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No. 10376

PROKLAMASIE

van die

Staatspresident van die Republiek van Suid-Afrika

No. R. 138, 1986

WET OP DIE AFSKAFFING VAN SPESIALE HOWE
VIR SWARTES, 1986 (WET 34 VAN 1986)

Kragtens die bevoegdheid my verleen by artikel 3 van die
Wet op die Afskaffing van Spesiale Howe vir Swartes,
1986, bepaal ek 1 Augustus 1986 as die datum waarop
genoemde Wet in werking tree.

Gegee onder my Hand en die Seël van die Republiek van
Suid-Afrika te Kaapstad, op hede die Ses-en-twintigste dag
van Julie Eënduisend Negehonderd Ses-en-tagtig.

P. W. BOTHA,
Staatspresident.

Op las van die Staatspresident-in-Kabinet:

H. J. COETSEE,
Minister van die Kabinet.

GOEWERMENSKENNISGEWINGS

DEPARTEMENT VAN JUSTISIE

No. R. 1614

28 Julie 1986

OORDRAG VAN BEVOEGDHEDE, PLIGTE EN
WERKSAAMHEDE VAN DIE MINISTER VAN JUSTI-
SIE AAN DIE MINISTER VAN BINNELANDSE
SAKE.—ARTIKELS 2 (2) EN 2 (6) VAN DIE SWART
ADMINISTRASIEWET, 1927 (WET 38 VAN 1927)

Hierby word bekendgemaak dat die Staatspresident,
kragtens die bevoegdheid hom verleen by artikel 26 (1) van
die Grondwet van die Republiek van Suid-Afrika, 1983
(Wet 110 van 1983), alle bevoegdhede, pligte en werk-
saamhede wat ingevolge artikels 2 (2) en 2 (6) van die Swart
Administrasiewet, 1927, aan die Minister van Justisie toe-
gewys was, met ingang van 1 Augustus 1986 aan die Minis-
ter van Binnelandse Sake opgedra het.

434—A

PROCLAMATION

by the

State President of the Republic of South Africa

No. R. 138, 1986

SPECIAL COURTS FOR BLACKS ABOLITION ACT,
1986 (ACT 34 OF 1986)

By virtue of the powers vested in me by section 3 of the
Special Courts for Blacks Abolition Act, 1986, I fix
1 August 1986 as the date on which the said Act shall come
into operation.

Given under my Hand and the Seal of the Republic of
South Africa at Cape Town this Twenty-sixth day of July,
One thousand Nine hundred and Eighty-six.

P. W. BOTHA,
State President.

By Order of the State President-in-Cabinet:

H. J. COETSEE,
Minister of the Cabinet.

GOVERNMENT NOTICES

DEPARTMENT OF JUSTICE

No. R. 1614

28 July 1986

TRANSFER OF POWERS, DUTIES AND FUNCTIONS
OF THE MINISTER OF JUSTICE TO THE MINISTER
OF HOME AFFAIRS.—SECTIONS 2 (2) AND 2 (6) OF
THE BLACK ADMINISTRATION ACT, 1927 (ACT 38
OF 1927)

It is hereby notified that the State President has, by virtue
of the powers vested in him by section 26 (1) of the Repu-
blic of South Africa Constitution Act, 1983 (Act 110 of
1983), assigned the powers, duties and functions that were
entrusted to the Minister of Justice in terms of sections 2 (2)
and 2 (6) of the Black Administration Act, 1927, to the
Minister of Home Affairs with effect from 1 August 1986.

10376—1

No. R. 1615

28 Julie 1986

EGSKEIDINGSHOWE.—REËLS

Die Staatspresident het kragtens die bevoegdheid hom verleen by artikel 13 (5) van die Swart Administrasiewet, 1927 (Wet 38 van 1927), en artikel 10 (4) van die Swart Administrasiewet, 1927, Wysigingswet, 1929 (Wet 9 van 1929), die reëls afgekondig by Goewermentskennisgewing R. 2726 van 24 Desember 1982, soos gewysig by Goewermentskennisgewing R. 1945 van 9 September 1983, soos volg gewysig:

1. Die vervanging van reël 1 deur die volgende reël:

"1. Die voorsitter van die hof stel beampptes aan om die werksaamhede van griffier of assistent-griffier van die hof te verrig en kan enigeen aanstel om tydelik as griffier of assistent-griffier op te tree."

2. Die vervanging van reël 38 deur die volgende reël:

"38. (1) Die hof het benewens ander magte wat hy mag hê, die reg om *mero motu* of op aansoek van 'n party wat geraak word, bevele of vonnisse te wysig of te herroep—

- (a) wat verkeerdlik aangevra of verkeerdlik gegee is in die afwesigheid van 'n party wat daardeur geraak word;
- (b) wat 'n dubbelsinnigheid of 'n klaarblyklike fout of weglating bevat, maar slegs tot aansuiwering van die dubbelsinnigheid, fout of weglating;
- (c) wat gegee is as gevolg van 'n gemeenskaplike fout van die partye.

(2) 'n Party wat regshulp ingevolge hierdie reël verlang, moet kennis van sy aansoek gee aan alle partye wie se belange deur die gevraagde wysiging geraak kan word.

(3) Die hof wysig of herroep nie 'n bevel of vonnis nie tensy hy oortuig is dat aan alle partye wie se belange geraak kan word, kennis gegee is van die voorgenome wysiging of herroeping."

3. Die wysiging van reël 47 (1) deur die vervanging van die omskrywing van "griffier" deur die volgende omskrywing:

"'griffier' 'n beampte wat kragtens reël 1 aangestel is as griffier of assistent-griffier van die bevoegde egskeidingshof;"

4. Die vervanging van die uitdrukking "R1,00" in paragraaf 1. (2) (a) en (c) van Tabel A van Aanhangsel 1 deur die uitdrukking "R1,50".

5. Die vervanging van die uitdrukking "20c" in paragraaf 1. (4) van Tabel A van Aanhangsel 1 deur die uitdrukking "80c".

6. Die vervanging van die tarief in Tabel A van Aanhangsel 1 deur die volgende tarief:

No.	Item	R
1.	Instruksies om te dagvaar of te verdedig.....	30,00
2.	Instruksies by kommissie <i>de bene esse</i>	3,00
3.	Dagvaarding.....	15,00
4.	Eis in rekonvensie.....	15,00
5.	Pleit.....	15,00
6.	Replik, indien nodig.....	15,00
7.	Versoek om nadere besonderhede.....	—
8.	Nadere besonderhede.....	—
9.	Verskyning in verband met aansoek om koste by staking.....	4,50
10.	Lys van dokumente.....	—
11.	Voorlegging van dokumente ter insae.....	6,00
12.	Insae in dokumente.....	6,00
13.	Getuiedagvaarding (hoogstens een vir iedere vier gedagvaarde getuies).....	1,50
14.	Iedere afskrif vir betekening.....	0,50
15.	Kennisgewing tot voorlegging.....	—

No. R. 1615

28 July 1986

DIVORCE COURT.—RULES

The State President has under and by virtue of the powers vested in him by section 13 (5) of the Black Administration Act, 1927 (Act 38 of 1927), and section 10 (4) of the Black Administration Act, 1927, Amendment Act, 1929 (Act 9 of 1929), amended the rules published under Government Notice R. 2726 of 24 December 1982, as amended by Government Notice R. 1945 of 9 September 1983, as follows:

1. The substitution for rule 1 of the following rule:

"1. The president of the court shall appoint officers to perform the duties of the registrar or assistant registrar of the court and may appoint any person to act temporarily as registrar or assistant registrar."

2. The substitution for rule 38 of the following rule:

"38. (1) The court may, in addition to any other powers it may have, *mero motu* or upon the application of any party affected, rescind or vary—

- (a) an order or judgment erroneously sought or erroneously granted in the absence of any party affected thereby;
- (b) an order or judgment in which there is an ambiguity, or a patent error or omission, but only to the extent of such ambiguity, error or omission;
- (c) an order or judgment granted as the result of a mistake common to the parties.

(2) Any party desiring any relief under this rule shall make application therefor upon notice to all parties whose interests may be affected by any variation sought.

(3) The court shall not make any order rescinding or varying any order or judgment unless satisfied that all parties whose interests may be affected have been given notice of the proposed rescission or variation."

3. The amendment of rule 47 (1) by the substitution for the definition of "registrar" of the following definition:

"'registrar' means an officer appointed under rule 1 to be registrar or assistant registrar of the divorce court having jurisdiction."

4. The substitution for the expression "R1,00" in paragraphs 1. (2) (a) and (c) of Table A of Annexure 1 of the expression "R1,50".

5. The substitution for the expression "20c" in paragraph 1. (4) of Table A of Annexure 1 of the expression "80c".

6. The substitution for the tariff in Table A of Annexure 1 of the following tariff:

No.	Item	R
1.	Instruction to sue or defend.....	30,00
2.	Instructions on commission <i>de bene esse</i>	3,00
3.	Summons.....	15,00
4.	Claim in reconvention.....	15,00
5.	Plea.....	15,00
6.	Reply, if necessary.....	15,00
7.	Request for further particulars.....	—
8.	Further particulars.....	—
9.	Attendance applying for costs on discontinuance.....	4,50
10.	Schedule of documents.....	—
11.	Production of documents for inspection.....	6,00
12.	Inspecting documents.....	6,00
13.	Subpoena (not more than one for each four witnesses summoned).....	1,50
14.	Each copy for service.....	0,50
15.	Notice to produce.....	—

No.	Item	R
16.	Beëdigde verklaring (uitgesonderd vir blootlegging)	—
17.	Vraagpunte.....	—
18.	Afneem van verklaring van getuie (elk).....	—
19.	Kennisgewing van verhoor of herstel	1,50
20.	Vorbereiding vir verhoor (as 'n advokaat nie verskyn nie).....	50,00
21.	Opwagting in hof as aksie op die rol is vir verhoor, maar uitgestel word.....	7,00
22.	Verskyning in die hof tydens verhoor of by ondersoek op kommissie—vir elke uur of gedeelte daarvan in die hof teenwoordig terwyl saak werklik verhoor word.....	20,00
<i>Let Wel:</i> (a) Hierdie gelde is van toepassing indien advokaat nie verskyn nie.		
(b) Indien advokaat wel verskyn—vir opdrag aan advokaat 'n enkele bedrag van		
23.	Verskyning in hof op keerdag	12,50
24.	Verskyning in hof om voorbehoude uitspraak te hoor ...	20,00
25.	Briewe, ens., elk R1,00, onderworpe aan 'n maksimum bedrag van	10,00

TAKSASIE VAN KOSTE

No.	Item	R
26.	Kosterekening	5,00
27.	Kennisgewing van taksasie en betekening	1,00
28.	Bywoning van taksasie	5,00
29.	Kennisgewing van aansoek om hersiening van taksasie en betekening	1,00
30.	Opwagting by hersiening van taksasie	8,00
31.	Uitreiking van lasbrief vir eksekusie, arres, ens. (alles-omvattende geld wat heruitreiking dek).....	6,50
32.	Sekerheidstelling vir restitusie, indien nodig.....	6,00"

7. Die vervanging van die tarief in Tabel B van Aanhangsel 1 deur die volgende tarief:

No.	Item	R
1.	Op elke aanvangsdokument waardeur 'n aksie of aansoek begin word wat, wanneer dit deur die griffier ontvang word, nie betrekking op 'n siviele geding genotuleer in die hof, het nie (Vir doeleindes van hierdie item sluit die woord 'aksie' nie 'n teeneis in nie.)	1,00
2.	Benewens die gelde, as daar is, wat ingevolge item 1 betaalbaar is, is daar, indien 'n prosesstuk of ander dokument deur die griffier of klerk van die hof opgestel en uitgeskryf word, die volgende gelde vir sy dienste betaalbaar— (a) dagvaarding, verweer of teeneis	2,00
	(b) getuiedagvaarding, lasbrief vir eksekusie of ander prosesstuk of dokumente.....	0,50
3.	Die bykomende gelde ingevolge item 2 is ook betaalbaar ten opsigte van enige prosesstuk op enige vorm deur die Staatsdrukker gedruk wat nie deur die griffier of klerk van die hof uitgeskryf of opgestel is nie.	
4.	By enige versoek om in enige oorkonde insae te kry— (a) as die juiste nommer daarvan verstrekk word.....	0,50
	(b) andersins, vir elke 100 inskrywings wat deursoek moet word.....	1,00
5.	Vir 'n afskrif van 'n oorkonde deur die griffier of klerk van die hof opgestel, vir elke folio of gedeelte daarvan	0,40
6.	Vir die nasien en waarmerking van 'n afskrif van 'n oorkonde, vir elke folio of gedeelte daarvan	0,20"

8. Die vervanging van Vorm 3 van Aanhangsel 2 deur die volgende vorm:

"VORM 3—KENNISGEWING VAN MOSIE

(Aan Griffier en Respondent)

IN DIE..... EGSKEIDINGSHOF
GEHOU TE..... SAAK NO.....
in die saak tussen:

.....Applikant
en
.....Respondent

NEEM KENNIS DAT

(hieronder die applikant genoem) voornemens is om by hierdie Hof aansoek te doen om 'n bevel—

(a) (Sit hier die vorm van aangevraagde bevel uiteen)

No.	Item	R
16.	Affidavit (other than discovery).....	—
17.	Interrogatories	—
18.	Taking proof of witnesses (each)	—
19.	Notice of trial or reinstatement	1,50
20.	Preparing for trial (if counsel not employed).....	50,00
21.	Attending court when action on roll for trial but adjourned	7,00
22.	Appearance in court on trial or at examination on commission—for each hour or part thereof spent in court while case is actually being heard.....	20,00
<i>Note:</i> (a) These fees apply where counsel is not employed.		
(b) Where counsel is employed—for instructing counsel a single fee of		
23.	Appearance in court on return day	12,50
24.	Appearance in court to hear reserved judgment.....	10,00
25.	Letters, etc., R1,00 each subject to a maximum fee of ..	10,00

TAXATION OF COSTS

No.	Item	R
26.	Bill of costs	5,00
27.	Notice of taxation and service	1,00
28.	Attending taxation	5,00
29.	Notice of application for review of taxation and service	1,00
30.	Attending review of taxation	8,00
31.	Issue of warrant of execution, arrest, etc. (inclusive fee covering any re-issue)	6,50
32.	Security for restitution where necessary	6,00"

7. The substitution for the tariff in Table B of Annexure 1 of the following tariff:

No.	Item	R
1.	On every initial document commencing any action or application which, when received by the registrar, is not related to civil proceedings already on record in the court	1,00
(For the purpose of this item the word 'action' shall not include a counterclaim).		
2.	In addition to the fee, if any, payable under item 1 there shall be paid, where process or any other document is prepared and written out by the registrar or the clerk of the court, the following fees for his services— (a) summons, defence or counterclaim.....	2,00
	(b) subpoena, warrant of execution or other process or document.....	0,50
3.	The additional fees under item 2 shall also be payable in respect of any process on any form printed by the Government Printer which was not written out and prepared by the registrar or the clerk of the court.	
4.	On any request to inspect any record— (a) if its correct number is furnished.....	0,50
	(b) otherwise for every 100 entries to be searched	1,00
5.	For a copy of a record made by the registrar or clerk of the court, for each folio or part thereof.....	0,40
6.	For examining and certifying a copy of a record for each folio or part thereof	0,20"

8. The substitution for Form 3 of Annexure 2 of the following Form:

"FORM 3—NOTICE OF MOTION

(To Registrar and Respondent)

IN THE..... DIVORCE COURT
HELD AT..... CASE NO.....
in the matter between:

.....Applicant
and
.....Respondent

TAKE NOTICE THAT

(hereinafter referred to as the applicant) intends to make application to this Court for an order—

(a) (Here set forth the form of order prayed)

(b)

 (c)

en dat bygaande beëdigde verklaring van (of petisie,
 waar regtens vereis) gebruik sal word ter ondersteuning daarvan.

NEEM VERDER KENNIS dat die applikant
 (meld hier 'n adres binne die regsgebied van die Hof) aangewys het as die
 adres waar hy/sy kennisgewing en die betekening van prosesstukke in
 hierdie verrigtinge sal aanvaar.

NEEM VERDER KENNIS dat, indien u voornemens is om hierdie
 aansoek te bestry, u (a) die applikant/applikant se prokureur binne vyftien
 dae na betekening skriftelik daarvan in kennis moet stel en (b) binne een-
 en-twintig dae na die betekening van hierdie kennisgewing aan u u ant-
 woordende beëdigde verklarings, as u het, moet inlewer; en verder dat u in
 u kennisgewing 'n adres binne die regsgebied van bogenoemde Hof moet
 aangee waar u kennisgewings en die betekening van alle dokumente in
 hierdie verrigtinge sal aanvaar.

Indien geen kennis van voorneme om te bestry gegee word nie, sal die
 saak sonder verdere kennisgewing aan u vir beregting ter rolle geplaas
 word minstens een-en-twintig dae na betekening van hierdie kennisgewing
 aan u, op 'n dag deur die griffier bepaal.

GEDATEER TE op hede die
 dag van 19.....

.....
 Applikant/Aplikant se Prokureur
 (Adres)

Aan: (1)
 (Adres)

(2) Die Griffier
 Egskeidingshof. "

(b)

 (c)

and that the accompanying affidavit of (or petition
 where required by law) will be used in support thereof.

TAKE NOTICE FURTHER that the applicant has appointed

.....
 (here set forth an address within the jurisdiction of the Court) as the address
 at which he/she will accept notice and service of all process in these
 proceedings.

TAKE NOTICE FURTHER that, if you intend to oppose this applica-
 tion, you are required (a) to notify the applicant/applicant's attorney in
 writing within fifteen days after service and (b) within twenty-one days
 after the service of this notice upon you to file your answering affidavits, if
 any; and, further, that you are required to appoint in your notification an
 address within the jurisdiction of the above-named Court at which you will
 accept notice and service of all documents in these proceedings.

If no such notice of intention to oppose is given, the matter will without
 any further notice to you be placed on the roll for hearing at least twenty-
 one days after service of this notice upon you, on a day fixed by the
 registrar.

DATED AT this
 day of 19

.....
 Applicant/Applicant's Attorney
 (Address)

To: (1)
 (Address)

(2) The Registrar
 Divorce Court. "

INHOUD

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