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REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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PROCLAMATION

by the State President of the Republic of South Africa

No. R. 286, 1978

COMMENCEMENT OF THE MAGISTRATES' COURT AMENDMENT ACT, 1976

Under and by virtue of the powers vested in me by section 12 of the Magistrates' Courts Amendment Act, 1976 (Act 63 of 1976), I hereby declare that the said Act shall come into operation on 1 January 1979.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Twentieth day of October, One thousand Nine hundred and Seventy-eight.

B. J. VORSTER, State President.

By Order of the State President-in-Council:

J. T. KRUGER.

PROKLAMASIE

van die Staatspresident van die Republiek van Suid-Afrika

No. R. 286, 1978

INWERKINGTREDING VAN DIE WYSIGINGS-WET OP LANDDROSHOWE, 1976

Kragtens die bevoegdheid my verleen by artikel 12 van die Wysigingswet op Landdroshowe, 1976 (Wet 63 van 1976), verklaar ek hierby dat genoemde Wet op 1 Januarie 1979 in werking tree.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Twintigste dag van Oktober Eenduisend Negehonderd Agt-en-sewentig.

B. J. VORSTER, Staatspresident.

Op las van die Staatspresident-in-rade:

J. T. KRUGER.

GOVERNMENT NOTICE

DEPARTMENT OF JUSTICE

No. R. 2222 — 10 November 1978

MAGISTRATES' COURTS.—AMENDMENT OF RULES OF COURT

The Minister of Justice has, in terms of section 25 (5) of the Magistrates' Courts Act, 1944 (Act 32 of 1944), confirmed the following amendments made by the Rules Board in terms of subsection (3) of the said section to the Rules of Court published under Government Notice R. 1108, dated 21 June 1968:

1. The amendment of the numerical "table of contents and comparative table of numbers of new rules

GOEWERMENTSKENNISGEWING

DEPARTEMENT VAN JUSTISIE

No. R. 2222 — 10 November 1978

LANDDROSHOWE.—WYSIGING VAN DIE REËLS VAN DIE HOF

Die Minister van Justisie het ooreenkomstig artikel 25 (5) van die Wet op Landdroshowe, 1944 (Wet 32 van 1944), onderstaande wysigings wat deur die Reglementsraad kragtens subartikel (3) van genoemde artikel aangebring is aan die Reëls van die Hof afgekondig by Goewermentskennisgewing R. 1108 van 21 Junie 1968, bekragtig:

1. Die wysiging van die numeriese "Inhoudsopgawe en vergelykende tabel van nommers van nuwe reëls

and corresponding numbers of previous rules" in the Schedule by—

(a) the substitution for the particulars opposite the undermentioned rules of the following particulars opposite the relative rule number:

Rule No.	*Table of contents*	*Previous Rule No.*	*Sec. No. of Act*
"46	Attachment of Emoluments by Emoluments Attachment Order	44	65J
47	Attachment of a Debt by Garnishee Order	43	72";

(b) the insertion after rule 4 of the following rules and the particulars recorded opposite thereto:

"4*bis*	Written Request as First Document in Action	—	—
4*ter*	Contents of Letter of Demand.....	—	—";

and

(c) the deletion of the expression "63" and the particulars at "Rule No. 63" and the expressions recorded opposite thereto.

2. The amendment of the "Index (Alphabetical)" in the Schedule by—

(a) the substitution in the Afrikaans version for the expression "Administrasie-orders" of the expression "Administrasiebevele";

(b) the substitution for the expression "Attachment of a Debt by Garnishee Oder; New No. 46; Previous No. 43; Sec. No. of Act. 72" of the expression "Attachment of Emoluments by Emoluments Attachment Order; New No. 46; Previous No. 44; Sec. No. of Act. 65J";

(c) the substitution for the expression "Attachment of Emoluments by Garnishee Order; New No. 47; Previous No. 44; Sec. No. of Act 72" of the expression "Attachment of a Debt by Garnishee Order; New No. 47; Previous No. 43; Sec. No. of Act. 72;

(d) the substitution in the Afrikaans version for the expression "Tweede of verdere Lasbriewe of Skuldbeslagorders" of the expression "Tweede of verdere Lasbriewe of Skuldbeslagbevele";

(e) the insertion after the expression "Commissions *de bene esse*, Subpoenas and Interrogatories" of the following expression:

"Contents of Letter of Demand . . . 4*ter* — —";

(f) the deletion of the expression "Recovery of Small Debts" and the expressions recorded opposite thereto; and

(g) the insertion after the expression "Witnesses, Procedure for Securing Attendance in Civil Cases" of the following expression:

"Written request as First Document in Action . . . 4*bis* — —".

3. The amendment of rule 1 by the substitution for paragraph (a) of subrule (2) of the following paragraph:

"(a) With the exception of forms 2, 3, 5A and 5B which shall in all respects conform to the specimens, the forms contained in Annexure 1 may be used with such variation as circumstances require. Non-compliance with this rule shall not in itself be a ground for exception but at any court in which a machine has been installed for the purpose of facilitating the issue of summonses, the clerk of the court may refuse to issue any summons purporting to be in the form of

en ooreenstemmende nommers van vorige reëls" in die Bylae deur—

(a) die vervanging van die besonderhede teenoor onderstaande reëls deur die besonderhede wat teenoor die betrokke reëlnommer volg:

Reël No.	*Inhoudsopgawe*	*Vorige Reël No.*	*Art. No. van Wet*
"37	Tweede of Verdere Lasbriewe of Skuldbeslagbevele	—	—
46	Beslaglegging op Besoldiging by wyse van 'n Besoldigingbeslagbevel	44	65J
47	Beslaglegging op 'n Skuld by wyse van 'n Skuldbeslagbevel	43	72
48	Administrasiebevele.....	45	74";

(b) die invoeging na reël 4 van die volgende reëls en die besonderhede daarteenoor vermeld:

"4*bis*	Skriftelike Versoek as Eerste Dokument in Aksie	—	—
4*ter*	Inhoud van Aanmaning.....	—	—";

en

(c) die skrapping van die uitdrukking "63" en die besonderhede by "Reël No. 63" en die uitdrukkings daarteenoor vermeld.

2. Die wysiging van die "Inhoudsopgawe (Alfabeties)" in die Bylae deur—

(a) die vervanging van die uitdrukking "Administrasie-orders" deur die uitdrukking "Administrasiebevele";

(b) die vervanging van die uitdrukking "Beslaglegging op 'n Skuld by Wyse van 'n Skuldbeslagorder; Nuwe No. 46; Vorige No. 43; Art.-no. van Wet. 72" deur "Beslaglegging op Besoldiging by wyse van 'n Besoldigingbeslagbevel; Nuwe No. 46; Vorige No. 44; Art.-no. van Wet. 65J";

(c) die vervanging van die uitdrukking "Beslaglegging op Besoldiging by wyse van 'n Skuldbeslagorder; Nuwe No. 47; Vorige No. 44; Art.-no. van Wet. 72" deur "Beslaglegging op 'n Skuld by wyse van 'n Skuldbeslagbevel; Nuwe No. 47; Vorige No. 43; Art.-no. van Wet. 72";

(d) die invoeging na die uitdrukking "Inhegtenisneming of Beslaglegging om Jurisdiksie te Vestig of te Bevestig" van die volgende uitdrukking:

"Inhoud van aanmaning . . . 4*ter* — —";

(e) die skrapping van die uitdrukking "Invordering van Klein Skulde" en die uitdrukkings daarteenoor vermeld;

(f) die invoeging na die uitdrukking "Sekuriteit vir Koste deur Eiser" van die volgende uitdrukking:

"Skriftelike Versoek as Eerste Dokument in Aksie . . . 4*bis* — —"; en

(g) die vervanging van die uitdrukking "Tweede of verdere Lasbriewe of Skuldbeslagorders" deur die uitdrukking "Tweede of verdere Lasbriewe of Skuldbeslagbevele.".

3. Die wysiging van reël 1 deur die vervanging van paragraaf (a) van subreël (2) deur die volgende paragraaf:

"(a) Met uitsondering van vorms 2, 3, 5A en 5B wat in alle opsigte met die voorbeelde moet ooreenstem, kan die vorms wat in Bylae 1 vervat is, aangewend word met sodanige veranderings as wat die omstandighede vereis. Nie-nakoming van hierdie reël vorm op sigself geen grond vir 'n eksepsie nie, maar by enige hof waar 'n masjien aangebring is om die uitreiking van dagvaardings te vergemaklik, kan die klerk van die hof weier om enige dagvaarding wat voorgee met vorm 2 of 3 ooreen te stem maar wat nie aan die

form 2 or 3 but which does not comply with the prescribed requirements or to comply with a request contained in form 5A or 5B.".

4. The deletion of rule 4 (1) (c).

5. The insertion after rule 4 of the following rules:

"RULE 4*bis*

Written Request as First Document in Action

4*bis* A written request as referred to in section 59 of the Act shall be directed to the clerk of the court by means of form 5A or 5B, as the case may be.

RULE 4*ter*

Contents of Letter of Demand

4*ter* The letter of demand referred to in sections 57 and 58 of the Act shall contain particulars about the nature and amount of the claim.".

6. The amendment of rule 5 by—

(a) the substitution for subrule (1) of the following subrule:

"(1) Subject to the provisions of section 59 of the Act the process of the court for commencing an action shall be by summons calling upon the defendant to enter an appearance to defend the action within a stated time after service (which shall not be less than 3 days, plus one additional day for each 30 kilometres' distance of the place of service from the court-house, but which shall not exceed 15 days in all) to answer the claim of the plaintiff and warning the defendant of the consequences of failure to do so.";

(b) the substitution in subrule (3) for the expression "6 (1) (a) (i), (ii) and (iii)" of the expression "6 (1) (a) (i), (ii), (iii) and (iv).".

7. The amendment of rule 6 by—

(a) the deletion of the word "and" after subparagraph (ii) of subrule (1) (a);

(b) the addition of the word "and" after subparagraph (iii) of subrule (1) (a);

(c) the addition after subparagraph (iii) of subrule (1) (a) of the following subparagraph:

"(iv) a notice in which the defendant's attention is directed to the provisions of sections 57, 58, 65A, 65D and 65F of the Act in cases where the action is based on a debt as referred to in section 55.".

8. The amendment of rule 11 by—

(a) the substitution for subrule (3) of the following subrule:

"(3) Subject to the provisions of section 58 of the Act a defendant so consenting before the expiration of the time limited for appearance shall not be chargeable with judgment charges.";

(b) the substitution for subrule (6) of the following subrule:

"(6) When a defendant has consented to judgment, the clerk of the court shall, subject to the provisions of section 58 of the Act and rule 12 (5), (6) and (7), enter judgment in terms of the defendant's consent: Provided that where such consent to judgment is contained in defendant's plea, the clerk of the court shall refer the matter to the court and the court may thereupon exercise its powers under rule 12 (7).".

voorgeskrewe vereistes voldoen nie, uit te reik of om aan die versoek wat in vorm 5A of 5B vervat is te voldoen.".

4. Die skrapping van reël 4 (1) (c).

5. Die invoeging na reël 4 van die volgende reëls:

"REËL 4*bis*

Skriftelike Versoek as Eerste Dokument in Aksie

4*bis* 'n Skriftelike versoek bedoel in artikel 59 van die Wet word gerig tot die klerk van die hof by wyse van vorm 5A of 5B, na gelang van die geval.

REËL 4*ter*

Inhoud van Aanmaning

4*ter* Die aanmaning bedoel in artikels 57 en 58 van die Wet bevat besonderhede van die aard en bedrag van die vordering.".

6. Die wysiging van reël 5 deur—

(a) die vervanging van subreël (1) deur die volgende subreël:

"(1) Behoudens die bepalings van artikel 59 van die Wet, is die geregtelike prosesstuk waardeur 'n aksie ingestel word, 'n dagvaarding waarin die verweerder versoek word om binne 'n bepaalde tyd na betekening (wat minstens 3 dae moet wees plus 'n addisionele dag vir elke 30 kilometer wat die plek van betekening van die hofgebou verwyder is, maar hoogstens 15 dae, kennis te gee van sy voorneme om die aksie te verdedig ten einde te antwoord op die eiser se vordering en waarin die verweerder gewaarsku word teen die gevolge van 'n versuim om aan die versoek te voldoen.";

(b) die vervanging in subreël (3) van die uitdrukking "6 (1) (a) (i), (ii) en (iii)" deur die uitdrukking "6 (1) (a) (i), (ii), (iii) en (iv)".

7. Die wysiging van reël 6 deur—

(a) die skrapping van die woord "en" na subparagraaf (ii) van subreël (1) (a);

(b) die byvoeging van die woord "en" na subparagraaf (iii) van subreël (1) (a);

(c) die byvoeging na subparagraaf (iii) van subreël (1) (a) van die volgende subparagraaf:

"(iv) 'n kennisgewing waarin die verweerder se aandag op die bepalings van artikels 57, 58, 65A, 65D en 65F van die Wet gevestig word in gevalle waar die aksie gebaseer is op 'n skuld in artikel 55 bedoel.".

8. Die wysiging van reël 11 deur—

(a) die vervanging van subreël (3) deur die volgende subreël:

"(3) Behoudens die bepalings van artikel 58 van die Wet is 'n verweerder wat soos voornoemd toestem voor die verstryking van die tydperk wat bepaal is vir kennisgewing van voorneme om te verdedig, nie vir vonniskoste aanspreeklik nie."; en

(b) die vervanging van subreël (6) deur die volgende subreël:

"(6) Wanneer die verweerder tot vonnis toegestem het, moet die klerk van die hof, behoudens die bepalings van artikel 58 van die Wet en reël 12 (5), (6) en (7), 'n vonnis ooreenkomstig die verweerder se toestemming aanteken: Met dien verstande dat waar sodanige toestemming tot vonnis in die verweerder se verweerskrif vervat is, die klerk van die hof die aangeleentheid na die hof moet verwys, wat sy bevoegdhede kragtens reël 12 (7) uitoefen.".

9. The substitution for subparagraph (iii) of rule 12 (1) (a) of the following subparagraph:

"(iii) interest from the date of the summons to the date of judgment at the rate specified in the summons or, if no rate be specified, at the rate prescribed under section 1 (2) of the Prescribed Rate of Interest Act, 1975 (Act 55 of 1975).".

10. The amendment of rule 33 by—

(a) the substitution for subrule (5) (a) (ii) and (iii) of the following subrule:

"(ii) in relation to proceedings under section 65, 65A to 65M, inclusive, and 72 of the Act and all matters ancillary thereto be that set out in Parts I and II respectively of Table B of the said Annexure; and

(iii) in relation to proceedings under section 74 and 74A to 74W, inclusive, of the Act and all matters ancillary thereto be that set out in Part III of Table B of the said Annexure.";

(b) the substitution for subrule (5) (b) of the following subrule:

"(b) The scale of fees referred to in paragraph (a) (iii) of this subrule shall also be the scale of fees to be taken between attorney and client in relation to proceedings under section 74 and 74A to 74W, inclusive, of the Act."; and

(c) the substitution for subrule (14) (b) and (c) of the following subrule:

"(b) The costs payable by the judgment debtor in respect of any proceedings under section 65 or 65A to 65M, inclusive, or 72 of the Act shall be inserted by the judgment creditor or his attorney on the face or reverse side of any process issued under either of those sections and assessed by the clerk of the court before issue.

(c) The clerk of the court may refuse to issue any process under section 65 or 65A to 65M, inclusive, or 72 of the Act in which the costs are not inserted or inserted but not according to tariff.".

11. The substitution for the words "garnishee orders" and "garnishee order" where they appear in the heading of rule 37 and in the text of that rule of the words "emoluments attachment orders or garnishee orders" and "emoluments attachment order or garnishee order.".

12. The substitution for subrule (2) of rule 43 of the following subrule:

"(2) (a) The mode of attachment of immovable property shall be by notice by the messenger served in like manner as a summons together with a copy of the warrant of execution upon the execution debtor as owner thereof, upon the registrar of deeds or other officer charged with the registration of such immovable property, upon all registered holders of bonds (other than the execution creditor) registered against the property attached and, if the property is in the occupation of some person other than the execution debtor, also upon such occupier, and upon the local authority in whose area the property is situated.

(b) If the period of attachment is extended as referred to in section 66 (5) of the Act, notice of such extension shall be given to the persons referred to in paragraph (a) in the manner as referred to in that paragraph.".

9. Die vervanging van subparagraaf (iii) van reël 12 (1) (a) deur die volgende subparagraaf:

"(iii) rente vanaf die datum van die dagvaarding tot die datum van die vonnis teen die koers in die dagvaarding vermeld of, indien geen koers vermeld word nie, teen die koers wat kragtens artikel 1 (2) van die Wet op die Voorgeskrewe Rentekoers, 1975 (Wet 55 van 1975), voorgeskryf is.".

10. Die wysiging van reël 33 deur—

(a) die vervanging van subreël (5) (a) (ii) en (iii) deur die volgende subreël:

"(ii) met betrekking tot verrigtinge kragtens artikels 65, 65A tot en met 65M en 72 van die Wet asook alle aangeleenthede ondergeskik daaraan, die tarief onderskeidelik in Deel I en II van Tabel B van genoemde Bylae uiteengesit; en

(iii) met betrekking tot verrigtinge kragtens artikels 74 en 74A tot en met 74W van die Wet asook alle aangeleenthede ondergeskik daaraan, die tarief in Deel III van Tabel B van genoemde Bylae uiteengesit.";

(b) die vervanging van subreël (5) (b) deur die volgende subreël:

"(b) Die tarief van gelde soos in paragraaf (a) (iii) van hierdie subreël genoem, is ook die tarief van gelde wat tussen prokureur en kliënt met betrekking tot verrigtinge kragtens artikels 74 en 74A tot en met 74W van die Wet bereken word."; en

(c) die vervanging van subreël (14) (b) en (c) deur die volgende subreël:

"(b) Die koste wat deur die vonnisskuldenaar ten opsigte van enige verrigtinge kragtens artikels 65 of 65A tot en met 65M of 72 van die Wet betaalbaar is, word deur die vonnisskuldeiser of sy prokureur op die voor- of agterkant van enige prosesstuk wat kragtens enigeen van daardie artikels uitgereik word, ingevoeg en deur die klerk van die hof voor uitreiking vasgestel.

(c) Die klerk van die hof kan weier om kragtens artikels 65 of 65A tot en met 65M of 72 van die Wet prosesstukke uit te reik waarin die koste nie ingevoeg is nie, of wel ingevoeg is, maar nie volgens die tarief nie.".

11. Die vervanging onderskeidelik in die opskrif van reël 37 en die teks van daardie reël van die woord "skuldbeslagorders" en "skuldbeslagorder" waar dit daarin voorkom deur onderskeidelik die woorde "besoldigingbeslagbevele of skuldbeslagbevele" en "besoldigingbeslagbevel of skuldbeslagbevel".

12. Die vervanging van subreël (2) van reël 43 deur die volgende subreël:

"(2) (a) Beslaglegging op onroerende goed geskied by wyse van 'n kennisgewing wat deur die geregsbode op dieselfde wyse as 'n dagvaarding, tesame met 'n afskrif van die lasbrief vir eksekusie, beteken word aan die eksekusieskuldenaar as eienaar van sodanige goed, aan die registrateur van aktes of ander beamptes belas met die registrasie van sodanige onroerende goed, aan alle geregistreerde houers van verbande (uitgesonderd die eksekusieskuldeiser) wat geregistreer is teen die goed waarop beslag gelê word, en, as die goed deur iemand anders as die eksekusieskuldenaar geokkupeer word, ook aan sodanige okkupant en aan die plaaslike owerheid in wie se gebied die goed geleë is.

(b) Wanneer die tydperk van beslaglegging verleng word soos in artikel 66 (5) van die Wet bedoel, word kennis van sodanige verlenging gegee aan die persone in paragraaf (a) genoem op die wyse soos in daardie paragraaf bedoel.".

13. The substitution for rule 45 of the following rule:

"RULE 45

Enquiry into Financial Position of Judgment Debtor

45. (1) A notice referred to in section 65A (1) of the Act calling upon the judgment debtor or, if the judgment debtor is a juristic person, a director or officer of the juristic person as the representative of the juristic person and in his personal capacity, to appear before the court in chambers shall be in a printed form and shall indicate the date of the judgment or order, the amount thereof, the balance of the capital, interest, costs and collection fees which the defendant undertook to pay under section 57 (1) (c) of the Act owing as at the date of issue or reissue of such notice and shall be supported by an affidavit (or affirmation) by the judgment creditor or a certificate by his attorney, stating—

(a) the date of the judgment or the date of the expiry of the period of suspension under section 48 (e) of the Act, as the case may be;

(b) that the judgment or oder has remained unsatisfied for a period of 10 days from the date on which it was given or became payable or from the expiry of the period of suspension in terms of section 48 (e) of the Act;

(c) in what respect the judgment debtor has failed to comply with the judgment or order referred to in section 65A (1) of the Act, the amount in arrear and outstanding balance on the date whereupon the notice is issued;

(d) that the judgment debtor has been advised by registered letter of the terms of the judgment or of the expiry of the period of suspension under section 48 (e) of the Act, as the case may be, and of the consequences of his failure to satisfy the judgment, and that a period of 10 days has elapsed since the date on which the said letter was posted;

(e) that the court is not barred by the provisions of section 18 of the Hire-Purchase Act, 1942 (Act 36 of 1942), from making an order referred to in that section.

(2) Any alterations in the notice referred to in subrule (1) shall be initialled by the judgment creditor or his attorney and by the clerk of the court before issue or re-issue.

(3) When a judgment or order referred to in section 65A (1) of the Act has been given in any court other than the court of the district in which the enquiry is held, the clerk of the court shall not issue the notice until there is lodged with him a copy of the judgment or order of such other court duly certified by the clerk of that court, who shall also certify that the court is not barred by the provisions of section 18 of the Hire-Purchase Act, 1942 (Act 36 of 1942), from making an order referred to in that section.

(4) The authority for the issue of a warrant referred to in section 65F (1) or section 65G of the Act shall lapse if the warrant is not issued within one year from the date of its authorisation: Provided that if it is proved to the satisfaction of the court that for good

13. Die vervanging van reël 45 deur die volgende reël:

"REËL 45

Ondersoek na die Finansiële Toestand van 'n Vonnisskuldenaar

45. (1) 'n Kennisgewing in artikel 65A (1) van die Wet bedoel waarby die vonnisskuldenaar of, indien die vonnisskuldenaar 'n regspersoon is, 'n direkteur of beampte van die regspersoon as verteenwoordiger van die regspersoon en in sy persoonlike hoedanigheid aangesê word om voor die hof *in camera* te verskyn, moet in gedrukte vorm wees en moet die datum van die vonnis of bevel aandui, asook die bedrag daarvan, die saldo van die kapitaal, rente, koste en invorderingsgelde wat die verweerder ingevolge artikel 57 (1) (c) van die Wet onderneem het om te betaal en wat verskuldig is op die datum van uitreiking of heruitreiking van sodanige kennisgewing, en moet gesteun word deur 'n beëdigde verklaring (of 'n bevestiging) deur die vonnisskuldeiser of 'n sertifikaat deur sy prokureur waarin vermeld word—

(a) die datum van die vonnis of die datum waarop die tydperk van opskorting kragtens artikel 48 (e) van die Wet verstryk het, na gelang van die geval;

(b) dat die vonnis of bevel onvoldaan gebly het vir 'n tydperk van 10 dae vanaf die datum waarop dit gevel of gegee is of betaalbaar geword het of vanaf verstryking van die tydperk van opskorting kragtens artikel 48 (e) van die Wet;

(c) in watter opsig die vonnisskuldenaar versuim het om aan die vonnis of bevel in artikel 65A (1) van die Wet bedoel te voldoen, die agterstallige bedrag en uitstaande saldo op die datum waarop die kennisgewing uitgereik word;

(d) dat die vonnisskuldenaar per geregistreerde brief in kennis gestel is van die bepalings van die vonnis of van die verstryking van die tydperk van opskorting kragtens artikel 48 (e) van die Wet, na gelang van die geval, en van die gevolge van sy versuim om aan die vonnis te voldoen, en dat 'n tydperk van 10 dae verstryk het vanaf die datum waarop die bedoelde brief gepos is;

(e) dat die hof nie uit hoofde van die bepalings van artikel 18 van die Wet op Huurkoop, 1942 (Wet No. 36 van 1942), daarvan uitgesluit is om 'n order of bevel in daardie artikel genoem te gee nie.

(2) Enige verandering in 'n kennisgewing in subreël (1) bedoel moet voor uitreiking of heruitreiking deur die vonnisskuldeiser of sy prokureur en deur die klerk van die hof geparafeer word.

(3) Wanneer 'n vonnis of bevel in artikel 65A (1) van die Wet bedoel in 'n ander hof as die hof van die distrik waar die ondersoek gehou word, gevel of gegee is, moet die klerk van die hof die kennisgewing nie uitreik nie voordat daar by hom 'n afskrif ingedien is van die vonnis of bevel van sodanige ander hof welke afskrif behoorlik gewaarmerk is deur die klerk van daardie ander hof, wat ook moet sertifiseer dat die hof nie uit hoofde van die bepalings van artikel 18 van die Wet op Huurkoop, 1942 (Wet No. 36 van 1942), daarvan uitgesluit is om 'n order of bevel in daardie artikel genoem te gee nie.

(4) Die magtiging tot die uitreiking van 'n lasbrief in artikel 65F (1) of artikel 65G van die Wet bedoel, verval indien die lasbrief nie binne een jaar na die datum van die magtiging uitgereik word nie: Met dien verstande dat as tot tevredenheid van die hof bewys

cause the authority was not acted upon within that period, the court may, on application, extend that period by a period not exceeding 12 months.

(5) For the purposes of this rule the expressions "printed form" and "printed" shall have a meaning corresponding to that of the expression "printed form" in rule 5.

(6) The provisions of rule 55 (1), (2), (4), (8) and (10) shall apply *mutatis mutandis* to the request referred to in section 65A (3) of the Act.

(7) The written offer referred to in section 65 shall be in affidavit or affirmation form setting out—

(a) the full names of the judgment debtor, his residential and business address;

(b) the name and address of his employer;

(c) his marital status;

(d) the number of his dependants, their age and their relationship to him;

(e) his assets and liabilities;

(f) his gross weekly or monthly income (including that of his spouse and dependants) and expenses;

(g) the number of emoluments attachment orders or other court orders against him and the total amount payable thereunder;

(h) his offer and the dates of the proposed instalments.".

14. The substitution for rule 46 of the following rule:

"RULE 46

Attachment of Emoluments by Emoluments Attachment Order

46. (1) When an emoluments attachment order is issued by the judgment creditor out of any court other than the court in which the judgment or order was obtained, a certified copy of the judgment or order against the judgment debtor shall accompany the affidavit or affirmation or certificate referred to in section 65J (2) (b) of the Act.

(2) An emoluments attachment order shall be issued in the form as prescribed in Annexure 1 and shall contain sufficient information to enable the garnishee to identify the judgment debtor, including the identity number or work number or date of birth of the judgment debtor.".

15. The substitution for rule 47 of the following rule:

"RULE 47

Attachment of a Debt by Garnishee Order

47. (1) An application for an attachment of a debt shall be supported by an affidavit or affirmation by the creditor or a certificate by his attorney stating—

(a) that a court—

(i) has granted judgment to the judgment creditor; or

(ii) has ordered the payment of a debt referred to in section 55 and costs in specific instalments;

(b) that the court is not barred by the provisions of section 18 of the Hire-Purchase Act, 1942 (Act 36 of 1942), from issuing an order referred to in that section;

(c) that such judgment or order referred to in subrule (1) (a) is still unsatisfied, stating the amounts still payable thereunder;

word dat daar om gegronde redes nie binne genoemde tydperk aan die magtiging uitvoering gegee is nie, die hof op aansoek die tydperk met 'n tydperk van hoogstens 12 maande kan verleng.

(5) Vir doeleindes van hierdie reël het die uitdrukkings "gedrukte vorm" en "gedruk" 'n betekenis wat met dié van die uitdrukking "gedrukte vorm" in reël 5 ooreenstem.

(6) Die bepalings van reël 55 (1), (2), (4), (8) en (10) is *mutatis mutandis* van toepassing op die versoek bedoel in artikel 65A (3) van die Wet.

(7) Die skriftelike aanbod in artikel 65 genoem, moet in die vorm van 'n beëdigde verklaring of 'n bevestiging wees waarin uiteengesit word—

(a) die volle name van die vonnisskuldenaar, sy woon- en werksadres;

(b) die naam en adres van sy werkgewer;

(c) sy huwelikstaat;

(d) die getal afhanklikes wat hy het, hulle ouderdom en hulle verwantskap tot hom;

(e) sy bates en laste;

(f) sy bruto weeklikse of maandelikse inkomste (met inbegrip van dié van sy eggenote en afhanklikes) en uitgawes;

(g) die getal besoldigingbeslagbevele of ander hofbevele teen hom en die totale bedrag ingevolge daarvan betaalbaar;

(h) sy aanbod en die datums van die voorgestelde paaiemente.".

14. Die vervanging van reël 46 deur die volgende reël:

"REËL 46

Beslaglegging op Besoldiging by wyse van 'n Besoldigingbeslagbevel

46. (1) Wanneer die vonnisskuldeiser 'n besoldigingbeslagbevel uitreik uit 'n ander hof as die hof waar 'n vonnis of bevel verkry is, moet 'n gewaarmerkte afskrif van die vonnis of bevel teen die vonnisskuldenaar die beëdigde verklaring of bevestiging of sertifikaat in artikel 65J (2) (b) van die Wet bedoel, vergesel.

(2) 'n Besoldigingsbeslagbevel word uitgereik in die vorm soos in Bylae 1 voorgeskryf en moet voldoende inligting bevat, met inbegrip van die vonnisskuldenaar se identiteitsnommer of werksnommer of geboortedatum, sodat die beslagskuldenaar in staat is om die vonnisskuldenaar te identifiseer.".

15. Die vervanging van reël 47 deur die volgende reël:

"REËL 47

Beslaglegging op 'n Skuld by wyse van 'n Skuldbeslagbevel

47. (1) 'n Aansoek om beslaglegging op skuld moet gesteun word deur 'n beëdigde verklaring of 'n bevestiging deur die skuldeiser of 'n sertifikaat deur sy prokureur waarin vermeld word—

(a) dat 'n hof—

(i) vonnis aan die vonnisskuldeiser verleen het; of

(ii) die betaling in bepaalde paaiemente van 'n skuld in artikel 55 bedoel en koste beveel het;

(b) dat die hof nie uit hoofde van die bepalings van artikel 18 van die Wet op Huurkoop, 1942 (Wet No. 36 van 1942), daarvan uitgesluit is om 'n order of bevel in daardie artikel genoem, uit te reik nie;

(c) dat die vonnis of bevel in subreël (1) (a) vermeld nog onvoldaan is, met vermelding van die bedrae wat nog ingevolge daarvan betaalbaar is;

(d) that the garnishee resides, carries on business or is employed within the district, with mentioned of the address of the garnishee; and

(e) that a debt is at present or in future owing or accruing by or from the garnishee to the judgment debtor and the amount thereof.

(2) Unless the application is directed to the court which granted the judgment or order referred to in subrule (1) (a), a certified copy of the judment or order against the judgment debtor shall accompany the affidavit or affirmation or certificate referred to in subrule (1).

(3) Sufficient information including the identity number or work number or date of birth of the judgment debtor shall be furnished in a garnishee order to enable the garnishee to identify the judgment debtor.

(4) Upon such application the court may require such further evidence as it may deem fit.

(5) Upon such application the court may order the garnishee to pay to the judgment creditor or his attorney so much of the debt at present or in furture owing or accruing by or from him to the judgment debtor as may be sufficient to satisfy the said judgment, together with the costs of the garnishee proceedings (including the costs of service), or failing such payment to appear before the court on a day to be named in the said order and show cause why he should not pay such debt.

(6) The clerk of the court shall note upon the face of such order the day it was made.

(7) Such order shall be served upon the garnishee and upon the judgment debtor and shall operate as an attachment of the said debt in the hands of the garnishee.

(8) The judgment debtor and the garnishee may appear on the day fixed for the hearing of the application, but may not question the correctness of the judgment on which the application is based.

(9) If the garnishee does not dispute his indebtedness to the judgment debtor, or allege that he has a set-off against the judgment debtor or that the debt sought to be attached belongs to or is subject to a claim by some other person, or if he shall no appear to show cause as provided in subrule (6), the court may order the garnishee to pay the debt (or such portion of it as the court may determine) to the judgment creditor or his attorney on the dates set out in the said order; and should the garnishee make default, execution for the amount so ordered and costs of the said execution may be issued against the garnishee. The provisions of rules 36 to 43, inclusive shall *mutatis mutandis* apply to execution in terms of this subrule.

(10) If the garnishee disputes his liabilities to pay the said debt or alleges that he has any other defence, set-off or claim in reconvention which would be available to him if he were sued for the said debt by the judgment debtor, the court may order the garnishee to state, orally or in writing, on oath or otherwise, as to the court may seem expedient, the particulars of the said debt and of his defence thereto and may either hear and determine the matters in dispute in a summary manner or may order—

(a) that the matters in issue shall be tried under the ordinary procedure of the court; and

(d) dat die beslagskuldenaar in die betrokke distrik woon, besigheid dryf of in diens is, met vermelding van die adres van die beslagskuldenaar; en

(e) dat 'n skuld deur of van die beslagskuldenaar dan of in die toekoms aan die vonnisskuldenaar verskuldig is of hom toekom, en die bedrag daarvan.

(2) Tensy die aansoek gerig word aan die hof wat die vonnis of bevel gevel of uitgereik het wat in subreël (1) (a) bedoel word, moet 'n gewaarmerkte afskrif van die vonnis of bevel teen die vonnisskuldenaar die beëdigde verklaring of bevestiging of sertifikaat in subreël (1) vermeld, vergesel.

(3) Voldoende inligting, met inbegrip van die vonnisskuldenaar se identiteits- of werksnommer of geboortedatum, moet in 'n skuldbeslagbevel verstrek word sodat die beslagskuldenaar in staat is om die vonnisskuldenaar te identifiseer.

(4) By sodanige aansoek kan die hof sodanige verdere getuienis vereis as wat hy goedvind.

(5) By sodanige aansoek kan die hof die beslagskuldenaar beveel om aan die vonnisskuldeiser of sy prokureur soveel van die skuld wat dan of in die toekoms deur of van hom aan die vonnisskuldenaar verskuldig is om hom toekom, te betaal as wat voldoende is om genoemde vonnis, tesame met die koste van die skuldbeslagverrigtinge (met inbegrip van die koste van betekening) te dek, of om, by versuim om sodanige betaling te doen, op 'n dag wat in genoemde bevel bepaal word, voor die hof te verskyn om redes aan te voer waarom hy nie sodanige skuld moet betaal nie.

(6) Die klerk van die hof moet op die voorkant van sodanige bevel die datum aanteken waarop dit uitgereik is.

(7) Sodanige bevel moet aan die beslagskuldenaar en aan die vonnisskuldenaar beteken word en geld as 'n beslaglegging op genoemde skuld in die hande van die beslagskuldenaar.

(8) Die vonnisskuldenaar en die beslagskuldenaar kan op die dag wat vir die aanhoring van die aansoek bepaal is, verskyn maar kan nie die juistheid van die vonnis waarop die aansoek berus, in twyfel trek nie.

(9) Indien die beslagskuldenaar nie sy aanspreeklikheid teenoor die vonnisskuldenaar betwis nie of nie beweer dat hy 'n skuld teen die vonnisskuldenaar kan verreken nie of dat die skuld waarop beslaglegging verlang word aan iemand anders behoort of onderworpe is aan 'n vordering deur iemand anders nie, of indien hy nie verskyn om redes soos in subreël (6) bedoel aan te voer nie, kan die hof die beslagskuldenaar beveel om die skuld (of sodanige gedeelte daarvan as wat die hof bepaal) aan die vonnisskuldeiser of sy prokureur te betaal op die datums in die bevel vermeld; en indien die beslagskuldenaar versuim om dit te doen, kan 'n lasbrief vir eksekusie vir die bedrag aldus beveel en die koste van genoemde tenuitvoerlegging teen die beslagskuldenaar uitgereik word. Die bepalings van reëls 36 tot en met 43 is *mutatis mutandis* op tenuitvoerlegging kragtens hierdie subreël van toepassing.

(10) Indien die beslagskuldenaar sy aanspreeklikheid om genoemde skuld te betaal, betwis of aanvoer dat hy 'n ander verweer, skuldvergelyking of teenvordering waarop hy hom sou kon beroep as hy deur die vonnisskuldenaar vir genoemde skuld gedagvaar sou word, kan opwerp, kan die hof die beslagskuldenaar beveel om skriftelik of mondeling, onder eed of andersins, na gelang die hof dienstig ag, die besonderhede van genoemde skuld en sy verweer daarteen uiteen te sit en kan die hof die geskilpunte summier aanhoor en beslis of beveel—

(a) dat die geskilpunte kragtens die gewone prosedure van die hof aangehoor word; en

(b) that, for the purpose of such trial, the judgment creditor shall be plaintiff and the garnishee defendant, or vice versa.

(11) If the garnishee alleges that the said debt belongs to or is subject to a claim by some other person the court may extend the return day and order such other person to appear and state the nature and particulars of his claim and either to maintain or relinquish it, and may deal with the matter as if the judgment creditor and such other person were claimants in interpleader in terms of rule 44.

(12) If the judgment debtor alleges that the judment has been satisfied or is for some other reason not operative against him, or that the garnishee is not indebted to him, the court may try the issue summarily.

(13) After hearing the parties or such of them as appear the court may—

(a) order payment by the garnishee in terms of subrule (9);

(b) declare the claim of any person to the debt attached to be barred;

(c) dismiss the application;

(d) make such other order as may be just.".

16. The substitution for rule 48 of the following rule:

"RULE 48

Administration Orders

48. (1) A creditor who, in terms of section 74F (3) of the Act, wishes to object to any debt listed with the administration order or to the manner in which the order commands payments to be made, shall do so within 28 days after the granting of the order has come to his notice.

(2) A creditor who, in terms of section 74G (10) (b) of the Act, wishes to object to any debt included in the list of creditors shall, within 14 days after he has received a copy of the administration order, notify the administrator in writing of his objections and the grounds whereupon his objections are based.

(3) In a matter referred to in subrule (2) the administrator shall obtain from the clerk of the court a suitable day and time for the hearing of the objections by the court and thereupon, in writing, notify the creditor referred to in subrule (2), the debtor and any other involved creditors, of the said day and time.

(4) An administrator may, in terms of section 74L (1) (b) of the Act, before making a distribution referred to in that section detain an amount not exceeding 25 per cent of the amount collected to cover the costs that he may have to incur if the debtor is in default or disappears: Provided that the amount in the possession of the administrator for this purpose at any stage shall not exceed the amount of R30.

(5) Should the administrator be an officer employed by the State the remuneration referred to in section 74L of the Act shall accrue to the State.".

17. The substitution for rule 58 of the following rule:

"RULE 58

Interest

58. If the defendant has not consented to judgment before the expiration of the time allowed for appearance to defend, interest from the date of issue of the summons to the date of judgment may in the judgment be

(b) dat, vir doeleindes van sodanige verhoor, die vonnisskuldeiser die eiser is en die beslagskuldenaar die verweerder, of omgekeerd.

(11) Indien die beslagskuldenaar aanvoer dat genoemde skuld behoort aan of onderworpe is aan 'n vordering deur 'n ander persoon kan die hof die keerdag uitstel en sodanige ander persoon beveel om te verskyn en die aard en besonderhede van sy vordering uiteen te sit en dit òf te verdedig òf te laat vaar, en kan die hof die aangeleentheid behandel asof die vonnisskuldeiser en sodanige ander persoon kragtens reël 44 aanspraakmakers in 'n tussenpleitgeding is.

(12) Indien die vonnisskuldenaar aanvoer dat aan die vonnis voldoen is of dat dit om 'n ander rede nie teen hom geld nie, of dat die beslagskuldenaar nie by hom in die skuld staan nie, kan die hof die geskil summier aanhoor.

(13) Na aanhoring van die partye of dié van hulle wat verskyn, kan die hof—

(a) die beslagskuldenaar kragtens subreël (9) beveel om te betaal;

(b) die aanspraak van enige persoon op die skuld waarop beslag gelê is as uitgesluit verklaar;

(c) die aansoek afwys;

(d) sodanige ander bevel gee as wat billik mag wees.".

16. Die vervanging van reël 48 deur die volgende reël:

"REËL 48

Administrasiebevele

48. (1) 'n Skuldeiser wat ingevolge artikel 74F (3) van die Wet beswaar wil maak teen 'n skuld wat by die administrasiebevel gelys is of teen die wyse waarop die bevel gelas dat betalings gedoen moet word, moet dit doen binne 28 dae nadat die verlening van die bevel tot sy kennis gekom het.

(2) 'n Skuldeiser wat ingevolge artikel 74G (10) (b) van die Wet beswaar wil maak teen 'n skuld wat in die lys van skuldeisers opgeneem is, stel die administrateur binne 14 dae nadat hy 'n afskrif van die administrasiebevel ontvang het skriftelik in kennis van sy besware en die gronde waarop dit berus.

(3) In 'n geval in subreël (2) bedoel, verkry die administrateur van die klerk van die hof 'n geskikte dag en tyd wanneer die hof die besware kan aanhoor en stel daarop die skuldeiser in subreël (2) genoem, die skuldenaar en enige ander skuldeiser daarby betrokke, skriftelik van genoemde dag en tyd in kennis.

(4) 'n Administrateur kan ingevolge artikel 74L (1) (b) van die Wet, voordat hy 'n verdeling maak soos in daardie artikel bedoel, 'n bedrag gelyk aan hoogstens 25 persent van die ingevorderde bedrag terughou om die onkoste te dek wat hy mag aangaan as die skuldenaar in versuim is of verdwyn: Met dien verstande dat die bedrag wat 'n administrateur op enige stadium vir dié doel in sy besit het, nie R30 te bowe gaan nie.

(5) Indien die administrateur 'n beampte in diens van die Staat is, val die in artikel 74L van die Wet bedoelde besoldiging die Staat toe.".

17. Die vervanging van reël 58 deur die volgende reël:

"REËL 58

Rente

58. Indien die verweerder nie voor die verstryking van die tydperk wat gestel is vir kennisgewing van voorneme om te verdedig, tot vonnis toegestem het nie, kan, in die vonnis, rente vanaf die datum van

added to the amount claimed in the summons at the rate claimed in the summons, or, if there be no such rate, then at the rate prescribed under section 1 (2) of the Prescribed Rate of Interest Act, 1975 (Act 55 of 1975).".

18. The deletion of rule 63.

19. The amendment of the numerical index of forms in Annexure 1 by—

(a) the addition after form 5 of the following forms:

"5A. Request for judgment in terms of section 57 of the Act.

5B. Request for judgment in terms of section 58 of the Act.";

(b) the substitution for forms 38 to 45 of the following forms:

"38. Emoluments attachment order.

39. Garnishee order.

40. Notice to show cause under section 65A (1) of the Act.

41. Notice of set-down of postponed proceedings under section 65E (3) of the Act.

42. Warrant for arrest and detention under section 65F (1) read with section 65H of the Act.

43. Warrant of liberation in a civil matter under section 65L (c) of the Act.

44. Application for an administration order under section 74 (1) of the Act.

45. Statement of affairs of debtor in an application for an administration order in terms of section 65I (2) or 74A of the Act.";

(c) the deletion of form 46;

(d) the substitution for forms 47 to 52 of the following forms:

"47. Notice to debtor that an additional creditor has lodged a claim against him for a debt owing before the making of the administration order.

48. Notice to debtor that a creditor has lodged a claim for a debt owing after granting of the administration order.

49. Notice to add an additional creditor to the list of creditors of a person under administration.

50. Notice to creditor that his name has been added to the list of creditors of a person under administration.

51. Administration Order.

52. Distribution Account in terms of section 74J (5) of the Act.";

(e) the addition after form 52 of the following form:

"52A. Rescission of an administration order."; and

(f) the addition after form 56 of the following forms:

"57. Notice under section 109 (2) of the Act.

58. Warrant of arrest and committal under section 109 (4) of the Act.

59. Certificate of liberation.".

20. The substitution for the alphabetical index of forms in Annexure 1 of the following index:

uitreiking van die dagvaarding tot die datum van die vonnis by die bedrag wat in die dagvaarding gevorder word teen die rentekoers in die dagvaarding vermeld, gevoeg word of, indien sodanige rentekoers nie vermeld word nie, dan teen die rentekoers wat kragtens artikel 1 (2) van die Wet op die Voorgeskrewe Rentekoers, 1975 (Wet 55 van 1975), voorgeskryf is.".

18. Die skrapping van reël 63.

19. Die wysiging van die numeriese inhoudsopgawe van vorms in Bylae 1 deur—

(a) die byvoeging na vorm 5 van die volgende vorms:

"5A. Versoek om vonnis ingevolge artikel 57 van die Wet.

5B. Versoek om vonnis ingevolge artikel 58 van die Wet.";

(b) die vervanging van vorms 38 tot 45 deur die volgende vorms:

"38. Besoldigingbeslagbevel.

39. Skuldbeslagbevel.

40. Kennisgewing om redes aan te voer kragtens artikel 65A (1) van die Wet.

41. Kennisgewing van terolleplasing van uitgestelde verrigtinge kragtens artikel 65E (3) van die Wet.

42. Lasbrief vir inhegtenisneming en aanhouding kragtens artikel 65F (1) gelees met artikel 65H van die Wet.

43. Lasbrief vir invryheidstelling in 'n siviele aangeleentheid kragtens artikel 65L (c) van die Wet.

44. Aansoek om 'n administrasiebevel kragtens artikel 74 (1) van die Wet.

45. Staat van sake van skuldenaar by 'n aansoek om 'n administrasiebevel ingevolge artikel 65I (2) of 74A van die Wet.";

(c) die skrapping van vorm 46;

(d) die vervanging van vorms 47 tot 52 deur die volgende vorms:

"47. Kennisgewing aan skuldenaar dat 'n verdere skuldeiser 'n eis teen hom ingedien het vir 'n skuld verskuldig voor verlening van die administrasiebevel.

48. Kennisgewing aan skuldenaar dat 'n skuldeiser 'n eis ingedien het vir 'n skuld verskuldig na verlening van die administrasiebevel.

49. Kennisgewing om 'n verdere skuldeiser by die lys van skuldeisers van 'n persoon onder administrasie te voeg.

50. Kennisgewing aan 'n skuldeiser dat sy naam by die lys van skuldeisers van 'n persoon onder administrasie gevoeg is.

51. Administrasiebevel.

52. Distribusierekening ingevolge artikel 74J (5) van die Wet.";

(e) die byvoeging na vorm 52 van die volgende vorm:

"52A. Intrekking van 'n administrasiebevel."; en

(f) die byvoeging na vorm 56 van die volgende vorms:

"57. Kennisgewing kragtens artikel 109 (2) van die Wet.

58. Lasbrief vir inhegtenisneming en gevangesetting kragtens artikel 109 (4) van die Wet.

59. Invryheidstellingsertifikaat.".

20. Die vervanging van die alfabetiese inhoudsopgawe van vorms in Bylae 1 deur die volgende inhoudsopgawe:

"ALPHABETICAL LIST

51. Administration order.

8. Affidavit in support of application for summary judgment.

9. Affidavit under section 32 of the Act.

54. Agreement not to appeal.

44. Application for an administration order under section 74 (1) of the Act.

21. Application for trial with assessors.

59. Certificate of liberation.

23. Commissions *de bene esse*.

12. Consent to sale of goods attached under section 32 of the Act.

56. Criminal record book.

52. Distribution account in terms of section 74J (5) of the Act.

19. Direction to attend pre-trial conference.

38. Emoluments attachment order.

39. Garnishee order.

35. Interpleader summons [section 69 (1) of the Act].

36. Interpleader summons [section 69 (2) of the Act].

1. Notice of application (general form).

4. Notice under rule 9 (12) for substituted service.

6. Notice of withdrawal.

7. Notice of application for summary judgment.

13. Notice to deliver schedule of documents.

14. Notice to produce documents for inspection.

15. Notice to produce at trial.

33. Notice of attachment in execution.

34. Notice to preferent creditor [section 66 (2) (a) of the Act].

40. Notice under section 65A (1) of the Act to show cause.

41. Notice of set-down of postponed proceedings under section 65E (3) of the Act.

47. Notice to debtor that an additional creditor has lodged a claim against him for a debt owing before the making of the administration order.

48. Notice to debtor that a creditor has lodged a claim for a debt owing after granting of the administration order.

49. Notice to add an additional creditor to the list of creditors of a person under administration.

50. Notice to creditor that his name has been added to the list of creditors of a person under administration.

53. Notice of abandonment of specified claim, exception or defence.

57. Notice under section 109 (2) of the Act.

11. Order under section 32 of the Act.

16. Order for interdict obtained *ex parte*.

17. Order for arrest of person *suspectus de fuga*.

18. Order for attachment of person or property to found or confirm jurisdiction.

20. Order—pre-trial conference.

5. Request for default judgment.

"ALFABETIESE LYS

44. Aansoek om 'n administrasiebevel kragtens artikel 74 (1) van die Wet.

51. Administrasiebevel.

21. Aansoek om verhoor met assessore.

22. Assessor: Dagvaarding aan.

8. Beëdigde verklaring ter stawing van aansoek om summiere vonnis.

9. Beëdigde verklaring kragtens artikel 32 van die Wet.

38. Besoldigingbeslagbevel.

4. Betekening: Kennisgewing kragtens reël 9 (12) vir vervangende.

11. Bevel kragtens artikel 32 van die Wet.

16. Bevel tot interdik *ex parte* verkry.

17. Bevel tot inhegtenisneming van 'n persoon *suspectus de fuga*.

18. Bevel tot inhegtenisneming of beslaglegging om jurisdiksie te vestig of bevestig.

20. Bevel: Voor-verhoor-onderhoud.

2. Dagvaarding waardeur aksie begin word (gewoon).

3. Dagvaarding waardeur aksie begin word (waarby 'n outomatiese huurinterdik ingelyf is).

22. Dagvaarding aan assessor.

24. Dagvaarding: Getuie-.

52. Distribusierekening ingevolge artikel 74J (5) van die Wet.

24. Getuiedagvaarding.

23. Getuienisnemende kommissie.

59. Invryheidstellingsertifikaat.

52A. Intrekking van 'n administrasiebevel.

1. Kennisgewing van aansoek (algemene vorm).

4. Kennisgewing kragtens reël 9 (12) vir vervangende betekening.

6. Kennisgewing van terugtrekking.

7. Kennisgewing van aansoek om summiere vonnis.

13. Kennisgewing om lys van dokumente af te lewer.

14. Kennisgewing om dokumente vir insae oor te lê.

15. Kennisgewing om by verhoor oor te lê.

33. Kennisgewing van beslaglegging in tenuitvoerlegging.

34. Kennisgewing aan preferente skuldeiser [artikel 66 (2) (a) van die Wet].

40. Kennisgewing kragtens artikel 65A (1) van die Wet om redes aan te voer.

41. Kennisgewing van terolleplasing van uitgestelde verrigtinge kragtens artikel 65E (3) van die Wet.

47. Kennisgewing aan skuldenaar dat 'n verdere skuldeiser 'n eis teen hom ingedien het vir 'n skuld verskuldig voor verlening van die administrasiebevel.

48. Kennisgewing aan skuldenaar dat 'n skuldeiser 'n eis ingedien het vir 'n skuld aangegaan na verlening van die administrasiebevel.

49. Kennisgewing om 'n verdere skuldeiser by die lys van skuldeisers van 'n persoon onder administrasie te voeg.

50. Kennisgewing aan 'n skuldeiser dat sy naam by die lys van skuldeisers van 'n persoon onder administrasie gevoeg is.

53. Kennisgewing van afstanddoening van 'n bepaalde vordering, eksepsie of verweer.

57. Kennisgewing kragtens artikel 109 (2) van die Wet.

25. Lasbrief vir betaling van boete of inhegtenisneming van 'n getuie weens nie-verskyning.

26. Lasbrief vir die inhegtenisneming van 'n getuie weens nie-verskyning.

30. Lasbrief vir uitsetting.

31. Lasbrief vir lewering van goed.

32. Lasbrief vir eksekusie teen goed.

5A. Request for judgment in terms of section 57 of the Act.

5B. Request for judgment in terms of section 58 of the Act.

55. Request to inspect record.

52A. Rescission of an administration order.

10. Security under section 32 of the Act.

27. Security on arrest, attachment or interdict *ex parte*.

28. Security when execution is stayed pending appeal.

29. Security when execution is allowed pending appeal.

37. Security under rule 38.

45. Statement of affairs of debtor in an application for an administration order under section 65I (2) or 74A of the Act.

24. Subpoena.

2. Summons commencing action (ordinary).

3. Summons commencing action (in which is included an automatic rent interdict).

22. Summons to assessor.

25. Warrant for payment of fine or arrest of witness in default.

26. Warrant for the arrest of a witness in default.

30. Warrant of ejectment.

31. Warrant for delivery of goods.

32. Warrant for execution against property.

42. Warrant of arrest and detention under section 65F (1) read with section 65H of the Act.

43. Warrant of liberation in a civil matter.

58. Warrant of arrest and committal under section 109 (4) of the Act.".

21. The amendment of Annexure 1 under the heading "Forms" by—

(a) the addition after form 5 of forms 5A and 5B;

(b) the substitution of forms 2, 3, 38 to 45 and 47 to 52;

(c) the deletion of form 46;

(d) the addition after form 52 of form 52A; and

(e) the addition after form 56 of forms 57 to 59,

as set out in the Annexure hereto.

22. For a period of 12 months from the date upon which this rules comes into operation the use of forms 2 and 3 contained in Annexure 1 to the rules and substituted by Government Notice R. 3002, dated 25 July 1969, may, with the necessary variations to bring them substantially in accordance with the forms in Annexure 1, be continued.

ANNEXURE

Issued by..... Case No.....

..... Date.....

Clerk of the Court

R1 Revenue Stamp

No. 2.—SUMMONS COMMENCING ACTION (ORDINARY)

Sued out by.....

Name and address of plaintiff or his attorney.....

.....

Postal address.....

.....

Signature of plaintiff or his attorney

42. Lasbrief vir inhegtenisneming en aanhouding kragtens artikel 65F (1) gelees met artikel 65H van die Wet.

43. Lasbrief vir invryheidstelling in 'n siviele aangeleentheid.

58. Lasbrief vir inhegtenisneming en gevangesetting kragtens artikel 109 (4) van die Wet.

54. Ooreenkoms om nie te appelleer nie.

19. Opdrag om voor-verhoor-onderhoud by te woon.

56. Register van Strafsake.

10. Sekerheidstelling kragtens artikel 32 van die Wet.

27. Sekerheidstelling by inhegtenisneming, beslaglegging of interdik *ex parte*.

28. Sekerheidstelling wanneer tenuitvoerlegging hangende appèl opgeskort is.

29. Sekerheidstelling wanneer tenuitvoerlegging hangende appèl toegestaan is.

37. Sekerheidstelling kragtens reël 38.

39. Skuldbeslagbevel.

45. Staat van sake van skuldenaar by 'n aansoek om 'n administrasiebevel kragtens artikel 65I (2) of 74A van die Wet.

7. Summiere vonnis: Kennisgewing van aansoek om.

8. Summiere vonnis: Beëdigde verklaring ter stawing van aansoek om.

12. Toestemming tot verkoping van goed waarop kragtens artikel 32 van die Wet beslag gelê is.

35. Tussenpleitdagvaarding [artikel 69 (1) van die Wet].

36. Tussenpleitdagvaarding [artikel 69 (2) van die Wet].

5. Versoek om vonnis by verstek.

5A. Versoek om vonnis ingevolge artikel 57 van die Wet.

5B. Versoek om vonnis ingevolge artikel 58 van die Wet.

55. Versoek om insae in notule.".

21. Die verwysing van Bylae 1 onder die opskrif "Vorms" deur—

(a) die byvoeging na vorm 5 van vorms 5A en 5B;

(b) die vervanging van vorms 2, 3, 38 tot 45 en 47 tot 52;

(c) die skrapping van vorm 46;

(d) die byvoeging na vorm 52 van vorm 52A; en

(e) die byvoeging na vorm 56 van vorms 57 tot 59,

in die Bylae hiervan uiteengesit.

22. Die gebruik van vorms 2 en 3 in Bylae 1 van die reëls vervat en vervang by Goewermentskennisgewing R. 3002, gedateer 25 Julie 1969, kan, met die nodige veranderings wat vereis word om dit wesenlik in ooreenstemming met die vorms in Bylae 1 te bring, vir 'n tydperk van 12 maande vanaf die datum waarop hierdie reël in werking tree, voortgesit word.

BYLAE

Uitgereik deur..... Saak No.....

..... Datum.....

Klerk van die Hof

R1-inkomsteseël

No. 2—DAGVAARDING WAARDEUR AKSIE BEGIN WORD (GEWOON)

Uitgeneem deur.....

Naam en adres van eiser of sy prokureur.....

.....

Posadres.....

.....

Handtekening van eiser of sy prokureur

In the Magistrate's Court for the district of.....
.....held at.....

Between

.....Plaintiff

and

.....Defendant

To.....
.....

You are hereby summoned that you do within ..... days of the service of this summons deliver or cause to be delivered to the CLERK OF THE AFORESAID COURT and also the PLAINTIFF OR HIS ATTORNEY at the address specified herein a notice in writing of your intention to defend this action and answer the claim of the plaintiff, particulars whereof are endorsed hereunder.

(1) Particulars:

Plaintiff's claim against defendant is for payment of the sum/balance of R..... for:

Wherefore plaintiff prays for judgment against the defendant in the said sum, with costs. Costs if the action is undefended will be as follows:

	Summons	*Judgment*
	R	R
Attorney's charges.....	.....	.....
Court fees.....	.....	.....
Messenger's fees.....	.....	.....
Messenger's fees on re-issue.....	.....	.....
Totals.....	R.....	R.....
Total.....		R.....

AND TAKE NOTICE THAT—

(a) in default of your paying the amount of the claim and costs within the said period or of your delivering a notice of intention to defend you will be held to have admitted the said claim and the plaintiff may proceed therein and judgment may be given against you in your absence;

(b) if you pay the said claim and costs within the said period judgment will not be given against you herein and you will save judgment charges. You will also save judgment charges if, within the said period, you lodge with the clerk of the aforesaid Court a consent to judgment;

(c) if you admit the claim and wish to consent to judgment or wish to undertake to pay the claim in instalments or otherwise, you may approach the plaintiff or his attorney.

NOTICE.—ANY PERSON AGAINST WHOM A COURT HAS, IN A CIVIL CASE, GIVEN ANY JUDGMENT OR MADE ANY ORDER, AND WHO HAS NOT, WITHIN 10 DAYS, SATISFIED IN FULL SUCH JUDGMENT OR ORDER—

(a) MAY, FOR SUCH FAILURE, BE COMMITTED FOR A PERIOD NOT EXCEEDING 90 DAYS OR BE SENTENCED TO PERIODICAL IMPRISONMENT FOR A PERIOD NOT EXCEEDING 2 160 HOURS (SECTION 65F OF THE ACT);

(b) IS LIABLE TO NOTIFY THE CLERK OF THE COURT AND THE JUDGMENT CREDITOR OR HIS ATTORNEY FULLY AND CORRECTLY IN WRITING WITHIN 14 DAYS AFTER HE HAS, AT ANY TIME, CHANGED HIS PLACE OF RESIDENCE, BUSINESS OR EMPLOYMENT OF HIS NEW PLACE OF RESIDENCE, BUSINESS OR EMPLOYMENT AND BY HIS FAILURE TO DO SO HE MAY BE COMMITTED FOR A PERIOD NOT EXCEEDING 30 DAYS OR BE SENTENCED TO PERIODICAL IMPRISONMENT FOR A PERIOD NOT EXCEEDING 720 HOURS (SECTION 109 OF THE ACT).

(2) Consent to judgment:

I admit that I am liable to the plaintiff as claimed in this summons (or in the amount of R.....and costs to date) and I consent to judgment accordingly.

Dated at.....this.....
day of....., 19.....

.....
Defendant

In die Landdroshof vir die distrik.....
gehou te.....

Tussen

.....Eiser

en

.....Verweerder

Aan.....
.....

U word hierby gedagvaar om binne.....dae na betekening van hierdie dagvaarding aan die KLERK VAN BOGENOEMDE HOF en ook aan die EISER OF SY PROKUREUR by die adres hierin genoem, 'n skriftelike kennisgewing van u voorneme om dié aksie te verdedig af te lewer of te laat aflewer en te antwoord op die eis van die eiser, waarvan besonderhede hieronder vermeld word.

(1) Besonderhede:

Eiser se eis teen verweerder is vir betaling van die bedrag/balans van R.....vir:

Derhalwe smeek eiser om vonnis teen die verweerder vir bogenoemde bedrag, met koste.

Koste, as die aksie nie verdedig word nie, sal soos volg wees:

	Dagvaarding	*Vonnis*
	R	R
Prokureurskoste.....	.....	.....
Hofgelde.....	.....	.....
Geregsbodegelde.....	.....	.....
Geregsbodegelde by heruitreiking.....	.....	.....
Totale.....	R.....	R.....
Totaal.....		R.....

EN NEEM KENNIS DAT—

(a) as u in gebreke bly om die bedrag van die eis en koste binne voornoemde tydperk te betaal of om 'n kennisgewing van voorneme om te verdedig af te lewer, daar geag sal word dat u voormelde eis erken en die eiser daarmee kan voortgaan en vonnis teen u in u afwesigheid gegee kan word;

(b) as u genoemde eis en koste binne voormelde tydperk betaal, vonnis nie teen u in hierdie saak gegee sal word nie en u die vonniskoste sal bespaar. U sal ook die vonniskoste bespaar indien u binne voornoemde tydperk 'n toestemming tot vonnis by die klerk van voornoemde Hof indien;

(c) indien u die eis erken en tot vonnis wil toestem, of wil onderneem om die eis in paaiemente of andersins te betaal, u die eiser of sy prokureur kan nader.

KENNISGEWING.—IEMAND TEEN WIE 'N HOF IN 'N SIVIELE SAAK 'N VONNIS GEVEL OF 'N BEVEL UITGEVAARDIG HET, EN WAT NIE BINNE 10 DAE TEN VOLLE AAN DAARDIE VONNIS OF BEVEL VOLDOEN HET NIE—

(a) KAN WEENS SODANIGE VERSUIM TER GEVANGESETTING VERWYS WORD VIR 'N TYDPERK VAN HOOGSTENS 90 DAE, OF GEVONNIS WORD OM PERIODIEKE GEVANGENISSTRAF VIR 'N TYDPERK VAN HOOGSTENS 2160 UUR TE ONDERGAAN (ARTIKEL 65F VAN DIE WET);

(b) IS VERPLIG OM DIE KLERK VAN DIE HOF EN DIE VONNISSKULDEISER OF SY PROKUREUR BINNE 14 DAE NADAT HY TE ENIGER TYD VAN WOON-, BESIGHEIDS-, OF WERKPLEK VERANDER HET, SKRIFTELIK VOLLEDIG EN JUIS IN KENNIS TE STEL VAN SY NUWE WOON-, BESIGHEIDS-, OF WERKPLEK, EN KAN WEENS SY VERSUIM OM DIT TE DOEN VIR 'N TYDPERK VAN HOOGSTENS 30 DAE TER GEVANGESETTING VERWYS WORD, OF GEVONNIS WORD TOT PERIODIEKE GEVANGENISSTRAF VIR 'N TYDPERK VAN HOOGSTENS 720 UUR (ARTIKEL 109 VAN DIE WET)

(2) Toestemming tot vonnis:

Ek erken dat ek teenoor die eiser aanspreeklik is soos in hierdie dagvaarding beweer (of vir die bedrag van R.....en koste tot op datum) en ek stem dienooreenkomstig tot vonnis toe.

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

.....
Verweerder

*(3) Notice of intention to defend:

To the Clerk of the Court.

Kindly take notice that the defendant hereby notifies his intention to defend this action.

Dated at.....this.....
day of....., 19.....

.....
Defendant/Defendant's attorney

Adress.....
Postal address.....

(Give full address for acceptance of service of process or documents within eight kilometres from the Court-house and also the postal address).

**Note.*—The original notice must be filed of record with the Clerk of the Court and a copy thereof served on the plaintiff or his attorney.

Issued by..... Case No.....

..... Date.....
Clerk of the Court

R1 Revenue Stamp

No. 3.—SUMMONS COMMENCING ACTION (IN WHICH IS INCLUDED AN AUTOMATIC RENT INTERDICT)

Sued out by.....
Name and address of plaintiff or his attorney.....
.....
Postal address.....

.....
Signature of plaintiff or his attorney

In the Magistrate's Court for the District of.....
held at.....

Between

.....Plaintiff

and

.....Defendant

To.....
.....
.....

You are hereby summoned that you do within.....days of the service of this summons deliver or cause to be delivered to the CLERK OF THE AFORESAID COURT and also the PLAINTIFF OR HIS ATTORNEY at the address specified herein a notice in writing of your intention to defend this action and answer the claim of the plaintiff, particulars whereof are endorsed hereunder.

AND TAKE NOTICE THAT—

(a) in default of your paying the amount of the claim and costs within the said period or of your delivering a notice of intention to defend you will be held to have admitted the said claim and the plaintiff may proceed therein and judgment may be given against you in your absence;

(b) if you pay the said claim and costs within the said period judgment will not be given against you herein and you will save judgment charges. You will also save judgment charges if, within the said period, you lodge with the clerk of the aforesaid court a consent to judgment;

(c) if you admit the claim and wish to consent to judgment or wish to undertake to pay the claim in instalments or otherwise, you may approach the plaintiff or his attorney.

AND FURTHER TAKE NOTICE THAT YOU, THE DEFENDANT, AND ALL OTHER PERSONS ARE HEREBY INTERDICTED FROM REMOVING OR CAUSING OR SUFFERING TO BE REMOVED ANY OF THE FURNITURE OR EFFECTS IN OR ON THE PREMISES DESCRIBED IN THE PARTICULARS OF CLAIM ENDORSED HEREON WHICH ARE SUBJECT TO THE PLAINTIFF'S HYPOTHEC FOR RENT UNTIL AN ORDER RELATIVE THERETO SHALL HAVE BEEN MADE BY THE COURT.

*(3) Kennisgewing van voorneme om te verdedig.

Aan die Klerk van die Hof.

Geliewe kennis te neem dat die verweerder hierby kennis gee van sy voorneme om hierdie aksie te verdedig.

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

.....
Verweerder/Verweerder se prokureur

Adres.....
.....

Posadres.....
.....

(Verstrek volledige adres—binne agt kilometer van die Hofgebou af—waar betekening van prosesstukke of dokumente aanvaar sal word, asook die posadres.)

---

* *Let wel.*—Die oorspronklike kennisgewing moet by die Klerk van die Hof ingedien word vir bewaring by die stukke, en 'n afskrif daarvan moet aan die eiser of sy prokureur beteken word.

Uitgereik deur..... Saak No.....

..... Datum.....
Klerk van die Hof

R1-inkomsteseël

No. 3—DAGVAARDING WAARDEUR AKSIE BEGIN WORD (WAARBY 'N OUTOMATIESE HUURINTERDIK INGELYF IS)

Uitgeneem deur.....
Naam en adres van eiser of sy prokureur.....
.....
Posadres.....

.....
Handtekening van eiser of sy prokureur

In die Landdroshof vir die distrik.....
gehou te.....

Tussen

.....Eiser

en

.....Verweerder

Aan.....
.....
.....

U word hierby gedagvaar om binne.....dae na betekening van hierdie dagvaarding aan die KLERK VAN BOGENOEMDE HOF en ook aan die EISER OF SY PROKUREUR by die adres hierin genoem, 'n skriftelike kennisgewing van u voorneme om dié aksie te verdedig af te lewer of te laat aflewer en te antwoord op die eis van die eiser, waarvan besonderhede hieronder vermeld word.

EN NEEM KENNIS DAT—

(a) as u in gebreke bly om die bedrag van die eis en koste binne voornoemde tydperk te betaal of om 'n kennisgewing van voorneme om te verdedig af te lewer, daar geag sal word dat u voormelde eis erken en die eiser daarmee kan voortgaan en vonnis teen u in u afwesigheid gegee kan word;

(b) as u genoemde eis en koste binne voormelde tydperk betaal, vonnis nie teen u in hierdie saak sal gegee word nie en u die vonniskoste sal bespaar. U sal ook die vonniskoste bespaar indien u binne voornoemde tydperk 'n toestemming tot vonnis by die klerk van die voornoemde Hof indien;

(c) indien u die eis erken en tot vonnis wil toestem, of wil onderneem om die eis in paaiemente of andersins te betaal, u die eiser of sy prokureur kan nader.

EN NEEM VERDER KENNIS DAT U, DIE VERWEERDER, EN ALLE ANDER PERSONE HIERBY BY INTERDIK VERBIED WORD OM ENIGE VAN DIE MEUBELS OF BESITTINGS IN OF OP DIE PERSEEL WAT IN DIE BESONDERHEDE VAN DIE VORDERING WAT HIEROP AANGETEKEN IS, BESKRYF IS EN ONDERWORPE IS AAN DIE EISER SE HIPOTEEK VIR HUURGELD, TE VERWYDER OF TE LAAT VERWYDER OF TOE TE LAAT DAT DIT VERWYDER WORD VOORDAT 'N BEVEL TEN OPSIGTE DAARVAN DEUR DIE HOF GEGEE IS.

Costs, if the action is undefended, will be as follows:

	Summons	*Judgment*
	R	R
Attorney's charges	.....	.....
Court fees	.....	.....
Messenger's fees	.....	.....
Messenger's fees on re-issue	.....	.....
Totals	R.....	R.....
Total		R.....

NOTICE.—ANY PERSON AGAINST WHOM A COURT HAS, IN A CIVIL CASE, GIVEN ANY JUDGMENT OR MADE ANY ORDER, AND WHO HAS NOT, WITHIN 10 DAYS, SATISFIED IN FULL SUCH JUDGMENT OR ORDER—

(a) MAY, FOR SUCH FAILURE, BE COMMITTED FOR A PERIOD NOT EXCEEDING 90 DAYS OR BE SENTENCED TO PERIODICAL IMPRISONMENT FOR A PERIOD NOT EXCEEDING 2 160 HOURS (SECTION 65F OF THE ACT);

(b) IS LIABLE TO NOTIFY THE CLERK OF THE COURT AND THE JUDGMENT CREDITOR OR HIS ATTORNEY FULLY AND CORRECTLY IN WRITING WITHIN 14 DAYS AFTER HE HAS, AT ANY TIME, CHANGED HIS PLACE OF RESIDENCE, BUSINESS OR EMPLOYMENT OF HIS NEW PLACE OF RESIDENCE, BUSINESS OR EMPLOYMENT AND BY HIS FAILURE TO DO SO HE MAY BE COMMITTED FOR A PERIOD NOT EXCEEDING 30 DAYS OR BE SENTENCED TO PERIODICAL IMPRISONMENT FOR A PERIOD NOT EXCEEDING 720 HOURS (SECTION 109 OF THE ACT).

(1) Particulars of claim.

Plaintiff's claim is for—

(i) arrears of rent due in respect of the defendant's tenancy of.....and for confirmation of the interdict appearing in this summons.

Particulars:

Date	*Period*	*Amount*
		R
.....	.....	.....
.....	.....	.....

and

(ii) for ejectment.

Particulars.....

(2) Consent to judgment.

I admit that I am liable to the plaintiff as claimed in this summons (or in the amount of R..... and costs to date) and I consent to judgment accordingly.

Dated at.....this.....
day of.....19.....

.....
Defendant

*(3) Notice of intention to defend.

To the Clerk of the Court.

Kindly take notice that the defendant hereby notifies his intention to defend this action.

Dated at.....this.....
day of.....19.....

.....
Defendant/Defendant's attorney

Address where service of process or documents will be accepted

.....
(within eight kilometres from the Court-house).....
Postal address.....

**Note.*—The original notice must be filed of record with the Clerk of the Court and a copy thereof served on the plaintiff or his attorney.

Koste as die aksie nie verdedig word nie, sal soos volg wees:

	Dagvaarding	*Vonnis*
	R	R
Prokureurskoste	.....	.....
Hofgelde	.....	.....
Geregsbodegelde	.....	.....
Geregsbodegelde by heruitreiking	.....	.....
Totale	R.....	R.....
Totaal		R.....

KENNISGEWING.—IEMAND TEEN WIE 'N HOF IN 'N SIVIELE SAAK 'N VONNIS GEVEL OF 'N BEVEL UITGEVAARDIG HET, EN WAT NIE BINNE 10 DAE TEN VOLLE AAN DAARDIE VONNIS OP BEVEL VOLDOEN HET NIE—

(a) KAN WEENS SODANIGE VERSUIM TER GEVANGESETTING VERWYS WORD VIR 'N TYDPERK VAN HOOGSTENS 90 DAE, OF GEVONNIS WORD OM PERIODIEK GEVANGENISSTRAF VIR 'N TYDPERK VAN HOOGSTENS 2 160 UUR TE ONDERGAAN (ARTIKEL 65F VAN DIE WET);

(b) IS VERPLIG OM DIE KLERK VAN DIE HOF EN DIE VONNISKULDEISER OF SY PROKUREUR BINNE 14 DAE NADAT HY TE ENIGER TYD VAN WOON-, BESIGHEIDS-, OF WERKPLEK VERANDER HET, SKRIFTELIK VOLLEDIG EN JUIS IN KENNIS TE STEL VAN SY NUWE WOON-, BESIGHEIDS-, OF WERKPLEK, EN KAN WEENS SY VERSUIM OM DIT TE DOEN VIR 'N TYDPERK VAN HOOGSTENS 30 DAE TER GEVANGESETTING VERWYS WORD, OF GEVONNIS WORD TOT PERIODIEKE GEVANGENISSTRAF VIR 'N TYDPERK VAN HOOGSTENS 720 UUR (ARTIKEL 109 VAN DIE WET).

(1) Besonderhede van eis.

Eiser se eis is vir—

(i) agterstallige huurgeld verskuldig ten opsigte van die verweerder se huur van.....en vir bekragtiging van die interdik wat in hierdie dagvaarding voorkom.

Besonderhede:

Datum	*Tydperk*	*Bedrag*
		R
.....	.....	.....
.....	.....	.....

en

(ii) vir uitsetting.

Besonderhede.....

(2) Toestemming tot vonnis.

Ek erken dat ek teenoor die eiser aanspreeklik is soos in hierdie dagvaarding beweer (of vir die bedrag van R..... en koste tot op datum) en ek stem dienooreenkomstig tot vonnis toe.

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

.....
Verweerder

*(3) Kennisgewing van voorneme om te verdedig.

Aan die Klerk van die Hof.

Geliewe kennis te neem dat die verweerder hierby kennis gee van sy voorneme om hierdie aksie te verdedig.

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

.....
Verweerder/Verweerder se prokureur

Adres waar betekening van prosesstukke of dokumente aanvaar sal word.....

.....
(binne agt kilometer van die Hofgebou).....
Posadres.....

**Let wel.*—Die oorspronklike kennisgewing moet by die Klerk van die Hof ingedien word vir bewaring by die stukke, en 'n afskrif daarvan moet aan die eiser of sy prokureur beteken word.

(R1 Revenue Stamp if no summons is issued)

No. 5A.—REQUEST FOR JUDGMENT WHERE THE DEFENDANT ADMITTED LIABILITY AND UNDERTOOK TO PAY THE DEBT IN INSTALMENTS OR OTHERWISE—SECTION 57 OF THE MAGISTRATES' COURTS ACT, 1944 (ACT 32 OF 1944)

In the Magistrate's Court for the District of.....
held at.....

Case No.....of 19.....

In the matter between

.....Plaintiff

and

.....Defendant.

Plaintiff requests that judgment in the above-mentioned matter in terms of section 57 (2) of the Magistrates' Courts Act, 1944, be noted in his favour against the defendant as follows:

	R
Court fees (only when this is the first document in action) (section 59).....	.....
Outstanding balance of the debt [section 57 (2) (c) (i)].....	.....
Collection fees [section 57 (1) (c)].....	.....
Interest at.....per cent per annum accounted from.....	.....
Summons, if any [section 57 (1)].....	.....
Messenger's fees.....	.....
Cost of affidavit or affirmation by plaintiff/certificate by plaintiff's attorney [section 57 (2) (c)].....	.....
Cost of registered letter [section 57 (1)].....	.....
Cost of notice in terms of rule 54 (1).....	.....
Total.....	R

plus further interest at .....per cent per annum as from the date of judgment to the date of payment, and that payment thereof take place in accordance with defendant's offer.

The following documents are attached:

(a) A copy of the letter of demand sent to the defendant in terms of section 56 of the Magistrates' Courts Act, 1944 (only if no summons is issued).

(b) The defendant's written acknowledgment of liability towards the plaintiff for the amount of the debt and costs claimed (or for any other amount) and his offer.

(c) A copy of the plaintiff's or his attorney's written acceptance of the offer.

(d) An affidavit (or affirmation) by the plaintiff/a certificate by the plaintiff's attorney in terms of section 57 (2) (c) of the Magistrates' Courts Act, 1944.

Dated at.....this.....
day of.....19.....

Plaintiff/Plaintiff's attorney

.....(Address)
.....
.....

Judgment noted on the.....day of.....19.....
in favour of the plaintiff for the amount of R..... with R.....costs. The defendant is further ordered to pay the said judgment debt with costs in monthly/weekly instalments of R.....with effect from the.....day of .....19..... in accordance with his offer until the outstanding balance of the debt with costs has been paid in full.

.....
Clerk of the Court

(R1 Revenue Stamp if no summons is issued)

No. 5B.—REQUEST FOR JUDGMENT WHERE THE DEFENDANT CONSENTED TO JUDGMENT—SECTION 58 OF THE MAGISTRATES' COURTS ACT, 1944 (ACT 32 OF 1944)

In the Magistrate's Court for the District of.....
held at.....

Case No.....of 19.....

In the matter between

.....Plaintiff

and

.....Defendant

(R1-inkomsteseël indien geen dagvaarding uitgereik is nie)

No. 5A.—VERSOEK OM VONNIS WAAR DIE VERWEERDER AANSPREEKLIKHEID ERKEN HET EN ONDERNEEM HET OM DIE SKULD IN PAAIEMENTE OF ANDERSINS TE BETAAL—ARTIKEL 57 VAN DIE WET OP LANDDROSHOWE, 1944 (WET 31 VAN 1944)

In die Landdroshof vir die distrik.....gehou te.....

Saak No.....van 19.....

In die saak tussen

.....Eiser

en

.....Verweerder

Eiser versoek dat vonnis ingevolge artikel 57 (2) van die Wet op Landdroshowe, 1944, in bogenoemde saak ten gunste van hom soos volg teen verweerder aangeteken word:

	R
Hofgelde (slegs wanneer hierdie die eerste dokument in aksie is) (artikel 59).....	.....
Uitgestaande saldo van die skuld [artikel 57 (2) (c) (i)].....	.....
Invorderingsgelde [artikel 57 (1) (c)].....	.....
Rente teen.....persent per jaar bereken vanaf.....	.....
Dagvaarding, indien enige [artikel 57 (1)].....	.....
Geregsbodegelde.....	.....
Koste van beëdigde verklaring of bevestiging deur eiser/sertifikaat deur eiser se prokureur [artikel 57 (2) (c)].....	.....
Koste van geregistreerde brief [artikel 57 (1)].....	.....
Koste van kennisgewing ingevolge reël 54 (1).....	.....
Totaal.....	R

plus verdere rente teen.....persent per jaar vanaf datum van vonnis tot datum van betaling, en dat betaling daarvan ooreenkomstig verweerder se aanbod geskied.

Die volgende dokumente is aangeheg:

(a) 'n Afskrif van die aanmaning wat ingevolge artikel 56 van die Wet op Landdroshowe, 1944, aan die verweerder gestuur is (slegs indien geen dagvaarding uitgereik is nie).

(b) Die verweerder se skriftelike erkenning van aanspreeklikheid teenoor die eiser vir die bedrag van die skuld en koste wat geëis word (of vir 'n ander bedrag) en sy aanbod.

(c) 'n Afskrif van die eiser of sy prokureur se skriftelike aanname van die aanbod.

(d) 'n Beëdigde verklaring (of 'n bevestiging) deur die eiser/'n sertifikaat deur die eiser se prokureur ingevolge artikel 57 (2) (c) van die Wet op Landdroshowe, 1944.

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

Eiser/Eiser se prokureur

.....(Adres)
.....
.....

Vonnis aangeteken op die .....dag van.....
19..... ten gunste van die eiser vir die bedrag van R.....met R.....koste. Die verweerder word verder beveel om genoemde vonnisskuld met koste in maandelikse/weeklikse paaiemente van R.....met ingang van die .....dag van.....
19..... ooreenkomstig sy aanbod te betaal totdat die uitstaande saldo van die skuld met koste ten volle betaal is.

.....
Klerk van die Hof

(R1-inkomsteseël indien geen dagvaarding uitgereik is nie)

No. 5B.—VERSOEK OM VONNIS WAAR DIE VERWEERDER TOEGESTEM HET TOT VONNIS—ARTIKEL 58 VAN DIE WET OP LANDDROSHOWE, 1944 (WET 32 VAN 1944)

In die Landdroshof vir die distrik.....
gehou te.....

Saak No.....van 19.....

In die saak tussen

.....Eiser

en

.....Verweerder

Plaintiff requests that judgment in the above-mentioned matter in terms of section 58 (1) of the Magistrates' Courts Act, 1944. be noted in his favour against the defendant as follows:

Court fees (only when this is the first document in action) (section 59) ....
Amount of the debt [section 58 (1) (i)] ....
Interest at.....per cent per annum accounted from..... .....
Costs..... .....
R

and that payment thereof take place in accordance with defendant's consent.

The following documents are attached:

(a) A copy of the letter of demand sent to the defendant in terms of section 56 of the Magistrates' Courts Act, 1944 (only if no summons is issued).

(b) The defendant's written consent to judgment and costs.

Dated at.....this.....
day of.....19.....

Plaintiff/Plaintiff's attorney

.....(Address)
.....
.....

Judgment noted on the.....day of.....19..... in favour of the plaintiff for the amount of R..... and the amount of R.....costs for which the defendant consented to judgment.

The defendant is further ordered to pay the said judgment debt and costs in monthly/weekly instalments of R..... or..... until the judgment debt and costs have been paid in full.

.....
Clerk of the Court

No. 38.—EMOLUMENTS ATTACHMENT ORDER—SECTION 65J OF THE MAGISTRATES' COURTS ACT, 1944 (ACT 32 OF 1944)

In the Magistrate's Court for the District of.....
held at.....

Case No.....of 19.....

In the matter between

.....Judgment Creditor

and

.....Judgment Debtor
.....Particulars for the identification of the judgment debtor inclusive of his identity or work number or date of birth and address
.....Garnishee
.....Address of garnishee
.....

Whereas it has been made to appear to the above-mentioned Court that emoluments are at present or in future owing or accruing to the judgment debtor by or from the garnishee and that after satisfaction of the following order sufficient means will be left to the judgment debtor to maintain himself and those dependent upon him:

It is ordered—

(1) that the said emoluments are attached;

(2) that the garnishee pay to the judgment creditor or his attorney on the.....day of each and every month/week after this order has been granted the sum of R.....of the emoluments of the said judgment debtor until a sufficient amount has been paid to satisfy a judgment or order obtained against the judgment debtor by the judgment creditor in the..... .....Court at.....on the..... day of.....19..... for the amount of R..... (on which judgment or order the amount of R..... remains unpaid) with costs amounting to R..... and the costs of attachment amounting to R..... as well as R..... messenger's fees.

Dated at.....this.....
day of.....19.....

By Order of the Court,

.....
Clerk of the Court

.....
Judgment Creditor/Attorney
for judgment creditor

Eiser versoek dat vonnis ingevolge artikel 58 (1) van die Wet op Landdroshowe, 1944, in bogenoemde saak ten gunste van hom soos volg teen verweerder aangeteken word:

R

Hofgelde (slegs wanneer hierdie die eerste dokument in aksie is) (artikel 59) ....
Bedrag van die skuld [artikel 58 (1) (i)] ....
Rente teen.....persent per jaar bereken vanaf..... .....
Koste..... .....

en dat betaling daarvan ooreenkomstig verweerder se toestemming geskied.

Die volgende dokumente is aangeheg:

(a) 'n Afskrif van die aanmaning wat ingevolge artikel 56 van die Wet op Landdroshowe, 1944, aan die verweerder gestuur is (slegs indien geen dagvaarding uitgereik is nie).

(b) Die verweerder se skriftelike toestemming tot vonnis en koste.

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

Eiser/Eiser se prokureur

.....(Adres)
.....
.....

Vonnis aangeteken op die.....dag van.....19..... ten gunste van die eiser vir die bedrag van R.....en die bedrag van R.....koste waarvoor die verweerder tot vonnis toegestem het.

Die verweerder word verder beveel om vermelde vonnisskuld en koste in maandelikse/weeklikse paaiemente van R.....of .....te betaal totdat die vonnisskuld en koste ten volle betaal is.

.....
Klerk van die Hof

No. 38.—BESOLDIGINGBESLAGBEVEL—ARTIKEL 65J VAN DIE WET OP LANDDROSHOWE, 1944 (WET 32 VAN 1944)

In die Landdroshof vir die distrik.....
gehou te.....

Saak No.....van 19.....

In die saak tussen

.....Vonnisskuldeiser

en

.....Vonnisskuldenaar
.....Identifiserende besonderhede van vonnisskuldenaar met inbegrip van identiteits- of werksnommer of geboortedatum en adres
.....Beslagskuldenaar
.....Adres van beslagskuldenaar
.....

Nademaal dit vir bogenoemde Hof geblyk het dat besoldiging tans of in die toekoms deur die beslagskuldenaar aan die vonnisskuldenaar verskuldig is of van die beslagskuldenaar aan die vonnisskuldenaar toekom en dat nadat aan ondergenoemde bevel voldoen is, die vonnisskuldenaar genoegsame middele sal hê om hom en sy afhanklikes te onderhou;

Word daar beveel—

(1) dat daar op genoemde besoldiging beslag gelê word;

(2) dat die beslagskuldenaar aan die vonnisskuldeiser of sy prokureur op die.....dag van elke maand/week na uitreiking van hierdie bevel die bedrag van R..... van genoemde vonnisskuldenaar se besoldiging betaal totdat daar 'n bedrag betaal is wat voldoende is om die vonnis of bevel te dek wat die vonnisskuldeiser in die.....hof te .....op die.....dag van..... .....19..... vir die bedrag van R..... (ten opsigte van welke vonnis of bevel die bedrag van R..... nog verskuldig is) met koste ten bedrae van R..... en die koste van beslaglegging ten bedrae van R..... teen die vonnisskuldenaar verkry het asook R..... aan geregsbodegelde.

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

Op Las van die Hof,

.....
Klerk van die Hof

.....
Vonnisskuldeiser/Prokureur
vir vonnisskuldeiser

Address of judgment creditor/
Attorney for judgment creditor
.....
.....
.....

Attention is directed to the provisions of section 65J (10) of the Magistrates' Courts Act, 1944, which reads as follows:

"Any garnishee may, in respect of the services rendered by him in terms of an emoluments attachment order, recover from the judgment creditor a commission of up to 5 per cent of all amounts deducted by him from the judgment debtor's emoluments by deducting such commission from the amount payable to the judgment creditor.".

No. 39.—GARNISHEE ORDER—SECTION 72 OF THE MAGISTRATES' COURTS ACT, 1944 (ACT 32 OF 1944)

In the Magistrate's Court for the District of.....
held at.....

Case No.....of 19.....

In the matter between

.....Judgment Creditor

and

.....Judgment Debtor
.....Particulars for the identification of the judgment debtor inclusive of his identity or work number or date of birth and address
.....Garnishee
.....Address of garnishee
.....

Whereas it has been made to appear to the above-mentioned Court that a debt is at present or in future owing or accruing to the judgment debtor by or from the garnishee;

It is ordered—

(1) that the said debt be attached;

(2) that the garnishee pay to the judgment creditor or his attorney so much of the debt as may be sufficient to satisfy a judgment or order obtained against the judgment debtor by the judgment creditor in the.....Court at..... .....on the.....day of..... 19..... for the amount of R.....(on which judgment or order the amount of R.....remains due and unpaid) and the costs of the proceedings of attachment amounting to R.....as well as R.....messenger's fees.

If the garnishee fails to pay the judgment creditor or his attorney as aforesaid, he shall appear before this Court on the..... day of.....19..... at.....h..... to show cause why he should not pay the same.

Dated at.....this..... day of.....19.....

By Order of the Court,

.....
Clerk of the Court

.....
Judgment Creditor/Attorney for judgment creditor
.....(Address)
.....
.....

No. 40.—NOTICE TO SHOW CAUSE—SECTION 65A (1) OF THE MAGISTRATES' COURTS ACT, 1944 (ACT 32 OF 1944)

In the Magistrate's Court for the District of.....
held at.....

Case No.....of 19.....

In the matter between

.....Judgment Creditor

and

.....Judgment Debtor
To.....(If the judgment debtor is a juristic person it must be indicated whether he is summoned in his personal capacity or in his capacity as the representative of the juristic person)

Adres van vonnisskuldeiser/
Prokureur vir vonnisskuldeiser
.....
.....
.....

Die aandag word gevestig op die bepalings van artikel 65J (10) van die Wet op Landdroshowe, 1944, wat soos volg lui:

"'n Beslagskuldenaar kan vir die dienste deur hom gelewer ingevolge 'n besoldigingbeslagbevel 'n kommissie van hoogstens 5 persent van alle bedrae deur hom afgetrek van die vonnisskuldenaar se besoldiging op die vonnisskuldeiser verhaal deur daardie kommissie af te trek van die bedrag wat aan die vonnisskuldeiser betaalbaar is.".

No. 39.—SKULDBESLAGBEVEL—ARTIKEL 72 VAN DIE WET OP LANDDROSHOWE, 1944 (WET 32 VAN 1944)

In die Landdroshof vir die distrik.....
gehou te.....

Saak No.....van 19.....

In die saak tussen

.....Vonnisskuldeiser

en

.....Vonnisskuldenaar
.....Identifiserende besonderhede van vonnisskuldenaar met inbegrip van identiteits- of werksnommer of geboortedatum en adres
.....Beslagskuldenaar
.....Adres van beslagskuldenaar
.....

Nademaal dit vir bogenoemde Hof geblyk het dat 'n skuld tans of in die toekoms deur die beslagskuldenaar aan die vonnisskuldenaar verskuldig is of van die beslagskuldenaar aan die vonnisskuldenaar toekom;

Word daar beveel—

(1) dat op genoemde skuld beslag gelê word;

(2) dat die beslagskuldenaar soveel van die skuld aan die vonnisskuldeiser of sy prokureur betaal as wat voldoende is om 'n vonnis of bevel te dek wat die vonnisskuldeiser in die .....hof te.....op die..... dag van.....19.....vir die bedrag van R..... (ten opsigte van welke vonnis of bevel die bedrag van R..... nog verskuldig en onbetaald is) en die koste van die skuldbeslagverrigtinge ten bedrae van R.....teen die vonnisskuldenaar verkry het asook R.....aan geregsbodegelde.

Indien die beslagskuldenaar versuim om die vonnisskuldeiser of sy prokureur te betaal, soos voornoemd moet hy op die .....dag van.....19.....om .....h.....voor hierdie Hof verskyn om redes aan te voer waarom hy nie die genoemde bedrae moet betaal nie.

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

Op Las van die Hof,

.....
Klerk van die Hof

.....
.....
Vonnisskuldeiser/Prokureur vir vonnisskuldeiser
.....(Adres)
.....
.....

No. 40.—KENNISGEWING OM REDES AAN TE VOER—ARTIKEL 65A (1) VAN DIE WET OP LANDDROSHOWE, 1944 (WET 32 VAN 1944)

In die Landdroshof vir die distrik.....
gehou te.....

Saak No.....van 19.....

In die saak tussen

.....Vonnisskuldeiser

en

.....Vonnisskuldenaar
Aan.....(Indien die vonnisskuldenaar 'n regspersoon is, moet aangedui word of hy gedaag word in sy persoonlike hoedanigheid of in sy hoedanigheid as verteenwoordiger van die regspersoon)

You are hereby required to appear before above-mentioned Court on.....19..... at.....h..... to show cause why in terms of the above-mentioned section you should not be committed for contempt of court and why you/the juristic person should not be ordered to pay the judgment debt and costs in instalments or otherwise, as you/the juristic person failed to satisfy—

(a) the judgment of the said Court/.....given against you/the juristic person on.....19..... for the payment of the amount of R.....and R..... costs; or

(b) the order of the said Court of.....19..... that you/the juristic person shall pay in instalments the amount of R.....and R.....costs within 10 days from the date on which the judgment was given or.....

.....

The balance of the relevant debt at present amounts to R..... and the balance of the costs R.....

You are further required to submit a full statement to the said Court—

(a) of your/the juristic person's assets and liabilities;

(b) of your monthly/weekly income and expenditure, supported by documentary proof inclusive of a statement by your employer in which full particulars of your emoluments are indicated;

(c) as well as the following.....

.....

THE COURT MAY, AT THE HEARING OF THE PROCEEDINGS, WHETHER OR NOT YOU ARE PRESENT IN COURT, GRANT AN ORDER IN TERMS OF SECTION 65F (1) OF THE SAID ACT FOR YOUR COMMITTAL FOR CONTEMPT OF COURT FOR A PERIOD NOT EXCEEDING 90 DAYS OR MAY IN LIEU THEREOF SENTENCE YOU IN ACCORDANCE WITH THE PROVISIONS OF ANY LAW RELATING TO PRISONS, TO PERIODICAL IMPRISONMENT FOR A PERIOD NOT EXCEEDING 2 160 HOURS. IF THE JUDGMENT DEBTOR IS A JURISTIC PERSON AND YOU ARE SUMMONED IN YOUR CAPACITY AS THE REPRESENTATIVE OF THE JURISTIC PERSON, THE COURT MAY, WHETHER OR NOT YOU ARE PRESENT IN COURT, ON CONVICTION FOR CONTEMPT OF COURT SENTENCE YOU TO A FINE NOT EXCEEDING R100, WHICH FINE SHALL BE PAYABLE BY THE JURISTIC PERSON.

Dated at.....this..... day of.....19.....

.....
Clerk of the Court

Judgment Creditor/Attorney for judgment creditor

.....(Address)
.....
.....

No. 41.—NOTICE OF SET-DOWN OF POSTPONED PROCEEDINGS UNDER SECTION 65E (3) OF THE MAGISTRATES' COURTS ACT, 1944 (ACT 32 OF 1944)

In the Magistrate's Court for the District of..... held at.....

Case No.....of 19.....

In the matter between

.....Judgment Creditor

and

.....Judgment Debtor

By hand/By registered post

To (1) .....(Judgment Debtor)
.....
.....

(2) Clerk of the Court.....

Take notice that the proceedings against you, the above-mentioned Judgment Debtor, which were postponed on the..... day of.....19....., in terms of section 65D of the Magistrates' Courts Act, 1944, have again been placed on the roll of the above-mentioned Court. You are, therefore, hereby, in terms of section 65E (3) of the said Act, directed to appear before the above-mentioned Court on the.....day of..... 19..... at .....h.....

U word hierby aangesê om op.....19..... om .....h.....voor bogenoemde Hof te verskyn om redes aan te voer waarom u nie kragtens bogenoemde artikel weens minagting van die Hof ter gevangesetting verwys moet word nie en waarom u/die regspersoon nie beveel moet word om die vonnisskuld en koste in paaiemente of andersins te betaal nie, deurdat u/die regspersoon versuim het om te voldoen aan—

(a) die vonnis van genoemde Hof.....wat op.....19.....teen u/die regspersoon gevel is vir die betaling van die bedrag van R.....en koste ten bedrae van R.....; of

(b) die bevel van genoemde Hof van.....19..... dat u/die regspersoon die bedrag van R.....en koste ten bedrae van R.....in paaiemente moet betaal binne 10 dae vanaf die datum waarop die vonnis gevel is of.....

.....

Die saldo van die betrokke skuld beloop tans R..... en die saldo van die koste R.....

U word verder aangesê om aan genoemde Hof 'n volledige staat voor te lê—

(a) van u/die regspersoon se bates en laste;

(b) van u maandelikse/weeklikse inkomste en uitgawes, gesteun deur dokumentêre bewys met inbegrip van 'n verklaring deur u werkgewer waarin volledige besonderhede van u besoldiging aangegee word;

(c) asook die volgende.....

.....

DIE HOF KAN BY DIE VERHOOR VAN DIE VERRIGTINGE, HETSY U TEENWOORDIG IS OF NIE, INGEVOLGE ARTIKEL 65F (1) VAN GENOEMDE WET 'N BEVEL VERLEEN VIR U GEVANGESETTING VIR 'N TYDPERK VAN HOOGSTENS 90 DAE WEENS MINAGTING VAN DIE HOF, OF, IN PLAAS DAARVAN, U VONNIS OM OOREENKOMSTIG DIE BEPALINGS VAN ENIGE WET OP GEVANGENISSE PERIODIEKE GEVANGENISSTRAF VIR 'N TYDPERK VAN HOOGSTENS 2 160 UUR TE ONDERGAAN. INDIEN DIE VONNISSKULDENAAR 'N REGSPERSOON IS EN U GEDAAG WORD IN U HOEDANIGHEID AS VERTEENWOORDIGER VAN DIE REGSPERSOON, KAN DIE HOF U, HETSY U TEENWOORDIG IS AL DAN NIE, BY SKULDIGBEVINDING WEENS MINAGTING VAN DIE HOF VONNIS TOT 'N BOETE VAN HOOGSTENS R100, WELKE BOETE BETAALBAAR IS DEUR DIE REGSPERSOON.

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

.....
Klerk van die Hof

Vonnisskuldeiser/Prokureur vir die vonnisskuldeiser

.....(Adres)
.....
.....

No. 41.—KENNISGEWING VAN TEROLLEPLASING VAN UITGESTELDE VERRIGTINGE KRAGTENS ARTIKEL 65E (3) VAN DIE WET OP LANDDROSHOWE, 1944 (WET 32 VAN 1944)

In die Landdroshof vir die distrik..... gehou te.....

Saak No.....van 19.....

In die saak tussen

.....Vonnisskuldeiser

en

.....Vonnisskuldenaar

Per hand/Per geregistreerde pos

Aan (1) .....(Vonnisskuldenaar)
.....
.....

(2) Klerk van die Hof.....

Neem kennis dat die verrigtinge teen u, bogenoemde vonnisskuldenaar, wat op die.....dag van.....19..... uitgestel is, ingevolge artikel 65D van die Wet op Landdroshowe, 1944, weer op die rol van bogenoemde Hof geplaas is. U word derhalwe hierby ingevolge artikel 65E (3) van genoemde Wet aangesê om op die.....dag van.....19..... om.....h..... voor bogenoemde Hof te verskyn.

Dated at.....this.....
day of.....19.....

.....
Judgment Creditor/Attorney for judgment creditor

Address of judgment creditor/
Attorney for judgment creditor

.....
.....
.....

No. 42.—WARRANT OF ARREST AND DETENTION UNDER SECTION 65F (1) READ WITH SECTION 65H OF THE MAGISTRATES' COURTS ACT, 1944 (ACT 32 OF 1944)

In the Magistrate's Court for the District of.....
held at.....

Case No.....of 19.....

In the matter between

.....Judgment Creditor

and

.....Judgment Debtor

Warrant of Arrest and Detention
To the Messenger of the Court.....

You are hereby commanded to arrest.....
(the above-mentioned judgment debtor/director or officer of the above-mentioned judgment debtor) who has been ordered by the Magistrate's Court at.....on.....19.....
in terms of section 65F (1) of the said Act to undergo a period of.....days committal/.....hours periodical imprisonment* for contempt of court and to deliver him/her to the Officer-in-Charge of the.....Prison, together with this warrant.

To the Officer-in-Charge of the.....Prison.

The outstanding amount of the debt is at present R.....
with R.....costs.

You are hereby commanded to receive the above-mentioned .....into your custody and safely to keep him/her until—

(a) the expiration of.....days from the date on which the said judgment debtor shall be so received in the said prison by virtue of this warrant; or

(b) he/she has served a term of.....hours periodical imprisonment; or

(c) he/she shall be otherwise legally liberated.

Dated at.....this.....
day of.....19.....

.....
Clerk of the Court

Judgment Creditor/Attorney for
judgment creditor

Address .....
.....
.....

* Delete which is not applicable.

No. 43.—WARRANT OF LIBERATION IN A CIVIL MATTER —SECTION 65L (c) OF THE MAGISTRATES' COURT ACT, 1944 (ACT 32 OF 1944)

In the Magistrate's Court for the District of.....
held at.....

Case No.....of 19.....

In the matter between

.....Applicant/Judgment Creditor

and

.....Respondent/Judgment Debtor

To the Officer-in-Charge of the.....Prison.

You are hereby commanded to liberate from your custody the body of.....committed thereto by warrant dated.....owing to an order by a judicial officer of the above-mentioned Court or the.....
Court at.....unless he/she is lawfully detained otherwise than in respect of the said warrant.

Dated at.....this.....
day of.....19.....

.....
Designation

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

.....
Vonnisskuldeiser/Prokureur vir die vonnisskuldeiser

Adres van vonnisskuldeiser/
Prokureur vir vonnisskuldeiser

.....
.....
.....

No. 42.—LASBRIEF VIR INHEGTENISNEMING EN AANHOUDING KRAGTENS ARTIKEL 65F (1) GELEES MET ARTIKEL 65H VAN DIE WET OP LANDDROSHOWE, 1944 (WET 32 VAN 1944)

In die Landdroshof vir die distrik.....
gehou te.....

Saak No.....van 19.....

In die saak tussen

.....Vonnisskuldeiser

en

.....Vonnisskuldenaar

Lasbrief vir inhegtenisneming en aanhouding

Aan die Geregsbode.....

U word hierby gelas om.....(bogenoemde vonnisskuldenaar/direkteur of beampte van bogenoemde vonnisskuldenaar) wat deur die Landdroshof te.....op.....
.....19..... kragtens artikel 65F (1) van genoemde Wet beveel is om vir 'n tydperk van.....dae gevangesetting/ .....uur periodieke gevangenisstraf *weens minagting van die Hof te ondergaan, te arresteer en hom/haar tesame met hierdie lasbrief aan die Hoof van die .....gevangenis oor te lewer.

Aan die Hoof van die.....gevangenis.

Die uitstaande bedrag van die skuld is tans R.....met R.....koste.

U word hierby gelas om bogenoemde.....in u bewaring te neem en hom/haar in veilige bewaring te hou totdat—

(a) .....dae vanaf die datum waarop genoemde vonnisskuldenaar kragtens hierdie lasbrief in genoemde gevangenis opgeneem is, verstryk het; of

(b) hy/sy.....uur periodieke gevangenisstraf ondergaan het; of

(c) hy/sy andersins wettiglik vrygelaat word.

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

.....
Klerk van die Hof

Vonnisskuldeiser/Prokureur
vir vonnisskuldeiser

Adres .....
.....
.....

* Skrap wat nie van toepassing is nie.

No. 43.—LASBRIEF VIR INVRYHEIDSTELLING IN 'N SIVIELE AANGELEENTHEID—ARTIKEL 65L (c) VAN DIE WET OP LANDDROSHOWE, 1944 (WET 32 VAN 1944)

In die Landdroshof vir die distrik.....
gehou te.....

Saak No.....van 19.....

In die saak tussen

.....Applikant/Vonnisskuldeiser

en

.....Respondent/Vonnisskuldenaar

Aan die Hoof van die.....gevangenis

U word hierby gelas om uit u bewaring te ontslaan die persoon van.....wat ingevolge 'n lasbrief gedateer.....
in u bewaring geneem is uit hoofde van 'n bevel deur 'n regterlike amptenaar van bogenoemde Hof of die.....-hof te.....
tensy hy/sy anders as ten opsigte van genoemde lasbrief wettig aangehou word.

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

.....
Ampstitel

No. 44.—APPLICATION FOR AN ADMINISTRATION ORDER—SECTION 74 (1) OF THE MAGISTRATES' COURTS ACT, 1944 (ACT 32 OF 1944)

In the Magistrate's Court for the District of.....
held at.....

Case No.....of 19.....

APPLICATION FOR AN ADMINISTRATION ORDER BY
.....(Full names and surname)

To 1. The Clerk of the Court at.....
2. .....
.....
.....

Take notice that I shall apply to the above-mentioned Court on the.....day of.....19....., at.....h....., to make an order providing for the administration of my estate under the provisions of section 74 of the Magistrates' Courts Act, 1944.

A full statement of my affairs confirmed by an affidavit in support of this application is attached.

Dated at.....this.....
day of.....19.....

.....
Applicant

Full address.....
.....
.....

Note.—Section 74A (5) of the Magistrates' Courts Act, 1944, provides that the applicant shall deliver to each of his creditors at least 3 days before the date appointed for the hearing, personally or by registered post a copy of this application and statement of affairs (Form 45) on which shall appear the case number under which this application was filed.

No. 44.—AANSOEK OM 'N ADMINISTRASIEBEVEL—ARTIKEL 74 (1) VAN DIE WET OP LANDDROSHOWE, 1944 (WET 32 VAN 1944)

In die Landdroshof vir die distrik.....
gehou te.....

Saak No.....van 19.....

AANSOEK OM 'N ADMINISTRASIEBEVEL DEUR
.....(Volle name en van)

Aan 1. Die Klerk van die Hof te.....
2. .....
.....
.....

Neem kennis dat ek op die.....dag van.....19..... om .....h..... by bogenoemde Hof aansoek sal doen om 'n bevel waarby voorsiening gemaak word vir die administrasie van my boedel kragtens die bepalings van artikel 74 van die Wet op Landdroshowe, 1944.

'n Volledige staat van my sake bevestig deur 'n beëdigde verklaring ter ondersteuning van hierdie aansoek is aangeheg.

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

.....
Applikant

Volledige adres.....
.....
.....

Let wel.—Artikel 74A (5) van die Wet op Landdroshowe, 1944, bepaal dat die applikant 'n afskrif van hierdie aansoek en staat van sake (vorm 45) met die saaknommer waaronder hierdie aansoek geliasseer is daarop, deur persoonlike aflewering of per geregistreerde pos aan elkeen van sy skuldeisers minstens 3 dae voor die datum wat vir die verhoor vasgestel is, moet besorg.

No. 45.—STATEMENT OF AFFAIRS OF DEBTOR IN AN APPLICATION FOR AN ADMINISTRATION ORDER—SECTION 65I (2) OR 74A OF THE MAGISTRATES' COURTS ACT, 1944 (ACT 32 OF 1944)

Case No.....of 19.....

In the application for an Administration Order of.....(hereinafter referred to as the Applicant)

1. Surname of Applicant.....
First names.....
Date of birth..... Identity number.....
2. Residential address.....
.....
3. Marital status..... If married, state whether in or out of community of property.....
Full names of spouse.....
Date of birth..... Identity number.....
If Applicant and spouse are living apart, state from what date.....
4. Dependants:

Full names	*Age*	*Relationship*

5. Name and business address of employer:
Applicant: Spouse:
.....
.....
.....
6. If not employed furnish reasons:
Applicant: Spouse:
.....
.....
.....
7. Occupation:
Applicant..... Spouse.....
8. Gross income:
Applicant.....per week/month. Spouse.....per week/month.
9. Full particulars of all deductions from income (by way of stop order or otherwise) supported as far as possible by written statements of employer:

Applicant:

Particulars	*Amount* R
Total.....	

Spouse:

Particulars	*Amount* R
Total.....	

10. Detailed particulars of essential weekly or monthly expenses, including transport expenses:

Applicant (including his dependants):

Particulars	*Amount*
	R
.....	.....
.....	.....
.....	.....
Total.....	.....

Spouse:

Particulars	*Amount*
	R
.....	.....
.....	.....
.....	.....
Total.....	.....

11. Full particulars, supported by statements and copies of the agreements, of goods purchased under hire-purchase agreements and not paid for in full [section 9 (1) of the Hire-Purchase Act, 1942 (Act 36 of 1942)]:

Particulars (purchase price must be stated)	Balance	Instalment	Payable weekly/ monthly	Date when will be paid for in full	Reason why provision should be made for remaining instalments
	R	R			
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....

12. Full particulars of assets purchased under a written agreement (excluding hire-purchase agreements) which are not paid for in full.

Particulars	Balance	Instalment	Payable weekly/ monthly	Date when will be paid for in full	Reasons why the Administration Order should provide for the payment thereof
	R	R			
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....

13. Full particulars and estimated value of security which creditors have in respect of debt which the Applicant or his spouse is liable for (the name and address of any other person who, in addition to the debtor, is liable for the debt must also be stated):

.....
.....
.....
.....
.....
.....

14. Full particulars of immovable property of the Applicant or spouse which is mortgaged:

Mortgagee.....
Address.....

Description	Market value	Balance of the bond(s) thereon	Date when will be paid for in full	Instalments payable	Reasons why the Administration Order should provide for the payment thereof
	R	R			
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....

15. Full particulars of movable property of applicant or spouse:

Description	*Estimated value*
	R
.....	.....
.....	.....
.....	.....
.....	.....

16. Full particulars of outstanding claims, bills, investments, bonds or other securities in favour of Applicant, including moneys in a savings or other account with a bank or elsewhere:

Name and address of debtor or institution	*Particulars*	*Amount* R
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

1. All movable property not already stated, including goods pawned, mortgaged, subject to retention or attached for the execution of a judgment:

Description	Estimated value	Nature of encumbrance if any	Amount of debt encumbered for	Name and address of creditor in favour of whom encumbered
	R		R	
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....

18. If an Administration Order was at any time granted in respect of Applicant's estate, state:

Date of expiry..... Date set aside.....

Reasons.....

.....

19. If an Administration Order is granted, state the amount of the weekly, monthly or other instalments which the Applicant offers to pay towards settlement of the debts mentioned in the list of creditors in the annexure to this statement:

R.....with effect from.....and weekly/monthly thereafter, or.....

.....

I,....., from.....,
declare under oath:

(1) I am the Applicant.

(2) A judgment/judgments has/have been obtained against me and I am unable forthwith to pay the amount(s), or to meet my financial obligations.

(3) I have no sufficient assets capable of attachment to satisfy such judgment(s) or obligations.

(4) The total amount of all my debts due does not exceed R4 000.

(5) All particulars contained in this statement and in the list of creditors in the Annexure to this statement, as well as the amounts due to them separately, are, to the best of my knowledge, true and correct and that the statement contains all particulars, assets, income and debts of me and my spouse, including my obligations.

.....
Signature

1. I certify that before administering the prescribed oath I asked the Deponent the following questions and wrote down his/her answers in his/her presence:

(a) Do you know and understand the contents of the above declaration?.....

(b) Do you have any objection to taking the prescribed oath?.....

(c) Do you consider the prescribed oath to be binding on your conscience?.....

2. I certify that the Deponent has acknowledged that he/she knows and understands the contents of this declaration which was sworn to before me and the Deponent's signature was placed thereon in my presence.

.....
Commissioner of Oaths

.....
Area

.....
Designation if appointment is held *ex officio*

ANNEXURE TO STATEMENT OF AFFAIRS (FORM 45)—LIST OF CREDITORS

Full name and address of creditor	Nature of claim and balance due	Date payable	Amount payable in instalments	Weekly/monthly	Court	Case number	If court order is granted i.r.o. claim, full particulars about order, including particulars of emoluments attachment order or garnishee order	Balance	Date on which obligations terminate
								R	
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

Attention is directed to the provisions of section 74A (2) (e) of the Magistrates' Courts Act, 1944. All the Applicant's creditors and their addresses must be stated in the list in which a clear distinction shall be made between—

(i) debts, the whole amount of which is owing, including judgment debts payable in instalments in terms of a Court Order, an Emoluments Attachment Order or a Garnishee Order; and

(ii) obligations which are payable *in futuro* in periodical payments or otherwise or which will become payable under a maintenance order, agreement, stop order or otherwise, and in which the nature of such periodical payments is specified in each case or when the obligations will be payable and how they are then to be paid, the balance owing in each case and when, in each case, the obligation will terminate.

No. 45.—STAAT VAN SAKE VAN SKULDENAAR BY 'N AANSOEK OM 'N ADMINISTRASIEBEVEL—ARTIKEL 65I (2) OF 74A VAN DIE WET OP LANDDROSHOWE, 1944 (WET 32 VAN 1944)

Saak No.....van 19.....

In die aansoek om 'n administrasiebevel van.....(hieronder die applikant genoem)

1. Familienaam van applikant.....
   Voorname.....
   Geboortedatum..... Identiteitsnommer.....

2. Woonadres.....
   .....

3. Huwelikstaat..... Indien getroud, meld binne of buite gemeenskap van goed.....
   Volle name van eggenoot/eggenote.....
   Geboortedatum..... Identiteitsnommer.....
   Indien applikant en eggenoot/eggenote apart woon, meld sedert watter datum.....

4. Afhanklikes:

Volle name	*Ouderdom*	*Verwantskap*

5. Naam en besigheidsadres van werkgewer:
   Applikant: Eggenoot/Eggenote:
   .....
   .....
   .....

6. Indien nie in diens nie verstrek redes:
   Applikant: Eggenoot/Eggenote:
   .....
   .....
   .....

7. Beroep:
   Applikant..... Eggenoot/Eggenote.....

8. Bruto inkomste:
   Applikant.....per week/maand Eggenoot/Eggenote.....per week/maand

9. Volledige besonderhede van alle aftrekkings van inkomste (by wyse van aftrekorder of andersins) sover moontlik gesteun deur skriftelike state van werkgewer:

Applikant:		Eggenoot/Eggenote:	
Besonderhede	*Bedrag*	*Besonderhede*	*Bedrag*
	R		R
Totaal.....		Totaal.....	

10. Gedetailleerde besonderhede van weeklikse of maandelikse noodsaaklike uitgawes met inbegrip van vervoerkoste:

Applikant (insluitende sy afhanklikes):		Eggenoot/Eggenote:	
Besonderhede	*Bedrag*	*Besonderhede*	*Bedrag*
	R		R
Totaal.....		Totaal.....	

11. Volledige besonderhede van goed wat kragtens huurkoopooreenkomste gekoop is en wat nog nie ten volle betaal is nie artikel 9 (1) van die Wet op Huurkoop, 1942 (Wet 36 van 1942), gesteun deur state en afskrifte van die ooreenkomste:

Besonderhede (koopprys moet vermeld word)	Saldo	Paaiement	Weekliks/ maandeliks betaalbaar	Datum wanneer ten volle betaal sal wees	Redes waarom voorsiening gemaak moet word vir oorblywende paaiemente
	R	R			

12. Volledige besonderhede van bates kragtens 'n skriftelike ooreenkoms (uitgesonderd huurkoopooreenkomste) aangekoop en nog nie ten volle betaal nie:

Besonderhede	Saldo	Paaiement	Weekliks/ maandeliks betaalbaar	Datum wanneer ten volle betaal sal wees	Redes waarom administrasiebevel voorsiening moet maak vir betaling daarvan
	R	R			
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....

13. Volledige besonderhede en geskatte waarde van sekuriteit wat skuldeisers besit ten opsigte van skuld waarvoor die applikant of haar/sy eggenoot/eggenote aanspreeklik is. (Die naam en adres van enige ander persoon wat benewens die skuldenaar vir die skuld aanspreeklik is, moet ook vermeld word):

.....
.....
.....
.....
.....
.....

14. Volledige besonderhede van onroerende goed van die applikant of eggenoot/eggenote wat met 'n verband beswaar is:

Verbandhouer.....
Adres.....

Beskrywing	Markwaarde	Saldo van verband(e) daarop	Datum wanneer ten volle betaal sal wees	Paaiemente betaalbaar	Redes waarom administrasiebevel voorsiening moet maak vir betaling daarvan
	R	R		R	
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....

15. Volledige besonderhede van roerende goed van die applikant of eggenoot/eggenote:

Beskrywing	*Geskatte waarde*
	R
.....	.....
.....	.....
.....	.....
.....	.....

16. Volledige besonderhede van uitstaande eise, wissels, beleggings, verbande of ander sekuriteite ten gunste van die applikant, met inbegrip van geld in 'n spaar- of ander rekening by 'n bank of elders:

Naam en adres van skuldenaar of instelling	*Besonderhede*	*Bedrag*
		R
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

17. Alle roerende goed nie reeds vermeld nie, met inbegrip van goed verpand, met hipoteek beswaar, aan 'n retensiereg onderworpe of to t uitvoering van 'n vonnis in beslag geneem:

Beskrywing	Geskatte waarde	Aard van beswaring indien enige	Bedrag van skuld waarvoor beswaar is	Naam en adres van skuldeiser ten gunste van wie beswaar is
	R		R	
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....

18. Indien 'n administrasiebevel te eniger tyd ten opsigte van applikant se boedel verleen is, vermeld:

Vervaldatum..... Datum tersyde gestel.....
Redes.....

19. Indien 'n administrasiebevel verleen word, meld die bedrag van die weeklikse, maandelikse of ander paaiemente wat die applikant aanbied om te betaal ter vereffening van die skulde wat in die lys van skuldeisers in die aanhangsel tot hierdie staat aangegee is:

R.....met ingang van.....en weekliks/maandeliks daarna, of.....
.....

Ek,....., van.....
verklaar onder eed:

(1) Ek is die applikant.

(2) 'n Vonnis/vonnisse is teen my verkry en ek is nie in staat om die bedrag/bedrae onmiddellik te betaal nie, of om my finansiële verpligtings na te kom nie.

(3) Ek het nie genoegsame bates wat vir beslaglegging vatbaar is om aan sodanige vonnis(se) of verpligtings te voldoen nie.

(4) Die totale bedrag van my skulde wat verskuldig is, gaan nie R4 000 te bowe nie.

(5) Alle besonderhede in hierdie staat en in die lys van skuldeisers in die aanhangsel hiervan vervat, asook die bedrae aan hulle afsonderlik verskuldig, is na my beste wete waar en korrek, en die staat bevat al my en my eggenoot/eggenote se besonderhede, bates, inkomste en skulde insluitende my verpligtings.

.....
Handtekening

1. Ek sertifiseer dat voordat ek die voorgeskrewe eed afgeneem het, ek die volgende vrae aan die verklaarder gestel en sy/haar antwoorde in sy/haar teenwoordigheid neergeskryf het:

(a) Is u vertroud met die inhoud van bostaande verklaring en begryp u dit?.....

(b) Het u enige beswaar teen die aflê van die voorgeskrewe eed?.....

(c) Beskou u die voorgeskrewe eed as bindend vir u gewete?.....

2. Ek sertifiseer dat die verklaarder erken dat hy/sy vertroud is met die inhoud van die verklaring en dit begryp. Hierdie verklaring is voor my beëdig, en verklaarder se handtekening is in my teenwoordigheid daarop aangebring.

.....
Kommissaris van Ede

.....
Gebied

.....
Amp beklee indien aanstelling ampshalwe gehou word

AANHANGSEL TOT STAAT VAN SAKE (VORM 45)—LYS VAN SKULDEISERS

Volledige naam en adres van skuldeiser	Aard van vordering en saldo verskuldig	Datum betaalbaar	Bedrag in paaiemente betaalbaar	Weekliks/ maandeliks	Hof	Saak-nommer	Indien hofbevel t.o.v. vordering verleen is, volledige besonderhede aangaande bevel, insluitende besonderhede van besoldigingbeslagbevel of skuldbeslagbevel	Saldo	Datum waarop verpligtings ten einde loop
								R	
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

Die aandag word gevestig op die bepalings van artikel 74A (2) (e) van die Wet op Landdroshowe, 1944. Al die applikant se skuldeisers en hul adresse moet vermeld word in die lys, waarin duidelik onderskei word tussen—

(i) die skulde waarvan die hele bedrag verskuldig is, met inbegrip van vonnisskulde wat in paaiemente betaalbaar is ingevolge 'n hofbevel, besoldigingbeslagbevel of skuldbeslagbevel; en

(ii) die verpligtings wat *in futuro* in periodieke betalings of andersins betaalbaar is of betaalbaar gaan word ingevolge 'n onderhoudsbevel, ooreenkoms, aftrekorder of andersins, en waarin verklaar word wat daardie periodieke betalings in iedere geval is of wanneer die verpligtings betaalbaar gaan word en hoe dit dan betaal moet word, die saldo verskuldig in iedere geval en wanneer in iedere geval die verpligting ten einde sal loop.

No. 47.—NOTICE TO DEBTOR THAT AN ADDITIONAL CREDITOR HAS LODGED A CLAIM AGAINST HIM FOR A DEBT OWING BEFORE THE MAKING OF THE ADMINISTRATION ORDER—SECTION 74G (2) OF THE MAGISTRATES' COURTS ACT, 1944 (ACT 32 OF 1944)

In the Magistrate's Court for the District of.....
held at.....

Case No.....of 19.....

To.....(Debtor)
.....(Address)
.....
.....

Take notice that—

.....
.....
(name and address of creditor) lodged a claim in terms of section 74G (2) of the Magistrates' Courts Act, 1944, for the amount of R.....in respect of.....particulars of claim) which is not listed in the administration order made against you on the.....day of.....19..... in the Magistrate's Court at.....

Kindly notify me in writing whether you admit or dispute this claim on or before the.....day of.....19..... Please note that if you admit the claim or no reply is received from you on or before the said date, this claim shall be deemed to be proved, subject to the right of any other creditor who has not

No. 47.—KENNISGEWING AAN SKULDENAAR DAT 'N VERDERE SKULDEISER 'N EIS TEEN HOM INGEDIEN HET VIR 'N SKULD VERSKULDIG VOOR VERLENING VAN DIE ADMINISTRASIEBEVEL—ARTIKEL 74G (2) VAN DIE WET OP LANDDROSHOWE, 1944 (WET 32 VAN 1944)

In die Landdroshof vir die distrik.....
gehou te.....

Saak No.....van 19.....

Aan.....(Skuldenaar)
.....(Adres)
.....
.....

Neem kennis dat—

.....
.....
(naam en adres van skuldeiser) ingevolge artikel 74G (2) van die Wet op Landdroshowe, 1944 (Wet 32 van 1944), 'n eis ingedien het vir die bedrag van R.....ten opsigte van..... (besonderhede van eis) wat nie in die administrasiebevel wat op die.....dag van.....19..... in die Landdroshof te.....teen u verleen is, gelys is nie.

Geliewe my voor of op die.....dag van..... 19..... skriftelik te verwittig of u hierdie eis erken of betwis. Let asseblief daarop dat indien u die eis erken of indien geen antwoord van u voor of op die gemelde datum ontvang is nie, die betrokke eis, behoudens die reg van enige ander skuldeiser wat nie

received notice of the claim to object to the debt, and shall be added to the list of names of your creditors who share *pro rata* in the payments made by you in terms of the Administration Order.

Dated at.....this.....
day of.....19.....

.....
Administrator

No. 48.—NOTICE TO DEBTOR THAT A CREDITOR HAS LODGED A CLAIM FOR A DEBT OWING AFTER GRANTING OF THE ADMINISTRATION ORDER—SECTION 74H (1) OF THE MAGISTRATES' COURTS ACT, 1944 (ACT 32 OF 1944)

In the Magistrate's Court for the District of.....
held at.....

Case No.....of 19.....

To.....(Debtor)
.....(Address)
.....
.....

Take notice that—

.....
.....
(name and address of Creditor) lodged a claim for the amount of R.....in respect of.....
(particulars of claim) as a result of which he allegedly became your creditor after the Administration Order was issued against you on the.....day of.....19.....
in the Magistrate's Court at.....

Kindly notify me in writing on or before the.....
day of.....19..... whether you admit or dispute this claim. Please note that if you admit the claim or no reply is received from you on or before the said date, this claim shall be deemed to be proved, subject to the right of any other creditor who has not received notice of the claim to object to the debt, and shall be added to the list of names of your creditors who share *pro rata* in the payments made by you in terms of the Administration Order.

Dated at.....this.....
day of.....19.....

.....
Administrator

No. 49.—NOTICE TO ADD AN ADDITIONAL CREDITOR TO THE LIST OF CREDITORS OF A PERSON UNDER ADMINISTRATION—SECTION 74G (3) AND 74H (2) OF THE MAGISTRATES' COURTS ACT, 1944 (ACT 32 OF 1944)

In the Magistrate's Court for the District of.....
held at.....

Case No.....19.....

To: The Clerk of the Court
.....
.....

Administration Order against.....

Kindly add the name of.....
from.....as a creditor to the list of creditors sharing *pro rata* in the payments in terms of the Administration Order for the amount of R.....in respect of.....
.....

Dated at.....this.....
day of.....19.....

.....
Administrator

No. 50.—NOTICE TO CREDITOR THAT HIS NAME HAS BEEN ADDED TO THE LIST OF CREDITORS OF A PERSON UNDER ADMINISTRATION—SECTION 74G (3) AND 74H (2) OF THE MAGISTRATES' COURTS ACT, 1944 (ACT 32 OF 1944)

In the Magistrate's Court for the District of.....
held at.....

Case No.....of 19.....

To.....
.....
.....

Administration Order against.....

kennis van die eis ontvang het nie, om teen die skuld beswaar te maak, geag sal word bewys te wees en by die lys name van u skuldeisers wat *pro rata* deel in die betalings wat u ingevolge die administrasiebevel maak, gevoeg sal word.

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

.....
Administrateur

No. 48.—KENNISGEWING AAN SKULDENAAR DAT 'N SKULDEISER 'N EIS INGEDIEN HET VIR 'N SKULD VERSKULDIG NA VERLENING VAN DIE ADMINISTRASIEBEVEL—ARTIKEL 74H (1) VAN DIE WET OP LANDDROSHOWE, 1944 (WET 32 VAN 1944)

In die Landdroshof vir die distrik.....
gehou te.....

Saak No.....van 19.....

Aan.....(Skuldenaar)
.....(Adres)
.....
.....

Neem kennis dat—

.....
.....
(naam en adres van skuldeiser) 'n eis ingedien het vir die bedrag van R.....ten opsigte van.....
(besonderhede van eis) as gevolg waarvan hy na bewering u skuldeiser geword het nadat die administrasiebevel op die .....dag van.....19..... in die Landdroshof te.....teen u verleen is.

Geliewe my voor of op die.....dag van.....
19..... skriftelik te verwittig of u hierdie eis erken of betwis. Let asseblief daarop dat indien u die eis erken, of indien geen antwoord van u voor of op die gemelde datum ontvang is nie, die betrokke eis, behoudens die reg van enige ander skuldeiser wat nie kennis van die eis ontvang het nie, om teen die skuld beswaar te maak, geag sal word bewys te wees en by die lys name van u skuldeisers wat *pro rata* deel in die betalings wat u ingevolge die administrasiebevel maak, gevoeg sal word.

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

.....
Administrateur

No. 49.—KENNISGEWING OM 'N VERDERE SKULDEISER BY DIE LYS VAN SKULDEISERS VAN 'N PERSOON ONDER ADMINISTRASIE TE VOEG—ARTIKEL 74G (3) EN 74H (2) VAN DIE WET OP LANDDROSHOWE, 1944 (WET 32 VAN 1944)

In die Landdroshof vir die distrik.....
gehou te.....

Saak No.....19.....

Aan: Die Klerk van die Hof
.....
.....

Administrasiebevel teen.....

Geliewe die naam van.....
.....van.....
.....
as skuldeiser vir die bedrag van R.....ten aansien van
.....
.....
by te voeg by die lys van skuldeisers wat *pro rata* deel in betalings ingevolge bogenoemde administrasiebevel.

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

.....
Administrateur

No. 50.—KENNISGEWING AAN 'N SKULDEISER DAT SY NAAM BY DIE LYS VAN SKULDEISERS VAN 'N PERSOON ONDER ADMINISTRASIE GEVOEG IS—ARTIKEL 74G (3) EN 74H (2) VAN DIE WET OP LANDDROSHOWE, 1944 (WET 32 VAN 1944)

In die Landdroshof vir die distrik.....
gehou te.....

Saak No.....van 19.....

Aan.....
.....
.....

Administrasiebevel teen.....

The above-mentioned Debtor admitted or did not dispute your claim against him for the amount of R.....and your name and the amount due to you have been added to the list of creditors sharing *pro rata* in payments in terms of the Administration Order. Kindly note that other creditors may still object against the debt so listed. In this event, you will be notified.

A copy of the Administration Order issued against the debtor on the.....day of.....19..... in the Magistrate's Court at.....is attached/has already been received by you.

Dated at.....this.....
day of.....19

.....
Administrator

No. 51.—ADMINISTRATION ORDER—SECTION 74 (1) OF THE MAGISTRATES' COURTS ACT, 1944 (ACT 32 OF 1944)

In the Magistrate's Court for the District of.....
held at.....this.....
day of.....19.....

Case No.....of 19.....

In the application of

.....(hereinafter referred to as the applicant):

1. It is ordered—

(a) that the estate of the applicant be placed under administration in terms of section 74 of the Magistrates' Courts Act, 1944;

(b) that.....from.....
be appointed Administrator of the Applicant's estate in terms of section 74E on condition that he gives the following security for the due and prompt payment by him to all the parties entitled thereto of all the moneys which come into his possession by virtue of this appointment.....
.....

(c) that the Applicant pays the amount of R.....weekly/monthly to the Administrator for distribution among the creditors. First payment on or before the.....
.....day of.....19..... and weekly/monthly thereafter on or before every.....
/the.....of each month;

(d) .....
.....

(e) .....
.....

2. Authority is granted—

(a) for the issue of an Emoluments Attachment Order under section 65J of the Magistrates' Courts Act, 1944, against the Applicant's employer for payment to the Administrator of the said amount on or before the said times until the costs of administration and the creditors have been paid in full. This authority is suspended on condition that.....
.....

(b) for the issue of a garnishee order under section 72 of the Magistrates' Courts Act, 1944, against.....
.....from.....
This authority is suspended on condition that.....
.....;

(c) for the realization and distribution of the proceeds of the following assets among the creditors:

(i) .....
(ii) .....
(iii) .....

(iv) of the following assets that are the subject of an agreement in terms of the Hire-Purchase Act, 1942 (Act 36 of 1942), with the written permission of the seller:

(aa) .....
(bb) .....;

(d) for the return of the following assets to the seller in terms of the Hire-Purchase Act, 1942:

(i) .....
(ii) .....;

(e) other (give details).....
.....

Dated at.....this.....
day of.....19.....

.....
Magistrate

Bogenoemde skuldenaar het u eis teen hom vir die bedrag van R.....erken of nie betwis nie, en u naam en die bedrag aan u verskuldig, is by die lys van skuldeisers gevoeg wat *pro rata* deel in betalings ingevolge bogenoemde administrasiebevel. Geliewe egter daarop te let dat ander skuldeisers nog beswaar kan aanteken teen hierdie skuld wat in die lys opgeneem is. Indien dit gebeur, sal u daarvan verwittig word.

'n Afskrif van die administrasiebevel wat op die.....
dag van.....19..... in die Landdroshof te.....
.....teen die skuldenaar uitgereik is, is aangeheg/is reeds deur u ontvang.

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

.....
Administrateur

No. 51.—ADMINISTRASIEBEVEL—ARTIKEL 74 (1) VAN DIE WET OP LANDDROSHOWE, 1944 (WET 32 VAN 1944)

In die Landdroshof vir die distrik.....
gehou te.....op die.....dag van
.....19.....

Saak No.....van 19.....

In die aansoek van

.....(hieronder die applikant genoem):

1. Word daar beveel—

(a) dat die boedel van die applikant ingevolge artikel 74 van die Wet op Landdroshowe, 1944, onder administrasie geplaas word;

(b) dat.....van.....
.....;
ingevolge artikel 74E as administrateur van die applikant se boedel aangestel word op voorwaarde dat hy die volgende sekerheid stel vir die behoorlike en stiptelike betaling deur hom aan al die partye wat daarop geregtig is, van alle geld wat uit hoofde van hierdie aanstelling in sy besit kom.....
.....;

(c) dat die applikant die bedrag van R.....weekliks/maandeliks aan die administrateur betaal vir verdeling onder die skuldeisers. Eerste betaling te geskied voor of op die .....dag van.....19..... en weekliks/maandeliks daarna voor of op elke...../die .....van elke maand;

(d) .....
(e) .....;

2. Word magtiging verleen—

(a) vir die uitreiking van 'n besoldigingbeslagbevel kragtens artikel 65J van die Wet op Landdroshowe, 1944, teen die applikant se werkgewer vir betaling van genoemde bedrag voor of op genoemde tye aan die administrateur totdat die koste van administrasie en die skuldeisers ten volle betaal is. Hierdie magtiging word opgeskort op voorwaarde dat.....
.....;

(b) vir die uitreiking van 'n skuldbeslagbevel teen.....
.....van.....
.....
kragtens artikel 72 van die Wet op Landdroshowe, 1944. Hierdie magtiging word opgeskort op voorwaarde dat.....
.....

(c) vir die tegeldemaking en verdeling van die opbrengs onder die skuldeisers van die volgende bates:

(i) .....
(ii) .....
(iii) .....; en

(iv) van die volgende bates wat die onderwerp is van 'n ooreenkoms ingevolge die Wet op Huurkoop, 1942 (Wet 36 van 1942), met die skriftelike toestemming van die verkoper:

(aa) .....
(bb) .....

(d) vir die teruggawe van die volgende bates ingevolge artikel 14 van die Wet op Huurkoop, 1942, aan die verkoper:

(i) .....
(ii) .....

(e) ander (gee besonderhede).....
.....

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

.....
Landdros

Note.—In terms of section 74F (1) of the Magistrates' Courts Act, 1944, the Clerk of the Court shall hand or send by registered post a copy of this order to the debtor and in terms of section 74F (2) the Administrator shall forward a copy hereof by registered post to each creditor whose name is mentioned in the Debtor's statement of affairs (Form 45) or who has given proof of a debt.

No. 52.—DISTRIBUTION ACCOUNT IN TERMS OF SECTION 74J (5) OF THE MAGISTRATES' COURTS ACT, 1944

Distribution Account No.....

To: The Clerk of the Court

.....

.....

Case No.....of 19.....

Administration Order against.....

Distribution account for the period.....to.....

	A	B	C
A. (1) Amount payable to creditors in terms of the Administration Order/outstanding amount carried forward from previous statement.....		—	—
(2) Total amount due to additional creditors listed after granting of Administration Order/since lodging of previous statement.....		—	—
(3) Interest.....		—	—
B. (1) Administration costs paid for the said period in terms of section 74L	—		—
(2) Claims paid during the said period that enjoy preference in terms of section 74J (3).....	—		—
(3) Urgent or extraordinary medical, dental or hospital expenses paid during the said period.....	—		—
(4) Other payments during the said period (supply details).....	—		—
.....			
.....			
Total.....			

	A	B	C
Totals carried forward from previous page.....			
C. Total amount received by the Administrator during the said period.....	—	—	
Total of C minus total of B.....	—	—	
Disposal for *pro rata* distribution.....			
Pro rata distribution:			
.....*	—		—
.....*	—		—
.....*	—		—
.....*	—		—
.....*	—		—
Total amount paid during the said period	—		—
Total of A minus total of B.....			
Outstanding amount carried forward to next statement.....			

Dated at.....this.....
day of.....19.....

.....
Administrator

*The names of creditors to whom *pro rata* amounts were paid by the Administrator during the said period to be inserted here. (The relevant amounts to be completed in column B.)

No. 52A.—RESCISSION OF ADMINISTRATION ORDER—SECTION 74Q OF THE MAGISTRATES' COURTS ACT, 1944 (ACT 32 OF 1944)

In the Magistrate's Court for the District of.....
held at.....this.....
day of.....19.....

Case No.....of 19.....

Administration Order against.....
(hereinafter referred to as the Debtor)

Let wel.—Ingevolge artikel 74F (1) van die Wet op Landdroshowe, 1944, moet die Klerk van die Hof 'n afskrif van hierdie bevel aan die skuldenaar en die administrateur gee of per geregistreerde pos stuur en ingevolge artikel 74F (2) moet die administrateur 'n afskrif hiervan aan elke skuldeiser wie se naam genoem is in die skuldenaar se staat van sake (vorm 45) of wat 'n skuld bewys het, per geregistreerde pos stuur.

No. 52.—DISTRIBUSIEREKENING INGEVOLGE ARTIKEL 74J (5) VAN DIE WET OP LANDDROSHOWE, 1944

Distribusierekening No.....

Aan: Die Klerk van die Hof

.....

.....

Saak No.....van 19.....

Administrasiebevel teen.....
Distribusierekening vir die tydperk.....tot.....

	A	B	C
A. (1) Bedrag ingevolge die administrasiebevel aan skuldeisers betaalbaar/Uitstaande bedrag van vorige staat oorgedra.....		—	—
(2) Totale bedrag verskuldig aan verdere skuldeisers wat na verlening van administrasiebevel/sedert indiening van vorige staat in lys opgeneem is		—	—
(3) Rente.....		—	—
B. (1) Administrasiekoste vir genoemde tydperk ingevolge artikel 74L betaal	—		—
(2) Vorderings gedurende genoemde tydperk betaal wat ingevolge artikel 74J (3) voorkeur geniet.....	—		—
(3) Dringende of buitengewone mediese, tandheelkundige of hospitaalkoste gedurende genoemde tydperk betaal	—		—
(4) Ander betalings gedurende genoemde tydperk (verskaf besonderhede).....	—		—
.....			
.....			
Totaal			

	A	B	C
Totale oorgedra van vorige bladsy.....			
C. Totale bedrag gedurende genoemde tydperk deur administrateur ontvang.....	—	—	
Totaal van C min totaal van B.....	—	—	
Beskikking vir *pro rata*-verdeling.....			
Pro rata-verdeling:			
.....*	—		—
.....*	—		—
.....*	—		—
.....*	—		—
.....*	—		—
Totale bedrag gedurende genoemde tydperk betaal.....	—		—
Totaal van A min totaal van B.....			
Uitstaande bedrag na volgende staat oorgedra.....			

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

.....
Administrateur

*Die name van skuldeisers aan wie die administrateur gedurende genoemde tydperk *pro rata*-bedrae betaal het, word hier ingevoeg. (Die betrokke bedrae moet in kolom B ingevul word.)

No. 52A.—INTREKKING VAN ADMINISTRASIEBEVEL—ARTIKEL 74Q VAN DIE WET OP LANDDROSHOWE, 1944 (WET 32 VAN 1944)

In die Landdroshof vir die distrik.....
gehou te.....op die.....
dag van.....19.....

Saak No.....van 19.....

Administrasiebevel teen.....(hieronder die skuldenaar genoem)

Whereas, after consideration of an application by the Debtor*/an interested party, i.e.....*, it appears that good cause exists for the rescission of the Administration Order granted on the.....day of.....19..... in above-mentioned Court, the said Administration Order is rescinded with effect from the.....day of..... .....19.....

Dated at.....this..... day of.....19.....

.....
Magistrate

Note.—(1) The Clerk of the Court must send a copy of this order by registered post to the Administrator.

(2) The Administrator must deliver personally or send by post a copy of this order to the Debtor and to each creditor and inform the latter of the Debtor's last known address.

* Delete which is not applicable.

No. 57.—NOTICE UNDER SECTION 109 (2) OF THE MAGISTRATES' COURTS ACT, 1944 (ACT 32 OF 1944)

In the Magistrate's Court for the District of..... held at.....

Case No.....of 19.....

In the matter between

.....Judgment Creditor

and

.....Judgment Debtor

To: .....
.....
.....

Whereas you have not yet satisfied in full or paid all costs for which you are liable in connection with a judgment given or an order made against you by the above-mentioned Court on the..... .....day of.....19..... and, consequently, have to notify the Clerk of the Court at....., and the Judgment Creditor (or his attorney)/the administrator (or his attorney)* in terms of section 109 (1) of the Magistrates' Courts Act, 1944, within 14 days after you have changed your place of residence, business or employment fully and correctly in writing of your new place of residence, business or employment, as the case may be:

And whereas you have failed to do so, you are hereby directed to appear before the above-mentioned Court on the..... day of.....19..... at.....h.....to adduce reasons why you should not be committed for such failure under section 109(2) of the Magistrates' Courts Act, 1944.

Further take notice that at the hearing of the proceedings the Court may in terms of section 109(4) of the Magistrates' Courts Act, 1944, whether you are present or not, make an order for your committal for a period not exceeding 30 days or sentence you to periodical imprisonment, in accordance with any law relating to prisons, for a period not exceeding 720 hours and, in addition, make an order with regard to costs as the Court may deem just and reasonable.

Dated at.....this..... day of.....19.....

.....
Clerk of the Court

.....
Judgment Creditor/Attorney for judgment creditor
Administrator/Attorney for Administrator

* Delete which is not applicable.

No. 58.—WARRANT OF ARREST AND COMMITTAL UNDER SECTION 109 (4) OF THE MAGISTRATES' COURTS ACT, 1944 (ACT 32 OF 1944)

In the Magistrate's Court for the District of..... held at.....

Case No.....of 19.....

In the matter between

.....Judgment Creditor

and

.....Judgment Debtor

Nademaal dit na oorweging van 'n aansoek deur die skuldenaar*/'n belanghebbende, naamlik.....*, blyk dat gegronde redes bestaan vir die intrekking van die administrasiebevel wat op die.....dag van.....19..... in bogenoemde Hof uitgereik is, word genoemde administrasiebevel met ingang van die.....dag van.....19..... ingetrek.

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

.....
Landdros

Let wel.—(1) Die Klerk van die Hof stuur 'n afskrif van hierdie bevel per geregistreerde pos aan die administrateur.

(2) Die administrateur stuur deur persoonlike aflewering of per pos 'n afskrif van hierdie bevel aan die skuldenaar en aan elke skuldeiser en verwittig laasgenoemde van die skuldenaar se jongsbekende adres.

* Skrap wat nie van toepassing is nie.

No. 57.—KENNISGEWING KRAGTENS ARTIKEL 109 (2) VAN DIE WET OP LANDDROSHOWE, 1944 (WET 32 VAN 1944)

In die Landdroshof vir die distrik..... gehou te.....

Saak No.....van 19.....

In die saak tussen

.....Vonnisskuldeiser

en

.....Vonnisskuldenaar

Aan.....
.....
.....

Nademaal bogenoemde hof op die.....dag van .....19..... 'n vonnis teen u gevel of 'n bevel teen u uitgereik het en u nog nie ten volle daaraan voldoen het nie en ook nog nie al die koste waarvoor u in verband daarmee aanspreeklik is, vereffen het nie, en u derhalwe ingevolge artikel 109 (1) van die Wet op Landdroshowe, 1944, die Klerk van die Hof te..... .....en die vonnisskuldeiser (of sy prokureur)/die administrateur (of sy prokureur)* binne 14 dae nadat u van woon-, besigheids-, of werkplek verander het, skriftelik, volledig en juis van u nuwe woon-, besigheids- of werkplek, na gelang van die geval, in kennis moet stel:

En nademaal u versuim het om dit te doen, word u hierby aangesê om op die.....dag van.....19..... om .....h.....voor bogenoemde Hof te verskyn om redes aan te voer waarom u nie kragtens artikel 109 (2) van die Wet op Landdroshowe, 1944, weens sodanige versuim ter gevangesetting verwys moet word nie.

Neem verder kennis dat die Hof by die verhoor van die verrigtinge, hetsy u teenwoordig is of nie, ingevolge artikel 109 (4) van die Wet op Landdroshowe, 1944, 'n bevel kan uitvaardig vir u gevangesetting vir 'n tydperk van hoogstens 30 dae, of u kan vonnis om, ooreenkomstig die bepalings van enige wet op gevangenisse-periodieke gevangenisstraf te ondergaan vir 'n tydperk van hoogstens 720 uur, en daarbenewens 'n bevel met betrekking tot koste kan uitvaardig wat die Hof billik en redelik ag.

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

.....
Klerk van die Hof

.....
Vonnisskuldeiser/Prokureur vir vonnisskuldeiser
Administrateur/Prokureur vir Administrateur

* Skrap wat nie van toepassing is nie.

No. 58.—LASBRIEF VIR INHEGTENISNEMING EN GEVANGESETTING KRAGTENS ARTIKEL 109 (4) VAN DIE WET OP LANDDROSHOWE, 1944 (WET 32 VAN 1944)

In die Landdroshof vir die distrik..... gehou te.....

Saak No.....van 19.....

In die saak tussen

.....Vonnisskuldeiser

en

.....Vonnisskuldenaar

WARRANT OF ARREST AND COMMITTAL

To the Messenger of the Court.....

Your are commanded to arrest..... (the above-mentioned judgment debtor/a director or officer of the above-mentioned judgment debtor) who has been ordered in terms of section 109 (4) of the said Act by the Magistrate's Court at .....to undergo a period of..... days committal/.....hours periodical imprisonment for his failure to notify the Clerk of the above-mentioned Court,* the judgment creditor* or his attorney*, the administrator* or his attorney* correctly and in writing within 14 days after he changed his place of residence, business or employment thereof and to deliver him/her to the Officer-in-Charge of the..... Prison, together with this warrant.

To the Officer-in-Charge of the.....Prison.

You are hereby commanded to receive the above-mentioned into your custody and safely to keep him until—

(a) the expiration of.....days from the date on which the said Judgment Debtor shall be so received in the said prison by virtue of this warrant; or

(b) he/she has served.....hours periodical imprisonment; or

(c) he/she shall be otherwise legally liberated.

Dated at.....this..... day of.....19.....

.....
Clerk of the Court

.....
Judgment Creditor/Attorney for judgment creditor

Address.....
.....
.....

* Delete which is not applicable.

No. 59.—CERTIFICATE OF LIBERATION—SECTION 65L (b) OF THE MAGISTRATES' COURTS ACT, 1944 (ACT 32 OF 1944)

In the Magistrate's Court for the District of..... held at.....

Case No.....of 19.....

In the matter between

.....Judgment Creditor

and

.....Judgment Debtor

To the Officer-in-Charge of the.....Prison.

This is to certify that the judgment debt/the amount of R..... and costs of R.....being the outstanding balance of the debt/the instalment(s) and costs in arrear in the above-mentioned case has/have been paid.

You are hereby commanded to liberate from your custody the body of.....detained in terms of a warrant issued by the Magistrate's Court for the District of..... at.....on the.....day of..... .....19..... unless he/she is lawfully detained otherwise than in respect of the said warrant.

Dated at.....this..... day of.....19.....

.....
Judgment Creditor/Attorney for judgment creditor / Messenger of the Court

Address.....
.....
.....

23. The amendment of Part 1 of Table A of Annexure 2 by the addition after item 15 of the following item:

"16. The amount allowable for the issue (inclusive of appearance in court) of a notice to show cause in terms of section 109 (2) shall be R10.".

LASBRIEF VIR INHEGTENISNEMING EN GEVANGESETTING

Aan die Geregsbode.....

U word gelas om.....(bogenoemde vonnisskuldenaar/'n direkteur of beampte van bogenoemde vonnisskuldenaar) wat deur die Landdroshof te..... kragtens artikel 109 (4) van genoemde Wet beveel is om vir 'n tydperk van.....dae gevangesetting/..... uur periodieke gevangenisstraf te ondergaan weens sy versuim om die Klerk van bogenoemde Hof*, die vonnisskuldeiser* of sy prokureur,* die administrateur* of sy prokureur* skriftelik en juis binne 14 dae nadat hy van woonplek*, besigheidsplek* of werkplek* verander het daarvan in kennis te stel, te arresteer en hom/haar tesame met hierdie lasbrief aan die Hoof van die .....gevangenis oor te lewer.

Aan die Hoof van die.....gevangenis.

U word hierby gelas om bogenoemde in u bewaring te neem en in veilige bewaring te hou totdat—

(a) .....dae vanaf die datum waarop genoemde vonnisskuldenaar kragtens hierdie lasbrief in genoemde gevangenis opgeneem is, verstryk het; of

(b) hy/sy.....uur periodieke gevangenisstraf ondergaan het; of

(c) hy/sy andersins wettiglik vrygelaat word.

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

.....
Klerk van die Hof

.....
Vonnisskuldeiser/Prokureur vir vonnisskuldeiser

Adres.....
.....
.....

* Skrap wat nie van toepassing is nie.

No. 59.—INVRYHEIDSTELLINGSERTIFIKAAT—ARTIKEL 65L (b) VAN DIE WET OP LANDDROSHOWE, 1944 (WET 32 VAN 1944)

In die Landdroshof vir die distrik..... gehou te.....

Saak No.....van 19.....

In die saak tussen

.....Vonnisskuldeiser

en

.....Vonnisskuldenaar

Aan die Hoof van die.....gevangenis.

Hierby word gesertifiseer dat die vonnisskuld/die bedrag van R.....en koste van R.....synde die uitstaande saldo van die skuld/die agterstallige paaiement(e) en koste in bogenoemde saak betaal is.

U word dus hierby gelas om uit u bewaring te ontslaan die persoon van..... wat ingevolge 'n lasbrief uitgereik te..... op die.....dag van..... 19..... deur die Landdroshof vir die distrik..... aangehou word tensy hy/sy andersins as op grond van genoemde lasbrief wettig aangehou word.

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

.....
Vonnisskuldeiser/Prokureur vir vonnisskuldeiser / Geregsbode

Adres.....
.....
.....

23. Die wysiging van Deel 1 van Tabel A van Bylae 2 deur die invoeging na item 15 van die volgende item:

"16. Die bedrag toegelaat vir die uitreiking (met inbegrip van verskyning in die hof) van 'n kennisgewing ingevolge artikel 109 (2) om redes aan te voer, is R10,00.".

24. The substitution for Part II of Table A of Annexure 2 of the following:

"PART II

UNDEFENDED ACTIONS

	R
Item 1.—Registered letter of demand in terms of section 56 of the Act	2,00
Item 2.—Summons inclusive of another letter of demand referred to in item 1, if the claim or claims or the value of the claim or claims in the aggregate does/do not exceed R50	6,00
Item 3.—Judgment—If the claim or claims or the value of the claim or claims in the aggregate does/do not exceed R50	4,00
Note.—Where the claim or the value of the claim in issue exceeds R50 the fees under items 2 and 3 shall be increased by R1 for every R100 or part of R100 exceeding the first R50 up to a maximum of R3 000 irrespective of the amount of the actual claim	
Item 4.—Notice in terms of rule 12 (2)	3,00
Item 5.—Notice in terms of rule 54 (1)	3,00
Item 6.—Affidavit or certificate	—
Item 7.—Attending court at the request of the magistrate when claim referred to court for judgment.....as allowed under item 26 of the scale for defended actions	R —
Item 8.—For each registered letter which is forwarded to the Debtor in terms of section 57 (1) or 57 (3) of the Act by the Creditor or his attorney, including copies	1,50

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

25. The amendment of Part IV of Table A of Annexure 2 by the substitution for item 14 (a) of the following item:

	R
"14. (a) Issue of warrant of execution, ejectment, arrest and committal in terms of section 109, delivery up of possession	4,50.".

26. The amendment of Part I of Table B of Annexure 2 by—

(a) the substitution for paragraph 2 of the following paragraph:

"2. Subject to the provisions of section 65K of the Act, items (a), (b) and (c) of the Tariff to this Part (whichever is applicable) shall apply to the drawing up of the notice referred to in section 65A (1) inclusive of the appearance at the enquiry into the judgment debtor's financial position referred to in section 65D, or any later appearance at suspension, amendment or recission proceedings and shall be an inclusive fee, chargeable only once, for the drawing up, issue and all re-issues of the notice and all postponements of the enquiry, irrespective of the number of days on which the proceedings are heard in court: Provided that where the Debtor moves from the jurisdiction of the Court after issue of the notice referred to in section 65A (1) and the notice is again issued in any other district, the aforesaid fee may also be charged in such other district if the Court so orders."; and

(b) the substitution for paragraphs (d) to (j) of the Tariff of the following:

	R
"(d) Warrant for Arrest and Detention (Form 42)	5,00
(e) Emoluments Attachment Order (Form 38)	4,00
(f) Warrant of Liberation (Form 43) or Certificate of Liberation (Form 59)	1,50
(g) Application for costs on notice (including appearance in court)	4,50
(h) Obtaining a certified copy of a judgment	4,00
(i) Affidavit or certificate by the Plaintiff or his attorney	3,00
(j) For each registered letter which is forwarded to the debtor in terms of section 65A (2), 65E (3), 65E (6) or 65J (2) of the act by the creditor or his attorney	1,50
(k) Affidavit or affirmation by debtor [Rule 45 (7)]	6,00.".

27. The amendment of the Tariff in Part II of Table B of Annexure 2 by—

(a) the substitution for item (e) of the following item:

	R
"(e) Garnishee Order (Form 39)	2,25;"

and

(b) the deletion of item (f).

24. Die vervanging van Deel II van Tabel A van Bylae 2 deur die volgende:

"DEEL II

ONBESTREDE AKSIES

	R
Item 1.—Geregistreerde aanmaning ingevolge artikel 56 van die Wet	2,00
Item 2.—Dagvaarding met inbegrip van 'n ander aanmaning as die aanmaning in item 1 bedoel, as die eis of eise of die waarde van die eis of eise gesamentlik nie meer as R50 bedra nie	6,00
Item 3.—Vonnis—as die eis of eise of die waarde van die eis of eise gesamentlik nie meer as R50 bedra nie	4,00
Opmerking.—Waar die eis of die waarde van die eis in geskil meer as R50 is, word die gelde onder items 2 3 verhoog met R1 vir elke R100 of gedeelte van R100 na die eerste R50 tot 'n maksimum van R3 000, ongeag die bedrag van die werklike eis.	
Item 4.—Kennisgewing ingevolge reël 12 (2)	3,00
Item 5.—Kennisgewing ingevolge reël 54 (1)	3,00
Item 6.—Beëdigde verklaring of sertifikaat	—
Item 7.—Verskyning in hof op versoek van die landdros wanneer eis na hof verwys is vir vonnis....soos toegelaat onder item 26 van die skaal vir bestrede aksies	—
Item 8.—Vir elke geregistreerde brief wat die eiser of sy prokureur ingevolge artikel 57 (1) of 57 (3) van die Wet aan die skuldenaar stuur, insluitende afskrifte	1,50
Opmerking.—Die bedrag van die gelde wat ingevolge items 4, 5, 6, 7 en 8 toegelaat kan word, word sonder taksasie ingesluit by die bedrag van koste waarvoor vonnis aangeteken word.".	

25. Die wysiging van Deel IV van Tabel A van Bylae 2 deur die vervanging van item 14 (a) deur die volgende item:

	R
"14. (a) Uitreiking van lasbrief vir eksekusie, uitsetting, inhegtenisneming en gevangesetting ingevolge artikel 109, inbesitstelling	4,50".

26. Die wysiging van Deel I van Tabel B van Bylae 2 deur—

(a) die vervanging van paragraaf 2 deur die volgende paragraaf:

"2. Behoudens die bepalings van artikel 65K van die Wet, is items (a), (b) en (c) van die Tarief van hierdie Deel (watter ook al van toepassing is) van toepassing op die opstel van die kennisgewing in artikel 65A (1) bedoel met inbegrip van verskyning by die ondersoek na die vonnisskuldenaar se finansiële toestand in artikel 65D bedoel, of enige verskyning by latere opskortings-, wysigings- of intrekkingsverrigtinge, en is allesomvattende gelde wat slegs een keer gehef kan word vir die opstel, uitreiking en alle heruitreikings van die kennisgewing, en alle verdagings van die ondersoek, ongeag die getal dae waarop die verrigtinge in die hof verhoor word: Met dien verstande dat waar die skuldenaar die regsgebied van die hof verlaat nadat die kennisgewing in artikel 65A (1) bedoel uitgereik is en die kennisgewing weer in 'n ander distrik uitgereik word, bogemelde gelde ook in sodanige ander distrik gehef kan word indien die hof aldus gelas."; en

(b) die vervanging van paragrawe (d) tot (j) van die Tarief deur die volgende:

	R
(d) Lasbrief vir inhegtenisneming en aanhouding (Vorm 42)	5,00
(e) Besoldigingbeslagbevel (Vorm 38)	4,00
(f) Lasbrief vir invryheidstelling (Vorm 43) of Invryheidstellingsertifikaat (Vorm 49)	1,50
(g) Aansoek om koste op kennisgewing (verskyning in hof ingesluit)	4,50
(h) Verkryging van 'n gewaarmerkte afskrif van 'n vonnis	4,00
(i) Beëdigde verklaring of sertifikaat deur die eiser of sy prokureur	3,00
(j) Vir elke geregistreerde brief wat die eiser of sy prokureur ingevolge artikels 65A (2), 65E (3), 65E (6) of 65J (2) van die Wet aan die skuldenaar stuur	1,50
(k) Beëdigde verklaring of bevestiging deur skuldenaar [Reël 45 (7)]	6,00.".

27. Die wysiging van die Tarief in Deel II van Tabel B van Bylae 2 deur—

(a) die vervanging van item (e) deur die volgende item:

	R
"(e) Skuldbeslagbevel (vorm 39)	2,25";

en

(b) die skrapping van item (f).

28. The amendment of Part III of Table B of Annexure 2 by—

(a) the substitution for paragraph 1 (b) of the following paragraph:

"(b) The remuneration of the Administrator shall not exceed 8 per cent on each instalment collected for the discharging of the capital amount and costs. This amount shall be recoverable only upon payment of each instalment and shall be in substitution and not in addition to the collection fees prescribed in paragraph 13 of the general provisions under Table A or paragraph 3 (b) of the general provisions under Part I of this Table.";

(b) the substitution in the Afrikaans version in the Tariff for the word "Administrasie-Order" where it appears of the word "Administrasiebevel";

(c) the substitution in item 2 of the Tariff for the expression "74 (15)" of the expression "74Q (1)"; and

(d) the addition of the following items after item 6 in the Tariff:

"7. For furnishing to a creditor by the administrator of information referred to in section 74M (a) of the Act—per application.....	R 1,00
8. For furnishing of a copy of the debtor's statement affairs referred to in section 74 and 74A (1) of the Act by the Administrator in terms of section 74M (b) or of a list or account referred to in section 74G (1) or 74J of the Act or of the debtor's state of affairs referred to in section 65I (2) of the Act.	As under item 8 of Part I of Table A.".

29. The amendment of Part II of Table C of Annexure 2 by the insertion of the following paragraph after paragraph (e) in item 4:

"(f) The drawing-up and handing over of a warrant of liberation or certificate of liberation to the officer-in-charge of a prison: R1. Travelling allowance at the tariff given in item 3 is payable for the execution of this duty.".

30. The amendment of Table E of Annexure 2 by—

(a) the substitution in item 1 of the Afrikaans version for the word "order" of the word "bevel"; and

(b) the insertion after item 4 of the following item:

"5. For completion of the statement referred to in section 74A (4).....	R 2,00.".

31. These amendments shall come into operation on the 1st day of January 1979.

28. Die wysiging van Deel III van Tabel B van Bylae 2 deur—

(a) die vervanging van paragraaf 1 (b) deur die volgende paragraaf:

"(b) Die besoldiging van die administrateur gaan nie 8 persent op elke paaiement ingevorder ter delging van die kapitaal en koste te bowe nie. Hierdie bedrag is slegs by betaling van elke paaiement verhaalbaar en is ter vervanging van en nie addisioneel nie tot die invorderingsgelde wat in paragraaf 13 van die algemene bepalings onder Tabel A of paragraaf 3 (b) van die algemene bepalings onder Deel 1 van hierdie Tabel voorgeskryf is.";

(b) die vervanging in die Tarief van die woord "administrasie-order" waar dit voorkom deur die woord "administrasiebevel";

(c) die vervanging in item 2 van die Tarief van die uitdrukking "74 (15)" deur die uitdrukking "74Q (1)"; en

(d) die byvoeging van die volgende items na item 6 in die Tarief:

"7. Vir verstrekking deur die administrateur aan 'n skuldeiser van die inligting bedoel in artikel 74M (a) van die Wet—per aansoek.....	R 1,00
8. Vir verstrekking deur die administrateur ingevolge artikel 74M (b) van 'n afskrif van die skuldenaar se staat van sake in artikels 74 en 74A (1) van die Wet genoem, of van 'n lys of rekening in artikel 74G (1) of 74J van die Wet genoem, of van die skuldenaar se staat van sake in artikel 65I (2) van die Wet genoem.	Soos onder item 8 van Deel I van Tabel A.".

29. Die wysiging van Deel II van Tabel C van Bylae 2 deur die invoeging van die volgende paragraaf na paragraaf (e) in item 4:

"(f) Die opstel en oorhandiging van 'n lasbrief vir invryheidstelling of 'n invryheidstellingsertifikaat aan die hoof van 'n gevangenis: R1: 'n Reistoelae teen die tarief in item 3 vermeld, is vir die uitvoering van hierdie plig betaalbaar.".

30. Die wysiging van Tabel E van Bylae 2 deur—

(a) die vervanging in item 1 van die woord "order" deur die woord "bevel"; en

(b) die invoeging na item 4 van die volgende item:

"5. Vir voltooiing van die staat in artikel 74A (4) bedoel.....	R 2,00.".

31. Hierdie wysigings tree op die 1ste dag van Januarie 1979 in werking.

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