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REPUBLIC
OF
SOUTH AFRICA



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PROCLAMATION

by the

President of the Republic of South Africa

No. R. 88, 1997

INTERNATIONAL CO-OPERATION IN CRIMINAL MATTERS ACT, 1996 (ACT No. 75 OF 1996)

COMMENCEMENT

Under section 37 of the International Co-operation in Criminal Matters Act, 1996 (Act No. 75 of 1996), I hereby fix **1 January 1998** as the date on which the said Act shall come into operation.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Eleventh day of December One thousand Nine hundred and Ninety-seven.

N. R. MANDELA

President

By Order of the President-in-Cabinet:

A. M. OMAR

Minister of the Cabinet

PROKLAMASIE*van die***President van die Republiek van Suid-Afrika****No. R. 88, 1997****WET OP INTERNASIONALE SAMEWERKING IN STRAFREGTELIKE AANGELEENTHEDE,
1996 (WET No. 75 VAN 1996)****INWERKINGTREDING**

Kragtens artikel 37 van die Wet op Internasionale Samewerking in Strafregtelike Aangeleenthede, 1996 (Wet No. 75 van 1996), bepaal ek hierby **1 Januarie 1998** as die datum waarop genoemde Wet in werking tree.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Elfde dag van Desember Eenduisend Negehonderd Sewe-en-negentig.

N. R. MANDELA**President**

Op las van die President-in-Kabinet:

A. M. OMAR**Minister van die Kabinet****GOVERNMENT NOTICE****GOEWERMENTSKENNISGEWING****DEPARTMENT OF JUSTICE
DEPARTEMENT VAN JUSTISIE****No. R. 1729****19 December 1997****REGULATIONS UNDER THE INTERNATIONAL CO-OPERATION IN CRIMINAL MATTERS ACT, 1996
(ACT No. 75 OF 1996)**

The Minister of Justice has, under section 33 of the International Co-operation in Criminal Matters Act, 1996 (Act No. 75 of 1996), made the regulations in the Schedule.

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CHAPTER 1**GENERAL PROVISIONS****Definitions**

1. In these regulations any word or expression to which a meaning has been assigned in the Act shall have such meaning and, unless the context otherwise indicates—

“**apply**” means apply on motion, and “**application**” has a corresponding meaning;

“**clerk of the court**” means a clerk of the court appointed in terms of section 13 of the Magistrates’ Courts Act, 1944 (Act No. 32 of 1944), and includes an assistant clerk of the court;

“**court day**” means any day other than a Saturday, Sunday or public holiday;

“**deliver**” means, except in regulations 7, 11 and 15, to file with the clerk of the court and serve a copy on the opposite party;

“**registrar**” means a registrar or assistant registrar of the High Court appointed in terms of section 34 of the Supreme Court Act, 1959 (Act No. 59 of 1959), and includes an officer appointed to act in the place of a registrar or assistant registrar in terms of the said section;

“**sheriff**” means a person appointed in terms of section 2 of the Sheriffs Act, 1986 (Act No. 90 of 1986), a person appointed in terms of sections 5 and 6 of that Act as an acting sheriff or a deputy sheriff, respectively, and also a messenger of the court appointed in terms of a law applicable in an affected territory contemplated in section 1 of the Justice Laws Rationalisation Act, 1996 (Act No. 18 of 1996); and

“**the Act**” means the International Co-operation in Criminal Matters Act, 1996 (Act No. 75 of 1996).

Representation of government of a foreign State

2. A letter of request sent to the Director-General by the appropriate government body of a foreign State shall, unless the contrary is proved, be deemed to constitute the authorisation of the government of that State to the government of the Republic to act on that foreign State's behalf in any proceedings under the Act.

CHAPTER 2

PROOF OF MATTERS

Authentication, certification and proof of foreign documents

3. (1) Any deposition, affidavit, record or document, or any copy or sworn translation thereof, contemplated in section 30 of the Act, purporting to be authenticated in accordance with the provisions of the said section, shall be deemed to be duly authenticated for the purposes of that section and admissible by mere submission, and, if received in evidence, shall be *prima facie* proof of any fact stated therein.

(2) Any document purporting to be a copy of any deposition, affidavit, record or document contemplated in section 30 of the Act and purporting to be certified as a true copy by any person in his or her capacity as a judge, magistrate, presiding officer or officer of the court in question, or by or on behalf of the appropriate government body of the foreign State concerned, shall be deemed to be duly certified for the purposes of the Act.

(3) Any document purporting to be a translation of any deposition, affidavit, record or document contemplated in section 30 of the Act and purporting to—

- (a) be certified to be a true translation by the translator concerned; and
- (b) contained a certification by or on behalf of the appropriate government body of the foreign State concerned that the translator is an official translator of that State, that appropriate government body or a court of that State, or that the translator concerned was appointed or designated by that foreign State, that appropriate government body or a court of that State to translate the document concerned,

shall be deemed to be duly translated and certified for the purposes of the Act: Provided that the translation shall be accompanied by the original document or a copy certified to be a true copy thereof in accordance with the provisions of subregulation (2).

General provisions regarding admissibility

4. The provisions of regulation 3 shall not affect the admission of any evidential material which is otherwise admissible.

Proof of exchange rate

5. For the purposes of section 32 of the Act an exchange rate furnished in respect of a particular day in a document purporting to be—

- (a) a facsimile received from the South African Reserve Bank shall be *prima facie* proof of the exchange rate prevailing on that particular day; and
- (b) an affidavit made by a person in his or her capacity as an officer of the South African Reserve Bank shall be conclusive proof of the exchange rate prevailing on that particular day.

CHAPTER 3

FOREIGN SENTENCES AND COMPENSATORY ORDERS

Registration of foreign sentence and compensatory order

6. Whenever a certified copy of the document evidencing the foreign sentence or compensatory order is lodged with the clerk of the court in terms of section 15 (2) of the Act, such clerk of the court shall register that sentence or order by—

- (a) numbering the foreign sentence or compensatory order with a consecutive case number for the year during which it is lodged; and
- (b) recording in favour of the Republic, as represented by the Minister, the balance in the currency of the Republic of the amount payable thereunder,

on the case cover in which the certified copy of the document evidencing the foreign sentence or compensatory order is filed.

Notice of registration of foreign sentence or compensatory order

7. (1) The written notice of registration of a foreign sentence or compensatory order contemplated in section 15 (3) of the Act shall correspond substantially with Form 1 of the Annexure, and shall contain—

- (a) the consecutive case number referred to in regulation 6 (a);
- (b) the date on which the foreign sentence or compensatory order was registered;
- (c) the balance in the currency of the Republic of the amount payable under the foreign sentence or compensatory order; and
- (d) a reference to the provisions of section 15 (3) of the Act and regulations 8 and 9.

(2) The notice referred to in subregulation (1), together with a copy thereof, shall be delivered to the sheriff who shall, subject to the provisions of this regulation, forthwith serve it upon the person referred to in the said notice by delivering a copy of the notice in one of the following manners:

- (a) To the said person personally or to his or her duly authorised agent;
- (b) at the said person's residence or place of business to a person apparently not less than 16 years of age and apparently residing or employed there: Provided that for the purpose of this paragraph, "residence" means, when a building is occupied by more than one person or family, that portion of the building occupied by the person upon whom service is to be effected;
- (c) at the said person's place of employment to a person apparently not less than 16 years of age and apparently in authority over the said person or, in the absence of such a person in authority, to a person apparently not less than 16 years of age and apparently in charge at the said person's place of employment;
- (d) in the case of a juristic person, at its registered office or main place of business within the area of jurisdiction of the court concerned, to a director or a responsible employee or servant thereof; and
- (e) in the case of a Minister, Deputy Minister or Premier in his or her official capacity, the State or a provincial government, at the Office of the State Attorney in Pretoria, or a branch of that Office which serves the area of jurisdiction of the court from which the notice has been issued.

(3) A sheriff shall, on request by the person upon whom a notice is served, exhibit to him or her the original of the notice.

(4) Where the person upon whom a notice is to be or may be served keeps his or her residence or place of business closed and thereby prevents the sheriff from serving the notice, it shall be sufficient to affix a copy thereof to the outer or principal door or security gate of such residence or place of business, or to place such copy in the postbox at such residence or place of business.

(5) Where the sheriff is unable after diligent search to find at the residence or place of business of the person upon whom a notice is to be served, either that person or a person referred to in subregulation (2) (b) or, in the case of a juristic person referred to in subregulation (2) (d), a director or a responsible employee or servant, it shall be sufficient to affix a copy of the notice to the outer or principal door or security gate of such residence, place of business, registered office or main place of business.

(6) Where two or more persons are to be served with the same notice, service shall be effected upon each, except—

- (a) in the case of a partnership, in which case service may be effected by delivery at the office or place of business of the partnership, or, if there be none such, then by service on any member of the partnership in any manner prescribed in this regulation;
- (b) in the case of two or more persons upon whom a notice is to be served in their capacity as trustees of an insolvent estate, liquidators of a company, executors, curators or guardians, in which case service may be effected by delivery to any one of such persons in any manner prescribed in this regulation; and
- (c) in the case of a syndicate, unincorporated company, club, society or church, in which case service may be effected by delivery at the local office or place of business of such body or, if there be none such, by service on the chairperson or secretary or other responsible officer thereof in any manner prescribed in this regulation.

(7) The sheriff shall, on a form substantially corresponding to Form 2 of the Annexure, endorse the manner in which the copy of the notice was served, and shall attach the form to the notice and return it to the clerk of the court from whom he or she received such notice: Provided that where such service has been effected in the manner prescribed by subregulation (2) (b), (c), (d) or (e), the sheriff shall indicate in the return of service of the notice concerned the name of the person on whom he or she served the notice and the capacity in which that person stands in relation to the person, juristic person or institution to whom the notice is addressed.

(8) Where service has been effected in the manner prescribed by subregulation (2) (b) or (c) the court may, if there is reason to doubt whether the notice served has come to the actual knowledge of the person on whom it is to be served, and in the absence of satisfactory evidence, treat such service as invalid.

(9) Where a court is satisfied that service cannot be effected in any manner prescribed in this regulation and that the action is within its jurisdiction, the court may on application make an order allowing service to be effected by the person and in the manner specified in such order.

(10) Any member of the South African Police Service as defined in section 1 of the South African Police Service Act, 1995 (Act No. 68 of 1995), may, if so requested by a sheriff, assist that sheriff to effect the service of a notice.

Period within which a person may apply for setting aside of registration of foreign sentence or compensatory order

8. (1) An application for the setting aside of the registration of a foreign sentence or compensatory order contemplated in section 15 (3) of the Act shall be made within 20 court days from the date on which such registration came to the knowledge of the applicant.

(2) Unless the applicant proves the contrary, it shall be presumed that—

- (a) where the written notice of registration was served on that applicant personally, he or she had knowledge of such registration on the date of service of the notice; or
- (b) where the written notice of registration was not served on that applicant personally, he or she had knowledge of such registration within 10 days after the date of service of the notice.

Manner in which a person may apply for setting aside of registration of foreign sentence or compensatory order

9. (1) An application for the setting aside of the registration of a foreign sentence or compensatory order shall be made to the court where that sentence or order was registered.

(2) Such an application shall be on notice which shall state—

- (a) that an order for the setting aside of the registration of a foreign sentence or compensatory order, as the case may be, is applied for;
- (b) the grounds contemplated in section 18 (1) of the Act on which the application is based; and
- (c) the date and time when the application will be made to the court,

and shall be accompanied by an affidavit, made by the applicant or a person who can swear positively to the facts, in support of the grounds referred to in paragraph (b).

(3) Delivery of such notice shall be effected to the Office of the State Attorney in Pretoria, or a branch of that Office nearest to the court to which such an application is made, not later than 20 court days before the day appointed for the hearing of the application.

CHAPTER 4

FOREIGN CONFISCATION ORDERS

Registration of foreign confiscation order

10. Whenever a certified copy of a foreign confiscation order is lodged with the clerk of the court in terms of section 20 (2) of the Act, such clerk of the court shall register that order by—

- (a) numbering the foreign confiscation order with a consecutive case number for the year during which it is lodged; and
- (b) recording—
 - (i) where the order was made for the payment of money, the balance in the currency of the Republic of the amount payable thereunder; and
 - (ii) where the order was made for the recovery of particular property, full particulars of that property, in so far as such particulars are available,

in favour of the Republic as represented by the Minister, on the case cover in which the certified copy of the foreign confiscation order is filed.

Notice of registration of foreign confiscation order

11. (1) The written notice of registration of a foreign confiscation order contemplated in section 20 (4) of the Act shall correspond substantially with Form 3 of the Annexure, and shall contain—

- (a) the consecutive case number referred to in regulation 10 (a);
- (b) the date on which the foreign confiscation order was registered;
- (c) in the case of the payment of money, the balance in the currency of the Republic of the amount payable under the foreign confiscation order;
- (d) in the case of the recovery of particular property, full particulars of the property specified in the foreign confiscation order in so far as such particulars are available; and
- (e) a reference to the provisions of section 20 (4) (b) of the Act and regulations 12 and 13.

(2) (a) Where the person against whom the foreign confiscation order has been made is present in the Republic, the written notice of registration, together with a copy thereof, shall be delivered to a sheriff who shall serve such notice on that person in accordance with the manner provided for in regulation 7 (2) to (6), and the provisions of regulation 7 (7) to (10) shall, read with the changes required by the context, apply to such service.

(b) Where the person against whom the foreign confiscation order has been made is not present in the Republic that person shall—

- (i) be informed of the registration of the order in the manner provided for in an agreement contemplated in section 27 of the Act or any other agreement concluded with the foreign State where that person is present; or
- (ii) in the absence of an agreement referred to in subparagraph (i), be informed of such registration by sending a copy of the written notice of registration to that person by registered mail.

(c) The clerk of the court sending a copy of the notice in terms of paragraph (b) (ii) to the person against whom the foreign confiscation order has been made, shall require that proof of receipt thereof be returned to him or her by the relevant postal authority.

Period within which a person may apply for setting aside of registration of foreign confiscation order

12. (1) An application for the setting aside of the registration of a foreign confiscation order in terms of section 20 (4) (b) of the Act shall be made within 20 court days from the date on which such registration came to the knowledge of the applicant.

(2) Unless the applicant proves the contrary, it shall be presumed that where—

- (a) the written notice of registration was served on that applicant personally, he or she had knowledge of such registration on the date of service of the notice;
- (b) the written notice of registration was not served on that applicant personally, he or she had knowledge of such registration within 10 days after the date of service of the notice;
- (c) the written notice of registration was sent to that applicant by registered mail, he or she had knowledge of such registration on the date of receipt thereof indicated in the proof of receipt contemplated in regulation 11 (2) (c); or
- (d) that applicant was informed of such registration in any other manner, he or she had knowledge of such registration on the date on which he or she was so informed.

Manner in which a person may apply for setting aside of registration of foreign confiscation order

13. (1) An application for the setting aside the registration of a foreign confiscation order shall be made to the court where that order was registered.

(2) Such an application shall be on notice which shall state—

- (a) that an order for the setting aside of the registration of a foreign confiscation order is applied for;
- (b) the grounds contemplated in section 22 (1) of the Act on which the application is based; and
- (c) the date and time when the application will be made to the court,

and shall be accompanied by an affidavit, made by the applicant or a person who can swear positively to the facts, in support of the grounds referred to in paragraph (b).

(3) Delivery of such notice shall be effected to the Office of the State Attorney in Pretoria, or a branch of that Office nearest to the court to which such an application is made, not later than 20 court days before the day appointed for the hearing of the application.

CHAPTER 5

FOREIGN RESTRAINT ORDERS

Registration of foreign restraint order

14. Whenever a certified copy of a foreign restraint order is lodged with a registrar of a division of the High Court in terms of section 24 (1) of the Act, such registrar shall register that order by—

- (a) numbering the foreign restraint order with a consecutive case number for the year during which it is lodged; and
- (b) recording the restraint in respect of the property specified in the order and full particulars of that property, in so far as such particulars are available,

on the case cover in which the certified copy of the foreign restraint order is filed.

Notice of registration of foreign restraint order

15. (1) The written notice of registration of a foreign restraint order contemplated in section 24 (3) of the Act shall correspond substantially with Form 4 of the Annexure, and shall contain—

- (a) the consecutive case number referred to in regulation 14 (a);
- (b) the date on which the foreign restraint order was registered;
- (c) the restraint in respect of the property specified in the order and full particulars of that property in so far as such particulars are available; and
- (d) a reference to the provisions of section 24 (3) (b) of the Act and regulation 16.

(2) (a) Where the person against whom the foreign restraint order has been made is present in the Republic, the written notice of registration, together with a copy thereof, shall be delivered to a sheriff who shall serve such notice on that person in accordance with the manner provided for in regulation 7 (2) to (6), and the provisions of regulation 7 (7) to (10) shall, read with the changes required by the context, apply to such service: Provided that the endorsement of the manner in which a copy of the notice was served, shall be returned to the registrar of the High Court from whom the notice was received.

(b) Where the person against whom the foreign restraint order has been made is not present in the Republic that person shall—

- (i) be informed of the registration of the order in the manner provided for in an agreement contemplated in section 27 of the Act or any other agreement concluded with the foreign State where that person is present; or
- (ii) in the absence of an agreement referred to in subparagraph (i), be informed of such registration by sending a copy of the written notice of registration to that person by registered mail.

(c) The registrar of the High Court sending a copy of the notice in terms of paragraph (b) (ii) to the person against whom the foreign restraint order has been made, shall require that proof of receipt thereof be returned to him or her by the relevant postal authority.

Period within which a person may apply for setting aside of registration of foreign restraint order

16. (1) An application for the setting aside of the registration of a foreign restraint order contemplated in section 24 (3) (b) of the Act shall be made within 20 court days from the date on which such registration came to the knowledge of the applicant.

(2) Unless the applicant proves the contrary, it shall be presumed that where—

- (a) the written notice of registration was served on that applicant personally, he or she had knowledge of such registration on the date of service of the notice;
- (b) the written notice of registration was not served on that applicant personally, he or she had knowledge of such registration within 10 days after the date of service of the notice;
- (c) the written notice of registration was sent to that applicant by registered mail, he or she had knowledge of such registration on the date of receipt thereof indicated in the proof of receipt contemplated in regulation 15 (2) (c); or
- (d) that applicant was informed of such registration in any other manner, he or she had knowledge of such registration on the date which he or she was so informed.

CHAPTER 6

MISCELLANEOUS PROVISIONS

Short title

17. These regulations shall be called the **Regulations for International Co-operation in Criminal Matters, 1997**, and shall come into operation on 1 January 1998.

ANNEXURE**FORM 1****IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF.....****NOTICE OF REGISTRATION OF A FOREIGN SENTENCE OR COMPENSATORY ORDER**

Case No.

To.....

(Name)

(Residential address)

(Business/Employment address)

You are hereby notified that a foreign *sentence/compensatory order for the payment of the amount ofhas been registered at the Magistrate's Court for the District of.....
on the.....day of.....19.....

Notification is given to you since you are the person *on whom the said sentence was imposed/against whom the said order was made/who has effective control over relevant property in the Republic of South Africa.

Note:

(1) The registered foreign *sentence/compensatory order has the effect of a civil judgment of the above-mentioned Magistrate's Court, for the amount reflected in favour of the Republic of South Africa as represented by the Minister of Justice.

(2) In terms of regulation 8 of the Regulations for International Co-operation in Criminal Matters, 1997, you may within 20 court days from the date on which such registration came to your knowledge lodge an application for the setting aside of the registration of the said *sentence/order. If the notice was not served on you personally it is presumed that registration came to your knowledge within 10 days after the date of service of the notice.

(3) In terms of regulation 9 such an application shall be made to the above-mentioned court and shall be on notice which shall state—

- (a) that an order for the setting aside of the registration of the said *sentence/order is applied for;
- (b) the grounds contemplated in section 18 (1) of the International Co-operation in Criminal Matters Act, 1996 (Act No. 75 of 1996), on which the application is based; and
- (c) the date and time when the application will be made to the above-mentioned court,

and shall be accompanied by an affidavit, made by yourself or a person who can swear positively to the facts, in support of the grounds referred to in paragraph (b).

Signed at on this
day of 19.....

CLERK OF THE COURT

FORM 2

*IN THE HIGH COURTDIVISION/

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF

RETURN OF SERVICE OF NOTICE

Case No.

I,, certify
that I have—

*(a) delivered a copy of the notice to
personally [regulation
 7 (2) (a)];

(or)

*(b) delivered a copy of the notice to
, the duly authorised agent
 of [regulation 7 (2) (a)];

(or)

*(c) delivered a copy of the notice to
, a person
 apparently not less than 16 years of age and apparently residing or employed at the *residence/
 or place of business of
, in his
 or her capacity as of
 [regulation 7 (2) (b)];

(or)

*(d) delivered a copy of the notice to
, a person
 apparently not less than 16 years of age and who is apparently in authority over or in charge at
 the place of employment of
, in his or her
 capacity as of
 [regulation 7 (2) (c)];

(or)

- *(e) delivered a copy of the notice to
 a *director/responsible employee/servant of
, at the latter's *registered
 office/main place of business [regulation 7 (2) (d)];

(or)

- *(f) delivered a copy of the notice to the State Attorney in
, in his or her capacity as
of [regulation 7 (2) (e)];

(or)

- *(g) *affixed/placed a copy of the notice *to/in the *outer/principal door/security gate/postbox of the
 *residence/place of business of
 because he or she prevented the service of the notice by keeping the *residence/place of
 business closed [regulation 7 (4)];

(or)

- *(h) affixed a copy of the notice to the *outer/principal door of the *residence/place of business/
 registered office/main place of business of
 as he or she or a person apparently not less than 16 years of age or a director, responsible
 employee or servant could not be found after a diligent search of the *residence/place of business
 of the person upon whom notice is to be served [regulation 7 (5)];

(or)

- *(i) served a copy of the notice in the manner ordered by court [regulation 7 (9)].

Time..... Day..... Month..... 19.....

Place.....

SIGNATURE OF SHERIFF

FORM 3

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF.....

NOTICE OF REGISTRATION OF A FOREIGN CONFISCATION ORDER

Case No.

To.....

(Name)

(Residential address)

(Business/Employment address)

You are hereby notified that a foreign confiscation order *in respect of the property described hereunder/for the payment of the amount of.....has been registered at the Magistrate's Court for the District of.....on the.....day of.....19.....

Description of property:

Note:

(1) The registered foreign confiscation order has the effect of a civil judgment of the above-mentioned Magistrate's Court in favour of the Republic of South Africa as represented by the Minister of Justice.

(2) In terms of regulation 12 of the Regulations for International Co-operation in Criminal Matters, 1997, you may within 20 court days from the date on which such registration came to your knowledge, lodge an application for the setting aside of the registration of the said order. If the notice was not served on you personally it is presumed that registration came to your knowledge within 10 days after the date of service of the notice.

(3) In terms of regulation 13 such an application shall be made to the above-mentioned court and shall be on notice which shall state—

- (a) that an order for the setting aside of the registration of the said order is applied for;
- (b) the grounds contemplated in section 22 (1) of the International Co-operation in Criminal Matters Act, 1996 (Act No. 75 of 1996), on which the application is based; and
- (c) the date and time when the application will be made to the above-mentioned court,

and shall be accompanied by an affidavit, made by yourself or a person who can swear positively to the facts, in support of the grounds referred to in paragraph (b).

Signed at.....on this.....day of.....19.....

.....
CLERK OF THE COURT

FORM 4

Note:

IN THE HIGH COURT.....DIVISION

NOTICE OF REGISTRATION OF A FOREIGN RESTRAINT ORDER

Case No.

To.....

(Name)

(Residential address)

(Business/Employment address)

You are hereby notified that a foreign restraint order with the effect and in respect of the property described hereunder has been registered at the High Court (.....Division), on the.....day of.....19.....

Particulars of the restraint and property concerned:

.....

.....

.....

.....

.....

Note:

(1) The registered foreign restraint order has the effect of a restraint order made by the above-mentioned High Court.

(2) In terms of section 24 (3) (b) of the International Co-operation in Criminal Matters Act, 1996 (Act No. 75 of 1996), read with regulation 16 of the Regulations for International Co-operation in Criminal Matters, 1997, you may within 20 court days from the date on which such registration came to your knowledge, and in terms of the rules of court, apply for the setting aside of the registration of the order to the above-mentioned High Court. If the notice was not served on you personally it is presumed that registration came to your knowledge within 10 days after the date of service of the notice.

Signed at.....on this.....day of.....19.....

REGISTRAR OF THE HIGH COURT

No. R. 1729

19 Desember 1997

**REGULASIES KRAGTENS DIE WET OP INTERNASIONALE SAMEWERKING IN STRAFREGTELIKE
AANGELEENTHEDE, 1996 (WET No. 75 VAN 1996)**

Die Minister van Justisie het, kragtens artikel 33 van die Wet op Internasionale Samewerking in Strafregtelike Aangeleenthede, 1996 (Wet No. 75 van 1996), die regulasies in die Bylae uitgevaardig.

BYLAE

INHOUDSOPGAWE

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AANHANGSEL

VORM 1: Kennisgewing van registrasie van 'n buitelandse vonnis of vergoedende bevel.

VORM 2: Relas van betekening van kennisgewing.

VORM 3: Kennisgewing van registrasie van 'n buitelandse inbeslagnemingsbevel.

VORM 4: Kennisgewing van registrasie van 'n buitelandse inkortingsbevel.

HOOFSTUK 1**ALGEMENE BEPALINGS****Woordomskrywing**

1. In hierdie regulasies het enige woord of uitdrukking waaraan 'n betekenis in die Wet geheg is, daardie betekenis en, tensy uit die samehang anders blyk, beteken—

“**aansoek doen**” aansoek doen by wyse van mosie en het “aansoek” as selfstandige naamwoord 'n ooreenstemmende betekenis;

“**aflewer**”, behalwe in regulasies 7, 11 en 15, om by die klerk van die hof in te dien en 'n afskrif aan die teenparty te beteken;

“**balju**” 'n persoon aangestel kragtens artikel 2 van die Wet op Balju's, 1986 (Wet No. 90 van 1986), 'n persoon aangestel kragtens artikels 5 en 6 van daardie Wet as onderskeidelik 'n waarnemende balju of 'n adjunkbalju, en ook 'n geregsbode van die hof aangestel kragtens 'n wet wat van toepassing is in 'n geaffekteerde gebied bedoel in artikel 1 van die Rasionaliseringswet op Justisiewette, 1996 (Wet No. 18 van 1996);

“**die Wet**” die Wet op Internasionale Samewerking in Strafregtelike Aangeleenthede, 1996 (Wet No. 75 van 1996);

“**griffier**” 'n griffier of assistentgriffier van die Hooggeregshof aangestel kragtens artikel 34 van die Wet op die Hooggeregshof, 1959 (Wet No. 59 van 1959), en ook 'n beampte aangestel om in die plek van 'n griffier of assistentgriffier op te tree kragtens genoemde artikel;

“**hofdag**” enige ander dag anders as 'n Saterdag, Sondag of openbare vakansiedag; en

“**klerk van die hof**” 'n klerk van die hof aangestel ingevolge artikel 13 van die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), en ook 'n assistentklerk van die hof.

Verteenwoordiging van regering van 'n vreemde Staat

2. 'n Versoekbrief wat deur die toepaslike owerheidsliggaam van 'n vreemde Staat aan die Direkteur-generaal gestuur is, word, tensy die teendeel bewys word, geag die magtiging uit te maak van die regering van daardie Staat aan die regering van die Republiek om ten behoeve van daardie vreemde Staat in enige verrigtinge kragtens die Wet op te tree.

HOOFSTUK 2**BEWYS VAN AANGELEENTHEDE****Waarmerking, sertifisering en bewys van buitelandse dokumente**

3. (1) Enige verklaring, beëdigde verklaring, rekord of dokument, of enige afskrif of beëdigde vertaling daarvan bedoel in artikel 30 van die Wet, wat ooreenkomstig die bepalings van genoemde artikel gewaarmerk heet te wees, word geag om behoorlik gewaarmerk te wees vir doeleindes van daardie artikel en is toelaatbaar bloot by voorlegging en, indien as getuienis ontvang, *prima facie*-bewys van enige feit daarin vermeld.

(2) Enige dokument wat 'n afskrif van enige verklaring, beëdigde verklaring, rekord of dokument bedoel in artikel 30 van die Wet heet te wees en wat as 'n juiste afskrif gewaarmerk heet te wees deur enige persoon in sy of haar hoedanigheid van regter, landdros, voorsittende beampte of beampte van die betrokke hof, of deur of ten behoeve van die toepaslike owerheidsliggaam van die betrokke vreemde Staat, word geag behoorlik gewaarmerk te wees vir doeleindes van die Wet.

(3) Enige dokument wat 'n vertaling heet te wees van enige verklaring, beëdigde verklaring, rekord of dokument bedoel in artikel 30 van die Wet en wat—

- (a) as 'n juiste vertaling gewaarmerk heet te wees deur die betrokke vertaler; en
- (b) 'n waarmerk deur of ten behoeve van die toepaslike owerheidsliggaam van die betrokke vreemde Staat heet te bevat dat die vertaler 'n amptelike vertaler van daardie Staat, daardie toepaslike owerheidsliggaam of 'n hof van daardie Staat is, of dat die betrokke vertaler deur daardie vreemde Staat, toepaslike owerheidsliggaam of hof van daardie Staat aangestel of aangewys is om die betrokke dokument te vertaal,

word geag behoorlik vertaal en gewaarmerk te wees vir doeleindes van die Wet: Met dien verstande dat die vertaling vergesel gaan van die oorspronklike dokument of van 'n afskrif daarvan, gewaarmerk as 'n juiste afskrif ooreenkomstig die bepalings van subregulasie (2).

Algemene bepalings rakende toelaatbaarheid

4. Die bepalings van regulasie 3 raak nie die toelating van enige bewysmateriaal wat andersins toelaatbaar is nie.

Bewys van wisselkoers

5. Vir doeleindes van artikel 32 van die Wet is 'n wisselkoers verstrek ten opsigte van 'n bepaalde dag in 'n dokument wat—

- (a) 'n faksimilee heet te wees wat van die Suid-Afrikaanse Reserwebank ontvang is, *prima facie*-bewys van die wisselkoers wat op daardie bepaalde dag geheers het; en
- (b) 'n beëdigde verklaring heet te wees gemaak deur 'n persoon in sy of haar hoedanigheid van beambte van die Suid-Afrikaanse Reserwebank, afdoende bewys van die wisselkoers wat op daardie bepaalde dag geheers het.

HOOFSTUK 3

BUITELANDSE VONNISSE EN VERGOEDENDE BEVELE

Registrasie van buitelandse vonnis en vergoedende bevel

6. Wanneer 'n gesertifiseerde kopie van die stuk wat bewys van die buitelandse vonnis of vergoedende bevel uitmaak, by die klerk van die hof ingedien word ingevolge artikel 15 (2) van die Wet, registreer daardie klerk van die hof daardie vonnis of bevel deur—

- (a) die buitelandse vonnis of vergoedende bevel te nommer met 'n saakvolgnommer vir die jaar waarin dit ingedien word; en
- (b) ten gunste van die Republiek, soos deur die Minister verteenwoordig, die balans van die bedrag daarkragtens betaalbaar in die geldeenheid van die Republiek aan te teken,

op die saakomslag waarin die gesertifiseerde kopie van die stuk wat bewys van die buitelandse vonnis of vergoedende bevel uitmaak, geliasseer word.

Kennisgewing van registrasie van buitelandse vonnis of vergoedende bevel

7. (1) Die skriftelike kennisgewing van registrasie van 'n buitelandse vonnis of vergoedende bevel bedoel in artikel 15 (3) van die Wet stem wesenlik met Vorm 1 in die Aanhangsel ooreen en bevat—

- (a) die saakvolgnommer bedoel in regulasie 6 (a);
- (b) die datum waarop die buitelandse vonnis of vergoedende bevel geregistreer is;
- (c) die balans in die geldeenheid van die Republiek van die bedrag wat ingevolge die buitelandse vonnis of vergoedende bevel betaalbaar is; en
- (d) 'n verwysing na die bepalings van artikel 15 (3) van die Wet en van regulasies 8 en 9.

(2) Die kennisgewing bedoel in subregulasie (1), tesame met 'n afskrif daarvan, word aan die balju afgelewer, wat, behoudens die bepalings van hierdie regulasie, die kennisgewing onverwyld aan die persoon vermeld in die bedoelde kennisgewing beteken deur 'n afskrif van die kennisgewing op een van die volgende wyses af te lewer:

- (a) Aan bedoelde persoon self of aan sy of haar gevolmagtigde;
- (b) by bedoelde persoon se woon- of besigheidsplek aan iemand wat oënskynlik nie jonger as 16 jaar is nie en oënskynlik daar woon of in diens is: Met dien verstande dat, vir doeleindes van hierdie paragraaf, "woonplek", waar 'n gebou deur meer as een persoon of gesin bewoon word, dié gedeelte van die gebou beteken wat deur die persoon aan wie betekening moet geskied, bewoon word;
- (c) by bedoelde persoon se werkplek aan 'n persoon wat oënskynlik nie jonger as 16 jaar is nie en wat oënskynlik in 'n gesagsposisie oor bedoelde persoon is of, in die afwesigheid van so 'n persoon in 'n gesagsposisie, aan 'n persoon wat oënskynlik nie jonger as 16 jaar is nie en wat oënskynlik in beheer is by bedoelde persoon se werkplek;
- (d) in die geval van 'n regspersoon, by die regspersoon se geregistreerde kantoor of belangrikste besigheidsplek binne die regsgebied van die betrokke hof, aan 'n direkteur of 'n verantwoordelike werknemer of dienaar van die regspersoon; en
- (e) in die geval van 'n Minister, Adjunkminister of Premier in sy of haar amptelike hoedanigheid, die Staat of 'n provinsiale regering, by die Kantoor van die Staatsprokureur te Pretoria, of 'n tak van daardie Kantoor wat die regsgebied bedien van die hof waaruit die kennisgewing uitgereik is.

(3) 'n Balju moet op versoek van die persoon aan wie 'n kennisgewing beteken word, die oorspronklike kennisgewing aan hom of haar toon.

(4) Indien die persoon aan wie 'n kennisgewing beteken moet of kan word, sy of haar woon- of besigheidsplek gesluit hou en sodoende die balju verhinder om die kennisgewing te beteken, is dit voldoende om 'n afskrif van die kennisgewing aan die buite- of hoofdeur of veiligheidshek van sodanige woon- of besigheidsplek aan te bring, of in die posbus by sodanige woon- of besigheidsplek te plaas.

(5) Indien die balju na sorgvuldige deursoeking nie by die woon- of besigheidsplek van die persoon aan wie 'n kennisgewing beteken moet word, daardie persoon of 'n persoon in subregulasie (2) (b) bedoel of, in die geval van 'n regspersoon in subregulasie (2) (d) bedoel, 'n direkteur of 'n verantwoordelike werknemer of dienaar kan vind nie, is dit voldoende om 'n afskrif van die kennisgewing aan die buite- of hoofdeur of veiligheidshek van sodanige woon- of besigheidsplek, geregistreerde kantoor of belangrikste besigheidsplek aan te bring.

(6) Waar dieselfde kennisgewing aan twee of meer persone beteken moet word, word dit aan elkeen beteken, behalwe—

- (a) in die geval van 'n vennootskap, in welke geval betekening kan geskied deur aflewering by die kantoor of besigheidsplek van die vennootskap of, indien daar nie so 'n kantoor of besigheidsplek is nie, deur betekening aan enige lid van die vennootskap op enigeen van die wyses voorgeskryf by hierdie regulasie;
- (b) in die geval van twee of meer persone aan wie die kennisgewing in hul hoedanigheid van kurators van 'n insolvente boedel, likwidateurs van 'n maatskappy, eksekuteurs, kurators of voogde beteken moet word, in welke geval betekening kan geskied deur aflewering aan enigeen van sodanige persone op enigeen van die wyses voorgeskryf by hierdie regulasie; en
- (c) in die geval van 'n sindikaat, oningelyfde maatskappy, klub, vereniging of kerk, in welke geval betekening kan geskied deur aflewering by die plaaslike kantoor of besigheidsplek van sodanige liggaam of, indien daar nie sodanige kantoor of plek is nie, deur betekening aan die voorsitter of sekretaris of ander verantwoordelike amptenaar van sodanige liggaam op enigeen van die wyses voorgeskryf by hierdie regulasie.

(7) Die balju moet, op 'n vorm wat wesenlik met Vorm 2 in die Aanhangsel ooreenstem, die wyse waarop die afskrif van die kennisgewing beteken is, aanteken en die vorm aan die kennisgewing heg en aan die klerk van die hof van wie hy of sy sodanige kennisgewing ontvang het, terugbesorg: Met dien verstande dat waar sodanige betekening geskied het op die wyse by subregulasie (2) (b), (c), (d) of (e) voorgeskryf, die balju op die relaas van betekening van die betrokke kennisgewing die naam van die persoon aan wie hy of sy die kennisgewing beteken het en die hoedanigheid waarin daardie persoon staan tot die persoon, regs persoon of instelling aan wie die kennisgewing gerig is, moet aandui.

(8) Waar betekening geskied het op die wyse by subregulasie (2) (b) of (c) voorgeskryf, kan die hof, indien daar rede is om te twyfel of die kennisgewing wat beteken is, werklik ter kennis van die persoon aan wie beteken moet word, gekom het en by onstentenis van bevredigende bewys, sodanige betekening as ongeldig beskou.

(9) Indien 'n hof oortuig is dat betekening nie op enigeen van die wyses voorgeskryf by hierdie regulasie kan geskied nie, en dat die aksie binne sy regsbevoegdheid is, kan die hof 'n bevel gee ingevolge waarvan betekening deur die persoon en op die wyse in die bevel vermeld, kan geskied.

(10) Enige lid van die Suid-Afrikaanse Polisie diens soos in artikel 1 van die Wet op die Suid-Afrikaanse Polisie diens, 1995 (Wet No. 68 van 1995), omskryf, mag, indien daartoe versoek deur 'n balju, daardie balju met die betekening van 'n kennisgewing bystaan.

Tydperk waarbinne 'n persoon aansoek kan doen om tersydestelling van registrasie van buitelandse vonnis of vergoedende bevel

8. (1) 'n Aansoek om die tersydestelling van die registrasie van 'n buitelandse vonnis of vergoedende bevel bedoel in artikel 15 (3) van die Wet moet binne 20 hofdae vanaf die datum waarop sodanige registrasie ter kennis van die applikant gekom het, gedoen word.

(2) Tensy die applikant die teendeel bewys, word vermoed dat—

- (a) waar die skriftelike kennisgewing van registrasie aan daardie applikant self beteken is, hy of sy kennis van sodanige registrasie gehad het op die datum van betekening van die kennisgewing; of
- (b) waar die skriftelike kennisgewing van registrasie nie aan daardie applikant self beteken is nie, hy of sy kennis van sodanige registrasie gehad het binne 10 dae na die datum van betekening van die kennisgewing.

Wyse waarop 'n persoon aansoek kan doen om tersydestelling van registrasie van buitelandse vonnis of vergoedende bevel

9. (1) 'n Aansoek om die tersydestelling van die registrasie van 'n buitelandse vonnis of vergoedende bevel moet gedoen word by die hof waar daardie vonnis of bevel geregistreer is.

(2) So 'n aansoek moet gedoen word met kennisgewing wat uiteensit—

- (a) dat aansoek gedoen word om 'n bevel tot tersydestelling van die registrasie van 'n buitelandse vonnis of vergoedende bevel, na gelang van die geval;
- (b) die gronde bedoel in artikel 18 (1) van die Wet waarop die aansoek berus; en
- (c) die datum en tyd waarop die aansoek by die hof gedoen sal word,

en moet vergesel gaan van 'n beëdigde verklaring, afgelê deur die applikant of 'n persoon wat onder eed die feite kan bevestig, ter ondersteuning van die gronde bedoel in paragraaf (b).

(3) Aflewering van sodanige kennisgewing geskied aan die Kantoor van die Staatsprokureur te Pretoria of 'n tak van daardie Kantoor naaste aan die hof waar so 'n aansoek gedoen word, minstens 20 hofdae voor die dag wat vir die aanhoor van die aansoek bepaal is.

HOOFSTUK 4

BUITELANDSE INBESLAGNEMINGSBEVELE

Registrasie van buitelandse inbeslagnemingsbevel

10. Wanneer 'n gesertifiseerde kopie van 'n buitelandse inbeslagnemingsbevel by die klerk van die hof ingedien word ingevolge artikel 20 (2) van die Wet, registreer daardie klerk van die hof daardie bevel deur—

- (a) die buitelandse inbeslagnemingsbevel te nommer met 'n saakvolgnommer vir die jaar waarin dit ingedien word; en
- (b) (i) waar die bevel vir die betaling van geld verleen is, ten gunste van die Republiek soos deur die Minister verteenwoordig, die balans van die bedrag daarkragtens betaalbaar in die geldeenheid van die Republiek aan te teken; en
- (ii) waar die bevel vir die verhaal van bepaalde eiendom verleen is, ten gunste van die Republiek soos deur die Minister verteenwoordig, volle besonderhede van daardie eiendom, in soverre sodanige besonderhede beskikbaar is, aan te teken,

op die saakomslag waarin die gesertifiseerde kopie van die buitelandse inbeslagnemingsbevel geliasseer word.

Kennisgewing van registrasie van buitelandse inbeslagnemingsbevel

11. (1) Die skriftelike kennisgewing van registrasie van 'n buitelandse inbeslagnemingsbevel bedoel in artikel 20 (4) van die Wet stem wesenlik met Vorm 3 van die Aanhangsel ooreen en bevat—

- (a) die saakvolgnommer bedoel in regulasie 10 (a);
- (b) die datum waarop die buitelandse inbeslagnemingsbevel geregistreer is;
- (c) in die geval van die betaling van geld, die balans in die geldeenheid van die Republiek van die bedrag wat kragtens die buitelandse inbeslagnemingsbevel betaalbaar is;
- (d) in die geval van die verhaal van bepaalde eiendom, volle besonderhede van die eiendom wat in die buitelandse inbeslagnemingsbevel gespesifiseer word in soverre sodanige besonderhede beskikbaar is; en
- (e) 'n verwysing na die bepalings van artikel 20 (4) (b) van die Wet en van regulasies 12 en 13.

(2) (a) Waar die persoon teen wie die buitelandse inbeslagnemingsbevel verleen is, in die Republiek teenwoordig is, word die skriftelike kennisgewing van registrasie, tesame met 'n afskrif daarvan, aan 'n balju gelew, wat sodanige kennisgewing aan daardie persoon beteken op die wyse waarvoor voorsiening gemaak word in regulasie 7 (2) tot (6), en die bepalings van regulasie 7 (7) tot (10) is, met die aanpassings wat die konteks vereis, van toepassing op sodanige betekening.

(b) Waar die persoon teen wie die buitelandse inbeslagnemingsbevel verleen is, nie in die Republiek teenwoordig is nie, word daardie persoon—

- (i) ingelig van die registrasie van die bevel op die wyse waarvoor voorsiening gemaak word in 'n ooreenkoms bedoel in artikel 27 van die Wet of enige ander ooreenkoms gesluit met die vreemde Staat waar daardie persoon teenwoordig is; of
- (ii) by afwesigheid van 'n ooreenkoms bedoel in subparagraaf (i), in kennis gestel van sodanige registrasie deur 'n afskrif van die skriftelike kennisgewing van registrasie per geregistreerde pos aan daardie persoon te stuur.

(c) Die klerk van die hof wat 'n afskrif van die kennisgewing ingevolge paragraaf (b) (ii) aan die persoon stuur teen wie die buitelandse inbeslagnemingsbevel verleen is, moet van die betrokke posinstansie vereis dat bewys van ontvangs daarvan aan hom of haar voorsien word.

Tydperk waarbinne 'n persoon aansoek kan doen om tersydestelling van registrasie van buitelandse inbeslagnemingsbevel

12. (1) 'n Aansoek om die tersydestelling van die registrasie van 'n buitelandse inbeslagnemingsbevel ingevolge artikel 20 (4) (b) van die Wet moet binne 20 hofdae vanaf die datum waarop sodanige registrasie ter kennis van die applikant gekom het, gedoen word.

(2) Tensy die applikant die teendeel bewys, word vermoed dat—

- (a) waar die skriftelike kennisgewing van registrasie aan daardie applikant self beteken is, hy of sy kennis van sodanige registrasie gehad het op die datum van betekening van die kennisgewing;
- (b) waar die skriftelike kennisgewing van registrasie nie aan daardie applikant self beteken is nie, hy of sy kennis van sodanige registrasie gehad het binne 10 dae na die datum van betekening van die kennisgewing;
- (c) waar die skriftelike kennisgewing van registrasie per geregistreerde pos aan daardie applikant gestuur is, hy of sy kennis van sodanige registrasie gehad het op die datum van ontvangs daarvan aangedui op die bewys van ontvangs bedoel in regulasie 11 (2) (c); of
- (d) waar daardie applikant op enige ander wyse van sodanige registrasie in kennis gestel is, hy of sy kennis gehad het van sodanige registrasie op die datum waarop hy of sy aldus in kennis gestel is.

Wyse waarop 'n persoon aansoek kan doen om tersydestelling van registrasie van buitelandse inbeslagnemingsbevel

13. (1) 'n Aansoek om die tersydestelling van die registrasie van 'n buitelandse inbeslagnemingsbevel moet gedoen word by die hof waar daardie bevel geregistreer is.

(2) So 'n aansoek moet gedoen word met kennisgewing wat uiteensit—

- (a) dat aansoek gedoen word om 'n bevel tot tersydestelling van die registrasie van 'n buitelandse inbeslagnemingsbevel;
- (b) die gronde bedoel in artikel 22 (1) van die Wet waarop die aansoek berus; en
- (c) die datum en tyd waarop die aansoek by die hof gedoen sal word,

en moet vergesel gaan van 'n beëdigde verklaring, afgelê deur die applikant of 'n persoon wat onder eed die feite kan bevestig, ter ondersteuning van die gronde bedoel in paragraaf (b).

(3) Aflewering van sodanige kennisgewing geskied aan die Kantoor van die Staatsprokureur te Pretoria of 'n tak van daardie Kantoor naaste aan die hof waar so 'n aansoek gedoen word, minstens 20 hofdae voor die dag wat vir die aanhoor van die aansoek bepaal is.

HOOFSTUK 5

BUITELANDSE INKORTINGSBEVELE

Registrasie van buitelandse inkortingsbevel

14. Wanneer 'n gesertifiseerde kopie van 'n buitelandse inkortingsbevel by die griffier van 'n afdeling van die Hooggeregshof ingedien word ingevolge artikel 24 (1) van die Wet, registreer daardie griffier daardie bevel deur—

- (a) die buitelandse inkortingsbevel te nommer met 'n saakvolnommer vir die jaar waarin dit ingedien word; en
- (b) die inkorting ten opsigte van die eiendom gespesifiseer in die bevel en volle besonderhede van daardie eiendom, in soverre sodanige besonderhede beskikbaar is, aan te teken,

op die saakomslag waarin die gesertifiseerde kopie van die buitelandse inkortingsbevel geliasseer word.

Kennisgewing van registrasie van buitelandse inkortingsbevel

15. (1) Die skriftelike kennisgewing van registrasie van 'n buitelandse inkortingsbevel bedoel in artikel 24 (3) van die Wet stem wesenlik met Vorm 4 in die Aanhangsel ooreen en bevat—

- (a) die saakvolnommer bedoel in regulasie 14 (a);
- (b) die datum waarop die buitelandse inkortingsbevel geregistreer is;
- (c) die inkorting ten opsigte van die eiendom gespesifiseer in die bevel en volle besonderhede van daardie eiendom, in soverre sodanige besonderhede beskikbaar is; en
- (d) 'n verwysing na die bepalinge van artikel 24 (3) (b) van die Wet en van regulasie 16.

(2) (a) Waar die persoon teen wie die buitelandse inkortingsbevel verleen is, in die Republiek teenwoordig is, word die skriftelike kennisgewing van registrasie, tesame met 'n afskrif daarvan, aan 'n balju gelewer, wat sodanige kennisgewing aan daardie persoon beteken op die wyse waarvoor voorsiening gemaak word in regulasie 7 (2) tot (6), en die bepalinge van regulasie 7 (7) tot (10) is, met die aanpassings wat die konteks vereis, van toepassing op sodanige betekening: Met dien verstande dat die aantekening van die wyse waarop 'n afskrif van die kennisgewing beteken is, aan die griffier van die Hooggeregshof van wie die kennisgewing ontvang is, terugbesorg word.

(b) Waar die persoon teen wie die buitelandse inkortingsbevel verleen is, nie in die Republiek teenwoordig is nie, word daardie persoon—

- (i) ingelig van die registrasie van die bevel op die wyse waarvoor voorsiening gemaak word in 'n ooreenkoms bedoel in artikel 27 van die Wet of enige ander ooreenkoms gesluit met die vreemde Staat waar daardie persoon teenwoordig is; of
- (ii) by afwesigheid van 'n ooreenkoms bedoel in subparagraaf (i), in kennis gestel van sodanige registrasie deur 'n afskrif van die skriftelike kennisgewing van registrasie per geregisteerde pos aan daardie persoon te stuur.

(c) Die griffier van die Hooggeregshof wat 'n afskrif van die kennisgewing ingevolge paragraaf (b) (ii) aan die persoon stuur teen wie die buitelandse inkortingsbevel verleen is, moet van die betrokke posinstansie vereis dat bewys van ontvangs daarvan aan hom of haar voorsien word.

Tydperk waarbinne 'n persoon aansoek kan doen om tersydestelling van registrasie van buitelandse inkortingsbevel

16. (1) 'n Aansoek om die tersydestelling van die registrasie van 'n buitelandse inkortingsbevel bedoel in artikel 24 (3) (b) van die Wet moet binne 20 hofdae vanaf die datum waarop sodanige registrasie ter kennis van die applikant gekom het, gedoen word.

(2) Tensy die applikant die teendeel bewys, word vermoed dat—

- (a) waar die skriftelike kennisgewing van registrasie aan daardie applikant self beteken is, hy of sy kennis van sodanige registrasie gehad het op die datum van betekening van die kennisgewing;
- (b) waar die skriftelike kennisgewing van registrasie nie aan daardie applikant self beteken is nie, hy of sy kennis van sodanige registrasie gehad het binne 10 dae na die datum van betekening van die kennisgewing;
- (c) waar die skriftelike kennisgewing van registrasie per geregisteerde pos aan daardie applikant gestuur is, hy of sy kennis van sodanige registrasie gehad het op die datum van ontvangs daarvan aangedui op die bewys van ontvangs bedoel in regulasie 15 (2) (c); of
- (d) waar daardie applikant op enige ander wyse van sodanige registrasie in kennis gestel is, hy of sy kennis gehad het van sodanige registrasie op die datum waarop hy of sy aldus in kennis gestel is.

HOOFSTUK 6

DIVERSE AANGELEENTHEDE

Kort titel

17. Hierdie regulasies heet die **Regulasies vir Internasionale Samewerking in Strafregtelike Aangeleenthede, 1997, en tree in werking op 1 Januarie 1998.**

AANHANGSEL**VORM 1****IN DIE LANDDROSHOF VIR DIE DISTRIK.....****KENNISGEWING VAN REGISTRASIE VAN 'N BUITELANDSE VONNIS OF VERGOEDENDE BEVEL**

Saak No.

Aan.....

(Naam)

(Woonadres)

(Besigheids-/Werksadres)

U word hierby in kennis gestel dat 'n buitelandse *vonnis/vergoedende bevel vir die betaling van die bedrag van.....by die Landdroshof vir die distrik.....op diedag van.....19..... geregistreer is.

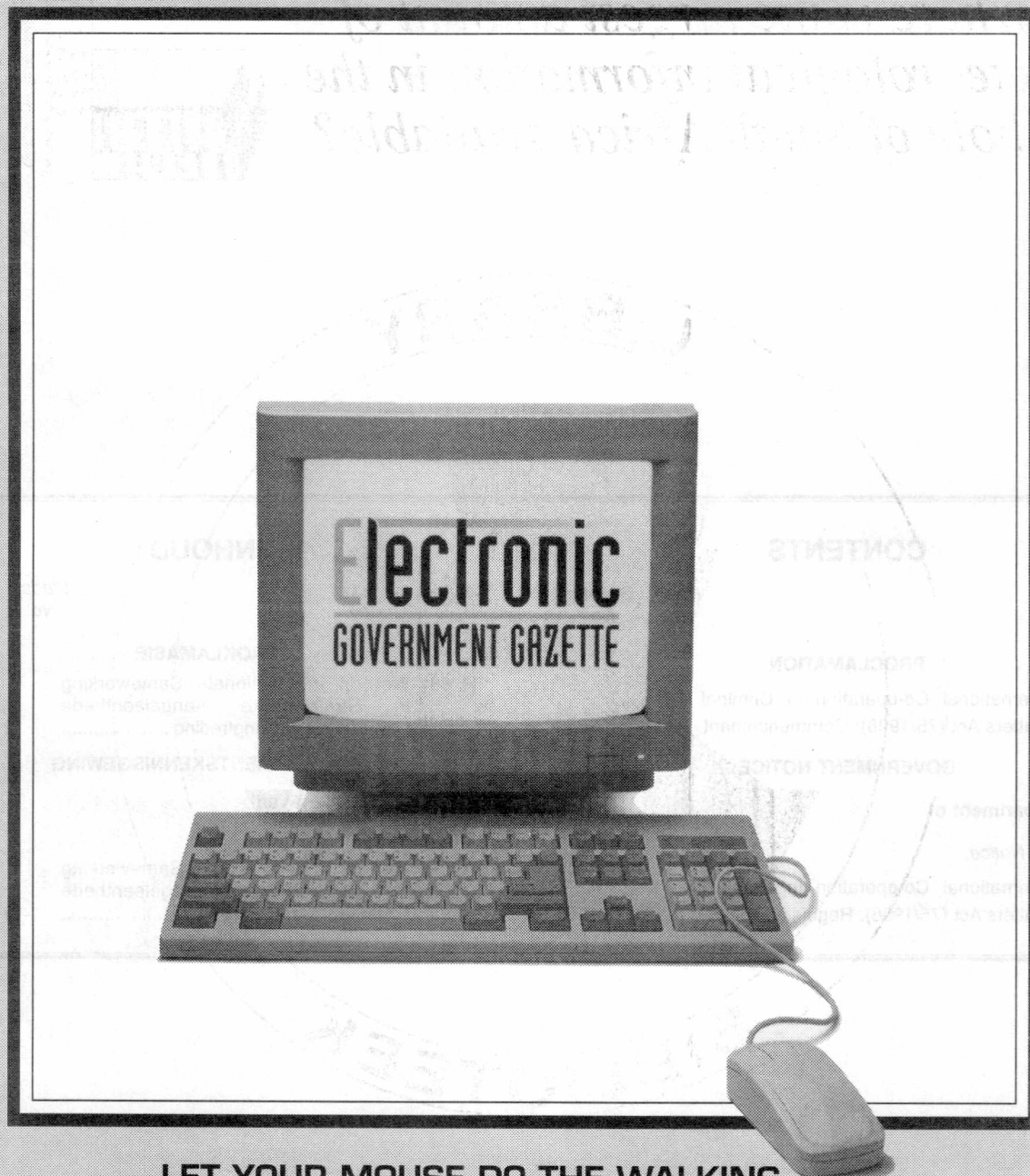
Kennisgewing word aan u gegee aangesien u die persoon is *wat die vonnis opgelê is/teen wie die bevel verleen is/wat effektiewe beheer oor die betrokke eiendom in die Republiek van Suid-Afrika het.

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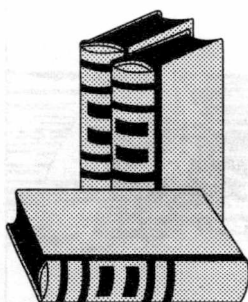
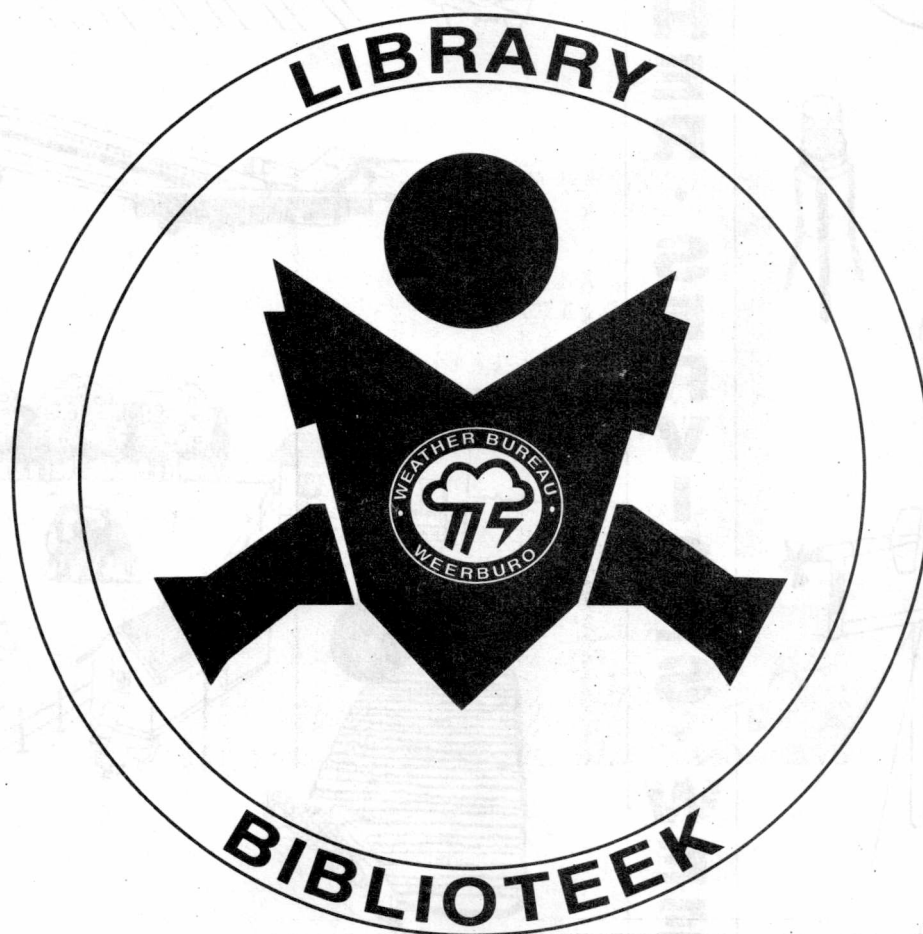
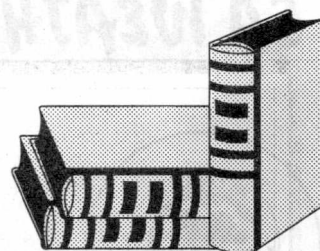
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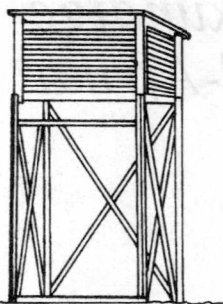
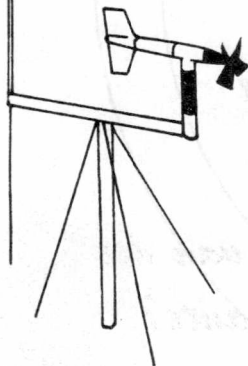
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Where is the largest amount of meteorological information in the whole of South Africa available?

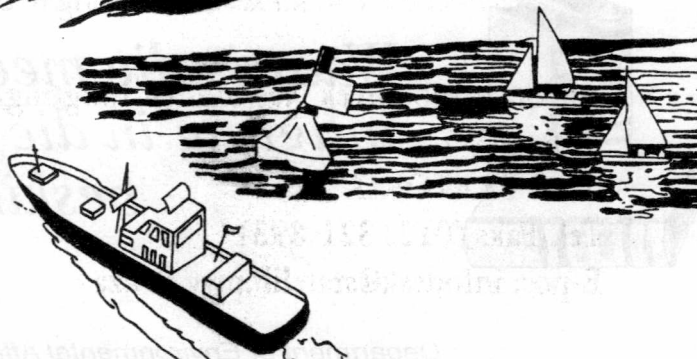
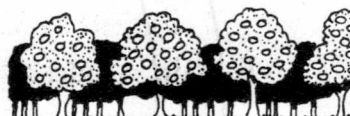
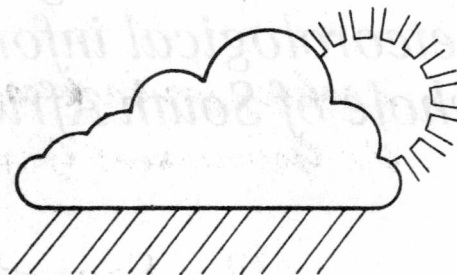


Waar is die meeste weerkundige inligting in die hele Suid-Afrika beskikbaar?

SA WEATHER BUREAU SA WEERBURO



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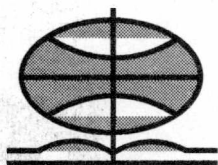


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Let wel:

(1) Die geregistreerde buitelandse inkortingsbevel het die uitwerking van 'n inkortingsbevel verleen deur bovermelde Hooggeregshof.

(2) Ingevolge artikel 24 (3) (b) van die Wet op Internasionale Samewerking in Strafregtelike Aangeleenthede, 1996 (Wet No. 75 van 1996), gelees met regulasie 16 van die Regulasies vir Internasionale Samewerking in Strafregtelike Aangeleenthede, 1997, kan u binne 20 hofdae vanaf die datum waarop sodanige registrasie tot u kennis gekom het, en ingevolge die hofreëls, by bovermelde Hooggeregshof aansoek doen om die tersydestelling van die registrasie van genoemde bevel. Indien die kennisgewing nie aan uself beteken is nie, word daar vermoed dat registrasie tot u kennis gekom het binne 10 dae na die datum van betekening van die kennisgewing.

Geteken te.....op hede die.....dag van.....19.....

.....
GRIFFIER VAN DIE HOOGEREGSHOF



VORM 4

IN DIE.....AFDELING VAN DIE HOOGGEREGSHOF

KENNISGEWING VAN REGISTRASIE VAN 'N BUITELANDSE INKORTINGSBEVEL

Saak No.

Aan

(Naam)

(Woonadres)

(Besigheids-/Werksadres)

U word hierby in kennis gestel dat 'n buitelandse inkortingsbevel met die uitwerking en ten opsigte van die eiendom hieronder beskryf, by die Hooggeregshof (.....Afdeling), op die.....dag van.....19.....geregistreer is.

Besonderhede van inkorting en eiendom betrokke:

Let wel:

(1) Die geregistreerde buitelandse inbeslagnemingsbevel het die uitwerking van 'n siviele uitspraak van bovermelde Landdroshof ten gunste van die Republiek van Suid-Afrika soos deur die Minister van Justisie verteenwoordig.

(2) Ingevolge regulasie 12 van die Regulasies vir Internasionale Samewerking in Strafregtelike Aangeleenthede, 1997, kan u binne 20 hofdae vanaf die datum waarop sodanige registrasie tot u kennis gekom het, aansoek doen om die tersydestelling van die registrasie van genoemde bevel. Indien die kennisgewing nie aan uself beteken is nie, word daar vermoed dat registrasie tot u kennis gekom het binne 10 dae na die datum van betekening van die kennisgewing.

(3) Ingevolge regulasie 13 moet sodanige aansoek gedoen word by bovermelde hof en moet dit gedoen word met kennisgewing wat uiteensit—

- (a) dat aansoek gedoen word om 'n bevel tot tersydestelling van die registrasie van genoemde bevel;
- (b) die gronde bedoel in artikel 22 (1) van die Wet op Internasionale Samewerking in Strafregtelike Aangeleenthede, 1996 (Wet No. 75 van 1996), waarop die aansoek berus; en
- (c) die datum en tyd waarop aansoek by die hof gedoen sal word,

en moet dit vergesel gaan van 'n beëdigde verklaring, afgelê deur uself of 'n persoon wat onder eed die feite kan bevestig, ter ondersteuning van die gronde bedoel in paragraaf (b).

Geteken te.....op hede die.....dag van.....19.....

.....
KLERK VAN DIE HOF

VORM 3

IN DIE LANDDROSHOF VIR DIE DISTRIK.....

KENNISGEWING VAN REGISTRASIE VAN 'N BUITELANDSE INBESLAGNEMINGSBEVEL

Saak No.

Aan.....

(Naam)

(Woonadres)

(Besigheids-/Werksadres)

U word hierby in kennis gestel dat 'n buitelandse inbeslagnemingsbevel *ten opsigte van die eiendom hieronder beskryf/vir die betaling van die bedrag van.....by die Landdroshof vir die distrikop die.....dag van.....19..... geregistreer is.

Beskrywing van eiendom:

(of)

- *(e) 'n afskrif van die kennisgewing aan
 'n *direkteur/verantwoordelike werknemer/dienaar van
, by laasgenoemde se
 *geregisteerde kantoor/belangrikste besigheidsplek oorhandig het [regulasie 7 (2) (d)];

(of)

- *(f) 'n afskrif van die kennisgewing aan die Staatsprokureur te.....
oorhandig het in sy of haar
 hoedanigheid vanvan.....
 [regulasie 7 (2) (e)];

(of)

- *(g) 'n afskrif van die kennisgewing *aan/in die *buite-/hoof deur/veiligheidshek/posbus van.....
 se *woonplek/besigheidsplek
 *aangebring/geplaas het aangesien laasgenoemde die *woonplek/besigheidsplek gesluit gehou
 en sodoende betekening verhinder het [regulasie 7 (4)];

(of)

- *(h) 'n afskrif van die kennisgewing aan die *buite-/hoof deur van
se *woonplek/besigheidsplek/geregisteerde
 kantoor/belangrikste besigheidsplek aangebring het aangesien hy of sy of 'n persoon wat
 oënskynlik nie jonger as 16 jaar is nie of 'n direkteur, verantwoordelike werknemer of dienaar nie
 na sorgvuldige deursoeking van die *woonplek/besigheidsplek van die persoon aan wie die
 kennisgewing beteken moet word, gevind kon word nie [regulasie 7 (5)];

(of)

- *(i) 'n afskrif van die kennisgewing beteken het op die wyse deur die hof beveel [regulasie 7 (9)].

Tyd Dag..... Maand.....19.....

Plek.....

HANDTEKENING VAN BALJU

VORM 2

*IN DIE AFDELING VAN DIE HOOGGEREGSHOF/

IN DIE LANDDROSHOF VIR DIE DISTRIK.....

RELAAS VAN BETEKENING VAN KENNISGEWING

Saak No.

Ek, , sertifiseer
dat ek—

*(a) 'n afskrif van die kennisgewing aan
 self oorhandig het
 [regulasie 7 (2) (a)];

(of)

*(b) 'n afskrif van die kennisgewing aan
 , die gevolmagtigde van
 oorhandig het [regulasie 7 (2) (a)];

(of)

*(c) 'n afskrif van die kennisgewing aan
 , 'n persoon wat oënskynlik nie
 jonger as 16 jaar is nie en wat oënskynlik by
 se *woonplek/besigheidsplek woon of in diens is, in sy of haar hoedanigheid van
 van oorhandig
 het [regulasie 7 (2) (b)];

(of)

*(d) 'n afskrif van die kennisgewing aan , 'n persoon
 wat oënskynlik nie jonger as 16 jaar is nie en wat oënskynlik in 'n gesagsposisie is oor, of in beheer
 is by, die werkplek van , in sy of haar
 hoedanigheid van van oorhandig
 het [regulasie 7 (2) (c)];

Let wel:

(1) Die geregistreerde buitelandse *vonnis/vergoedende bevel het die uitwerking van 'n siviele uitspraak van bovermelde Landdroshof, ten bedrae van die bedrag vermeld ten gunste van die Republiek van Suid-Afrika soos deur die Minister van Justisie verteenwoordig.

(2) Ingevolge regulasie 8 van die Regulasies vir Internasionale Samewerking in Strafregtelike Aangeleenthede, 1997, kan u binne 20 hofdae vanaf die datum waarop sodanige registrasie tot u kennis gekom het, aansoek doen om die tersydestelling van die registrasie van genoemde *vonnis/bevel. Indien die kennisgewing nie aan uself beteken is nie, word daar vermoed dat registrasie tot u kennis gekom het binne 10 dae na die datum van betekening van die kennisgewing.

(3) Ingevolge regulasie 9 moet sodanige aansoek gedoen word by bovermelde hof en moet dit gedoen word met kennisgewing wat uiteensit—

- (a) dat aansoek gedoen word om 'n bevel tot die tersydestelling van die registrasie van genoemde *vonnis/bevel;
- (b) die gronde bedoel in artikel 18 (1) van die Wet op Internasionale Samewerking in Strafregtelike Aangeleenthede, 1996 (Wet No. 75 van 1996), waarop die aansoek berus; en
- (c) die datum en tyd waarop aansoek by die hof gedoen sal word,

en moet dit vergesel gaan van 'n beëdigde verklaring, afgelê deur uself of 'n persoon wat onder eed die feite kan bevestig, ter ondersteuning van die gronde bedoel in paragraaf (b).

Geteken te op hede die

dag van 19.....

.....
KLERK VAN DIE HOF