fraction of a kilometer.	[3,00] <u>3,50</u>
☐ (b) When two or more summonses or other process, whether at the instance of the same party or of different parties, are capable of being served on one and the same journey, the travelling allowance for performing the round of service shall be fairly and equitably apportioned among the several cases, regard being had to the distance at which the parties against whom such process is directed respectively reside from the office of the sheriff, but the fee for service shall be payable for each service made or attempted to be made.	
☐ (c) This allowance shall be payable only in cases where the duty in question is to be performed beyond a radius of one kilometer from the office of the sheriff: Provided that if the office of the sheriff is situated more than three kilometers from the office of the magistrate of his or her district the allowance shall be payable only where such duty is to be performed beyond a distance of one kilometer from the magistrate's office.	
☐ (d) The restriction imposed by the proviso in paragraph 3(c) above may be relaxed by the Minister for Justice and Constitutional Development, in his or her discretion, where circumstances warrant this.	
☐ 4 (a) Postage in civil matters, as per postal tariff.	
☐ (b) Postage in criminal matters, free.	
☐ NOTE: The sheriff may take any postal matter to the registrar of the High Court, or if there is no registrar in his or her town or city, to the magistrate, who shall frank the envelope with his or her official franking stamp.	
☐ 5 For the execution of any writ-	

(a) (i) of personal arrest, including the conveyance of the person concerned to court, to an attorney's office or to a prison, per person	[55.00] <u>61.00</u>
(ii) for conveying the person concerned to court from a place of custody on a day subsequent to the day of arrest and attending at court, per hour or part thereof	[66.00] <u>73.00</u>
(iii) for attachment of property <i>ad fundandam jurisdictionem</i> or <i>ad confirmandam jurisdictionem</i>	[55.00] <u>61.00</u>
(iv) where an attachment in terms of item 5(a)(iii) is withdrawn or suspended	[16.00] <u>18.00</u>
☐ (b) of ejectment: [R66.00] <u>R73.00</u> per hour or part thereof, subject to a minimum of which shall include the first hour (in addition to reasonable expenses necessarily incurred);	[99.00] <u>109.50</u>
☐ (c) against immovable property-	
(i) for execution, including service of notice of attachment upon the owner of the immovable property and upon the registrar of deeds or other officer charged with the registration of such property, and if the property is in occupation of some person other than the owner, also upon such occupier.	[133.00] <u>147.00</u>
(ii) for notice of attachment to a single lessee or occupier	[11.00] <u>12.50</u>
(identical notices where there are several lessees, occupiers or owners, for each after the first	[3.00] <u>3.50</u>
(iii) for making valuation report for purposes of sale per hour or part thereof.	[66.00] <u>73.00</u>
(iv) when a sheriff has been authorized to sell property and the property is not sold by reason of the fact that the attachment is withdrawn or stayed, irrespective of the amount of the writ, all the necessary notice for the withdrawal of the attachment	[133.00] <u>147.00</u>
(v) for ascertaining and recording what bonds or other encumbrances are registered against the property, together with the names and addresses of the persons in whose favour such bonds and encumbrances are so registered, including any correspondence in connection therewith (in addition to reasonable expenses necessarily incurred)	[66.00] <u>73.00</u>
(vi) for notifying the execution creditor of such bonds or other encumbrances and of the names and addresses of the persons in whose favour such bonds or other encumbrances are registered	[11.00] <u>12.50</u>
(vii) for consideration of proof that a preferent creditor has complied with the requirements of rule 46(5)(a)	[6.00] <u>7.00</u>
(viii) for the notice referred to in rule 46(6)	[11.00]

	<u>12,50</u>
(ix) for consideration of notice of sale prepared by the execution creditor in consultation with the sheriff; and	
(x) for verifying that notice of sale has been published in the newspapers indicated and in the Gazette; and	
(xi) for forwarding a copy of the notice of sale to every judgment creditor who had caused the immovable property to be attached and to every mortgagee thereof whose address is known, for each copy, inclusive fee for (ix), (x) and (xi).	[66,00] <u>73,00</u>
(xii) for affixing a copy of the notice of sale to the notice board of the magistrate's court referred to in rule 46(7)(e) and at or as near as may be to the place where the sale is actually to take place, an inclusive fee of	[23,00] <u>25,50</u>
(xiii) for considering the conditions of sale	[55,00] <u>61,00</u>
(xiv) on the sale of immovable property by the sheriff as auctioneer, 6 per cent on the first R30 000.00 of the proceeds of the sale and 3,5 per cent on the balance thereof, subject to a maximum commission of [R8 750.00] R9 655,00 in total and a minimum of [R440.00] R485,00 (inclusive in all instances of the sheriff's bank charges and other expenses incurred in paying the proceeds into his or her trust account), which commission shall be paid by the purchaser;	
(xv) for any report referred to in rule 46(11)	[33,00] <u>36,50</u>
(xvi) for giving transfer to the purchaser	[16,00] <u>18,00</u>
(xvii) for preparing a plan of distribution of the proceeds (including the necessary copies) and for forwarding a copy to the registrar	[66,00] <u>73,00</u>
(xviii) for giving notice to all parties who have lodged writs and to the execution debtor that the plan of distribution will lie for inspection, for every notice	[11,00] <u>12,50</u>
(xix) for request to magistrate to pay out in accordance with the plan of distribution	[6,00] <u>7,00</u>
☐ (d) against movable property-	
(i) when a writ is paid on presentation, 9 per cent on the amount so paid, with a minimum fee of [R44.00] R49,00 and a maximum of	[440,00] <u>486,00</u>
(ii) for any abortive attempt at attachment, including one hour's search	[44,00]

and enquiry	<u>49,00</u>
(iii) when a writ is withdrawn or stayed before any property is attached	[16.00] <u>18,00</u>
(iv) for making an attachment, including one hour's search and enquiry	[110.00] <u>121,50</u>
(v) notice of attachment, if necessary, to a single person	[11.00] <u>12,50</u>
(identical notices, when there is more than one person to be given notice, for each after the first)	[6.00] <u>7,00</u>
(vi) when an attachment is withdrawn by a judgment creditor or stayed before sale, 3 per cent on the value of the property attached or the amount of the writ, whichever is the lesser, but subject to a maximum of	[330.00] <u>364,50</u>
(vii) when a writ is paid by the debtor to the sheriff after attachment but before sale, 9 per cent on the amount so paid, with a minimum fee of [R44.00] <u>R49,00</u> and a maximum of	[440.00] <u>486,00</u>
(viii) when moneys are taken in execution, 9 per cent of the amount so taken, but subject to a maximum of	[440.00] <u>486,00</u>
(ix) for drawing up advertisements of sale of goods attached	[44.00] <u>49,00</u>
(x) for selling in execution (whether auctioneer employed or not), including distribution of the proceeds, on the first R15 000.00 or part thereof, 9 per cent, and thereafter, 6 per cent, with a maximum of	[5 875.00] <u>6843,00</u>
(xi) the sheriff him- or herself shall sell movable property in execution, but he or she shall engage the services of an auctioneer if directed thereto in writing by the judgment creditor, provided the judgment creditor bears the additional commission, if any;	
(xii) commission shall not be chargeable against a judgment debtor on the value of movable property attached and subsequently claimed by a person other than the judgment debtor and released in consequence of such claim, unless such property has been attached at the express direction of the judgment creditor, in writing, in which event the judgment creditor shall be liable to the sheriff for the commission;	
(xiii) for insuring movable property attached when it is considered	[23.00]

necessary and when the sheriff is directed thereto in writing by the judgment creditor, in addition to the amount of premium paid, an inclusive fee of	<u>25,50</u>
☐ (e) for keeping possession of property (money excluded)-	
(i) for each officer necessarily left in possession, a reasonable inclusive fee per officer per day not exceeding	[83.00] <u>92,00</u>
NOTE: 'Possession' means the continuous and necessary presence on the premises for the period in respect of which possession is reckoned, of a person employed and paid by the sheriff for the sole purpose of retaining possession.	
(ii) for removal and storage, the reasonable and necessary expenses for such removal and storage, and if an animal is to be stabled or fed, the reasonable charges for such stabling and feeding;	
(iii) for tending livestock, the necessary expenses for tending such stock;	
(iv) when no officer is left in possession and no security bond is taken, but movable property attached remains under the supervision of the sheriff, per day	[1.00] <u>1,50</u>
☐ 6 (a) For making an inventory, including all necessary copies and time spent in stocktaking, per hour or part thereof	[83.00] <u>92,00</u>
☐ (b) For assistance, where necessary, in taking inventory, a reasonable and inclusive fee per day, not exceeding	[83.00] <u>92,00</u>
☐ 7 (a) For making return of service or execution, including drawing up and typing of original for court, limited to one person upon each original process; and	
☐ (b) copy thereof for party desiring service or execution.	[23.00] <u>25,50</u>
☐ 8 Drawing and completing of bail bond, deed of suretyship or indemnity bond	[16.00] <u>18,00</u>
☐ 9 For the making of all necessary copies of documents per A4 size page	[2.00] <u>2,50</u>
☐ 10 Taking statement from accused, who is not represented and who desires witnesses to be subpoenaed at the expense of the State, as to his or her means, the names and addresses of the witnesses and what they can say in his or her defence, in order to enable the registrar or the clerk of the court on circuit to decide whether the witnesses should be subpoenaed	[16.00] <u>18,00</u>

☐ NOTE: This information is to be obtained at the time of serving the notice of trial and indictment and conveyed to the registrar or clerk of the court in the same letter under cover of which the documents are returned.	
☐ 11 Attending any criminal session of a superior court or any circuit court, [R66.00] <u>73.00</u> per hour or part thereof, with a maximum per day of	[330.00] <u>364.50</u>
☐ 12 Each necessary letter, excluding formal letters accompanying process or returns	[11.00] <u>12.50</u>
☐ 13 Each necessary attendance by telephone (in addition to prescribed trunk charges)	[6.00] <u>7.00</u>
☐ 14 Sending and receiving of each necessary facsimile per A4 size page (in addition to telephone charges)	[3.00] <u>3.50</u>
☐ 15 Bank charges: Actual costs incurred regarding bank charges and cheque forms."	

Commencement

3. These rules shall come into operation on **22 March 2013**.

No. R. 114

15 Februarie 2013

**WYSIGING VAN DIE REËLS WAARBY DIE VERRIGTINGE VAN DIE VERSKILLEND
PROVINSIALE EN PLAASLIKE AFDELINGS VAN DIE HOË HOF VAN SUID-AFRIKA
GEREËL WORD**

Die Reëlsraad vir Geregshowe het kragtens artikel 6 van die Wet op die Reëlsraad vir Geregshowe, 1985 (Wet No. 107 van 1985), met die goedkeuring van die Minister van Justisie en Staatkundige Ontwikkeling, die Reëls in die Bylae gemaak.

BYLAE

ALGEMENE VERDUIDELIKENDE NOTA:

[] Uitdrukings in vet druk tussen vierkantige hakies dui skrapings uit bestaande reëls aan.

___ Uitdrukings met 'n volstreep daaronder dui invoegings in bestaande reëls aan.

Woordomskrywing

1. In hierdie Bylae beteken "die Reëls" die reëls waarby die verrigtinge van die verskillende provinsiale en plaaslike afdelings van die Hoë Hof van Suid-Afrika gereël word, afgekondig by Goewermentskennisgewing No. R. 48 van 12 Januarie 1965, soos gewysig by Goewermentskennisgewings Nos. R. 235 van 18 Februarie 1966, R. 2004 van 15 Desember 1967, R. 3553 van 17 Oktober 1969, R. 2021 van 5 November 1971, R. 1985 van 3 November 1972, R. 480 van 30 Maart 1973, R. 639 van 4 April 1975, R. 1816 van 8 Oktober 1976, R. 1975 van 29 Oktober 1976, R. 2477 van 17 Desember 1976, R. 2365 van 18 November 1977, R. 1546 van 28 Julie 1978, R. 1577 van 20 Julie 1979, R. 1535 van 25 Julie 1980, R. 2527 van 5 Desember 1980, R. 500 van 12 Maart 1982, R. 773 van 23 April 1982, R. 775 van 23 April 1982, R. 1873 van 3 September 1982, R. 2171 van 6 Oktober 1982, R. 645 van 25 Maart 1983, R. 841 van 22 April 1983, R. 1077 van 20 Mei 1983, R. 1996 van 7 September 1984, R. 2094 van 13 September 1985, R. 810 van 2 Mei

1986, R. 2164 van 2 Oktober 1987, R. 2642 van 27 November 1987, R. 1421 van 15 Julie 1988, R. 210 van 10 Februarie 1989, R. 608 van 31 Maart 1989, R. 2628 van 1 Desember 1989, R. 185 van 2 Februarie 1990, R. 1929 van 10 Augustus 1990, R. 1262 van 30 Mei 1991, R. 2410 van 30 September 1991, R. 2845 van 29 November 1991, R. 406 van 7 Februarie 1992, R. 1883 van 3 Julie 1992, R. 109 van 22 Januarie 1993, R. 960 van 28 Mei 1993, R. 974 van 1 Junie 1993, R. 1356 van 30 Julie 1993, R. 1843 van 1 Oktober 1993, R. 2365 van 10 Desember 1993, R. 2529 van 31 Desember 1993, R. 181 van 28 Januarie 1994, R. 411 van 11 Maart 1994, R. 873 van 31 Mei 1996, R. 1063 van 28 Junie 1996, R. 1557 van 20 September 1996, R. 1746 van 25 Oktober 1996, R. 2047 van 13 Desember 1996, R. 417 van 14 Maart 1997, R. 491 van 27 Maart 1997, R. 700 van 16 Mei 1997, R. 798 van 13 Junie 1997, R. 1352 van 10 Oktober 1997, R. 785 van 5 Junie 1998, R. 881 van 26 Junie 1998, R. 1024 van 7 Augustus 1998, R. 1723 van 30 Desember 1998, R. 315 van 12 Maart 1999, R. 568 van 30 April 1999, R. 1084 van 10 September 1999, R. 1299 van 29 Oktober 1999, R. 502 van 19 Mei 2000, R. 849 van 25 Augustus 2000, R. 373 van 30 April 2001, R. 1088 van 26 Oktober 2001, R. 1755 van 5 Desember 2003, R. 229 van 20 Februarie 2004, R. 1343 van 12 Desember 2008, R. 1345 van 12 Desember 2008, R. 516 van 8 Mei 2009, R. 518 van 8 Mei 2009, R. 86 van 12 Februarie 2010, R. 87 van 12 Februarie 2010, R. 88 van 12 Februarie 2010, R. 89 van 12 Februarie 2010, R. 90 van 12 Februarie 2010, R. 500 van 11 Junie 2010, R. 591 van 09 Julie 2010, R. 980 van 19 November 2010, R. 981 van 19 November 2010, R. 464 van 22 Junie 2012 and R. 992 van 7 Desember 2012.

Vervanging van Reël 68 van die Reëls

2. Reël 68 van die Reëls word hierby deur die volgende reël vervang:

"68 Tarief vir Balju's

(1) Die gelde in onderstaande tarief kan deur balju's gevorder word: Met dien verstande dat geen gelde gehef word vir die betekening van prosesstukke in *in forma pauperis*-verrigtinge nie, behalwe die nodige uitgawes daaraan verbonde.

(2) Waar 'n besondere handeling op meer as een wyse kan geskied, moet die goedkoopste manier gevolg word, tensy daar redelike beswaar teen is of tensy die party ten behoeve van wie prosesstukke uitgevoer word, op eie koste 'n bepaalde wyse verkies.

(3) (a) Geskille oor die opeisbaarheid of omvang van enige gelde of koste, of oor vergoeding vir noodsaaklike werk en noodsaaklike uitgawes waarvoor daar geen voorsiening gemaak word nie, word beslis deur die takseermeester van die hof waarvan die prosesstukke uitgegaan het.

(b) 'n Versoek om 'n rekening van 'n balju te takseer moet gerig word binne 90 dae nadat die rekening waarvan die gelde in geskil is, gegee is.

"Tarief

[Tarief] Item	R c
1. Registrasie van 'n dokument vir betekening of tenuitvoerlegging, by ontvangs daarvan	[6,00] <u>7,00</u>
2. (a) Betekening van dagvaardings, petisies tesame met kennisgewing van mosie of van terrolleplasing, ander kennisgewings, bevele of enige ander dokumente, elk -	[44,00] <u>49,00</u>
Met dien verstande dat -	
(i) wanneer 'n dokument saam met 'n prosesstuk beteken moet word en in die prosesstuk genoem word of 'n aanhangsel daarvan is, geen addisionele gelde gevorder mag word vir betekening van die dokument nie. Origens mag [6,00] <u>7,00</u> gevorder word vir elke afsonderlike dokument wat beteken word;	
(ii) Geen geld vir 'n aparte dokument gevorder word vir die betekening van prosesstukke in strafsake nie.	
(b) Gepoogde betekening van dagvaardings, petisies tesame met kennisgewing van mosie of van terrolleplasing, ander kennisgewings, bevele en enige ander dokumente Met dien verstande dat 'n gepoogde betekening van meer as een dokument aan dieselfde persoon beskou word as 'n gepoogde betekening van slegs een dokument.	[33,00] <u>36,50</u>
3. Reistoelae:	
(a) Vir die afstand werklik en noodsaaklikerwys deur die balju of sy of haar verteenwoordiger afgelê, bereken van die kantoor van die balju af vir die heen- en terugreis, per kilometer of deel van 'n kilometer	[3,00] <u>3,50</u>
(b) Wanneer twee of meer dagvaardings of ander prosesstukke, in opdrag van dieselfde party of van verskillende partye, met een en dieselfde reis beteken kan word, moet die reistoelae redelik en billik verdeel word tussen die verskillende sake met inagneming van die afstand wat die onderskeie partye aan wie die prosesstukke gerig is van die kantoor van die balju af woon, maar die gelde is betaalbaar vir elke betekening of gepoogde betekening.	
(c) Hierdie toelae is alleen betaalbaar in gevalle waar die betrokke diens meer as een kilometer van die kantoor van die balju af verrig	

moet word: Met dien verstande dat as die kantoor van die balju meer as drie kilometer van die landdroskantoor van sy of haar distrik af is, die toelae betaalbaar is slegs wanneer sodanige diens meer as een kilometer van die landdroskantoor af verrig moet word.	
(d) Die beperking opgelê deur die voorbehoud by paragraaf 3(c) hierbo, kan deur die Minister van Justisie en Grondwetlike Ontwikkeling na goeë dunde verslap word waar omstandighede dit regverdig.	
4. (a) Posgeld in siviele sake, volgens die postarief.	
(b) Posgeld in strafsake, posvry.	
LET WEL: Die balju kan enige posstuk na die griffier van die Hoë Hof neem of, as daar geen griffier in sy of haar dorp of stad is nie, na die landdros, wat die koevert met sy of haar amptelike frankeerstempel moet merk.	
5. Tenuitvoerlegging van enige lasbrief-	
(a) (i) vir die arres van 'n persoon, insluitende sy of haar vervoer na die hof, na 'n prokureur se kantoor of na die gevangenis, per persoon	[55,00] <u>61,00</u>
(ii) vir vervoer van die betrokke persoon na die hof van die plek van aanhouding op 'n dag na die dag van arres, en bywoning van die hof per uur of gedeelte daarvan	[66,00] <u>73,00</u>
(iii) vir beslaglegging op goed <i>ad fundandam jurisdictionem</i> of <i>ad confirmandam jurisdictionem</i>	[55,00] <u>61,00</u>
(iv) waar 'n beslaglegging ingevolge artikel 5 (a) (iii) teruggetrek of opgeskort word	[16,00] <u>18,00</u>
(b) vir uitsetting: [66,00] <u>R73,00</u> per uur of gedeelte daarvan, met 'n minimum van wat die eerste uur insluit (benewens redelike uitgawes noodsaaklikerwys aangegaan);	[99,00] <u>109,50</u>
(c) teen onroerende goed-	
(i) vir tenuitvoerlegging, insluitende betekening van kennisgewing van beslaglegging aan die eienaar van die onroerende goed en die registrateur van aktes of ander beamppte belas met registrasie van sodanige goed, en as die onroerende goed deur iemand anders as die eienaar geokkupeer word, ook aan	[133,00] <u>147,00</u>

die okkupant	
(ii) vir kennisgewing van beslaglegging aan 'n enkele huurder of okkupant	[11,00] <u>12,50</u>
(identiese kennisgewings waar daar meer as een huurder, okkupant of eienaar is, vir elkeen na die eerste	[3,00] <u>3,50</u>
(iii) vir waardasie of verslag vir die doel van 'n verkoping, per uur of gedeelte daarvan	[66,00] <u>73,00</u>
(iv) waar 'n balju gemagtig is om goed te verkoop en die goed nie verkoop word nie omdat die beslaglegging teruggetrek, opgeskort, gestaak of gestuit word, afgesien van die bedrag van die lasbrief, en al die nodige kennisgewing van terugtrekking van die beslaglegging	[133,00] <u>147,00</u>
(v) vir die vasstelling en aantekening van watter verband of ander beswarings teen die eiendom geregistreer is, asook die name en adresse van die persone in wie se guns dit geregistreer is, insluitende enige briefwisseling in verband daarmee (benewens redelike uitgawes noodsaaklikerwys aangegaan)	[66,00] <u>73,00</u>
(vi) om die vonnisskuldeiser in kennis te stel van sodanige verbande of beswarings en van die name en adresse van die persone in wie se guns dit geregistreer is	[11,00] <u>12,50</u>
(vii) vir oorweging van bewys dat preferente skuldeiser aan die vereistes van reël 46(5)(a) voldoen het	[6,00] <u>7,00</u>
(viii) vir die kennisgewing in reël 46(6) bedoel	[11,00] <u>12,50</u>
(ix) vir oorweging van kennisgewing van verkoping wat deur vonnisskuldeiser in oorleg met balju opgestel word; en	
(x) vir die nagaan van aangeduide koerante en die <i>Staatskoerant</i> om seker te maak dat kennisgewing van verkoping geplaas is; en	
(xi) vir die stuur van 'n eksemplaar van die kennisgewing van verkoping aan elke vonnisskuldeiser wat op die onroerende goed beslag laat lê het en aan elke verbandhouer wie se adres bekend is, vir elke eksemplaar, insluitende geld van (ix), (x) en (xi)	[66,00] <u>73,00</u>
(xii) vir die aanbring van 'n eksemplaar van die kennisgewing van verkoping op die kennisgewingbord van die landdroshof bedoel	[23,00] <u>25,50</u>

in reël 46(7)(e) en op of so na moontlik aan die plek waar die verkoping sal plaasvind, 'n allesinsluitende bedrag van	
(xiii) vir oorweging van die verkoopvoorwaardes	[55,00] <u>61,00</u>
(xiv) by die verkoop van onroerende goed deur die balju as afslaer, 6 persent op die eerste R30 000,000 van die opbrengs van die verkoping en 3,5 persent op die balans daarvan, onderhewig aan 'n maksimum kommissie van [R8 750,00] <u>R9 655,00</u> in totaal en 'n minimum van [R440,00] <u>R485,00</u> (insluitende in alle gevalle die balju se bankkoste en ander uitgawes aangegaan om die opbrengs in sy of haar trustrekening in te betaal), welke kommissie deur die koper betaalbaar is;	
(xv) vir 'n verslag in reël 46(11) bedoel	[33,00] <u>36,50</u>
(xvi) vir die gee van transport aan die koper	[16,00] <u>18,00</u>
(xvii) vir die opstel van 'n distribusieplan van die opbrengs (insluitende die nodige afskrifte) en afsending van 'n afskrif aan die griffier	[66,00] <u>73,00</u>
(xviii) vir kennisgewing aan alle partye wat lasbriewe ingedien het en aan die vonnisskuldenaar dat distribusieplan ter insae sal lê, vir elke kennisgewing	[11,00] <u>12,50</u>
(xix) vir versoek aan landdros om ooreenkomstig distribusieplan uit te betaal	[6,00] <u>7,00</u>
(d) teen roerende goed-	
(i) wanneer 'n lasbrief by aanbieding betaal word, 9 persent van die bedrag aldus betaal, met 'n minimum van [R44,00] <u>R49,00</u> en 'n maksimum van	[440,00] <u>486,00</u>
(ii) vir 'n onsuksesvolle poging om beslag te lê, insluitende opsporing vir een uur en navraag	[44,00] <u>49,00</u>
(iii) waar 'n lasbrief teruggetrek, opgeskort, gestaak of gestuit word voordat daar op enige goed beslag gelê is	[16,00] <u>18,00</u>

(iv)	vir 'n beslaglegging, insluitende opsporing vir een uur en navraag	[110,00] <u>121.50</u>
(v)	kennisgewing van beslaglegging, indien nodig, aan een persoon (identiese kennisgewings waar daar meer as een persoon is wat kennis moet kry, vir elkeen na die eerste	[11,00] <u>12.50</u> [6,00] <u>7.00</u>
(vi)	waar beslaglegging deur die vonnisskuldeiser teruggetrek word of opgeskort, gestaak of gestuit word voor die verkoping, 3 persent van die waarde van die inbeslaggenome goed of die bedrag van die lasbrief, watter ook al die minste is, maar met 'n maksimum van	[330,00] <u>364.50</u>
(vii)	waar die lasbrief aan die balju betaal word deur die skuldenaar na beslaglegging maar vóór verkoping, 9 persent van die bedrag betaal, met 'n minimum geld van [R44,00] <u>R49.00</u> en 'n maksimum van	[440,00] <u>486.00</u>
(viii)	waar beslag op geld gelê word, 9 persent van die betrokke bedrag, maar met 'n maksimum van	[440,00] <u>486.00</u>
(ix)	vir opstel van advertensie van verkoping van inbeslaggenome goed	[44,00] <u>49.00</u>
(x)	vir verkoping vir uitwinning (met of sonder afslaer), insluitende verdeling van die opbrengs, vir die eerste R15 000 of deel daarvan, 9 persent, en daarna 6 persent, met 'n maksimum van	[5875,00] <u>6843.00</u>
(xi)	die balju moet roerende goed self uitwin maar 'n afslaer aanstel indien skriftelik daartoe deur die vonnisskuldeiser versoek, en mits die vonnisskuldeiser die addisionele kommissie, as daar is, betaal;	
(xii)	kommissie is nie op 'n vonnisskuldenaar verhaalbaar op die waarde van inbeslaggenome roerende goed wat daarna deur 'n derde opgeëis en gevolglik vrygegee is nie, tensy die goed in beslag geneem is op die uitdruklike skriftelike versoek van die vonnisskuldeiser, in welke geval die vonnisskuldeiser teenoor die balju aanspreeklik is vir die kommissie;	
(xiii)	vir die versekering van inbeslaggenome roerende goed wanneer dit nodig geag word en in skriftelike opdrag van die vonnisskuldeiser aan die balju, benewens die premie wat betaal word, 'n allesinsluitende bedrag van	[23,00] <u>25.50</u>

(e) vir bewaring van goed (geld uitgesluit)-	
i) vir elke beampte wat noodsaaklikerwys in besit gelaat is, 'n redelike allesinsluitende bedrag per beampte per dag van hoogstens	[83,00] <u>92,00</u>
LET WEL: "Bewaring" beteken die voortdurende en noodsaaklike teenwoordigheid op die perseel vir die tydperk waarvoor bewaring bereken word, van iemand in diens van en betaal deur die balju, vir die uitsluitlike doel om besit te behou.	
(ii) vir vervoer en opberging, die redelike en noodsaaklike uitgawes daaraan verbonde en, as 'n dier op stal geplaas of gevoer moet word, die redelike uitgawes daaraan verbonde;	
(iii) vir die oppas van lewende hawe, die nodige uitgawes daaraan verbonde;	
(iv) waar geen beampte in besit gelaat word en geen akte van sekerheidstelling verkry is nie, maar die inbeslaggenome roerende goed onder toesig van die balju bly, per dag	[1,00] <u>1,50</u>
6. (a) Vir die opstel van 'n inventaris, insluitende die maak van alle nodige afskrifte en tyd bestee aan voorraadopname, per uur of gedeelte daarvan	[83,00] <u>92,00</u>
(b) Vir bystand, waar nodig, by die opstel van 'n inventaris, 'n redelike allesinsluitende bedrag per dag van hoogstens	[83,00] <u>92,00</u>
7. (a) Vir opstel van relaas van betekening of tenuitvoerlegging, insluitende opstel en tik van oorspronklike vir die hof, beperk tot een persoon op elke oorspronklike prosesstuk; en	
(b) afskrif daarvan vir die party wat betekening of tenuitvoerlegging verlang	[23,00] <u>25,50</u>
8. Opstel en voltooiing van 'n akte van borgstelling, sekerheidstelling of vrywaring	[16,00] <u>18,00</u>
9. Vir die maak van alle noodsaaklike afskrifte van dokumente per A4-grootte bladsy	[2,00] <u>2,50</u>
10. Afneem van 'n verklaring van 'n beskuldigde wat nie verteenwoordig is nie en wat verlang dat getuies op koste van die Staat gedagvaar moet word, betreffende sy of haar middele, die name en adresse van die	[16,00] <u>18,00</u>

getuies en wat hulle ter verdediging van hom of haar kan sê, ten einde die griffier of die klerk van die hof op rondgang in staat te stel om te oordeel of die getuies gedagvaar moet word	
LET WEL: Hierdie inligting moet verkry word wanneer die kennisgewing van verhoor en akte van beskuldiging beteken word en aan die griffier of die klerk van die hof oorgedra word in dieselfde brief onder dekking waarvan die dokumente teruggestuur word.	
11. Bywoning van strafsittings van 'n hoër hof of 'n rondgaaande hof, [R66,00] <u>73,00</u> per uur of gedeelte daarvan met 'n maksimum per dag van	[330,00] <u>364,50</u>
12. Elke noodsaaklike brief behalwe formele briewe wat prosesstukke of relase vergesel	[11,00] <u>12,50</u>
13. Maak of beantwoording van elke noodsaaklike telefoonoproep (benewens voorgeskrewe hooflyngelde)	[6,00] <u>7,00</u>
14. Afstuur en ontvangs van elke noodsaaklike faksimilee per A4-grootte bladsy (benewens telefoongelde)	[3,00] <u>3,50</u>
15. Bankkoste: Werklike koste aangegaan in verband met bankkoste en tjekvorms."	

Inwerkingtreding

3. Hierdie reëls tree in werking op **22 Maart 2013**.

No. R. 115

15 February 2013

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, as amended by Government Notices Nos. R. 1222 of 24 December 2010, R. 611 of 29 July 2011, R.1085 of 30 December 2011 and R. 685 of 31 August 2012.

Amendment of Annexure 2 to the Rules

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

"PART II**SHERIFFS WHO ARE NOT OFFICERS OF THE PUBLIC SERVICE**

1A. For registration of any document for service or execution upon receipt thereof:
[R6.00] R7,00.

1B. (a) For the service of a summons, subpoena, notice, order or other document not being a document mentioned in item 2, the journey to and from the place of service of any of the above-mentioned documents-

- (i) within a distance of 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R28.00]** R31,00;
- (ii) within a distance of 12 kilometres but further than 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R33.00]** R36,50;
- (iii) within a distance of 20 kilometres but further than 12 kilometres from the court-house of the district for which the sheriff is appointed: **[R44.00]** R49,00;
- (iv) where a mandator instructs the sheriff in writing to serve a document referred to in item 1B(a) urgently on the day of receipt of such document or after normal office hours, the costs shall be calculated at double the tariff in item 1B(a)(i), (ii) and (iii) respectively, which additional costs shall be paid by the mandator, save where the court orders otherwise.

(b) For the attempted service of the documents mentioned in paragraph (a), the journey to and from the place of attempted service of any of the above-mentioned documents-

- (i) within a distance of 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R23.00]** R25,50;
 - (ii) within a distance of 12 kilometres but further than 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R28.00]** R31,00;
 - (iii) within a distance of 20 kilometres but further than 12 kilometres from the court-house of the district for which the sheriff is appointed: **[R39.00]** R43,50;
 - (iv) where a mandator instructs the sheriff in writing to serve a document referred to in item 1B(a) urgently on the day of receipt of such document or after normal office hours and the sheriff is unsuccessful in his or her attempt to effect service, the costs shall be calculated at double the tariff in item 1B(b)(i), (ii) and (iii) respectively, which additional costs shall be paid by the mandator, save where the court orders otherwise.
- (c) (i) Where a document must be served together with a process of the court and is mentioned in such process or is an annexure thereto, no additional fees shall be charged for service of the document, otherwise **[R6.00]** R7,00 may be charged for every separate document served.

(ii) No fees shall be charged for a separate document when process in criminal matters are served.

(iii) The service of a notice referred to in rule 54(1) simultaneously with the summons shall not be regarded as a separate service.

2. (a) For the execution of a warrant, interdict or garnishee order, the journey to and from the place of execution of the above-mentioned documents-

- (i) within a distance of 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R39.00]** 43,50;
- (ii) within a distance of 12 kilometres but further than 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R44.00]** R49,00;

(iii) within a distance of 20 kilometres but further than 12 kilometres from the court-house of the district for which the sheriff is appointed: **[R55.00]** R61,00;

(iv) where a mandator instructs the sheriff in writing to execute a document referred to in item 2(a) urgently on the day of receipt of such document or after normal office hours, the costs shall be calculated at double the tariff in item 2(a)(i), (ii) and (iii) respectively, which additional costs shall be paid by the mandator, save where the court orders otherwise.

(b) For the attempted execution of the documents mentioned in paragraph (a), the journey to and from the place of attempted execution of the above-mentioned documents-

(i) within a distance of 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R33.00]** R36,50;

(ii) within a distance of 12 kilometres but further than 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R39.00]** R43,50;

(iii) within a distance of 20 kilometres but further than 12 kilometres from the court-house of the district for which the sheriff is appointed: **[R50.00]** R55,50;

(iv) where a mandator instructs the sheriff in writing to execute a document referred to in item 2(a) urgently on the day of receipt of such document or after normal office hours and the sheriff is unsuccessful in his or her attempt to effect execution, the costs shall be calculated at double the tariff in item 2(b)(i), (ii) and (iii) respectively, which costs shall be paid by the mandator, save where the court orders otherwise.

(c) (i) For the ejectment of a defendant from the premises referred to in the warrant of ejectment: **[R23.00]** R25,50 per half hour or part thereof (except extraordinary expenses necessarily incurred).

(ii) A further fee of **[R15.00]** R17,00 shall be paid after execution for every person over and above the person named or referred to in the process of ejectment, in fact ejected from separate premises: Provided that where service on any person other than the judgment debtor, respondent or garnishee is necessary in order to complete the execution, the fee laid down in item 1B(a) may be charged in respect of each such service.

[(d) For the arrest of a defendant *tanquam suspectus de fuga* to found jurisdiction, shall, in addition to the tariff in item 2(a), an amount of R23,00 per half hour or part thereof be payable for waiting time during negotiations between the several parties.]

3. Compilation of any return in terms of rule 8, in duplicate: **[R11.00]** R12,50.

4. If it is necessary for the sheriff to travel further than 20 kilometres from the court-house of the district for which he or she is appointed, a travelling allowance of **[R3.00]** R3,50 per kilometre for each kilometre or part thereof travelled further than the aforesaid distance to and from the place of service or execution shall be allowed in addition to the fees mentioned in item 1B(a)(iii), 1B(b)(iii), 2(a)(iii) or 2(b)(iii) as the case may be.

5. (a) In respect of the discharge of any official duty other than those mentioned in items 1 and 2, a travelling allowance of **[R3.00]** R3,50 per kilometre for every kilometre, or part thereof, shall be payable to the sheriff for going and returning, and it shall be calculated from the court-house of the district for which the sheriff is appointed.

(b) A travelling allowance shall include all the expenses incurred in travelling, including train fares.

(c) A travelling allowance shall be calculated in respect of each separate service, except that-

(i) where more services than one can be done on the same journey beyond a radius of 20 kilometres from the court-house, the distance from the radius of 20 kilometres to the first place of service may be taken into account only once, and shall be apportioned equally to the respective services, and the distance from the first place of service to the remaining places of service shall similarly be apportioned equally to the remaining services; and

(ii) where service of the same process has to be effected on more than one person by a sheriff within the area served by him or her, only one charge for travelling shall be allowed.

(d) When it is necessary for the sheriff to convey any person under arrest for any distance of more than 20 kilometres, an allowance of **[R3.00]** R3,50 per kilometre in respect of that portion of his or her journey on which he or she was necessarily accompanied by such person shall be allowed.

6. (a) Making an inventory, including the making of all necessary copies and time spent on stock-taking: **[R23.00]** R25,50 per half hour or part thereof.

(b) For assistance, if necessary, with the making of an inventory, **[R23.00]** R25,50 per half hour or part thereof.

7. The perusing, drawing up and completing of a bail bond, deed of suretyship or indemnity bond: **[R6.00]** R7,00.

8. Charge or custody of property (money excluded):

(a) (i) For each officer necessarily left in possession, a reasonable inclusive amount not exceeding **[R83.00]** R92,00 per day.

(ii) Travelling allowances, to include board in every case.

(b) If livestock is attached, only the necessary expenses of herding and preserving the stock shall be allowed.

(c) If the goods are removed and stored, only the cost of removal and storage shall be allowed.

9. (a) '**Possession**' shall mean actual physical possession by a person employed and paid by the sheriff, whose sole work for the time being is to remain on the premises where the goods have been attached, and who, in fact, remains in possession for the period for which possession is charged.

(b) '**Cost of removal**' shall mean the amount actually and necessarily disbursed for removal or attempted removal if the goods were removed by a third party or an attempt was made to remove them, if they were removed by the sheriff him- or herself, such amount as would fairly be allowable in the ordinary course of business if the goods were removed by a third party, or an attempt was made to so remove them.

(c) '**Cost of storage**' shall mean the amount actually and necessarily paid for storage if the goods were stored with a third person or, if the sheriff provided the storage, such amount as would fairly be allowable in the ordinary course of business if the goods were stored with a third person.

10. (a) Where a warrant of execution or garnishee order is paid in full, or in part, to the sheriff or moneys attached in execution against movables, 9 per cent of the amounts so paid or attached, with a minimum of **[R44.00]** R49,00 and a maximum of **[R440.00]** R485,00.

(b) Notice of attachment to defendant and to each person to be notified: **[R6.00]** R7,00.

11. Where property is released from attachment in terms of rule 41(7)(e), or the warrant of execution is withdrawn or stayed, or the judgment debtor's estate is sequestrated after the attachment, but before the sale, 2,3 per cent of the value of the goods attached, subject to a maximum of **[R133.00]** R147,00: Provided that if a sale subsequently takes place in consequence of the said attachment, the amount so paid shall be deducted from the commission payable under item 12.

12. Where the warrant of execution against movables is completed by sale, 9 per cent for the first R15 000.00 or part thereof and thereafter 6 per cent, with a maximum of **[R5 875.00]** R6 483,00.

13. For the insurance of attached property if deemed necessary and on written instructions of the judgment creditor to the sheriff, in addition to the premium to be paid, an all inclusive amount of **[R23.00]** R25,50.

14. (a) When immovable property has been attached in execution and is not sold, either by reason of the warrant having been withdrawn or stayed or of the sequestration of the estate of the execution debtor, the expenses in connection with the attempted sale and the sum of **[R133.00]** R147,00 shall be payable to the sheriff or the person in fact authorised to act as auctioneer, as the case may be.

(b) The drawing up of a report of the improvements on the property for the purpose of sale: **[R23.00]** R25,50 per half hour or part thereof.

(c) Written notice to the purchaser who has failed to comply with the conditions of sale: **[R33.00]** R36,50.

(d) Consideration of conditions of sale: **[R66.00]** R73,00.

15. When immovable property has been attached in execution and the attachment lapses as referred to in section 66(4) of the Act: **[R39.00]** R43,50.

16. When an execution against immovable property is completed by sale, the following fees shall be allowed to the sheriff on the proceeds of the sale:

(a) On the sale of immovable property by the sheriff as auctioneer 6 per cent on the first R30 000.00 of the proceeds of the sale and 3,5 per cent on the balance thereof, subject to a maximum commission of **[R8 750.00]** R9 655,00 in total and a minimum of **[R440.00]** R485,00 (inclusive in all instances of the sheriff's bank charges and other expenses incurred in paying the proceeds into his or her trust account), which commission shall be paid by the purchaser.

(b) If an auctioneer is employed as provided in rule 43(9), 3 per cent on the first R30 000.00 of the proceeds of the sale and 2 per cent on the balance thereof, subject to a maximum commission of **[R5 000.00]** R5 517,00 total and a minimum of **[R440.00]** R485,00 (inclusive in all instances of the sheriff's bank charges and other expenses incurred in paying the proceeds into his or her trust account), which commission shall be paid by the purchaser.

17. In addition to the fees allowed by items 10 to 15, both inclusive, there shall be allowed-

- (a) the sum actually and reasonably paid by the sheriff or the auctioneer for printing, advertising and giving publicity to any sale or intended sale in execution;
- (b) the sum of **[R16.00]** R18.00 to the sheriff for giving transfer to the purchaser.

18. Where the sheriff is in possession under more than one warrant of execution, he or she may charge fees for only one possession, and such possession shall, as far as possible, be apportioned equally to the several warrants issued during the same period: Provided that each execution creditor shall be jointly and severally liable for such possession to an amount not exceeding what would have been due under his or her execution if it had stood alone.

19. Fees payable on the value of goods attached or on the proceeds of the sale of goods in execution shall not be chargeable on such value or proceeds so far as they are in excess of the amount of the warrant.

20. The fees and expenses of the sheriff in execution of a garnishee order shall be added to the amount to be recovered under the order, and shall be chargeable against the judgment debtor.

21. If it is necessary for the sheriff to return a document received by him or her for service or execution to the mandator because-

- (a) the address of service which appears on the process does not fall within his or her jurisdiction; or
- (b) the mandator requested, before an attempted service or execution of the process, that it be returned to him or her, an amount of **[R6.00]** R7,00 shall be payable.

22. For the conveyance of any person arrested by the sheriff or committed to his or her custody from the place of custody to the court on a day subsequent to the day of arrest: **[R23.00]** R25,50 per journey and **[R44.00]** R49,00 per hour or part thereof for attending at court.

23. For the examination of indicated newspapers and the *Gazette* in which the notice of sale has been published as referred to in rule 43(6)(c) and rule 41(8)(c): **[R6.00]** R7,00.

24. For forwarding a copy of the notice to every execution creditor who has lodged a warrant of execution and to every mortgagee in respect of the immovable property concerned whose address is reasonably ascertainable, for each copy: **[R6.00]** R7,00.

25. (a) For affixing a copy of the notice of sale on the notice board or door of the court-house or other public building referred to in rule 43(6)(e) and rule 41(8)(b): **[R16.00]** R18,00.

(b) For affixing a copy of the notice of sale on the property due to be sold, the amount in paragraph (a) above and travelling costs referred to in item 5(a).

26. For the drawing up and issuing of an interpleader summons: **[R66.00]** R73,00.

27. In addition to the fees prescribed in this Table, the sheriff shall be entitled to the amount actually disbursed for postage and telephone calls.

28. For the writing of each necessary letter, excluding formal letters accompanying process or returns: **[R6.00]** R7,00.

29. Each necessary attendance by telephone (in addition to prescribed trunk charges and cellular charges): **[R6.00]** R7,00.

30. Sending and receiving of each necessary facsimile per A4 size page (in addition telephone charges): **[R3.00]** R3,50.

31. For the perusal of the records of the Registrar of Deeds in terms of rule 43(3) to determine the order of precedence of creditors:

(a) If investigated by the sheriff him or herself: **[R39.00]** R43,50 per case.

(b) If the sheriff utilises the services of a third party for the investigation, the actual cost as required by the third party, provided that it is reasonable.

32. For the making of all necessary copies of documents: **[R2.00]** R2,50 per A4 size page.

33. (a) A request to tax an account of a sheriff shall be done within 90 days after the date on which the account of which the fees are disputed, has been rendered.

(b) For the drawing up of the bill for taxation and attendance of the taxation by the sheriff: **[R44.00]** R49,00.

34. Bank charges: Actual costs incurred relating to bank charges and cheque forms.

35. (a) Drafting of notice to the judgment debtor in terms of section 65A(8)(b) of the Act: **[R11.00]** R12,50.

(b) Service of notice referred to in paragraph (a): Tariff as prescribed in item 1B(a).

(c) Attempted service of notice referred to in paragraph (a): Tariff as prescribed in item 1B(b).

(d) The tariff as prescribed in item 4 shall apply to paragraphs (b) and (c).

36. (a) For the arrest or attempted arrest of a judgment debtor in terms of section 65A(6) of the Act:

(i) The tariff as prescribed in item 2(a) or item 2(b), as the case may be.

(ii) The tariff as prescribed in item 4 shall apply to this item.

(b) For the handing over of the judgment debtor to the South African Police Service, prisoners' friend or clerk of the court or other lawful place of detention:

(i) The tariff as prescribed in item 2(a).

(ii) Travelling costs from place of arrest to place of handing over to the relevant authority referred to in paragraph (b), per kilometre or part thereof: **[R3.00]** R3,50.

(iii) Waiting time in regard to handing over the judgment debtor to the relevant authority referred to in paragraph (b): **[R23.00]** R25,50 per half hour or part thereof with a maximum of **[R88.00]** R97,50."

Commencement

3. These rules shall come into operation on **22 March 2013.**

**ISAZISO SIKARHULUMENTE
ISEBE LEZOBULUNGISA NOPHULISO LOMGAQO-SISEKO**

No. R. 115

15 February 2013

IINKUNDLA ZOOMANTYI: ISIHLOMELO SEMIGAQO YENKUNDLA

IBhodi yemiGaqo yeeNkundla zomThetho ngaphantsi kwecandelo 6 UmThetho weBhodi yemiGaqo yeeNkundla zomThetho, 1985 (UmThetho No.107 ka-1985) ngemvume yomPhathiswa wezoBulungisa nophuhliso lomgaqo-siseko, wenze imigaqo kuLuhlu.

ULUHLU**INQAKU JIKELELE LENGCACISO:**

[] Amabinza achwethezwe ngqindilili kwizibiyeli akhombisa okukhutshiweyo kwimigaqo ekhoyo.

___ Amabinza akrwelelwe umgca ngomgca omnye akhombisa okufakiweyo kwimigaqo esele ikhona.

Inkcazelo

1. Kolu luhlu “imiGaqo” ithetha ukuba imiGaqo eLawula ukuziPhatha kweeNgxelo zeeNkundla zooMantyi boMzantsi Afrika zipapashwe ngaphantsi kweSaziso sikaRhulumente No.R.740 yama-23 kweyeThupha 2010, njengoko ihlonyelwe zizaZiso zikaRhulumente No. R 1222 yama-24 kweyomNga 2010, R. 611 yama-29 kweyeKhala 2011, R. 1085 yama- 30 kweyomNga 2011 no-R.685 yama-31 kweyeThupha 2012.

Ukuhlonyelwa kwesiHlomelo 2 kwimiGaqo

2. IsiHlomelo 2 kwimiGaqo ihlonyelwe ngokutshintshanisa malunga neNxenye II yoluhlu C lweNxenye elandelayo:

“INXENYE II

ONOTHIMBA ABANGENGAWO AMAGOSA ENKONZO KARHULUMENTE

1A Ukubhalisa naliphina uxwebhu ukulungiselela inkonzo okanye uphumezo ngokufumaneka kwe-: **[R6.00.] R7,00**

1B (a) Malunga nokulungiselela inkonzo yeesamani, isapina, isaziso, umyalelo okanye olinye uxwebhu elingelilo uxwebhu olubiziweyo kwinqaku 2, uhambo lokuya nokubuya kwindawo yenkonzo yawo nawaphina amaxwebhu achazwe ngasentla-

(i) kumgama ozikilometa eziyi-6 ukusuka apho inkundla ihlala khona apho unoThimba onyulwe khona: **[R28.00]** ; R31,00

(ii) kumgama ozikilometa eziyi-12 kodwa ngaphaya kweekilometa eziyi-6 ukusuka apho inkundla ihlala khona apho unoThimba onyulwe khona: **[R33.00]** ; R36,50

(iii) kumgama ozikilometa ezingama-20 kodwa ngaphaya kweekilometa ezili-12 ukusuka apho inkundla ihlala khona apho unoThimba onyulwe khona: **[R44.00]** ; R49,00

(iv) *apho* umgunyazisi eyalela unoThimba ngokubhala phantsi ukunikela ngoxwebhu ekubhekiselelwe kulo kwinqaku 1B (a) ngokungxamisekileyo kusuku lokuzuzwa koxwebhu olunjalo okanye emva kweeyure zomsebenzi eziqhelekileyo, amaxabiso aza kubalwa ngokuphinda kabini luluhlu lwerhafu kwinqaku 1B (a) (i), (ii) no-(iii) ngokulandelelanayo, nalapho amaxabiso awongezelelweyo ehlawulwa ngumgunyazisi, eqoqosha nalapho imiyalelo yenkundla ingenye indlela.

(b) Malunga nenkonzo ezanyiweyo yamaxwebhu achazwe kumhlathi (a), uhambo lokuya nokubuya endaweni yenkonzo ezanyiweyo yamaxwebhu achazwe ngasentla-

(i) kumgama ozikilometa eziyi-6 ukusuka apho inkundla ihlala khona apho unoThimba onyulwe khona: **[R23.00]**; R25,50

(ii) kumgama ozikilometa eziyi-12 kodwa ngaphaya kweekilometa eziyi-6 ukusuka apho inkundla ihlala khona apho unoThimba onyulwe khona: **[R28.00]**; R31,00

(iii) kumgama ozikilometa ezingama-20 kodwa ngaphaya kweekilometa ezili-12 ukusuka apho inkundla ihlala khona apho unoThimba onyulwe khona: **[R39.00]**; R43,50

(v) *apho* umgunyazisi eyalela unoThimba ngokubhala phantsi ukunikela ngoxwebhu ekubhekiselelwe kulo kwinqaku 1B (a) ngokungxamisekileyo kusuku lokuzuzwa koxwebhu olulolohlobo okanye emva kweyure zomsebenzi eziqhelekileyo, nalapho unoThimba engaphumeleli kumzamo wakhe kwinkonzo esebenzayo, amaxabiso aza kubalwa ngokuphinda kabini kuluhlu lwerhafu kwinqaku 1B (a) (i), (ii) no-(iii) ngokulandelelanayo, nalapho amaxabiso awongezelelweyo ehlawulwa ngumgunyazisi, eqoqosha nalapho imiyalelo yenkundla ingenye indlela.

(c)(i) Apho uxwebhu kufanele lusetyenziswe kunye nenkqubo yenkundla kwaye ichaziwe kwinkqubo enjalo okanye isisihlomelo apho, akukho mirhumo yongozelelweyo eyakuhlawulelwa inkonzo yoxwebhu, ngenye indlela **[R6.00]** R7,00 ingahlawulwa ukulungiselela onke amaxwebhu awohlukeneyo asetyenzisiweyo.

(ii) Akukho mirhumo eza kuhlulwa ukulungiselela amaxwebhu awohlukeneyo xa inkqubo yezinto zolwaphulo-mthetho isetyenziswa.

(iii) Inkonzo yesaziso ekubhekiselelwe kuyo kumgaqo 54(1) ngaxeshanye neesamani aziyikuthatyathwa njengenkonzo eyahlukileyo.

2(a) Malunga nokuzalisekiswa kwesigunyaziso senkundla, isithintelo okanye umyalelo wokuxhuzulwa kwemali ngumqeshi, uhambo lokuya nokubuya endaweni yokwenza amaxwebhu uchazwe ngasentla-

(i) kumgama ozikilometa eziyi-6 ukusuka apho inkundla ihlala khona apho unoThimba onyulwe khona: **[R39.00];**43,50

(ii) kumgama ozikilometa eziyi-12 kodwa ngaphaya kweekilometa eziyi-6 ukusuka apho inkundla ihlala khona apho unoThimba onyulwe khona: **[R44.00];** R49,00

(iii) kumgama ozikilometa ezingama-20 kodwa ngaphaya kweekilometa ezili-12 ukusuka apho inkundla ihlala khona apho unoThimba onyulwe khona: **[R55.00];**R61,00

(iv) apho umgunyazisi eyalela unoThimba ngokubhala phantsi ukunikela ngoxwebhu ekubhekiselelwe kulo kwinqaku 2(a) ngokungxamisekileyo kusuku lokuzuzwa koxwebhu olulolohlobo okanye emva kweeyure zomsebenzi eziqhelekileyo, amaxabiso aza kubalwa ngokuphinda kabini kuluhlu lwerhafu kwinqaku 2(a) (i), (ii) no-(iii) ngokulandelelanayo, nalapho amaxabiso awongezelelweyo ehlawulwa ngumgunyazisi, eqoqosha nalapho imiyalelo yenkundla ingenye indlela.

(b) Malunga nokwenziwa okuzanyweyo kwamaxwebhu achazwe kumhlathi (a), uhambo lokuya nokubuya elenziwa ngokuzanywa kwamaxwebhu achazwe ngasentla-

(i) kumgama ozikilometa eziyi-6 ukusuka apho inkundla ihlala khona apho unoThimba onyulwe khona: **[R33.00];**R36,50

(ii) kumgama ozikilometa eziyi-12 kodwa ngaphaya kweekilometa eziyi-6 ukusuka apho inkundla ihlala khona apho unoThimba onyulwe khona: **[R39.00];**R43,50

(iii) kumgama ozikilometa ezingama-20 kodwa ngaphaya kweekilometa ezili-12 ukusuka apho inkundla ihlala khona apho unoThimba onyulwe khona: **[R50.00];** R55,50

(iv) apho umgunyazisi eyalela unoThimba ngokubhala phantsi ukunikela ngoxwebhu ekubhekiselelwe kulo kwinqaku 2(a) ngokungxamisekileyo kusuku lokuzuzwa koxwebhu olulolohlobo okanye emva kweeyure zomsebenzi eziqhelekileyo, nalapho unoThimba engaphumeleli kumzamo wakhe kwinkonzo esebenzayo, amaxabiso aza kubalwa ngokuphinda kabini kuluhlu lwerhafu kwinqaku 2(b) (i), (ii) no-(iii) ngokulandelelanayo, nalapho amaxabiso ehlawulwa ngumgunyazisi, eqoqosha nalapho imiyalelo yenkundla ingenye indlela.

(c)(i) Ukukhutshwa kummangalelwa onesikweleti ekubhekiselelwe kuso kuzalisekiso lwesigunyaziso senkundla: **[R23.00]** R25,50 ngesiqingatha seyure okanye inxenye yoko (ngaphandle kwenkcitho engaqhelekanga eyenzeka ngokuyimfuneko).

(ii) Umrhumo ongaphezu koko oyi-**[R15.00]** R17,00 fanele uhlawulwe emveni kokuzalisekiselwa kwaye wonke umntu ngaphandle komntu obiziweyo okanye ekubhekiselelwe kuye kwinkqubo yokukhutshwa komntu onesikweleti, namrhumo othe wakhutshwa kwizindululo eziziziseko ezahlukeneyo: Ngaphandle okokubana apho inkonzo kuye nawuphina umntu ngaphandle kwesigwebo somkweletwa, ummangalelwa okanye

umxhuzulelwa wemali ngumqeshi kuyimfuneko ukwenzela ukugqityezelwa kokuzalisekiswa, komrhumo obekwe phantsi kwinqaku 1B(a) onokuthi uhlawuliswe malunga nenkonzo nganye elolohlobo.

3 Uqulunqo lwayo nayiphina ingeniso ngokomgaqo 8, ngekopi: **[R11.00]**. R12,50

4 ukuba kuyimfuneko unoThimba ahambe ngaphezu kweekilometa ezingama-20 ukusuka apho inkundla yesithili ihlala khona apho onyulwe khona, isibonelelo sokuhamba esiyi- **[R3.00]** R3,50 ngekilometa nganye kwikilometa nganye okanye inxenye yoko ayihamba ngaphezulu kunomgama obutshiwo kongaphambili wokuya nokubuya endaweni yenkonzo okanye yokuzalisekiswa fanele kuvunywe ukuwongeza umrhumo obuchaziwe kwinqaku 1B(a) (iii), 1B(b) (iii), 2(a)(iii) okanye 2(b)(iii) njengoko kunokuba njalo.

5(a) Malunga nokukhutshwa kwawo nawuphina umsebenzi osemthethweni ngaphandle kwaleyo ichazwe kwinqaku 1 no-2, isibonelelo sokuhamba esiyi- **[R3.00]** R3,50 ngekilometa nganye kwikilometa xa zizonke, okanye ingxenye yoko, imele kukuhlawulwa kunoThimba kulungiselelwa ukuhamba nokubuya, kwaye fanele kubalelwe apho inkundla yesithili ihlala khona apho unoThimba onyulwe khona.

(b) Isibonelelo sokuhamba fanele siquke zonke iindleko ezibangiweyo eluhambeni, ziquke nemirhumo yohambo ngololiwe.

(c) isibonelelo sokuhamba fanele sibalwe malunga nenkonzo kwanenkonzo nganye eyahlukileyo, ngaphandle okokuba-

(i) apho iinkonzo ezininzi kunenkonzo nye zingenziwa kuhambo olunye ngaphaya kwerediyasi yeekilometa ezingama- 20 ukusuka apho inkundla ihlala khona, umgama wokusuka kwirediyasi yeekilometa ezingama- 20 ukuya kwindawo yokuqala yenkonzo ingathathelwa ingqalelo kube kanye kuphela, kwaye fanele yabiwe ngokulinganayo kwiinkonzo ezizezazo, nakumgama osuka kwindawo yokuqala yenkonzo ukuya kwiindawo ezishiyekileyo neziza kwabiwa ngokufanayo nangokulinganayo kwiinkonzo ezishiyekileyo; na

(ii) apho inkonzo yenkqubo efanayo kufanele ibe nesiphumo kubantu abangaphezulu kwesinye ngunoThimba phakathi kommandla osetyenzelwe nguye, inye kuphela intlawulo yokuhamba eyakuthi ivunyelwe.

(d) Ukuba kuyimfuneko ukuba unoThimba ahambise nawuphina umntu obanjiweyo kuwo nawuphina umgama ongaphezu kweekilometa ezingama-20, isibonelelo esiyi- **[R3.00]** R3,50 ngekilometa nganye malunga nokuya kwabelwa kohambo lwakhe apho bekuyimfuneko ukukhatshwa ngumntu onjalo bekufanele kuvumeleke.

6(a) ukwenza uluhlu lwempahla, kuquka nokwenza zonke iikopi eziyimfuneko kwanexesha elichithakeleyo ukuthabatha impahla ekhoyo: **[R23.00]** R25,50 ngesiqingatha seyure nganye okanye inxenye yoko.

(b) Malunga nokuncedisa ukuba kuyimfuneko, ngokwenza uluhlu lwempahla, **[R23.00]** R25,50 ngesiqingatha seyure nganye okanye inxenye yoko.

7 ukufunda ngenyameko, ukumisa ngezintlu kwanokugqibezela isivumelwano sebheyile, incwadi yesigqibo sobummeli okanye isivumelwano sembuyekezo: **[R6.00]**. R7,00

8 Intlawulo okanye ugcino lwepropati (imali ayifakwanga):

(a)(i) Malunga negosa nganye elishiywe nobumnini ngokuyimfuneko, isambuku esibandakanywa ngokuvakalayo asidluli kwi-**[R83.00]** R92,00 ngosuku.

(ii) Izibonelelo zokuhamba ziquka ibhodi kuwo onke amatyala.

(b) Ukuba impahla efuyiweyo idityanisiwe, zindleko eziyimfuneko zomhlambi nolondolozo lwempahla ekhoyo kuphela oluvunyelwayo.

(c) Ukuba izinto onazo zisusiwe kwaye zigcinisiwe, yintlawulo yokuzisusa neyokuzigcina kuphela evunyelwayo.

9(a)'**Ubumnini**' buza kuthetha ubumnini ncam ngokwento ebambekayo ngumntu oncedisayo nohlawulwayo ngunoThimba, nonomsebenzi ekukuphela kwawo okwangoku ekufuneka usele kwisindululo esisiseko sengxoxo nalapho izinto onazo zidityanisiwe khona kwaye nomntu oshiyeka enobumnini kangangexesha ubumnini buhlawulelwa.

(b) '**Ukususwa kwendleko**' zithetha ukuba isambuku esihlawulwa ngokwenyaniso nangokufanelekileyo ukususa okanye ukuzama ukususa xa izinto onazo bezisuswe liqela lesithathu okanye umzamo owawenzelwe ukuzisusa zona xa babesuswe ngunoThimba, isambuku esilolohlobo siso esinokuvunyelwa kakuhle ngendlela eqhelekileyo yokushishina xa izinto onazo zazisuswe liqela lesithathu okanye ngumzamo owawenzelwe ukuzisusa zona.

(c) '**Ukugcinwa kwendleko**' kuthetha ukuba isambuku esihlawulwa ngenyaniso nangokufanelekileyo ngokugcinisa ukuba izinto onazo bezigcinwe ngumntu wesithathu okanye ukuba unoThimba ubenikele ngendawo yokugcina, isambuku esilolohlobo esinokuvunyelwa kakuhle ngendlela eqhelekileyo yoshishino xa izinto onazo bezigcinwe ngumntu wesithathu.

10(a) Xa ukuzalisekiswa kwenkundla okanye komyalelo wokuxhuzulwa kwemali ngumqeshi kuhlulwe ngokugqibeleleyo, okanye inxenye, kunoThimba okanye iimali ezidityanisiwe kuzalisekiso ngokuchasene nezinto ezishukumayo, iipesenti eziyi-9 zezambuku ezihlawulweyo okanye ezidityanisiwe nobuncinane obuyi-**[R44.00]** R49,00 nomlinganiselo ongowona oyi-**[R440.00]** R485,00.

(b) Isaziso sokuthimba sommangalelwa nakumntu ngamnye ekufanele aziswe: **[R6.00]** R7,00.

11 Xa ipropati ikhululwa ekuthinjweni ngokomgaqo 41(7)(e), okanye ukuzalisekiswa kwesigunyaziso senkundla sirhoxiswa okanye simiswa, okanye isigwebo somhlaba womkweletwa sithinjwa emveni kokuthinjwa kodwa ngaphambi kokuba sithengiswe, iipesenti eziyi 2,3 zexabiso lwesinto onazo ziyadityaniswa, ngokuxhomekeke kumlinganiselo ongowona oyi-**[R133.00]** R147,00: Ngaphandle okokuba intengiso kamva yenzeka ngokulandela uthinjo oluxeliweyo, isambuku esihlawuliweyo siza kutsalwa kwikomishini ehlawulwe ngaphantsi kwenqaku 12.

12 Xa ukuzalisekiswa kwenkundla ngokuchasene nezinto ezishukumayo kugqitywa ekubeni zithengiswe, iipesenti eziyi-9 ze-R15 000.00 yokuqala okanye inxenye yoko kwaye emveni koko iipesenti eziyi-6 ezinomlinganiselo ongowona oyi- **[R5 875.00]** R6 483,00.

13 Malunga ne-inshorensi yepropati ethinjiweyo ukuba kuyimfuneko kwaye ngokwemiyalelo ebhalwe phantsi yesigwebo somkweletwa kunoThimba, ngokongeza imali ehlawulwa kwi-inshorensi ekufanele ihlawulwe, isambuku esibandakanyiweyo xa sisonke sibayi-**[R23.00]** R25,50.

14(a) Xa ipropati engenakushukunyiswa idityaniswe kuzalisekiso kwaye ingathengiswa, mhlawumbi ngesizathu sesigunyaziso senkundla esirhoxisiweyo okanye esimisiweyo okanye isigwebo somhlaba womkweletwa sithinjwa, iindleko ngokudibene nokuzanywa kokuthengiswa nesambuku esiyi-**[R133.00]** R147.00 ziza kuhlululwa kunoThimba okanye kumntu ogunyazisiweyo ukusebenza njengomthetheli-ntengiso, njengoko kunokubanjalo.

(b) Ukuzotywa kwengxelo yeempucuko kwipropati ngenjongo yentengiso: **[R23.00]** R25.50 ngesiqingatha seyure nganye okanye inxenye yoko.

(c) Isaziso esibhalelwe umthengi ongakwazanga ukuvumelana neemeko zentengiso: **[R33.00]** R36.50.

(d) Ingcamango yeemeko zentengiso: **[R66.00]** R73.00.

15 Xa ipropati engenakushukunyiswa idityaniswe kuzalisekiso kwaye ukuthimba kuphela njengoko kubhekiselele kwicandelo 66 (4) lomThetho: **[R39.00]** R43.50.

16 Xa ukuzalisekisa kuchasene nepropati engenakushukunyiswa igqitywa ekubeni ithengiswe, imirhumo elandelayo kufanele ivunyelwe kunoThimba ngokweengeniso zentengiso:

(a) Kwintengiso yepropati engenakushukunyiswa ngunoThimba njengoko iipesenti eziyi-6 izezomthetheli-ntengiso kwi-R30 000.00 yokuqala yeengeniso zentengiso, i-3,5 yeepesenti ngesikali esixhomekeke kumlinganiselo ongowona ongowekomishini oyi-**[R8 750.00]** R9 655.00 xa uwonke, nakubuncinane obuyi-**[R440.00]** R485.00 (kuqukwe kuzo zonke iimeko zentlawulo yebhanki kanoThimba kwakunye nezinye iindleko ezithe zenzeka xa bekuhlululwa iingeniso kwiakhawunti yakhe yetrasti) apho ikomishini ifanele ihlawulwe ngumthengi.

(b) Xa umthetheli-ntengiso eqeshiwe njengoko kunikiwe kumgaqo 43(9), iipesenti eziyi-3 kwi-R30 000 yokuqala yeengeniso zentengiso kwaneepesenti eziyi-2 ngokwesikali soko esixhomekeke kumlinganiselo ongowona wekomishini eyi-**[R5 000.00]** R5 517.00 xa uwonke nakubuncinane obuyi-**[R440.00]** R485.00 (kuqukwe kuzo zonke iimeko zentlawulo yebhanki kanoThimba kwakunye nezinye iindleko ezithe zenzeka xa bekuhlululwa iingeniso kwiakhawunti yakhe yetrasti) apho ikomishini ihlawulwa ngumthengi.

17 Ngokongeza kwimirhumo evunyelweyo kumanqaku 10 ukuya kutsho ku-15, yomibini ithe yabandakanywa, kuza kubakho ukuvumeleka-

(a) kwisambuku esihlawulwe nganyaniso nangokufanelekileyo ngunoThimba okanye ngumthetheli-ntengiso wokushicilela, ukwazisa kwanokunikisa ngokwazisa kuwonke-wonke kuyo nayiphina intengiso okanye intengiso ecetywa ekuzalisekiseni;

(b) isambuku esiyi-**[R16.00]** R18.00 kunoThimba ngokuthi anikele ngotshintshelo kumthengi

18 Xa unoThimba enabo ubumnini ngaphantsi kokuzalisekiswa kwesigunyaziso senkundlanangaphezu kwesinye, angayihlawulisa imirhumo ngento enye ekuyeyakhe kwaye ubumnini obunjalo kufanele babiwe ngokulinganayo ngokwezigunyaziso zenkundla ezizezinye ezikhutshwa ngexeshanye: Xa umkweletisi ezalisekiswa ngamnye uzakuthi abenemfanelo ehlangene ngokwahlukileyo malunga nobumnini obulolohlobo kwisambuku

esingadluli kwinto ebekufanele ukuba ililungelo ngaphantsi kozalisekiso olulolwakhe ukuba belizimele.

19 Imirhumo ekumele ihlawulwe ngexabiso lezinto onazo ezidityanisiweyo okanye ezikwingxelo zentengiso yezinto onazo ekuzalisekiswa ekubeni inakho ukumangalelwa kwixabiso okanye kwiingxelo zesambuku yesigunyaziso senkundla.

20 Imirhumo kunye neenkcitho zikanoThimba ekuzalisekiswa komyalelo wokuxhuzulwa kwemali ngumqeshi kufanele kongezwe kwisambuku esiza kuphinda sifunyanwe ngaphambi komyalelo ntolelo inokumangalelwa ngokuchaseneyo nesigwebo somkweletwa.

21 Xa kuyimfuneko ukuba unoThimba abuyise uxwebhu elifunyenwe nguye malunga nenkonzo okanye ukuzalisekiswa kumgunyazisi ngenxa yokuba-

(a) idilesi yenkonzo ebonakala kwinkqubo engaweli kulawulo lwezobulungisa obubobakhe; okanye

(b) isicelo somgunyazisi ngaphambi kwenkonzo ethe yazanywa okanye yazalisekiswa kwinkqubo, kufanele ibuyiselwe kuye, njengoko isisambuku esiyi-**[R6.00]** R7,00 esimele sihlawuliwe.

22. Malunga noxwebhu lokunikela ngaye nawuphina umntu ngokwenziwa ngunoThimba okanye umntu onikelzela ngocino olulolwakhe ukusuka kwindawo yocino ukuya enkundleni ngosuku olulandela usuku lokubanjwa: **[R23.00]** R25,50 ngohambo ngalunye kwane-**[R44.00]** R49,00 ngeyure nganye okanye inxenye yoko ngokubakhona enkundleni.

23 Malunga novavanyo lwamaphephandaba kunye neGazethi eyalathiweyo apho isaziso sentengiso sipapashwele khona njengoko sibhekiselele kumgaqo 43(6)(c) nomgaqo 41(8)(c): **[R6.00]** R7,00.

24 Malunga nokudlulisela ikopi yesaziso kuye nawuphina umkweletu ozalisekiswa nothe wafaka ukuzalisekiswa kwesigunyaziso senkundla nakubo noobanina abahambisa ngendle malunga nepropati engashukumayo ekhathalelweyo nenedilesi enokuqondwa ngokufanelekileyo ngekopi nganye: **[R6.00]** R7,00.

25(a) Malunga nokufakela ikopi yesaziso sentengiso kwibhodi yezaziso okanye kucango lwalapho inkundla ihlala khona okanye kwesinye isakhiwo sikarhulumente ekubhekiselelwe kuso kumgaqo 43(6)(e) nakumgaqo 41(8)(b): **[R16.00]** R18,00.

(b) Malunga nokufakela ikopi yesaziso sentengiso kwipropati eza kuthengiswa, isambuku kumhlathi (a) ngasentla kwakunye neendleko zokuhamba ekubhekiselelwe kuzo kwinqaku 5(a).

26 Ukuzotywa nokukhutshwa kwamanyathelo okuthintela unoThimba angayithatheli kuye impahla: **[R66.00]** R73,00.

27 Ngokongeza imirhumo echaziweyo kolu Luhlu, unoThimba kufuneka anikwe ilungelo kwisambuku esihlawulwayo malunga nokuposa kwakunye neefowuni ezenziweyo.

28 Malunga nokubhala incwadi nganye eyimfuneko, kukhethwa iincwadi ezisemthethweni ezikhapha inkqubo okanye iingxelo: **[R6.00]** R7,00.

29 Inani eliyimfuneko labakhoyo ngalinye elenziwe ngefowuni (ngokongeza iindleko zefowuni ezizezakude kwakunye neendleko zeselula): **[R6.00]** R7,00.

30 Ukuthumela nokufumana umfanekiso wento nganye eyimfuneko kangangobukhulu bephepha ngalinye i-A4 (ngokongeza ngeendleko zefowuni): **[R3.00]** R3,50.

31 Malunga nokufundwa ngenyameko kweengxelo zomntu ogcina iincwadi zerejista zeencwadi zesigqibo ngokwecandelo lomgaqo 43(3) ukumisela umyalelo wozekelo labakweliti:

(a) Xa iphandwe ngunoThimba ngokwakhe: **[R39.00]** R43,50 ngetyala ngalinye

(b) Xa unoThimba esebenzisa iinkonzo zeqela lesithathu ukuphanda, indleko eyiyo njengoko ifunwa liqela lesithathu, ngokuthi inikezelwe ngokuvakalayo.

32 Malunga nokwenziwa kwazo zonke iikopi eziyimfuneko zamaxwebhu: **[R2.00]** R2,50 ngokobukhulu bephepha i-A4 nganye.

33(a) Isicelo sokurhafa iakhawunti kanoThimba siza kwenziwa phakathi kwentsuku ezingama-90 emva komhla apho iakhawunti yemirhumo ichaswa, inikezelwa.

(b) Malunga nokuba kubhalwe umThetho oyilWayo wokurhafisa ngunoThimba: **[R44.00]** R49,00.

34 Imali etsalwa yibhanki: Iindleko ezizizo ezibangwa kukunxulumana neemali ezitsalwa yibhanki kunye neendlela zetshekhi.

35(a) Ukuyilwa kwesaziso kwisigwebo somkweleti ngokwecandelo 65A(8)(b) somThetho: **[R11.00]** R12,50.

(b) Inkonzo yesaziso ekubhekiselelwe kuyo kumhlathi (a): Uluhlu lwerhafu njengoko lichazwe kwinqaku 1B(a).

(c) Inkonzo yesaziso ezanyiwewo ekubhekiselelwe kuyo kumhlathi (a): Uluhlu lwerhafu njengoko lichazwe kwinqaku 1B(b).

(d) Uluhlu lwerhafu njengoko luchazwe kwinqaku 4 fanele lusebenze kwimihlathi u-(b) no-(c).

36(a) Malunga nokubanjwa okanye ukuzanywa kokubanjwa kwisigwebo sonesikweleti ngokwecandelo 65A(6) womThetho:

(i) Uluhlu lwerhafu njengoko luchazwe kwinqaku 2(a) okanye umcimbi 2(b), njengokuba ityala linokubanjalo.

(ii) Uluhlu lwerhafu njengoko luchazwe kwinqaku 4 fanele lusebenze kweli nqaku.

(b) Malunga nokunikezela isigwebo konesikweleti kwiNkonzo yamaPolisa oMzantsi Afrika, umhlobo webanjwa okanye umabhalana wenkundla okanye enye indawo evumelekileyo yovalelo:

(i) Uluhlu lwerhafu njengoko luchazwe kwinqaku 2(a).

- (vi) Iindleko zokuhamba ukusuka kwindawo yokubanjwa ukuya kwindawo yokunikezela ngokuphathelele kwigunya ekubhekiselelwe kulo kumhlathi (b), ngekilometa nganye okanye inxenye yoko: **[R3.00]** R3,50.
- (iv) Ixesha lokulinda malunga nokunikezelwa kwesigwebo konesikweleti ngokuphathelele kwigunya ekubhekiselelwe kulo kumhlathi (b): **[R23.00]** R25,50 ngesiqingatha seyure okanye inxenye yoko engeyona yona inkulu eyi-**[R88.00]** R97,50."

Ukuqalisa

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