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PRICE 5c.

PRETORIA,

15 DECEMBER
15 DESEMBER

1961.

PRYS 5c.

[No. 136.

PROCLAMATION

BY THE STATE PRESIDENT OF THE REPUBLIC OF
SOUTH AFRICA.

No. R. 159, 1961.]

By virtue of the powers vested in me by sub-section (1) *bis* of section sixty-three of the Insolvency Act, 1936 (Act No. 24 of 1936), I do hereby substitute the tariff set out in the Schedule hereto for Tariff B in the Second Schedule to the said Act.

Proclamation No. 229 of 1956 is hereby repealed.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria on this Tenth day of November, One thousand Nine hundred and Sixty-one.

C. R. SWART,
State President.

By Order of the State President-in-Council.

B. J. VORSTER.

SCHEDULE.

"TARIFF B.

REMUNERATION OF TRUSTEE (SECTION SIXTY-THREE).

1. Upon the gross proceeds of movable property (other than shares or similar securities) sold, or upon the gross amount collected under promissory notes or book debts, or as rent, interest or other income..... 7½ per cent.
2. Upon the gross proceeds of immovable property, shares or similar securities sold, life insurance policies and mortgage bonds recovered..... 2½ per cent.
3. Upon cash found in the estate..... 1 per cent.
4. Upon sales by a trustee in carrying on the business of the insolvent, or any part thereof, under section eighty..... 5 per cent.

Provided that, if the total remuneration of a trustee under this tariff is less than one hundred and twenty-six rand, he shall be entitled, up to that amount, to remuneration at the rate of 7½ per cent, upon the gross proceeds of all the assets of the estate, with a minimum of fifty-two rand and fifty cents."

GOVERNMENT NOTICES.

DEPARTMENT OF FINANCE.

No. R. 1212.]

[15 December 1961.

EXCHANGE CONTROL REGULATIONS.— APPOINTMENT OF AUTHORISED DEALER.

Paragraph 3 (a) of Government Notice No. R. 1112 of the 1st December, 1961, is hereby amended by the addition of Central Finance and Acceptance Corporation, Limited, to the list of authorised dealers for the purposes of the Exchange Control Regulations published under Government Notice No. R. 1111 of the 1st December, 1961.

A—2084741

PROKLAMASIE

VAN DIE STAATSPRESIDENT VAN DIE REPUBLIEK
SUID-AFRIKA.

No. R. 159, 1961.]

Kragtens die bevoegdheid my verleen by subartikel (1) *bis* van artikel drie-en-sestig van die Insolvensiewet, 1936 (Wet No. 24 van 1936), vervang ek hierby Tarief B in die Tweede Bylae van genoemde Wet deur die tarief wat in die Bylae hiervan uiteengesit is.

Proklamasie No. 229 van 1956 word hierby herroep.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hierdie Tiende dag van November. Eenduisend Negehoenderd Een-en-sestig.

C. R. SWART,
Staatspresident.

Op las van die Staatspresident-in-rade.

B. J. VORSTER.

BYLAE.

"TARIEF B.

VERGOEDING VAN KURATOR (ARTIKEL DRIE-EN-SESTIG).

1. Op die bruto-opbrengs van verkoopte roerende goed (behalwe aandeel of soortgelyke effekte) of op die bruto-bedrag wat kragtens promesses of boekskulde of as huur, rente of ander inkomste ingevorder is..... 7½ persent.
2. Op die bruto-opbrengs van verkoopte onroerende goed, aandeel of soortgelyke effekte, ingevorderde lewensversekeringspolisse en verbande..... 2½ persent.
3. Op kontantgeld in die boedel gevind..... 1 persent.
4. Op verkope deur 'n kurator by die voortsetting van die insolvent se besigheid, of 'n deel daarvan, kragtens artikel tagtig..... 5 persent.

Met dien verstande dat, indien die totale vergoeding van 'n kurator ingevolge hierdie tarief minder as honderd ses-en-twintig rand is, hy, tot daardie bedrag, geregtig is op vergoeding teen 7½ persent op die bruto-opbrengs van al die bates van die boedel, met 'n minimum van twee-en-vyftig rand en vyftig sent."

GOEWERMENSKENNISGEWINGS.

DEPARTEMENT VAN FINANSIES.

No. R. 1212.]

[15 Desember 1961.

DEVIESEBEHEERREGULASIES.—AANSTELLING VAN GEMAGTIGDE HANDELAAR.

Paragraaf 3 (a) van Goewermenskennisgewing No. R. 1112 van 1 Desember 1961 word hierby gewysig deur die toevoeging van Sentrale Finansie- en Aksepkorporasie. Beperk tot die lys van gemagtigde handelaars vir doeleindes van die Deviesebeheerregulasies gepubliseer by Goewermenskennisgewing No. R. 1111 van 1 Desember 1961.

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DEPARTMENT OF JUSTICE.

No. R. 1203.] [15 December 1961.
REGULATION UNDER SECTION EIGHT OF THE
TRUST MONEYS PROTECTION ACT, 1934.

By virtue of the powers vested in me by section eight of the Trust Moneys Protection Act, 1934 (Act No. 34 of 1934), I, BALTHAZAR JOHANNES VORSTER, Minister of Justice for the Republic of South Africa, hereby prescribe a registration fee of $\frac{1}{4}$ per cent to be paid to the Master upon the gross value of the assets of a trust, excluding testamentary dispositions upon which fees of office have already been paid to the Master; subject to the levy of a minimum fee of R2 and a maximum fee of R20 per registration.

Government Notices Nos. 1331 of 1934, 72 of 1935 and 1753 of 1937 are hereby repealed.

B. J. VORSTER,
Minister of Justice.

No. R. 1204.] [15 December 1961.
SUBSTITUTION OF FOURTH AND FIFTH TABLES
IN THE THIRD SCHEDULE TO THE COM-
PANIES ACT, 1926.

By virtue of the powers vested in me by sub-section (3) of section two hundred and nineteen of the Companies Act, 1926 (Act No. 46 of 1926), I, BALTHAZAR JOHANNES VORSTER, Minister of Justice for the Republic of South Africa, hereby substitute the tables set out in the Schedule hereto for the Fourth and Fifth tables in the Third Schedule to the said Act.

Government Notices Nos. 2271 of 1926, 1026 of 1934, 1266 of 1939 and 1090 of 1956 are hereby repealed.

B. J. VORSTER,
Minister of Justice.

SCHEDULE.

FOURTH TABLE.

"TABLE OF FEES TO BE PAID TO MASTER IN CONNECTION
WITH THE WINDING-UP OR JUDICIAL MANAGE-
MENT OF A COMPANY.

	R
(1) For inspection of documents in any one winding-up or judicial management except by or on behalf of the liquidator.....	0.25
(2) For taxing liquidator's remuneration or bill of costs (but not a deputy sheriff's account) on every two rand or fraction of two rand of the amount taxed.....	0.10
(3) For binding documents in each winding-up or judicial management according to the number and volume of the documents—in the discretion of the Master, from 70c to	3.00
(4) (a) For extracts or copies of documents made in the office of a Master, for every one hundred words or fraction thereof.....	0.10
(b) For extracts or copies of documents certified in the office of a Master (whether or not made in such office), for every one hundred words or fraction thereof.....	0.10
(5) On the assets available for distribution among creditors and contributories of any company in liquidation:—	
Up to R10,000.... $\frac{1}{4}$ per cent, minimum.....	2.00
Thereafter..... $\frac{1}{8}$ per cent.	
(6) On the gross assets of any company placed under judicial management, as disclosed by the reports or other information which the judicial manager is required to submit to the Master in terms of paragraph (b) of sub-section (1) of section one hundred and ninety-six:—	
Up to R10,000.... $\frac{1}{4}$ per cent, minimum.....	2.00
Thereafter and up to R20,000..... $\frac{1}{8}$ per cent.	
Thereafter..... $\frac{1}{16}$ per cent.	

Provided that, if the judicial management proceedings are followed by an order for the winding-up of the company or by the voluntary liquidation thereof, only those fees payable in terms of this table in connection with the winding-up of a company shall be due.

DEPARTEMENT VAN JUSTISIE.

No. R. 1203.] [15 Desember 1961.
REGULASIE INGEVOLGE ARTIKEL AGT VAN
DIE TRUSTGELDE BESKERMINGSWET, 1934.

Kragtens die bevoegdheid my verleen by artikel agt van die Trustgelde Beskermingswet, 1934 (Wet No. 34 van 1934), skryf ek BALTHAZAR JOHANNES VORSTER, Minister van Justisie vir die Republiek van Suid-Afrika, hierby voor dat 'n registrasiegeld van $\frac{1}{4}$ persent aan die Meester betaal moet word op die brutowaarde van die bate van 'n trust, behalwe testamentêre beskikkings waarop kantoorgelde alreeds aan die Meester betaal is, onderworpe daaraan dat minstens R2 en hoogstens R20 per registrasie gehef word.

Goewermentskennisgewings Nos. 1331 van 1934, 72 van 1935 en 1753 van 1937 word hierby herroep.

B. J. VORSTER,
Minister van Justisie.

No. R. 1204.] [15 Desember 1961.
VERVANGING VAN VIERDE EN VYFDE TABELLE
IN DIE DERDE BYLAE VAN DIE MAATSKAP-
PYWET, 1926.

Kragtens die bevoegdheid my verleen by subartikel (3) van artikel tweehonderd-en-negentien van die Maatskappywet, 1926 (Wet No. 46 van 1926), vervang ek, BALTHAZAR JOHANNES VORSTER, Minister van Justisie vir die Republiek van Suid-Afrika hierby die Vierde en Vyfde Tabelle in die Derde Bylae van genoemde Wet met die tabelle in die Bylae hiervan uiteengesit.

Goewermentskennisgewings Nos. 2271 van 1926, 1026 van 1934, 1266 van 1939 en 1090 van 1956 word hierby herroep.

B. J. VORSTER,
Minister van Justisie.

BYLAE.

VIERDE TABEL.

"LYS VAN GELDE WAT IN VERBAND MET DIE LIKWIDASIE
OF GEREGETELIKE BESTUUR VAN 'N MAATSKAPPY
AAN DIE MEESTER BETAAL MOET WORD.

	R
(1) Vir insae van dokumente in een bepaalde likwidasië of geregetelike bestuur behalwe deur of ten behoeve van die likwidateur.....	0.25
(2) Vir taksasie van besoldiging van likwidateur of kosterekening (maar nie die rekening van 'n onderbalju nie), vir elke twee rand of gedeelte van twee rand van die getakseerde bedrag.....	0.10
(3) Vir die inbind van dokumente in elke likwidasië of geregetelike bestuur na gelang van die getal en omvang van die dokumente volgens diskresie van die Meester, van 70c tot.....	3.00
(4) (a) Vir uittreksels of afskrifte van dokumente wat in die kantoor van 'n Meester gemaak is, vir elke honderdtal of deel van 'n honderdtal woorde.....	0.10
(b) Vir uittreksels of afskrifte van dokumente wat in die kantoor van 'n Meester gesertifiseer is (hetsy in so 'n kantoor gemaak al dan nie), vir elke honderdtal of deel van 'n honderdtal woorde.....	0.10
(5) Op die bate beskikbaar vir verdeling onder skuldeisers en kontribuante van enige maatskappy in likwidasië:—	
Tot R10,000..... $\frac{1}{4}$ persent, minimum.....	2.00
Daarna..... $\frac{1}{8}$ persent.	
(6) Op die bruto bates van enige maatskappy wat onder geregetelike bestuur gestel is, soos openbaar gemaak in die verslae en ander inligting wat die geregetelike bestuurder ooreenkomstig paragraaf (b) van subartikel (1) van artikel honderd ses-en-negentig aan die Meester moet voorleë:—	
Tot R10,000..... $\frac{1}{4}$ persent, minimum.....	2.00
Daarna tot R20,000..... $\frac{1}{8}$ persent.	
Daarna..... $\frac{1}{16}$ persent.	

Met dien verstande dat, indien die verrigtinge in verband met die geregetelike bestuur gevolg word deur 'n order tot die likwidasië van die maatskappy of deur die vrywillige likwidasië daarvan, is slegs daardie gelde wat ingevolge hierdie tabel in verband met die likwidasië van 'n maatskappy betaalbaar is, verskuldig.

- (7) On any amount paid by the liquidator or judicial manager in o the Guardian's Fund for account of creditors or contributories: 5 per cent.
- (8) The fees referred to in items (1) and (4) shall be payable by means of revenue stamps affixed to the relevant document and those referred to in items (2), (3), (5), (6) and (7) shall be payable in cash."

FIFTH TABLE.

"TABLE OF FEES PAYABLE TO LIQUIDATOR.

- (1) Where the appointment is provisional, and—
- (a) the petition is withdrawn or dismissed; or
- (b) a winding-up order is made but the provisional liquidator is not continued as liquidator—
- a fee to be taxed by the Master with due regard to the special circumstances of the case.
- (2) Where a liquidator is appointed to liquidate the company, a fee according to the tariff of remuneration of trustees of insolvent estates in force for the time being.
- (3) Where the liquidator is appointed for the purpose of carrying out a reconstruction or other scheme by which the affairs of the company are wound up otherwise than by the realization and distribution of the assets:—
- On the value of the company's property as estimated in the statement of affairs—
- | | |
|---|--------------------------|
| On the first R10,000 or fraction thereof..... | 1 per cent. |
| On the next R40,000 or fraction thereof..... | $\frac{1}{2}$ per cent. |
| On the next R50,000 or fraction thereof..... | $\frac{3}{4}$ per cent. |
| On the next R100,000 or fraction thereof..... | $\frac{1}{2}$ per cent. |
| Thereafter..... | $\frac{1}{16}$ per cent. |
- (4) Where in a voluntary winding-up no remuneration has been fixed in terms of paragraph (b) of section one hundred and sixty-four of the Act, the liquidator shall be entitled to remuneration in terms of this tariff."

No. R. 1205.]

[15 December 1961.

REGULATIONS MADE UNDER THE PROVISIONS OF THE PERFORMING ANIMALS PROTECTION ACT, 1935.

By virtue of the powers vested in me by sections two (d) and seven of the Performing Animals Protection Act, 1935 (Act No. 24 of 1935), I, BALTHAZAR JOHANNES VORSTER, Minister of Justice for the Republic of South Africa, hereby make the following regulations:—

1. In these regulations, unless the context otherwise indicates—

"the Act" means the Performing Animals Protection Act, 1935 (Act No. 24 of 1935); and

a word or expression to which a meaning has been assigned in the Act, shall bear that meaning.

2. (1) Every application for the grant or the renewal of a licence under the Act shall be made in writing in the form and shall contain the information set out in the First Schedule hereto.

(2) Such application shall be accompanied by—

(a) a certificate of a veterinarian (duly registered in terms of the Veterinary Act, 1933), that the animals which the applicant proposes to train or exhibit have all been examined, that they are fit to be trained or exhibited, and that his premises and apparatus are suitable for keeping or training such animals; and

(b) a report from the District Commandant in police charge of the district in which the applicant resides as to the applicant's character and fitness to be granted a licence.

3. (1) The following fees shall be payable at the time of making the application:—

(a) For the grant of a licence: R10.

(b) For the renewal of a licence: R2.

Such fee shall be refunded if the application is refused.

(2) Every application for the renewal of a licence shall be made not later than the thirty-first day of December of the year preceding the year in respect of which the licence is required and every application received by the Magistrate after the said date shall be treated in all respects as an application for the grant of a new licence.

- (7) Op enige bedrag wat deur die likwidateur of geregtelike bestuurder op rekening van skuldeisers of kontribuanten in die Voogdyfonds gestort word: 5 persent.
- (8) Die gelde wat in items (1) en (4) genoem word, is deur middel van inkomsteseëls geheg aan die betrokke dokument betaalbaar en dié wat in items (2), (3), (5), (6) en (7) genoem word, is in kontant betaalbaar."

VYFDE TABEL.

„GELDE AAN DIE LIKWIDATEUR BETAALBAAR

- (1) Indien dit 'n voorlopige benoeming is en—
- (a) die versoekskrif teruggetrek of van die hand gewys word; of
- (b) 'n likwidasië-order verleë word, maar die voorlopige likwidateur nie verder as likwidateur benoem word nie—
- 'n geld wat die Meester met inagneming van die besondere omstandighede van die saak takseer.
- (2) Indien 'n likwidateur benoem word om die maatskappy te likwideer, 'n geld volgens die besoldigingstarief vir kurators van insolvente boedels wat dan van krag is.
- (3) Indien 'n likwidateur benoem word om 'n skema uit te voer vir die rekonstruksie van die maatskappy of andersins, waardeur die maatskappy gelikwideer word sonder dat die bate te gelde gemaak en uitgedeel word:—
- Op die waarde van die maatskappy se eiendom soos geskat in die staat van sake—
- | | |
|---|-------------------------|
| Op die eerste R10,000 of deel daarvan..... | 1 persent. |
| Op die daaropvolgende R40,000 of deel daarvan..... | $\frac{1}{2}$ persent. |
| Op die daaropvolgende R50,000 of deel daarvan..... | $\frac{3}{4}$ persent. |
| Op die daaropvolgende R100,000 of deel daarvan..... | $\frac{1}{2}$ persent. |
| Op die res..... | $\frac{1}{16}$ persent. |
- (4) Waar in die geval van 'n vrywillige likwidasië geen vergoeding ooreenkomstig paragraaf (b) van artikel honderd vier-en-sestig van die Wet vasgestel is nie, is die likwidateur volgens hierdie tarief op vergoeding geregtig."

No. R. 1205]

[15 Desember 1961.

REGULASIES GEMAAK KRAGTENS DIE BEPALINGS VAN DIE BESKERMING VAN GEDRESSEERDE DIERE WET, 1935.

Kragtens die bevoegdheid my verleë by artikels twee (d) en sewe van die Beskerming van Gedresseerde Diere Wet, 1935 (Wet No. 24 van 1935), maak ek, BALTHAZAR JOHANNES VORSTER, Minister van Justisie vir die Republiek van Suid-Afrika, hierby die volgende regulasies:—

1. In hierdie regulasies, tensy uit die samehang anders blyk—

beteken „die Wet” die Beskerming van Gedresseerde Diere Wet, 1935 (Wet No. 24 van 1935); en

het enige woord of uitdrukking waaraan 'n betekenis in die Wet geheg is, daardie betekenis.

2. (1) Elke aansoek om die toestaan of hernuwing van 'n lisensie ingevolge die Wet moet skriftelik gedoen word in die vorm en moet die inligting bevat wat in die Eerste Bylae hiervan uiteengesit is.

(2) Sodanige aansoek moet vergesel wees van—

(a) 'n sertifikaat van 'n veearts (behoorlik geregistreer kragtens die Veeartswet, 1933) dat die diere wat die applikant voornemens is om af te rig of te vertoon, almal ondersoek is, dat hulle geskik is om afgerig of vertoon te word, en dat sy perseel en apparaat geskik is vir die aanhouding of afrigting van sulke diere; en

(b) 'n verslag van die Distrikskommandant wat polisiebevel voer oor die distrik waarin die applikant woonagtig is, aangaande die applikant se karakter en geskiktheid om 'n lisensiehouer te wees.

3. (1) Die volgende gelde is betaalbaar wanneer die aansoek gedoen word:—

(a) Vir die toestaan van 'n lisensie: R10.

(b) Vir die hernuwing van 'n lisensie: R2.

Sodanige gelde word terugbetaal indien die aansoek geweier word.

(2) Elke aansoek om die hernuwing van 'n lisensie moet gedoen word voor of op die een-en-dertigste dag van Desember van die jaar wat die jaar ten opsigte waarvan die lisensie verlang word, voorafgaan, en elke aansoek wat na genoemde datum deur die Landdros ontvang word, moet in alle opsigte soos 'n aansoek om die toestaan van 'n nuwe lisensie behandel word.

4. If the Magistrate is satisfied that the applicant is a fit and proper person to have a licence and that the apparatus he proposes to use is suitable, he shall issue to the applicant a licence in the form set out in the Second Schedule hereto, together with a certificate in the form set out in the Third Schedule hereto.

5. (1) The licensee shall not train or exhibit any animal otherwise than as prescribed in such certificate, nor shall any animal not covered thereby be exhibited in any performance.

(2) If the licensee desires any alteration in the particulars contained in such certificate, he shall apply to the Magistrate of the district in which he is at the time of the making of the application and such Magistrate may, after obtaining a report from the District Commandant in police charge of such district, amend the certificate in such manner as he may deem desirable and shall forthwith inform the Magistrate by whom the licence was issued of any such amendment.

6. (1) The licensee shall on demand produce to any White policeman his licence and certificate.

(2) The licensee shall at all reasonable times allow any White policeman to inspect the premises and animals in respect of which a licence and certificate have been granted. In making such an inspection, such policeman may be accompanied by a duly registered veterinarian or the curator of a recognised zoological institution who shall also be allowed access to the premises by the licensee or his servants.

7. The licensee shall at all times keep the premises and the accommodation provided for animals in a clean and suitable condition and in good order and repair.

8. (1) The licensee shall keep animals of each species apart from animals of other species except when they are actually undergoing training or are being exhibited.

(2) When animals of a species normally considered dangerous or any other animals which have proved to be dangerous, are in training or are being exhibited, the licensee shall erect or cause to be erected adequate enclosures to prevent their escape.

9. No licensee shall train or exhibit any animal which is suffering from any disease or wound unless a duly registered veterinarian has certified, in writing, that such animal is fit to be so trained or exhibited.

10. The licensee shall keep, house and transport animals only in cages of such size as to allow of their lying down at full length, standing upright and turning without difficulty.

11. No licensee or any person employed by him shall during any period of training, exhibition, maintenance or travelling subdue any animal by hunger, thirst, isolation in darkness, fire, forks, spikes, goads or other implements of a like nature, loaded sticks, clubs, knouts, heavy whips, sjamboks, the discharge of firearms or explosives, the use of heated irons or by electric shocks or any other cruel method, or by the administration of drugs or narcotics by way of feeding, injection or any other means.

12. The Minister may cancel any licence issued under these regulations if—

(a) the licensee is convicted of a contravention of the Act or these regulations or of the Prevention of Cruelty to Animals Act, 1914; or

(b) for any other reason the Minister is satisfied that the licensee is no longer a fit and proper person to hold a licence.

Government Notice No. 432 of 1956, is hereby repealed.

B. J. VORSTER,
Minister of Justice.

4. Indien die Landdros daarvan oortuig is dat die applikant 'n geskikte en bevoegde persoon is om 'n lisensie te hou en dat die apparaat wat hy voornemens is om te gebruik, geskik is, moet hy aan die applikant 'n lisensie in die vorm uiteengesit in die Tweede Bylae hiervan, tesame met 'n sertifikaat in die vorm uiteengesit in die Derde Bylae hiervan, uitreik.

5. (1) Die lisensiehouer mag geen dier afrig of vertoon op 'n ander wyse as dié voorgeskryf in sodanige sertifikaat nie, en geen dier wat nie daardeur gedek word nie, mag in enige vertoning vertoon word nie.

(2) Indien die lisensiehouer verlang dat enige verandering in die besonderhede vervat in die sertifikaat aangebring word, moet hy aansoek doen by die Landdros van die distrik waarin hy verkeer wanneer hy aansoek doen, en so 'n Landdros kan, nadat hy 'n verslag verkry het van die Distrikskommandant wat polisiebevel oor so 'n distrik voer, die sertifikaat wysig soos hy wenslik ag en moet onverwyld die Landdros deur wie die lisensie uitgereik is, van enige sodanige wysiging verwittig.

6. (1) Die lisensiehouer moet op versoek sy lisensie en sertifikaat aan enige Blanke polisiebeampte toon.

(2) Die lisensiehouer moet op alle redelike tye enige Blanke polisiebeampte toelaat om die perseel en diere ten opsigte waarvan die lisensie en sertifikaat toegestaan is, te inspekteer. Wanneer sodanige polisiebeampte enige sodanige inspeksie doen, kan hy vergesel word deur 'n behoorlik geregistreerde veearts of die kurator van 'n erkende soologiese inrigting aan wie die lisensiehouer of sy diensbodes ook toegang tot die perseel moet verleen.

7. Die lisensiehouer moet die perseel en die huisvesting wat vir die diere verskaf word, op alle tye in 'n skoon en geskikte toestand en in goeie orde hou.

8. (1) Die lisensiehouer moet diere van elke soort afsonderlik hou van diere van ander soorte, behalwe wanneer hulle werklik afgerig of vertoon word.

(2) Wanneer diere van 'n soort wat gewoonlik as gevaarlik beskou word of enige ander diere wat getoon het dat hulle gevaarlik is, afgerig of vertoon word, moet die lisensiehouer doeltreffende omheinings wat hulle ontsnapping sal voorkom, opgerig of laat oprig.

9. 'n Lisensiehouer mag geen dier wat aan enige siekte of wond ly, afrig of vertoon nie tensy 'n behoorlik geregistreerde veearts skriftelik gesertifiseer het dat sodanige dier geskik is om aldus afgerig of vertoon te word.

10. Die lisensiehouer moet diere slegs in hokke van 'n grootte waarin hulle uitgestrek kan lê, regop kan staan en sonder moeite kan omdraai, aanhou, huisves en vervoer.

11. Geen lisensiehouer of persoon in sy diens mag gedurende enige tydperk van afrigting, vertoning, aanhouding of reis enige dier in bedwang bring deur hom honger of dors te laat ly, deur afsondering in die donker, deur vuur, yurke, skerp penne, prikkels of ander soortgelyke voorwerpe, verswaarde stokke, knuppels, knoete, swaar swepe, sambokke, die afvuur van vuurwapens of plofstowwe, die gebruik van verwarnde ysters, elektriese skokke of op enige ander wrede manier, of deur die toediening van verdowingsmiddels by wyse van voeding of inspuiting of enige ander metode nie.

12. Die Minister kan enige lisensie uitgereik kragtens hierdie regulasies intrek indien—

(a) die lisensiehouer aan 'n oortreding van die Wet of hierdie regulasies of van die Wet tot Voorkomen van Mishandeling van Dieren, 1914, skuldig bevind is; of

(b) die Minister om enige rede daarvan oortuig is dat die lisensiehouer nie meer 'n geskikte en bevoegde persoon is om 'n lisensie te besit nie.

Goewermentskennisgewing No. 432 van 1956 word hierby herroep.

B. J. VORSTER,
Minister van Justisie.

FIRST SCHEDULE.

For official purpose only

Receipt No. _____

Date _____

Amount _____

PERFORMING ANIMALS PROTECTION ACT, 1935.

APPLICATION FOR THE GRANT/RENEWAL* OF A LICENCE
(To be completed in duplicate.)

I, the undersigned, hereby apply for the grant/renewal* of a licence to exhibit and/or train* animals in terms of the Performing Animals Protection Act, 1935, and declare that the following particulars are true and complete to the best of my knowledge and belief:—

1. Full name of applicant _____
2. Stage or other assumed name (if any) used in South Africa _____
3. Date of birth _____
4. Nationality _____
5. Permanent address in South Africa _____
6. Address in South Africa at which applicant trains or intends to train animals _____
7. If previously licensed, number, date and place of issue of latest licence _____
8. Classes, species or varieties of animals proposed to be trained and/or exhibited,* giving full particulars as to age and sex, and whether born in captivity or not.

To be Trained.		To be Exhibited.	
Class, etc.	Number.	Class, etc.	Number.

9. Previous experience in training animals, giving full particulars of species of animals, length of experience, etc. _____
10. The general nature of the performance in which the animals are to be exhibited or for which they are to be trained. (The information must be sufficient to give a general idea of what is to be done by the animals and the number of animals of each species taking part in the performance must be stated) _____
11. Apparatus (if any) to be used indicating which animals are using it _____
12. Approximate duration of each performance and the number of times which it is given per day or per week _____
13. (a) Has applicant been charged with and/or convicted of cruelty to animals in South Africa or elsewhere? _____
(b) If so, give full particulars of the charge, date, place and result of trial _____
14. Is applicant financially capable of adequately housing and feeding the animals which he proposes to train and/or exhibit? _____
15. I certify that the animals which are enumerated in paragraph 8 are the animals which have been examined by the veterinarian whose certificate appears hereunder.

Place _____ Signature of Applicant.

Date _____

* Delete whichever is not applicable.

CERTIFICATE OF VETERINARIAN IN TERMS OF REGULATION 2 (2) OF THE REGULATIONS MADE UNDER SECTIONS 2 (d) AND 7 OF THE PERFORMING ANIMALS PROTECTION ACT, 1935.

I, _____
(a veterinarian duly registered in terms of the Veterinary Act, 1933),
certify that—

- (a) all the animals enumerated in paragraph 8 of the above application were examined by me at _____ on the _____ day of _____ 19____;
- (b) they are fit to be trained and/or exhibited*; and
- (c) the applicant's premises and the apparatus to be used are suitable for keeping and/or training* such animals.

Remarks _____

Dated at _____ this _____ day of _____ 19____.

Signature of Veterinarian.

* Delete whichever is not applicable.

EERSTE BYLAE.

Slegs vir amptelike gebruik.

Kwitansienommer _____

Datum _____

Bedrag _____

BESKERMING VAN GEDRESSEERDE DIERE WET, 1935.

AANSOEK OM DIE TOESTAAN/HERNUWING* VAN 'N LISENSIE.

(Moet in tweevoud ingevul word.)

Ek, die ondergetekende, doen hierby aansoek om die toestaan/hernuwing* van 'n lisensie om diere te vertoon en/of af te rig* ingevolge die Beskerming van Gedresseerde Diere Wet, 1935, en verklaar dat die volgende besonderhede na my beste wete en oortuiging juis en volledig is:—

1. Volle name van applikant _____
2. Toneel- of ander aangenome naam (indien daar is) gebruik in Suid-Afrika _____
3. Geboortedatum _____
4. Nasionaliteit _____
5. Permanente adres in Suid-Afrika _____
6. Adres in Suid-Afrika waar die applikant diere afrig of voornemens is om dit te doen _____
7. Indien voorheen gelisensieer, die nommer, datum en plek van uitreiking van jongste lisensie _____
8. Klasse, soort of verskeidenheid diere wat afgerig en/of vertoon* gaan word, met vermelding van volledige besonderhede aangaande ouderdom en geslag, en of hulle in gevangenskap gebore is al dan nie.

Vir afrigting.		Vir vertoning.	
Klas, ens.	Getal.	Klas, ens.	Getal.

9. Vorige ondervinding van die afrig van diere met verstrekking van volledige besonderhede van die soort diere, tydperk van ondervinding, ens. _____
10. Die algemene aard van die voorstelling waarin die diere vertoon of waarvoor hulle afgerig sal word. (Die inligting moet voldoende wees om 'n algemene beeld te gee van wat deur die diere gedoen sal word en die getal diere van elke soort wat aan die voorstelling deelneem, moet vermeld word) _____
11. Apparaat (indien daar is) wat gebruik sal word met 'n aanduiding van die diere wat dit sal gebruik _____
12. Benaderde duur van elke voorstelling en die getal kere wat dit per dag of per week gegee sal word _____
13. (a) Is die applikant aangekla van en/of veroordeel weens mishandeling van diere in Suid-Afrika of elders? _____
(b) Indien wel, verstrek volledige besonderhede van die aanklag, datum, plek en uitslag van verhoor _____
14. Is die applikant finansiële in staat om voldoende huisvesting en voedsel aan diere wat hy voornemens is om af te rig en/of te vertoon*, te verskaf? _____
15. Ek verklaar dat die diere genoem in paragraaf 8, die diere is wat deur die veearts wie se sertifikaat hieronder verskyn, ondersoek is.

Pick _____ Handtekening van applikant.

Datum _____

* Skrap wat nie van toepassing is nie.

SERTIFIKAAT DEUR VEEARTS INGEVOLGE REGULASIE 2 (2) VAN DIE REGULASIES GEMAAK KRAGTENS ARTIKELS 2 (d) EN 7 VAN DIE BESKERMING VAN GEDRESSEERDE DIERE WET, 1935.

Ek, _____
van _____
('n veearts behoorlik geregistreer kragtens die Veeartswet, 1933),
verklaar dat—

- (a) al die diere genoem in paragraaf 8 van bostaande aansoek deur my te _____ op die _____ dag van _____ 19____ ondersoek is;
- (b) hulle geskik is om afgerig en/of vertoon* te word; en
- (c) die applikant se perseel en die apparaat wat gebruik sal word vir die aanhouding en/of afrigting* van sodanige diere geskik is.

Opmerkings _____

Gedateer te _____ op hede die _____ dag van _____ 19____.

Handtekening van Veearts.

* Skrap wat nie van toepassing is nie.

SECOND SCHEDULE.

PERFORMING ANIMALS PROTECTION ACT, 1935.

LICENCE No. _____ TO TRAIN AND/OR EXHIBIT* ANIMALS.
(To be completed in duplicate.)

Licence is hereby granted to—

(a) _____
of (b) _____, known in South Africa
as (c) _____
of (d) _____ nationality, to train and/or exhibit* animals
in accordance with the certificate issued to him on the (e) _____
or any amendment thereof authorised under regulation 5 (2) of the
regulations made under sections two (d) and seven of the Performing
Animals Protection Act, 1935.

Given under my hand at _____
on this _____ day of _____ 19____
Amount paid _____
Receipt No. _____ date _____
Magistrate of the District of _____

* Delete whichever is not applicable.

- (a) Full name of licensee.
(b) Permanent address in South Africa.
(c) Stage name, if any, used in South Africa.
(d) Nationality of licensee.
(e) Date of issue of certificate.

THIRD SCHEDULE.

PERFORMING ANIMALS PROTECTION ACT, 1935.

CERTIFICATE.

(To be completed in duplicate.)

This is to certify that—

(a) _____ of
(b) _____ to whom Licence No. (c) _____
has been issued, is authorised to train and/or exhibit* animals
in accordance with the particulars set out hereunder:—

- (1) Address(es) at which he is licensed to train and/or exhibit* animals
(2) Classes, species or varieties of animals to be trained and/or exhibited* :—

To be Trained.		To be Exhibited.	
Class, etc.	Number.	Class, etc.	Number.

3. Nature of training, stating any apparatus, etc., to be used
4. The number of animals of each species taking part in and the general nature of the performance for which they are to be trained or in which they are to be exhibited.
5. Apparatus, if any, to be used in the performance
6. Approximate duration of each performance and the number of times per day or per week which it is to be given.

Dated at _____ this _____ day of _____ 19____
Magistrate.

* Delete whichever is not applicable.

- (a) Full name of licensee.
(b) Permanent address in South Africa.
(c) Number and date of licence.

No. R. 1206.] [15 December 1961.
REGULATIONS IN TERMS OF SECTION TEN OF
THE JUSTICES OF THE PEACE AND OATHS
ACT, 1914.

The State President has, in terms of section ten of the Justices of the Peace and Oaths Act, 1914 (Act No. 16 of 1914), been pleased to make the following regulations:—

COMMISSIONERS OF OATHS.

1. (1) The person making an oath shall—
(a) raise the first two fingers of the right hand and utter the words "I swear that the contents of this affidavit are true, so help me God"; or

TWEDE BYLAE.

BESKERMING VAN GEDRESSEERDE DIERE WET, 1935.

LISENSIE No. _____ OM DIERE AF TE RIG EN/OF TE
VERTOON*.

(Moet in tweevoud ingevul word.)

'n Lisensie word hierby toegestaan aan—

(a) _____
van (b) _____ in Suid-Afrika bekend as
(c) _____ van (d) _____ nasionaliteit,
om diere af te rig en/of te vertoon* ooreenkomstig die sertifikaat aan
hom uitgereik op (e) _____ of enige
wysiging daarvan gemagtig ingevolge regulasie 5 (2) van die regulasies
gemaak kragtens artikel twee (d) en sewe van die Beskerming van
Gedresseerde Diere Wet, 1935.
Uitgereik onder my hand te _____ op
die _____ dag van _____ 19____
Bedrag betaal _____
Kwitantienommer _____ Datum _____
Landdros van die distrik _____

* Skrap wat nie van toepassing is nie.

- (a) Volle naam van lisensiehouer.
(b) Permanente adres in Suid-Afrika.
(c) Toonelnaam, indien daar is, in Suid-Afrika.
(d) Nasionaliteit van lisensiehouer.
(e) Datum van uitreiking van sertifikaat.

DERDE BYLAE.

BESKERMING VAN GEDRESSEERDE DIERE WET, 1935.

SERIFIKAAT.

(Moet in tweevoud ingevul word.)

Hierby word verklaar dat—

(a) _____ van
(b) _____ aan wie lisensie no. (c) _____
toegestaan is, gemagtig is om diere af te rig en/of te vertoon* 'n oor-
eenstemming met die besonderhede hieronder uiteengesit:—

- (1) Adres(se) waar hy gelisensieer is om diere af te rig en/of te vertoon*
(2) Klasse, soort of verskeidenheid diere wat afgerig en/of vertoon*
sal word:—

Vir afrigting.		Vir vertoning.	
Klas, ens.	Getal.	Klas, ens.	Getal.

3. Aard van afrigting, met vermelding van enige apparaat, ens., wat gebruik sal word.
4. Die getal diere van elke soort wat deelneem aan en die algemene aard van die voorstelling waarvoor hulle afgerig sal word of waarin hulle vertoon sal word.
5. Apparaat, indien daar is, wat in die voorstelling gebruik sal word.
6. Benaderde duur van elke voorstelling en die getal kere wat dit per dag of per week gegee sal word.

Gedateer te _____ op hede die _____ dag van _____ 19____
Landdros.

* Skrap wat nie van toepassing is nie.

- (a) Volle naam van lisensiehouer.
(b) Permanente adres in Suid-Afrika.
(c) Nommer en datum van lisensie.

No. R. 1206.] [15 Desember 1961.
REGULASIES KRAGTENS ARTIKEL TIEN VAN
DIE „WET OP VREDERECHTERS EN EDEN,
1914”.

Dit het die Staatspresident behaag om, kragtens artikel tien van die „Wet op Vrederechters en Eden, 1914” (Wet No. 16 van 1914), die volgende regulasies uit te vaardig:—

KOMMISSARISSE VAN EDE.

1. (1) Die persoon wat 'n eed aflê moet—
(a) die eerste twee vingers van sy regterhand opsteek en dié woorde uiter: „Ek sweer dat die inhoud van hierdie verklaring waar is, so help my God”; of

(b) follow such other practice or formula as the commissioner of oaths is satisfied conveys to such person most clearly the meaning thereof and which such person considers to be binding on his conscience: Provided that a note setting out the practice or formula followed shall be made on the affidavit.

(2) Subject to the provisions of any other law, no solemn or attested declaration shall be taken unless the deponent certifies at the foot thereof that he has conscientious objections to taking an oath.

(3) (a) The deponent shall affix his usual signature in his own handwriting on the affidavit or solemn or attested declaration in the presence of the commissioner of oaths.

(b) If the deponent cannot write he shall affix his mark in his own hand on the affidavit or solemn or attested declaration in the presence of the commissioner of oaths: Provided that the commissioner of oaths shall require the fact of such deponent's inability to write to be certified at the foot of the affidavit or solemn or attested declaration by some other trustworthy person if he has any doubt as to such inability.

(c) The signature or mark affixed by the deponent to an affidavit or a solemn or attested declaration shall, until the contrary is proved, be deemed to have been affixed in the presence of the commissioner of oaths attesting that affidavit or declaration.

(4) The commissioner of oaths attesting an affidavit or declaration shall ask the deponent whether he knows and understands the contents of the affidavit or declaration and if his answer is in the affirmative the commissioner of oaths shall—

- (a) certify below the deponent's signature or mark that the deponent has acknowledged that he knows and understands the contents of the affidavit or declaration;
- (b) thereafter set forth, in writing, the manner, place and date of attestation of the affidavit or declaration; and
- (c) sign the affidavit or declaration by affixing his usual signature in his own handwriting over his designation and shall state below his designation the area in respect of which he holds his appointment as well as the office held by him if he holds his appointment *ex officio*.

(5) The commissioner of oaths attesting an affidavit or declaration shall ensure that the laws relating to revenue are complied with and that any stamps required by such laws are duly affixed to the affidavit or declaration.

2. No commissioner of oaths is required to administer an oath or to attest an affidavit or declaration which is in a language not understood by him or, unless the affidavit or declaration is required in connection with the prosecution of a crime, to administer an oath or attest an affidavit or declaration outside of business hours on business days.

3. (1) No commissioner of oaths shall attest any affidavit or declaration relating to a matter in which he has any interest.

(2) Sub-regulation (1) shall not apply to the affidavits and declarations referred to in the First Schedule.

4. No commissioner of oaths shall make any charge for administering an oath or for attesting an affidavit or declaration.

JUSTICES OF THE PEACE.

5. A justice of the peace who is not a full-time public servant, shall be paid in accordance with the tariff of fees set out in the Second Schedule.

6. No Justice of the peace shall make any charge for issuing a warrant of arrest or a search warrant.

(b) sodanige ander gebruik of formule volg wat die kommissaris van ede oortuig is aan sodanige persoon op die duidelikste wyse die betekenis daarvan oordra en wat sodanige persoon as bindend vir sy gewete beskou: Met dien verstande dat op die beëdigde verklaring 'n aantekening gemaak word wat die gebruik of formule wat gevolg is, uiteensit.

(2) Behoudens die bepalings van enige ander wet, moet geen plegtige of geattesteerde verklaring afgeneem word nie, tensy die verklaarder onderaan sertifiseer dat hy gewetensbesware teen die afneem van 'n eed het.

(3) (a) Die verklaarder moet in die teenwoordigheid van die kommissaris van ede sy gewone handtekening in sy eie handskrif op die beëdigde of plegtige of geattesteerde verklaring aanbring.

(b) Indien die verklaarder nie kan skryf nie, moet hy in die teenwoordigheid van die kommissaris van ede sy merk in sy eie handskrif op die beëdigde of plegtige of geattesteerde verklaring aanbring: Met dien verstande dat indien die kommissaris van ede twyfel aangaande die verklaarder se onvermoë om te skryf, hy moet vereis dat sodanige onvermoë onderaan die beëdigde of plegtige of geattesteerde verklaring deur 'n ander betroubare persoon gesertifiseer word.

(c) Die handtekening of merk wat deur die verklaarder op 'n beëdigde of plegtige of geattesteerde verklaring aangebring is, word, totdat dieteendeel bewys word, geag in die teenwoordigheid van die kommissaris van ede wat daardie beëdigde of ander verklaring geattesteer het, aangebring te gewees het.

(4) Die kommissaris van ede wat 'n beëdigde of ander verklaring attesteer, moet die verklaarder vra of hy vertroud is met die inhoud van die beëdigde of ander verklaring en dit begryp en indien hy bevestigend antwoord, moet die kommissaris van ede—

- (a) onder die verklaarder se handtekening of merk sertifiseer dat die verklaarder erken het dat hy vertroud is met die inhoud van die beëdigde of ander verklaring en dit begryp;
- (b) daarna skriftelik die wyse, plek en datum van attestasie van die beëdigde of ander verklaring uiteensit; en
- (c) die beëdigde of ander verklaring onderteken deur sy gewone handtekening in sy eie handskrif bo sy ampstitel aan te bring en onder sy ampstitel die gebied ten opsigte waarvan hy aangestel is, sowel as sy amp, indien hy sy aanstelling *ampshalwe* hou, aandui.

(5) Die kommissaris van ede wat 'n beëdigde of ander verklaring attesteer, moet verseker dat die inkomstewette nagekom word en dat seëls wat by sodanige wette vereis word, behoorlik op die beëdigde of ander verklaring aangebring word.

2. Daar word nie van 'n kommissaris van ede vereis dat hy 'n eed moet afneem of 'n beëdigde of ander verklaring moet attesteer wat in 'n taal is wat hy nie verstaan nie of, tensy die beëdigde of ander verklaring vereis word in verband met vervolging weens 'n misdaad, dat hy 'n verklaring moet attesteer buite besigheidsure op besigheidsdae nie.

3. (1) 'n Kommissaris van ede mag nie 'n beëdigde of ander verklaring met betrekking tot 'n saak waarin hy belang het, attesteer nie.

(2) Subregulasie (1) is nie van toepassing ten opsigte van beëdigde of ander verklarings waarvan die Eerste Bylae melding gemaak word nie.

4. 'n Kommissaris van ede mag nie gelde vorder vir die afneem van 'n eed of die attesting van 'n beëdigde of ander verklaring nie.

VREDEREGTERS.

5. 'n Vrederegter wat nie 'n voltydse staatsampenaar is nie, word besoldig ooreenkomstig die tarief van gelde in die Tweede Bylae uiteengesit.

6. 'n Vrederegter mag nie gelde vorder vir die uitreiking van 'n lasbrief vir gevangeneeming of 'n lasbrief vir deursoeking nie.

Government Notices Nos. 788 of 1937, 22 of 1938, 619 of 1939, 1032 of 1947, 2893 of 1953 and 846 of 1955 are hereby repealed.

FIRST SCHEDULE.

AFFIDAVITS AND DECLARATIONS EXEMPTED FROM THE PROVISIONS OF REGULATION 3 (1).

1. Affidavits and declarations attested by an attorney and required—

(a) for record in a deeds registry provided they relate only to—

- (i) a date of birth,
- (ii) nationality,
- (iii) matrimonial status,
- (iv) amendment of names, or
- (v) lost deeds or documents;

(b) for record in any office of the Government of the Republic or of a provincial administration and provided it is exempted from stamp duty under the provisions of item 1 of the Second Schedule to the Stamp Duties and Fees Act, 1911 (Act No. 30 of 1911);

(c) to be furnished to a registrar of a superior court or a clerk of an inferior court for the purpose of annexing or placing on record extracts from gazettes or certificates of appraisal of sworn appraisers;

(d) under any of the provisions of the Registration of Firms Act of 1906 (Act No. 35 of 1906, Natal).

2. Affidavits and declarations attested by an officer who is in the service of the State, provided—

(a) his only interest in the affidavit or declaration arises out of the performance of his duties in such service; and

(b) the primary interest in the affidavit or declaration is that of the State or a Province of the Republic of South Africa.

3. Affidavits and declarations attested by a commissioner of oaths who is not an attorney or an officer in the service of the State and whose only interest therein arises out of his employment and in the course of his duty.

SECOND SCHEDULE.

TARIFF OF FEES PAYABLE TO JUSTICES OF THE PEACE.

Births and deaths registration— R
For each form completed by the justice of the peace.... 0.05

Parliamentary elections and registrations:—

Fees as presiding, polling, and counting officers, and personal allowances when absent from home, to be paid in accordance with rates fixed by the Minister of the Interior.

Polling office: Use of premises as..... 1.00

Registration of voters: Payment to be made at rates fixed by the Minister of the Department controlling this service.

Personal allowance:—

Per day or part of a day for any specific service (excluding the registration of births and deaths) not requiring the justice of the peace to be absent from his home and provided he is not otherwise remunerated in respect of that day..... 0.25

Subsistence allowance:—

For each period of absence of twenty-four hours from home on specific duty—

(a) for a period which is not more than six hours.. 0.50

(b) for a period of more than six hours..... 1.25

Transport allowance:—

(a) For use of privately-owned transport away from home on specific duty—

(i) Bicycle, per mile..... 0.02

(ii) Animal transport, per mile..... 0.03½

(iii) Motor-car—

10 h.p., and under, per mile..... 0.02½

over 10 h.p., per mile..... 0.06

(iv) Motor-cycle, per mile..... 0.02½

Goewermentskennisgewings Nos. 788 van 1937, 22 van 1938, 619 van 1939, 1032 van 1947, 2893 van 1953 en 846 van 1955 word hierby herroep.

EERSTE BYLAE.

BEËDIGDE EN ANDER VERKLARINGS VRYGESTEL VAN DIE BEPALINGS VAN REGULASIE 3 (1).

1. Beëdigde en ander verklarings deur 'n prokureur geattesteer en wat nodig is—

(a) vir rekorddoeleindes in 'n akteskantoor indien hulle slegs betrekking het op—

- (i) 'n geboortedatum;
- (ii) nasionaliteit;
- (iii) huwelikstaat,
- (iv) naamsverandering; of
- (v) verlore aktes of dokumente;

(b) vir rekorddoeleindes in enige kantoor van die Regering van die Republiek of 'n provinsiale administrasie en mits dit vrygestel is van seëlreg ingevolge die bepalings van item 1 van die Tweede Bylae van die „Zegelwet, 1911” (Wet No. 30 van 1911);

(c) vir verstrekking aan 'n griffier van 'n hoërhof of 'n klerk van 'n laerhof ten einde uittreksels uit staatskoerante of sertifikate van waardasie deur beëdigde taksateurs by te voeg of aan te teken;

(d) ingevolge enige bepaling van die „Registration of Firms Act of 1906” (Wet No. 35 van 1906, Natal).

2. Beëdigde en ander verklarings geattesteer deur 'n amptenaar in diens van die Staat, mits—

(a) sy enigste belang by die beëdigde of ander verklaring ontstaan uit die verrigting van sy pligte in sodanige diens; en

(b) die primêre belang by die beëdigde of ander verklaring dié is van die Staat of 'n Provinsie van die Republiek van Suid-Afrika.

3. Beëdigde en ander verklarings geattesteer deur 'n kommissaris van ede wat nie 'n prokureur of 'n amptenaar in diens van die Staat is nie en wie se enigste belang daarby uit sy werk en in die loop van sy pligte ontstaan.

TWEDE BYLAE.

TARIEF VAN GELDE BETAALBAAR AAN VREDEREGTERS.

Registrasie van geboortes en sterfgevälle— R
Vir elke vorm deur die vrederegter ingevul..... 0.05

Parlementsverkiezings en registrasies:—

Gelde as voorsittende, kies- en telbeampies, en persoonlike toelae indien afwesig van tuisde, word betaal ooreenkomstig die tariewe deur die Minister van Binnelandse Sake bepaal.

Verkiezingskantoor: Gebruik van gebou as..... 1.00

Registrasie van kiesers: Betaling geskied ooreenkomstig tariewe deur die Minister van die Departement wat die diens beheer, bepaal.

Persoonlike toelae:—

Per dag of gedeelte van 'n dag vir enige bepaalde diens (uitgesonderd die registrasie van geboortes en sterfgevälle) wat nie die afwesigheid van 'n vrederegter van sy tuisde noodsaak nie en met dien verstande dat hy nie andersins besoldig word vir daardie dag nie..... 0.25

Verblyftoelae:—

Vir elke tydperk van vier-en-twintig uur in verband met bepaalde diens afwesig van tuisde—

(a) vir 'n tydperk van nie langer as ses uur nie.... 0.50

(b) vir 'n tydperk van langer as ses uur..... 1.25

Vervoertoelae:—

(a) Vir gebruik van eie vervoer weg van tuisde in verband met bepaalde diens:—

(i) Trapfiets, per myl..... 0.02

(ii) Vervoer met diere..... 0.03½

(iii) Motorkar—

10 pk. en minder, per myl..... 0.02½

meer as 10 pk., per myl..... 0.06

(iv) Motorfiets, per myl..... 0.02½

- (b) Transport allowances shall be calculated for the shortest available route.
- (c) Journeys shall be performed by rail or railway motor bus if that method of travelling is most economical. Any subsistence allowance payable in terms of these regulations shall be taken into consideration in determining the most economical mode of travelling.
- (d) The horsepower of the motor-car used shall be stated in all claims for transport by privately-owned motor-car.
- (e) A justice of the peace is entitled to reimbursement of the reasonable cost of hired necessary transport on production by him of a receipted account.

Witness fees:—

A justice of the peace subpoenaed to give evidence in a court shall, notwithstanding anything in this schedule contained, be entitled to be paid witness fees in accordance with the tariff prescribed for witnesses in criminal cases.

No. R. 1207.]

[15 December 1961.]

RULES OF COURT.—APPELLATE DIVISION OF THE SUPREME COURT OF SOUTH AFRICA.

The Chief Justice of South Africa and the Judges of Appeal have, in terms of sub-section (1) of section forty-three of the Supreme Court Act, 1959 (Act No. 59 of 1959), with the approval of the State President, made the undermentioned rules for the conduct of the proceedings of the Appellate Division of the Supreme Court of South Africa.

Government Notices Nos. 1167 of 1940, 1533 of 1945, 593 and 1222 of 1947, 246 of 1950, 430 of 1951, 518 of 1952, 845 of 1953, 945 of 1956 and 653 of 1958, are hereby repealed: Provided that any proceedings already commenced under the repealed rules may be continued thereunder, save in so far as the rules herein contained may be applicable thereto without injustice or increased costs to any of the parties.

DEFINITIONS.

1. In these rules unless inconsistent with the context—
 "business day" means any day which is not a Saturday, Sunday or public holiday;
 "lodge with the registrar" means lodge with the registrar through an attorney practising at Bloemfontein or, if a party is not represented by an attorney, by registered post or by that party personally;
 "registrar" means the registrar of the court and includes any assistant registrar of the court;
 "the court" means the Appellate Division of the Supreme Court of South Africa;
 "typed" includes duplicated by the wax stencil method and all other modes of representing or reproducing words in a visible form, but does not include duplicated typing, handwriting or printing.

SITTINGS OF THE COURT AND VACATIONS.

2. (1) There shall be four terms in each year as follows:—

1st March to 31st March, inclusive;
 1st May to 14th June, inclusive;
 1st September to 30th September, inclusive;
 1st November to 30th November, inclusive.

- (2) The rest of the year shall be vacation.

(3) If the day fixed for the commencement of a term is not a business day, the term shall commence on the next succeeding business day and, if the day fixed for the end of a term is not a business day, the term shall end on the business day preceding.

APPLICATIONS FOR LEAVE TO APPEAL FROM NATIVE APPEAL COURT.

3. (1) Whenever a Native Appeal Court has, in terms of section eighteen of the Native Administration Act, 1927 (Act No. 38 of 1927), consented to an application

- (b) Vervoertoelae word vir die kortste beskikbare roete bereken.
- (c) Reise moet per spoor of spoorwegbus onderneem word indien daardie reismetode die goedkoopste is. By berekening van die goedkoopste reismetode, word enige verblyftoelae wat kragtens hierdie regulasies betaalbaar is, in aanmerking geneem.
- (d) Die perdekrag van die motor waarvan gebruik gemaak is, moet vermeld word in alle eise vir vervoer met eie motor.
- (e) 'n Vrederegter is by vertoon van 'n voldane rekening geregtig op terugbetaling van die redelike koste van vervoer, wat noodsaaklikerwys gehuur is.

Getuigelde:—

'n Vrederegter wat gedagvaar is om getuie in 'n hof af te lê, is, niesteenstaande enigiets in hierdie bylae vervat, geregtig op betaling van getuigelde ooreenkomstig die tarief vir getuies in strafsake voorgeskryf.

No. R. 1207.]

[15 Desember 1961.]

HOFREËLS.—APPELAFDELING VAN DIE HOOGGEREGSHOF VAN SUID-AFRIKA.

Onderstaande reëls waarby die verrigtings van die Appèlafdeling van die Hooggeregshof van Suid-Afrika gereël word, word kragtens subartikel (1) van artikel drie-en-veertig van die Wet op die Hooggeregshof, 1959 (Wet No. 59 van 1959), deur die Hoofregter van Suid-Afrika en die Appèlregters met die goedkeuring van die Staatspresident uitgevaardig.

Goewermentskennisgewings Nos. 1167 van 1940, 1533 van 1945, 593 en 1222 van 1947, 246 van 1950, 430 van 1951, 518 van 1952, 845 van 1953, 945 van 1956 en 653 van 1958 word hierby herroep: Met dien verstande dat enige regsgeding wat alreeds kragtens die herroepe reëls 'n aanvang geneem het, daarkragtens voortgesit kan word, behalwe vir sover die reëls hierin vervat sonder onreg aan of verhoogde koste vir enigeen van die partye daarop van toepassing kan wees.

WOORDOMSKRYWING.

1. In hierdie reëls, tensy strydig met die samehang, beteken—

„besigheidsdag”, enige dag wat nie 'n Saterdag, Sondag of openbare vakansiedag is nie;
 „indien by die griffier”, indien by die griffier deur bemiddeling van 'n prokureur wat sy kantore te Bloemfontein het of, as die party nie deur 'n prokureur verteenwoordig word nie, dan per geregistreerde brief of deur daardie party self;
 „griffier”, die griffier van die hof en sluit enige assistent-griffier van die hof in;
 „die hof”, die Appèlafdeling van die Hooggeregshof van Suid-Afrika;
 „getikte”, ook duplisering volgens die wassjabloonmetode en alle maniere om woorde in 'n sigbare vorm voor te stel of weer te gee, maar sluit nie gedupliseerde tikskrif, handskrif of druk in nie.

SITTINGS VAN DIE HOF EN VAKANSIES.

2. (1) Daar is vier sittingstermyne in elke jaar soos volg:—

Van 1 Maart tot en met 31 Maart;
 van 1 Mei tot en met 14 Junie;
 van 1 September tot en met 30 September;
 van 1 November tot en met 30 November.

- (2) Die res van die jaar is vakansie.

(3) Indien die vasgestelde datum vir die aanvang van 'n sittingstermyne nie 'n besigheidsdag is nie, begin die sittingstermyne op die eersvolgende besigheidsdag en, indien die dag vasgestel vir die end van 'n sittingstermyne nie 'n besigheidsdag is nie, sluit die sittingstermyne op die onmiddellik voorafgaande besigheidsdag.

AANSOEK OM VERLOF OM VANAF NATURELLE-APPELHOF TE APPELEER.

3. (1) Wanneer 'n Naturelle-appèlhof kragtens artikel agtien van die Naturelle-administrasie Wet, 1927 (Wet No. 38 van 1927), toestemming verleen het tot 'n aansoek

for leave to appeal to the court, the petitioner for such leave shall within twenty-one days, or such longer period as may on good cause be allowed, after such consent has been granted, lodge with the registrar a petition for such leave together with a verifying affidavit and six type-written copies and serve a copy of such petition and affidavit on the respondent or his attorney.

(2) Every affidavit in answer to a petition together with six type-written copies of such affidavit, shall be lodged with the registrar within fourteen days after service of a copy of the petition on the respondent or his attorney and a copy of every such affidavit shall be served on the petitioner or his attorney within the same period.

(3) Every application for leave to appeal shall furnish succinctly and fairly all such information as may be necessary to enable the court to decide whether such leave ought to be granted, and shall annex a copy of the judgment delivered by the court *a quo*.

(4) The petition shall not travel into extraneous matter and shall deal with the merits of the case only in so far as is necessary for the purpose of explaining and supporting the particular grounds upon which leave to appeal is sought.

(5) Whenever the court grants leave to appeal it shall at the same time make an order fixing the time within which the record shall be lodged with the registrar, and the court may order the appellant to find security for the costs of appeal in such an amount as may be determined by the registrar and may fix the time within which such security shall be found.

(6) Whenever the court has granted leave to appeal the appeal shall not be set down for hearing until proof has been furnished to the registrar that any security ordered in terms of sub-rule (5) has been found by the appellant within the time fixed by the court.

IN FORMA PAUPERIS.

4. (1) Any poor person may apply for leave to prosecute or defend an appeal *in forma pauperis*.

(2) Such application may be made orally from the Bar at the hearing of the appeal, if the opposite party consents to the applicant proceeding *in forma pauperis*.

(3) When the opposite party has not consented, the application shall be by means of a petition.

(4) No such petition shall be lodged with the registrar unless the opposite party has been asked for, and has refused, his consent to the petitioner proceeding *in forma pauperis*.

(5) Such petition shall set forth fully the financial position of the petitioner and in particular shall state that the petitioner is unable to provide sureties and that, excepting household goods, wearing apparel, tools of trade and his interest in the subject matter of the appeal, the petitioner is not possessed of property to the amount of—

- (a) R200 if he is the appellant; or
- (b) R100 if he is the respondent.

(6) Such petition shall be supported by a verifying affidavit and if the petition is for leave to prosecute an appeal *in forma pauperis*, it shall also be accompanied by a certificate of two counsel that the petitioner has reasonable grounds of appeal.

(7) Subject to the provisions of sub-rule (8) the provisions of rule 3 shall, *mutatis mutandis*, apply to every petition under this rule: Provided that—

- (a) in cases where an appeal has already been noted a petition to prosecute an appeal *in forma pauperis* shall be lodged with the registrar not later than twenty-one days after the appeal has been noted;
- (b) a petition for leave to defend an appeal *in forma pauperis* shall be lodged with the registrar not later than six weeks after the petitioner has been served with the notice of appeal.

om verlof om na die hof te appelleer, moet die petisionaris om sodanige verlof binne een-en-twintig dae, of dié langer tydperk wat op goeie gronde toegelaat mag word, nadat sodanige toestemming verleen is, 'n petisie om sodanige verlof tesame met 'n stawende beëdigde verklaring en ses getikte afskrifte by die griffier indien en 'n afskrif van dié petisie en beëdigde verklaring aan die respondent of sy prokureur bestel.

(2) Elke beëdigde verklaring in antwoord op 'n petisie moet, tesame met ses getikte afskrifte daarvan, binne veertien dae na bestelling van 'n afskrif van die petisie aan die respondent of sy prokureur, by die griffier ingedien word, en 'n afskrif van elke sodanige beëdigde verklaring moet binne dieselfde tydperk aan die petisionaris of sy prokureur bestel word.

(3) Elke aansoek om verlof om te appelleer moet 'n saaklike en billike uiteensetting bevat van al die inligting wat nodig is om die hof in staat te stel om te besluit of sodanige verlof toegestaan moet word, en 'n afskrif van die uitspraak van die hof *a quo* moet daaraan geheg wees.

(4) Die petisie moet nie ingaan op aangeleenthede wat nie ter sake is nie en moet op die meriete van die saak ingaan alleen vir sover dit nodig is om die bepaalde gronde waarop verlof om te appelleer gevra word, te verduidelik en te staaf.

(5) Wanneer die hof verlof om te appelleer toestaan, moet hy terselfdertyd ook in 'n bevel die tydperk vasstel waarin die stukke by die griffier ingedien moet word, en die hof kan die appellant beveel om sekuriteit te verstrek vir die koste van appèl teen die bedrag wat die griffier vasstel en kan die tydperk vasstel waarin sodanige sekuriteit verstrek moet word.

(6) In elke geval waar die hof verlof om te appelleer toegestaan het, moet die saak nie op die rol geplaas word nie alvorens bewys aan die griffier gelewer is dat sekuriteit wat ingevolge subreël (5) beveel is, deur die appellant binne die tydperk deur die hof vasgestel, verstrek is.

IN FORMA PAUPERIS.

4. (1) Enige arm persoon kan aansoek doen om *in forma pauperis* 'n appèl te voer of te verdedig.

(2) Sodanige aansoek kan mondeling deur 'n advokaat ten tye van die verhoor van die appèl gedoen word, indien die teenparty toestem dat die applikant die appèl *in forma pauperis* kan voer.

(3) Indien die teenparty nie toestem nie, moet die aansoek in die vorm van 'n petisie wees.

(4) Sodanige petisie mag nie by die griffier ingedien word nie tensy die teenparty se toestemming gevra is en hy geweier het om die petisionaris die appèl *in forma pauperis* te laat voer.

(5) Sodanige petisie moet die petisionaris se finansiële posisie volledig uiteensit en moet uitdruklik vermeld dat die petisionaris nie by magte is om borge te verskaf nie en dat, behalwe huishoudelike besittings, klerasie, gereedskap vir sy ambag en sy belang in die onderhawige appèl, die petisionaris nie eiendom ter waarde van—

- (a) R200 as hy die appellant is; of
- (b) R100 as hy die respondent is;

besit nie.

(6) Sodanige petisie moet deur 'n stawende beëdigde verklaring vergesel wees en as dit 'n petisie is om verlof om 'n appèl *in forma pauperis* te voer, moet dit ook vergesel wees van 'n sertifikaat van twee advokate dat die petisionaris redelike gronde van appèl het.

(7) Behoudens die bepalinge van subreël (8) is die bepalinge van reël 3 *mutatis mutandis* op elke petisie ingevolge hierdie reël van toepassing: Met dien verstande dat—

- (a) in gevalle waar 'n appèl reeds aangeteken is, 'n petisie om die appèl *in forma pauperis* te voer, binne een-en-twintig dae na die appèl aangeteken is, by die griffier ingedien moet word;
- (b) 'n petisie om verlof om 'n appèl *in forma pauperis* te verdedig, binne ses weke na bestelling van die kennisgewing van appèl aan die petisionaris, by die griffier ingedien moet word.

(8) Whenever a person obtains leave to prosecute or defend an appeal *in forma pauperis*, he shall not be required to lodge security for the costs of the opposite party or to pay any fees of court.

PROCEDURE ON APPEAL.

5. (1) Every appellant in a civil case who has a right of appeal shall lodge notice of appeal with the registrar, the registrar of the court appealed from and the respondent or his attorney within twenty-one days, or such longer period as may on good cause be allowed, after the judgment or order appealed against has been pronounced or a case has been stated by the Income Tax Special Court under section *eighty-one* of the Income Tax Act, 1941 (Act No. 31 of 1941), or an order for leave to appeal has been granted, and any order granting such leave shall be lodged with the registrar simultaneously with the notice of appeal.

(2) The notice of appeal shall state whether the whole or part only of the judgment or order of court appealed from is appealed against and, if part only, then what part.

(3) Every respondent who wishes to cross-appeal shall within twenty-one days or such longer period as may on good cause be allowed, after receiving notice of appeal from the party appellant lodge notice of his cross-appeal with the registrar, the registrar of the court appealed from and the party appellant and the notice of the cross-appeal shall set forth fully the particulars in respect of which the variation of the judgment or order of the court appealed from is sought.

(4) After an appeal has been noted in a civil case the appellant shall—

- (a) in cases where the order appealed against was given on an exception or an application to strike out, within six weeks after the date of the said order or an order granting leave to appeal by the court appealed from;
- (b) in all other cases within three months of the date of the judgment or order appealed against or an order granting leave to appeal by the court appealed from; or
- (c) within such further period as may be agreed to in writing by the respondent,

lodge with the registrar eight copies of the record of the proceedings in the court appealed from and deliver such number of copies to the respondent as may be considered necessary: Provided that—

- (i) whenever the decision of a matter on appeal is likely to turn exclusively on a question of law the parties or their attorneys may, by mutual consent, submit such question of law to the court in the form of a special case in lieu of lodging copies of the record and type such parts of the record as may be necessary for the discussion of the same; and
- (ii) the court, if it thinks fit, may order the full discussion of the whole case.

(5) After leave to appeal has in terms of section *twenty-one* of the Supreme Court Act, 1959, been granted in a criminal case, the appellant shall—

- (a) within three months of the order granting leave to appeal; or
- (b) within such further period as may be agreed in writing by the Attorney-General,

lodge with the registrar eight copies of the record (one of which shall be certified) of the proceedings in the court appealed from and deliver such number of copies to the Attorney-General as may be considered necessary: Provided that—

- (i) instead of the whole record with the consent of the accused and the Attorney-General copies (one of which shall be certified) may be transmitted of such

(8) Indien 'n persoon verlof verkry om 'n appèl *in forma pauperis* te voer of te verdedig, kan die verskaffing van sekuriteit vir die koste van die teenparty of die betaling van enige hofgelde nie van hom geëis word nie.

PROSEDURE BY APPEL.

5. (1) Elke appellant in 'n siviele geding wat 'n reg van appèl het, moet binne een-en-twintig dae of dié langer tydperk wat op goeie gronde toegelaat mag word, nadat die uitspraak of bevel waarteen geappelleer word, verleë is, of 'n saak deur die Spesiale Inkomstebelastinghof kragtens artikel *een-en-tagtig* van die Inkomstebelastingwet, 1941 (Wet No. 31 van 1941), gestel is, of 'n bevel tot verlof om te appelleer toegestaan is, kennisgewing van appèl by die griffier, die griffier van die hof waarvandaan geappelleer word en die respondent of sy prokureur indien, en enige bevel wat sodanige verlof toestaan, moet gelyktydig met die kennisgewing van appèl by die griffier ingedien word.

(2) Die kennisgewing van appèl moet meld of daar geappelleer word teen die hele of slegs teen 'n deel van die uitspraak of bevel van die hof waarvandaan geappelleer word, en indien slegs teen 'n deel, dan welke deel.

(3) Elke respondent wat 'n teenappèl wil instel, moet binne een-en-twintig dae, of dié langer tydperk wat op goeie gronde toegelaat mag word, nadat hy die kennisgewing van appèl van die appellerende party ontvang het, kennisgewing van sy teenappèl by die griffier, die griffier van die hof waarvandaan geappelleer word en die appellerende party indien, en die kennisgewing van die teenappèl moet die besonderhede ten opsigte waarvan die wysiging van die uitspraak of bevel van die hof waarteen geappelleer word, verlang word, volledig uiteensit.

(4) Nadat 'n appèl in 'n siviele geding aangeteken is, moet die appellant—

- (a) in gevalle waar die bevel waarteen geappelleer word, gegee is by 'n eksepsie of 'n aansoek om deur te haal, binne ses weke na die datum van genoemde bevel of van 'n bevel van die hof waarvandaan geappelleer word ter verlening van verlof om te appelleer;
- (b) in alle ander gevalle binne drie maande na die datum van die uitspraak of bevel waarteen geappelleer word of die bevel van die hof waarvandaan geappelleer word ter verlening van verlof om te appelleer; of
- (c) binne dié langer tydperk waartoe die respondent skriftelik ingestem het,

ag afskrifte van die stukke van die saak in die hof waarvandaan geappelleer word, by die griffier indien en aan die respondent soveel afskrifte as wat nodig geag mag word, oorhandig: Met dien verstande dat—

- (i) wanneer die beslissing van die saak by appèl waarskynlik uitsluitlik op 'n regspunt sal berus, die partye of hulle prokureurs by onderlinge ooreenkoms sodanige regspunt aan die hof in die vorm van 'n spesiale saak kan voorleë in plaas van om afskrifte van die stukke in te dien en hulle dié dele van die stukke kan tik wat vir die beredenering daarvan nodig is; en
- (ii) die hof, as hy dit gerade ag, kan beveel dat die hele saak ten volle beredeneer word.

(5) Nadat verlof om te appelleer kragtens artikel *een-en-twintig* van die Wet op die Hooggeregshof, 1959, in 'n strafsak toegestaan is, moet die appellant—

- (a) binne drie maande na die bevel ter verlening van verlof om te appelleer; of
- (b) binne dié langer tydperk waartoe die Prokureur-generaal skriftelik instem,

ag afskrifte van die stukke van die saak in die hof waarvandaan geappelleer word (waarvan een gewaarmerk moet wees) by die griffier indien en die Prokureur-generaal van soveel afskrifte daarvan as wat nodig geag word, voorsien: Met dien verstande dat—

- (i) afskrifte (waarvan een gewaarmerk moet wees) van gedeeltes van die stukke wat volgens ooreenkoms tussen die Prokureur-generaal en die beskuldigde

parts of the record as may be agreed upon by the Attorney-General and the accused to be sufficient, in which event court may nevertheless call for the production of the whole record, and

- (ii) this sub-rule shall not apply in cases where the appellant is entitled to obtain under rule 13 (3) of the rules regulating the conduct of the proceedings of the various provincial and local divisions of the Supreme Court of South Africa, copies of the record or extracts therefrom from the registrar of the court from which he intends to appeal.

(6) One of the copies of the record lodged with the registrar shall be certified as correct by the registrar of the court appealed from.

(7) The copies of the record or special case shall be clearly typed on stout foolscap paper treble-spaced in black record ink and on one side of the paper only and at the top of each page containing evidence the name of the witness giving such evidence shall appear: Provided that the copies may be printed and not typed whenever a copy of the record, if typed, will exceed 600 pages.

(8) Every tenth line on each page of the record or special case shall be numbered.

(9) All records shall be securely bound in suitable covers disclosing the names of the parties, the court appealed from and the names of the attorneys of the parties.

(10) Bulky records shall be divided into separate conveniently sized volumes.

(11) The copies of the record or special case shall include the reasons given by the judges of the court appealed from and shall contain a correct and complete index of the evidence and of all the documents and exhibits in the case, the nature of the exhibits being briefly stated in the index.

(12) Merely formal documents shall be omitted and no documents shall be set forth more than once.

(13) The costs of preparing copies of records or special cases under this rule shall form part of the costs of appeal.

(14) The registrar may refuse to accept copies of records or special cases which do not in his opinion comply with the provisions of this rule.

SECURITY.

6. (1) If the judgment appealed from is carried into execution by direction of the court appealed from, the respondent shall before such execution enter into good and sufficient security *de restituendo* and for the appellant's costs of appeal.

(2) If the execution of a judgment is suspended pending appeal and, unless the respondent waives, his right to security, the appellant shall, before lodging with the registrar copies of the record, enter into good and sufficient security for the respondent's costs of appeal.

(3) If the execution of a judgment is suspended pending appeal the appellant shall, when he lodges copies of the record with the registrar, inform the registrar in writing whether the respondent has waived his right to security and, if the respondent has not waived his right to security, whether he has entered into security in terms of this rule and, if the appellant fails so to inform the registrar within the period referred to in sub-rule (4) of rule 5, he shall be deemed to have failed to comply with the provisions of that sub-rule.

(4) The registrar of the court appealed from shall, whenever the parties are unable to agree as to the amount of any security to be entered into under this rule, determine and fix the said amount.

(5) No security shall be required under this rule from the Government of the Republic of South Africa, any Provincial Administration or the Administration of South West Africa.

voldoende is, met die toestemming van die beskuldigde en die Prokureur-generaal in plaas van al die stukke ingedien kan word, en in dié geval kan die hof nogtans die voorlegging van al die stukke gelas; en

- (ii) hierdie subreël nie van toepassing is nie in gevalle waarin die appellant kragtens reël 13 (3) van die reëls waarby die verrigtings van die verskillende provinsiale en plaaslike afdelings van die Hooggeregshof van Suid-Afrika gereël word, geregtig is om afskrifte van die stukke of uittreksels daaruit te verkry van die griffier van die hof waarvandaan hy voornemens is om te appelleer.

(6) Een van die afskrifte van die stukke wat by die griffier ingedien word, moet gewaarmerk word deur die griffier van die hof waarvandaan geappelleer word.

(7) Die afskrifte van die stukke of spesiale saak moet duidelik getik wees met swart rekordink op sterk foliopapier met drievoudige spasiëring en slegs op een kant van die papier en bo-aan elke bladsy waarop getuienis verskyn, moet die naam van die getuie wat sodanige getuienis aflê, voorkom: Met dien verstande dat die afskrifte gedruk in plaas van getik kan wees wanneer 'n afskrif van die stukke, as dit getik word, meer as 600 bladsye sal beslaan.

(8) Elke tiende reël op elke bladsy van die stukke of spesiale saak moet genommer wees.

(9) Elke stuk moet stewig gebind wees in 'n geskikte omslag waarop die name van die partye, die hof waarvandaan geappelleer word en die name van die prokureurs van die partye voorkom.

(10) Lywige stukke moet in afsonderlike dele van gerieflike grootte verdeel wees.

(11) Die afskrifte van die stukke of spesiale saak moet die redes vir die uitspraak van die regters van die hof waarvandaan geappelleer word, insluit, en moet ook 'n korrekte en volledige inhoudsopgawe van die getuienis en van al die dokumente en bewysstukke in die saak bevat, en die aard van die bewysstukke moet kortliks in die inhoudsopgawe vermeld word.

(12) Bloot formele dokumente moet uitgelaat word en geen dokumente moet meer as eenkeer uiteengesit word nie.

(13) Die koste verbonde aan die gereedmaking van die afskrifte van stukke of spesiale sake ingevolge hierdie reël, maak deel van die koste van appèl uit.

(14) Die griffier kan weier om afskrifte van stukke of spesiale sake wat volgens sy mening nie aan die bepalings van hierdie reël voldoen nie, te ontvang.

SEKURITEIT.

6. (1) Indien die vonnis waarteen geappelleer word, ten uitvoer gelê word op las van die hof waarvandaan geappelleer word, moet die respondent voor die tenuitvoerlegging goeie en genoegsame sekuriteit *de restituendo* en vir die appellant se koste van appèl verskaf.

(2) Indien die tenuitvoerlegging van 'n vonnis hangende 'n appèl opgestort word en tensy die respondent van sy reg of sekuriteit afstand doen, moet die appellant alvorens hy afskrifte van die stukke by die griffier indien, goeie en genoegsame sekuriteit vir die respondent se koste van appèl verskaf.

(3) Indien die tenuitvoerlegging van 'n vonnis hangende 'n appèl opgestort word, moet die appellant by die indiening van die afskrifte van die stukke by die griffier hom skriftelik in kennis stel of die respondent van sy reg of sekuriteit afstand gedoen het en, indien die respondent nie van sy reg of sekuriteit afstand gedoen het nie, of hy sekuriteit ingevolge hierdie reël verstrekte het. As die appellant versuim om die griffier binne die tydperk in sub-reël (4) van reël 5 genoem, aldus kennis te gee, word hy geag nie aan die bepalings van daardie subreël te voldoen het nie.

(4) Die griffier van die hof waarvandaan geappelleer word, moet wanneer die partye nie kan ooreenkom betreffende die bedrag van die sekuriteit wat ingevolge hierdie reël verskaf moet word nie, die bedrag bepaal en vasstel.

(5) Geen sekuriteit word ingevolge hierdie reël van die Regering van die Republiek van Suid-Afrika, enige Provinsiale Administrasie of die Administrasie van Suidwes-Afrika geëis nie.

DATE OF HEARING.

7. (1) The registrar shall, after the provisions of rule 3 or 5 (as the case may be) and rule 6 have been complied with and subject to the directions of the Chief Justice, notify the parties or their respective attorneys by registered letter of the date of hearing.

(2) If the petitioner or appellant fails to appear in person or by counsel at the date thus notified, the petition or appeal shall be dismissed for non-prosecution, unless the court otherwise orders.

HEADS OF ARGUMENT.

8. (1) In every matter the appellant or applicant (as the case may be) shall, not later than four days before the hearing, lodge with the registrar six copies, and serve on the respondent or his attorney one copy, of the main heads of his argument together with a list of the authorities to be quoted in support of each head.

(2) The respondent shall thereafter as soon as possible, but not later than the day before the hearing, lodge with the registrar six copies, and serve on the applicant or appellant or his attorney one copy, of the main heads of his argument, together with a list of the authorities to be quoted in support of each head.

(3) When, however, the lodging of the application or record on appeal does not allow the main heads of argument to be lodged and served in terms of sub-rule (1), the applicant or the appellant (as the case may be) shall file the same without delay and the respondent shall thereafter file the main heads of his argument in reply as soon as possible.

TAXATION OF COSTS.

9. (1) The costs incurred in any appeal or application shall be taxed by the registrar but his taxation shall be subject to the review of the court.

(2) Notice of review shall be given by the aggrieved party to the registrar and to the opposite party or his attorney within twenty-one days after the *allocatur* of the registrar has been made.

(3) The registrar shall make a report in writing to the court setting forth any relevant facts found by him and stating his reasons for any decision arrived at by him and shall cause a copy of such report to be delivered to the parties of their respective attorneys.

(4) After the registrar has so reported he shall, subject to the directions of the Chief Justice, notify the parties or their respective attorneys of the date of hearing.

ATTORNEYS' FEES.

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

A.—TAKING INSTRUCTIONS.

	R
1. To note an appeal.....	2.10
To prosecute or defend an appeal....	4.20 to 21.00
2. To draft any petition or affidavit.....	Half the charge allowed under item E. 1 for drafting.

B.—PREPARATION OF RECORDS.

1. Making, for the purpose of preparing copies of the record on appeal (except where a charge is made under sub-paragraph 5 hereof), a copy of such particulars of the record as were not in the possession of the appellant or his attorney at the time when the order appealed from was made, folio.....	0.20
2. Arranging record for printing or typing, excluding unnecessary documents therefrom, and preparing index and list of documents not included in record of appeal.....	2.10 to 10.50
3. Correcting printer's proof, or typed copy, per half hour.....	1.33
4. Attending at registrar's office of the court appealed from the check record, per half hour..	1.33

DATUM VAN VERHOOR.

7. (1) Die griffier moet nadat die bepalings van reël 3 of 5 (na gelang van die geval) en reël 6 nagekom is, en behoudens die opdrag van die Hoofregter, die partye of hulle onderskeie prokureurs per geregisteerde brief van die datum van verhoor in kennis stel.

(2) Indien die petisionaris of appellant versuim om persoonlik te verskyn of sy advokaat namens hom te laat verskyn op die datum waarvan aldus kennis gegee is, word die petisie of die appèl afgewys weens nie-voortsetting, tensy die hof anders gelas.

BETOOGPUNTE.

8. (1) In elke saak moet die appellant of applikant (na gelang van die geval) minstens vier dae voor die verhoor by die griffier ses afskrifte indien en aan die respondent of sy prokureur een afskrif bestel van die vernaamste punte van sy betoog tesame met 'n lys van die bronne wat ter staving van elke punt aangehaal sal word.

(2) Die respondent moet so gou as moontlik daarna, maar nie later as die dag voor die verhoor nie, by die griffier ses afskrifte van die vernaamste punte van sy betoog indien en aan die appellant of sy prokureur een afskrif daarvan bestel, tesame met 'n lys van die bronne wat ter staving van elke punt aangehaal sal word.

(3) As die indiening van die aansoek of die stukke van appèl egter geen geleentheid laat vir die indiening en bestelling van die vernaamste betoogpunte ingevolge sub-reël (1) nie, dan moet die appellant of applikant (na gelang van die geval) dit sonder versuim indien en moet die respondent daarna die vernaamste punte van sy betoog in antwoord daarop so gou as moontlik indien.

TAKSASIE VAN KOSTE.

9. (1) Die koste verbonde aan enige appèl of aansoek moet deur die griffier getakseer word, maar sy taksasie is onderworpe aan hersiening deur die hof.

(2) Kennis van hersiening moet binne een-en-twintig dae na die *allocatur* van die griffier geteken is, deur die beswaarmaker aan die griffier en aan die teenparty of sy prokureur gegee word.

(3) Die griffier moet by die hof 'n skriftelike verslag indien waarin hy tersaaklike feite wat hy vasgestel het en sy redes vir enige besluit waartoe hy geraak het, uiteensit, en hy moet 'n afskrif van die verslag aan die partye of aan hulle onderskeie prokureurs laat oorhandig.

(4) Nadat die griffier aldus verslag gelewer het, moet hy, behoudens die opdrag van die Hoofregter, die partye of hulle onderskeie prokureurs van die datum van verhoor in kennis stel.

PROKUREURSGELDE.

10. Die volgende gelde word toegelaat vir prokureurs wat appèle of ander sake voor die hof voer:—

A.—NEEM VAN OPDRAGTE.

	R
1. Om appèl aan te teken.....	2.10
Om 'n appèl te voer of te verdedig.....	4.20 tot 21.00
2. Om enige petisie of beëdigde verklaring op te stel	Die helfte van die gelde toegelaat onder item E. 1 vir opstel.

B.—GEREEDMAKING VAN STUKKE.

1. Die maak van 'n afskrif van die besonderhede van die stukke wat nie in die besit van die appellant of sy prokureur was toe die bevel waarteen geappelleer word, uitgevaardig is nie, met die doel om afskrifte van die stukke van die appèl (behalwe waar 'n bedrag kragtens subparagraaf 5 hiervan bereken word) gereed te maak, per folio..	0.20
2. Rangskikking van stukke vir druk of tik, uitsluiting van onnodige dokumente, en opstel van inhoudsopgawe en lys van dokumente nie ingesluit in die stukke van die appèl nie.....	2.10 tot 10.50
3. Nasien van drukproef of getikte afskrif, per halfuur.....	1.33
4. Besoek aan die kantoor van die griffier van die hof waarvandaan geappelleer word om die stukke na te gaan, per halfuur.....	1.33

5. Making copies of record on appeal— R
 first copy, per folio..... 0.10
 every other necessary copy, per folio..... 0.02½

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

C.—PERUSAL.

1. Perusing record on appeal—
 for each 25 folios or part thereof..... 1.00
 (NOTE.—The minimum fee under this item shall be R4.20.)
2. Perusing any plan, diagram, photograph or other annexure to the record to which the remuneration hereinbefore set out cannot be applied..... 0.33 to 2.10
3. Attendance on and perusal of any petition or affidavit—
 for first 10 folios, per folio..... 0.50
 for each folio thereafter, including annexures... 0.25
 (NOTE.—The minimum fee under this item shall be—
 for formal affidavits, R1.05
 for affidavits other than formal, R2.10.)
4. Attendance on and perusal of heads of argument for each ten folios or portion thereof..... 1.00
 (Minimum fee, R2.10.)

D.—ATTENDANCE.

1. Any formal attendance on an acknowledgement, receipt, etc..... 0.33
2. On any letter, telegram, document, telephone, or any other necessary attendance not otherwise provided for..... 0.50 to 2.10
3. At office of registrar, to deliver a letter or document, or uplifting an order, etc..... 0.50
 On business other than formal..... 1.05 to 2.10
4. At any consultation with counsel or client, per half hour or part thereof..... 2.10
5. At court to note judgment..... 2.10
6. At court on hearing of appeal or application, per half hour or part thereof..... 2.10

E.—DRAWING UP OF DOCUMENTS.

1. Any petition of affidavit—
 for first 20 folios, per folio..... 1.00
 for each folio thereafter..... 0.50
 (NOTE.—In computing the number of folios the taxing master shall deduct, but treat as annexures, any relevant portion consisting of quotations from other documents.)
2. Instructions to counsel, whether written or verbal (on appeal)..... 4.20 to 21.00
 (on petition)..... 2.10 to 10.50
3. Drawing up notice of appeal or other necessary important notices..... 1.05 to 2.10
 Drawing up any formal notice..... 0.50
4. Letters and telegrams—
 for the first folio..... 0.67
 for each further folio..... 0.33
 copy to keep, per folio..... 0.10
5. Drawing up power of attorney..... 0.75
6. Drawing up short brief to counsel..... 0.67
7. Drawing up bond of security, per folio..... 0.50

F.—COPYING.

- Heads of argument, and other documents not specially provided for—
 first copy, per folio..... 0.20
 each further necessary copy, per folio..... 0.10

G.—BILLS OF COSTS.

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

1. For drawing up the bill of costs, making the necessary copies and attending settlement—
 5 per cent on the first R200 or part thereof;
 2 per cent on the second R200 or part thereof; and
 1 per cent on any amount in excess of R400, of the amount of attorney's fees, either as charged in the bill if not taxed, or as allowed on taxation.

5. Maak van afskrifte van die stukke van appèl— R
 eerste afskrif, per folio..... 0.10
 elke ander nodige afskrif, per folio..... 0.02½

(OPMERKING.—By berekening van die getal folio's moet die totale getal woorde van al die noodsaaklike dokumente deur 100 gedeel word, d.w.s. al die stukke moet as een dokument beskou word.)

C.—NALEES.

1. Nalees van die stukke van appèl—
 vir elke 25 folio's of gedeelte daarvan..... 1.00
 (OPMERKING.—Die minimum bedrag ooreenkomstig hierdie item is R4.20.)
2. Nagaan van enige plan, skets, foto of ander aanhangsel van die stukke waarop die vergoeding hierbo uiteengesit, nie toegepas kan word nie... 0.33 tot 2.10
3. Aandag aan en nalees van enige petisie of beëdigde verklaring—
 vir die eerste 10 folio's, per folio..... 0.50
 vir elke folio daarna, met inbegrip van aanhangsels..... 0.25
 (OPMERKING.—Die minimum bedrag ooreenkomstig hierdie item is soos volg:—
 Vir formele beëdigde verklarings, R1.05; n.l. vir beëdigde verklarings wat nie formeel is nie, R2.10.)
4. Aandag aan en nalees van betoogpunte—
 vir elke tien folio's of gedeelte daarvan..... 1.00
 (Minimum bedrag, R2.10.)

D.—ONTVANGS EN OPWAGTING.

1. Enige formele ontvangs van 'n erkenning, kwittansie, ens..... 0.33
2. Ontvangs van enige brief, telegram of dokument, behartiging van telefoonoproep, of enige nodige opwagting waarvoor nie elders voorsiening gemaak word nie..... 0.50 tot 2.10
3. Opwagting by kantoor van griffier om brief of dokument af te lewer, of om bevel af te haal, ens.. 0.50
 Aandag aan besigheid wat nie formeel is nie.... 1.05 tot 2.10
4. Bywoning van enige konsultasie met 'n advokaat of kliënt, per halfuur of gedeelte daarvan..... 2.10
5. Bywoning van hof om vonnis op te teken..... 2.10
6. Bywoning van hof by verhoor van appèl of aansoek, per halfuur of gedeelte daarvan..... 2.10

E.—OPSTEL VAN DOKUMENTE.

1. Enige petisie of beëdigde verklaring—
 vir eerste 20 folio's, per folio..... 1.00
 vir elke folio daarna..... 0.50
 (OPMERKING.—By berekening van die getal folio's moet die takseermeester enige tersaaklike gedeelte wat bestaan uit aanhalings uit ander dokumente aftrek, maar dit as aanhangsels behandel.)
2. Instruksies aan advokaat, hetsy skriftelik of mondelings (by appèl)..... 4.20 tot 21.00
 (by petisie)..... 2.10 tot 10.50
3. Opstel van kennisgewing van appèl of ander nodige belangrike kennisgewings..... 1.05 tot 2.10
 Opstel van enige formele kennisgewing..... 0.50
4. Briewe en telegramme—
 vir eerste folio..... 0.67
 vir elke verdere folio..... 0.33
 afskrif om te hou, per folio..... 0.10
5. Opstel van volmag..... 0.75
6. Opstel van kort opdrag aan advokaat..... 0.67
7. Opstel van akte van sekerheidstelling, per folio.. 0.50

F.—MAAK VAN AFSKRIFTE.

- Van betoogpunte en ander dokumente waarvoor geen spesiale voorsiening gemaak word nie—
 eerste afskrif, per folio..... 0.20
 elke verdere nodige afskrif, per folio..... 0.10

G.—KOSTEREKENINGS.

In verband met 'n kosterekening vir werk gedoen of dienste gelewer deur 'n prokureur, is sodanige prokureur geregtig om die volgende in rekening te bring:—

1. Vir die opstel van die kosterekening, die maak van die nodige afskrifte en besorging van vereffening—
 5 persent op die eerste R200 of gedeelte daarvan;
 2½ persent op die tweede R200 of gedeelte daarvan; en
 1 persent op enige bedrag bo R400 van die bedrag van die prokureursgelde, hetsy soos bereken, indien die rekening nie getakseer is nie, of soos toegelaat by taksasie.

2. For arranging and attending taxation—

- 5 per cent on the first R200 or part thereof;
2½ per cent on the second R200 or part thereof; and
1½ per cent on any amount in excess of R400, of the fees allowed.

(NOTE.—The minimum fee under each of these items shall be R1.05).

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

NOTE II.—The taxing master shall be entitled in his discretion at any time to depart from any of the provisions of this tariff in extraordinary or exceptional circumstances.

NOTE III.—In order to diminish as much as possible the costs arising from the copying of the record/or of documents to a company the briefs of counsel, the taxing master shall not allow the costs of any unnecessary duplication.

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

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

FEES OF COURT.

11. The following shall be the fees of the court:—

	R
Lodging any petition, including verifying affidavits....	0.50
Lodging notice of appeal or cross-appeal.....	0.50
Order of court granting leave to appeal.....	0.50
Order of court determining appeal.....	0.50
Certified copy of any order.....	0.50
Lodging affidavit.....	0.30
Taxing fee in appeals.....	4.00
Taxing fee in petition.....	2.00

COPIES OF RECORDS IN CRIMINAL CASES.

12. (1) Any person convicted of any offence in any court in the Republic, who intends to appeal to the Appellate Division and has a right so to appeal or intends to make application to the Appellate Division for leave to appeal, shall be entitled, on request, to obtain from the registrar of the court from which he intends to appeal to the Appellate Division, such number of copies of the record or such extracts therefrom as may be necessary for his purpose, on payment of the fees prescribed for the making of such copies or extracts: Provided that—

- (a) if such person is unable by reason of poverty to pay the prescribed fee; and
(b) the copies of the record or the extracts therefrom which he wishes to obtain from the said registrar are necessary for his purpose,

he shall be entitled to obtain the same without payment of any fees.

(2) Any question arising as to such person's inability to pay the prescribed fees, or as to what number of copies of the record or as to what extracts therefrom are necessary for the purpose of his appeal or application, shall be decided by the registrar referred to in sub-rule (1). If the registrar's decision be approved by a judge of the court from which such person intends to appeal, the said decision shall be final.

GENERAL.

13. The court may, for sufficient cause shown, excuse the parties from compliance with any of the foregoing rules and may give such directions in matters of practice and procedure as it may consider just and expedient.

2. Vir die reëling en bywoning van taksasie—

- 5 persent op die eerste R200 of gedeelte daarvan;
2½ persent op die tweede R200 of gedeelte daarvan; en
1½ persent op enige bedrag bo die bedrag van R400, van die gelde toegelaat.

(OPMERKING.—Die minimum bedrag vir elkeen van hierdie items is R1.05.)

OPMERKING I.—Ten einde die party in wie se guns 'n kostebeve' uitgereik is, ten volle te vrywaar teen alle koste wat redelikerwys deur hom in verband met sy eis of verweer aangegaan is, en ten einde te verseker dat alle sodanige koste gedra word deur die party teen wie die bevel uitgereik is, moet die takseermeester by elke taksasie die koste, vorderings en uitgawes toelaat wat na sy mening noodsaaklik of paslik was ten einde reg te laat geskied of om die regte van enige party te beskerm, maar behalwe teen die party wat dit aangegaan het, word geen koste toegelaat nie wat na die mening van die takseermeester aangegaan of verhoog is deur oorversigtigheid, nalatigheid of 'n fout, of deur die betaling van 'n spesiale honorarium aan 'n advokaat of deur ander buitengewone uitgawes.

OPMERKING II.—Die takseermeester is geregtig om na goeëdunke te eniger tyd van enigeen van die bepalings van hierdie tarief in buitengewone of uitsonderlike omstandighede af te wyk.

OPMERKING III.—Ten einde die koste verbonde aan die maak van afskrifte van die stukke of dokumente wat die opdragte aan advokate versesel so laag as moontlik te hou moet die takseermeester nie die koste van enige onnodige verdubbeling toelaat nie.

OPMERKING IV.—Waar na die mening van die takseermeester meer as een prokureur noodsaaklikerwys deel van die werk waarop hierdie tarief van toepassing is, verrig het, is elke sodanige prokureur daartoe geregtig om vir die werk wat noodsaaklikerwys deur hom verrig is, ooreenkomstig hierdie tarief besoldig te word.

OPMERKING V.—'n Folio bestaan uit 100 woorde, vier syfers word as 'n woord gereken en enige gedeelte van minder as 25 woorde word nie as 'n bykomende folio toegelaat nie.

HOFSELDE.

11. Die volgende is die hofselde:—

Indiening van enige petisie, met inbegrip van stawende beëdigde verklaarings.....	R 0.50
Indiening van kennisgewing van appél of teen-appél	0.50
Bevel van die hof waarin verlof om te appelleer verleen word.....	0.50
Bevel van die hof wat die appél beslis.....	0.50
Gewaarmerkte afskrif van enige bevel.....	0.50
Indiening van 'n beëdigde verklaring.....	0.30
Taksasiegeld ten opsigte van appélie.....	4.00
Taksasiegeld ten opsigte van petisies.....	2.00

AFSKRIFTE VAN STUKKE IN STRAFSAKE.

12. (1) 'n Persoon wat aan enige misdryf in enige hof in die Republiek skuldig bevind word en wat voornemens is om by die Appèlafdeling appél aan te teken en die reg het om aldus te appelleer of voornemens is om 'n aansoek om verlof om te appelleer aan die Appèlafdeling te rig, is daarop geregtig om op versoek soveel afskrifte van die stukke of uittreksels daaruit as wat vir sy doel nodig mag wees van die griffier van die hof, waarvandaan hy voornemens is om na die Appèlafdeling te appelleer teen betaling van die voorgeskrewe gelde vir die maak van sodanige afskrifte of uittreksels te verkry: Met dien verstande dat—

- (a) as so 'n persoon weens behoefteigheid nie in staat is om die voorgeskrewe gelde te betaal nie; en
(b) die afskrifte van die stukke of die uittreksels daaruit wat hy van die griffier wil verkry, vir sy doel noodsaaklik is,
hy daarop geregtig is om dit sonder betaling van enige gelde te verkry.

(2) Enige vraag wat ontstaan met betrekking tot so 'n persoon se onvermoë om die voorgeskrewe gelde te betaal, of betreffende die aantal afskrifte van die stukke of betreffende watter uittreksels daaruit vir die doel van sy appél of aansoek nodig is, word deur die griffier genoem in sub-reël (1) beslis. Indien die griffier se beslissing deur 'n regter van die hof waarvandaan so 'n persoon voornemens is om te appelleer, goedgekeur word, is die beslissing final.

ALGEMEEN.

13. Die hof kan, as genoegsame redes aangevoer word, die partye van die nakoming van enigeen van voorgaande reëls vrystel en kan insake praktyk en prosedure die bevel gee wat hy billik en dienstig ag.

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