

REPUBLIEK
VAN
SUID-AFRIKA



REPUBLIC
OF
SOUTH AFRICA

Staatskoerant Government Gazette

Verkoopprijs • Selling price
(AVB uitgesluit/GST excluded)

Plaaslik **60c** Local
Buitelands **85c** Other countries
Posvry • Post free

**Regulasiekoerant
Regulation Gazette**

No. R. 4437

*As 'n Nuusblad by die
Poskantoor geregistreer
Registered at the Post Office
as a Newspaper*

Vol. 294

PRETORIA, 1 DESEMBER
DECEMBER 1989

No. 12205

GOEWERMENSKENNISGEWINGS

DEPARTEMENT VAN JUSTISIE

No. R. 2628

1 Desember 1989

WYSIGING VAN DIE REËLS WAARBY DIE
VERRIGTINGS VAN DIE VERSKILLENDE PRO-
VINSIALE EN PLAASLIKE AFDELINGS VAN
DIE HOOGGEREGSHOF VAN SUID-AFRIKA
GEREËL WORD

Die Reëlsraad vir Geregshowe het, met die goed-
keuring van die Minister van Justisie, kragtens artikel 6
van die Wet op die Reëlsraad vir Geregshowe, 1985
(Wet No. 107 van 1985), die reëls vervat in die Bylae
gemaak.

BYLAE

1. In hierdie Bylae, tensy uit die samehang anders
blyk, beteken "die Reëls" die reëls afgekondig by
Goewermenskennisgewing No. R. 48 van 12 Januarie
1965, soos gewysig by Goewermenskennisgewings
Nos. R. 235 van 18 Februarie 1966, R. 2004 van 15
Desember 1967, R. 3553 van 17 Oktober 1969, R. 1055
van 3 Julie 1970, R. 2021 van 5 November 1971,
R. 1985 van 3 November 1972, R. 480 van 30 Maart
1973, R. 639 van 4 April 1975, R. 767 van 7 Mei 1976,
R. 1816 van 8 Oktober 1976, R. 1975 van 29 Oktober
1976, R. 2477 van 17 Desember 1976, R. 2365 van 8
November 1977, R. 1546 van 28 Julie 1978, R. 1577 van
20 Julie 1979, R. 1535 van 25 Julie 1980, R. 2527 van
5 Desember 1980, R. 500 van 12 Maart 1982, R. 773
van 23 April 1982, R. 775 van 23 April 1982, R. 1873
van 3 September 1982, R. 2171 van 6 Oktober 1982,
R. 645 van 25 Maart 1983, R. 841 van 22 April 1983,
R. 1077 van 20 Mei 1983, R. 1996 van 7 September
1984, R. 2094 van 13 September 1985, R. 810 van 2 Mei
1986, R. 2415 van 21 November 1986, R. 2164 van 2
Oktober 1987, R. 2642 van 27 November 1987, R. 1421
van 15 Julie 1988, R. 210 van 10 Februarie 1989 en
R. 608 van 31 Maart 1989.

2. Reël 52 van die Reëls word hierby gewysig deur
paragrafe (a), (b) en (c) van subreël (1) deur die vol-
gende paragrafe te vervang:

"(a) aan 'n beskuldigde ingevolge artikel 316 van
die Strafproseswet, 1977 (Wet No. 51 van
1977), verlof gegee is om te appelleer; of

GOVERNMENT NOTICES

DEPARTMENT OF JUSTICE

No. R. 2628

1 December 1989

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

The Rules Board for Courts of Law has, with the
approval of the Minister of Justice, under section 6 of
the Rules Board for Courts of Law Act, 1985 (Act No.
107 of 1985), made the rules contained in the Schedule
hereto.

SCHEDULE

1. In this Schedule, unless the context otherwise
indicates, "the Rules" mean the rules published by
Government Notice No. R. 48 of 12 January 1965, as
amended by Government Notices Nos. R. 235 of 18
February 1966, R. 2004 of 15 December 1967, R. 3553
of 17 October 1969, R. 1055 of 3 July 1970, R. 2021 of 5
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of 20 July 1979, R. 1535 of 25 July 1980, R. 2527 of 5
December 1980, R. 500 of 12 March 1982, R. 773 of 23
April 1982, R. 775 of 23 April 1982, R. 1873 of 3 Sep-
tember 1982, R. 2171 of 6 October 1982, R. 645 of 25
March 1983, R. 841 of 22 April 1983, R. 1077 of 20 May
1983, R. 1996 of 7 September 1984, R. 2094 of 13 Sep-
tember 1985, R. 810 of 2 May 1986, R. 2415 of 21
November 1986, R. 2164 of 2 October 1987, R. 2642 of
27 November 1987, R. 1421 of 15 July 1988, R. 210 of
10 February 1989 and R. 608 of 31 March 1989.

2. Rule 52 of the Rules is hereby amended by the
substitution for paragraphs (a), (b) and (c) of subrule
(1) of the following paragraphs:

"(a) an accused has been granted leave to appeal in
terms of section 316 of the Criminal Procedure
Act, 1977 (Act No. 51 of 1977); or

- (b) 'n beskuldigde ingevolge artikel 318 van genoemde Wet appèl aangeteken het; of
- (c) 'n hof ingevolge artikel 319 van genoemde Wet 'n regspraak wat by die verhoor van 'n beskuldigde ontstaan, voorbehou het—

(i) moet die griffier van die hof wat die beskuldigde verhoor het, by die griffier van die Appèlafdeling ses afskrifte van die oorkonde (waarvan een deur die eersgenoemde griffier gesertifiseer is) van die verrigtinge in die verhoorhof indien en soveel eksemplare aan die Staat verskaf as wat nodig geag mag word: Met dien verstande dat in plaas van die hele oorkonde, afskrifte (waarvan een deur die eersgenoemde griffier gesertifiseer is) van sodanige gedeeltes daarvan as waarop die beskuldigde en die Staat kan ooreenkom as voldoende, deurgestuurd mag word, in welk geval die Appèlafdeling nietemin afskrifte van die hele oorkonde kan aanvra.

(ii) Die beskuldigde mag teen betaling van die voorgeskrewe gelde van die griffier van die hof wat hom verhoor het, soveel eksemplare van die oorkonde of gedeeltes daarvan (na gelang van die geval), verkry as wat hy nodig het: Met dien verstande dat as hy te arm is om die voorgeskrewe gelde te betaal, hy die eksemplare kosteloos kan kry.”

3. Reël 68 van die Reëls word hierby gewysig deur in item 3 (a) van die Tarief die uitdrukking “0,50” deur die uitdrukking “0,70” te vervang.

4. Vorm 16 van die Eerste Bylae by die Reëls word hierby gewysig deur die uitdrukking “R50” deur die uitdrukking “R300” te vervang.

5. Hierdie wysigings tree op 2 Januarie 1990 in werking.

No. R. 2629

1 Desember 1989

LANDDROSHOE. — WYSIGING VAN DIE REËLS VAN DIE HOF

Die Reëlsraad vir Geregshoe het, met die goedkeuring van die Minister van Justisie, kragtens artikel 6 van die Wet op die Reëlsraad vir Geregshoe, 1985 (Wet No. 107 van 1985), die reëls vervat in die Bylae gemaak.

BYLAE

1. In hierdie Bylae, tensy uit die samehang anders blyk, beteken “die Reëls” die reëls afgekondig by Goewermentskennisgewing No. R. 1108 van 21 Junie 1968, soos gewysig by Goewermentskennisgewings Nos. R. 3002 van 25 Julie 1969, R. 490 van 26 Maart 1970, R. 947 van 2 Junie 1972, R. 1115 van 28 Junie 1974, R. 689 van 23 April 1976, R. 261 van 25 Februarie 1977, R. 2221 van 28 Oktober 1977, R. 327 van 24 Februarie 1978, R. 2222 van 10 November 1978, R. 1449 van 29 Junie 1979, R. 1314 van 27 Junie 1980, R. 1800 van 28 Augustus 1981, R. 1139 van 11 Junie 1982, R. 1689 van 29 Julie 1983, R. 1946 van 9 September 1983, R. 1994 van 7 September 1984, R. 2083 van 21 September 1984, R. 391 van 7 Maart 1986, R. 2165 van 2 Oktober 1987, R. 1451 van 22 Julie 1988, R. 1765 van 26 Augustus 1988, R. 211 van 10 Februarie 1989 en R. 607 van 31 Maart 1989.

- (b) an accused has noted an appeal in terms of section 318 of the said Act; or

- (c) a court has reserved a question of law arising on the trial of an accused in terms of section 319 of the said Act—

(i) the registrar of the court which tried the accused shall lodge with the registrar of the Appellate Division six copies of the record (one of which shall be certified by the first-named registrar) of the proceedings in the trial court and deliver such number of copies to the State as may be considered necessary: Provided that instead of the whole record, with the consent of the accused and the State, copies (one of which shall be certified by the first-named registrar) may be transmitted of such parts of the record as may be agreed upon by the accused and the State to be sufficient in which event the Appellate Division may nevertheless call for copies of the whole record.

(ii) The accused shall be entitled, on payment of the prescribed fees, to obtain from the registrar of the court which tried him such number of copies of the record or parts of the record (as the case may be) as may be necessary for his purpose: Provided that if he is unable by reason of poverty to pay the prescribed fees he shall be entitled to obtain the same without payment of any fees.”

3. Rule 68 of the Rules is hereby amended by the substitution in item 3 (a) of the Tariff for the expression “0,50” of the expression “0,70”.

4. Form 16 of the First Schedule to the Rules is hereby amended by the substitution for the expression “R50” of the expression “R300”.

5. These amendments shall come into operation on 2 January 1990.

No. R. 2629

1 December 1989

MAGISTRATES' COURTS. — AMENDMENT OF THE RULES OF COURT

The Rules Board for Courts of Law has, with the approval of the Minister of Justice, under section 6 of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985), made the rules contained in the Schedule hereto.

SCHEDULE

1. In this Schedule, unless the context otherwise indicates, “the Rules” mean the rules published by Government Notice No. R. 1108 of 21 June 1968, as amended by Government Notices Nos. R. 3002 of 25 July 1969, R. 490 of 26 March 1970, R. 947 of 2 June 1972, R. 1115 of 28 June 1974, R. 689 of 23 April 1976, R. 261 of 25 February 1977, R. 2221 of 28 October 1977, R. 327 of 24 February 1978, R. 2222 of 10 November 1978, R. 1449 of 29 June 1979, R. 1314 of 27 June 1980, R. 1800 of 28 August 1981, R. 1139 of 11 June 1982, R. 1689 of 29 July 1983, R. 1946 of 9 September 1983, R. 1994 of 7 September 1984, R. 2083 of 21 September 1984, R. 391 of 7 March 1986, R. 2165 of 2 October 1987, R. 1451 of 22 July 1988, R. 1765 of 26 August 1988, R. 211 of 10 February 1989 and R. 607 of 31 March 1989.

2. Reël 49 van die Reëls word hierby gewysig deur in subreël (4) die uitdrukking "datum van aanhoring" deur die uitdrukking "datum van terrolleplasing" te vervang.

3. Reël 62 van die Reëls word hierby gewysig deur in paragraaf (c) van subreël (1) die uitdrukking "of 'n beslote korporasie" ná die woord "maatskappy" in te voeg.

4. Vorm 26 van Bylae 1 by die Reëls word hierby deur die volgende vorm vervang:

2. Rule 49 of the Rules is hereby amended by the substitution in subrule (4) for the expression "date of the hearing" of the expression "date of set-down".

3. Rule 62 of the Rules is hereby amended by the insertion in paragraph (c) of subrule (1) after the word "company" of the expression "or a close corporation".

4. The following form is hereby substituted for form 26 of Annexure 1 to the Rules:

"No. 26: LASBRIEF VIR INHEGTENISNEMING VAN 'N GETUIE WEENS NIE-VERSKYNING

In die Landdroshof vir die distrik

gehou te

Saak No. van 19.....

In die saak tussen

Eiser

en

Verweerder

(1) Aan die Geregsbode:

Nademaal..... van.....behoorlik gedagvaar is om in bogenoemde saak voor hierdie Hof op die dag van.....19..... om.....(tyd) getuienis af te lê (of om sekere boeke, geskifte of stukke oor te lê, na gelang van die geval) en versuim het om dit te doen;

So word u hierby gemagtig en beveel om genoemde te arresteer en op die.....dag van 19..... om.....(tyd) voor hierdie Hof te bring om daar en dan getuienis af te lê en om andersins regtens mee gehandel te word.

(2) Aan die Hoof van die *Gevangenis:*

U word hierby gelas om genoemde in bewaring te neem en hom/haar veilig aan te hou totdat hy/sy na die Hof verwyder word vir die doel in die eerste gedeelte van hierdie lasbrief uiteengesit, of totdat hy/sy andersins regtens ontslaan word.

Gedateer te op hede diedag van19.....

Klerk van die Hof."

"No. 26: WARRANT FOR THE ARREST OF A WITNESS IN DEFAULT

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

held at

Case No. of 19.....

In the matter between

Plaintiff

and

Defendant

(1) To the Messenger of the Court:

Whereas of.....has been duly subpoenaed to give evidence (or to produce certain books, papers or documents, as the case may be) in the above matter before this court on the day of 19..... at.....(time), and has made default;

This is therefore to authorise and require you to arrest the said and bring him/her before this court on the day of.....19..... at.....(time), then and there to give evidence and to be otherwise dealt with according to law.

(2) To the Officer-in-Charge of the *Prison:*

You are hereby commanded to receive the said and to keep him/her safely until such time as he/she shall be removed to have him/her before the court in accordance with the first part of this warrant or until he/she shall be otherwise lawfully discharged.

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

Clerk of the Court."

5. Deel I van Tabel B van Bylae 2 by die Reëls word hierby gewysig deur by die TARIEF die volgende item te voeg:

- "(p) Getuiedagvaarding ingevolge artikel 65D (1) van die Wet..... R2,00".

6. Deel II van Tabel C van Bylae 2 by die Reëls word hierby gewysig—

- (a) deur in item 1 (a) (i) die uitdrukking "R7,50" deur die uitdrukking "R10,00" te vervang;
- (b) deur in item 1 (a) (ii) die uitdrukking "R9,00" deur die uitdrukking "R12,00" te vervang;
- (c) deur in item 1 (a) (iii) die uitdrukking "R11,00" deur die uitdrukking "R15,00" te vervang;
- (d) deur in item 1 (b) (i) die uitdrukking "R6,00" deur die uitdrukking "R8,00" te vervang;
- (e) deur in item 1 (b) (ii) die uitdrukking "R7,50" deur die uitdrukking "R10,00" te vervang;
- (f) deur in item 1 (b) (iii) die uitdrukking "R9,00" deur die uitdrukking "R12,00" te vervang;
- (g) deur in item 2 (a) (i) die uitdrukking "R10,00" deur die uitdrukking "R13,00" te vervang;
- (h) deur in item 2 (a) (ii) die uitdrukking "R12,50" deur die uitdrukking "R16,00" te vervang;
- (i) deur in item 2 (a) (iii) die uitdrukking "R15,00" deur die uitdrukking "R20,00" te vervang;
- (j) deur in item 2 (b) (i) die uitdrukking "R8,50" deur die uitdrukking "R11,00" te vervang;
- (k) deur in item 2 (b) (ii) die uitdrukking "R10,50" deur die uitdrukking "R13,00" te vervang;
- (l) deur in item 2 (b) (iii) die uitdrukking "R12,00" deur die uitdrukking "R16,00" te vervang; en
- (m) deur in items 3 en 4 die uitdrukking "50c" deur die uitdrukking "70c" te vervang.

7. Hierdie wysigings tree op 2 Januarie 1990 in werking.

5. Part I of Table B of Annexure 2 to the Rules is hereby amended by the addition to the TARIFF of the following item:

- "(p) Subpoena in terms of section 65D (1) of the Act..... R2,00".

6. Part II of Table C of Annexure 2 to the Rules is hereby amended—

- (a) by the substitution in item 1 (a) (i) for the expression "R7,50" of the expression "R10,00";
- (b) by the substitution in item 1 (a) (ii) for the expression "R9,00" of the expression "R12,00";
- (c) by the substitution in item 1 (a) (iii) for the expression "R11,00" of the expression "R15,00";
- (d) by the substitution in item 1 (b) (i) for the expression "R6,00" of the expression "R8,00";
- (e) by the substitution in item 1 (b) (ii) for the expression "R7,50" of the expression "R10,00";
- (f) by the substitution in item 1 (b) (iii) for the expression "R9,00" of the expression "R12,00";
- (g) by the substitution in item 2 (a) (i) for the expression "R10,00" of the expression "R13,00";
- (h) by the substitution in item 2 (a) (ii) for the expression "R12,50" of the expression "R16,00";
- (i) by the substitution in item 2 (a) (iii) for the expression "R15,00" of the expression "R20,00";
- (j) by the substitution in item 2 (b) (i) for the expression "R8,50" of the expression "R11,00";
- (k) by the substitution in item 2 (b) (ii) for the expression "R10,50" of the expression "R13,00";
- (l) by the substitution in item 2 (b) (iii) for the expression "R12,00" of the expression "R16,00"; and
- (m) by the substitution in items 3 and 4 for the expression "50c" of the expression "70c".

7. These amendments shall come into operation on 2 January 1990.

INHOUD

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