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GOEWERMENSKENNISGEWINGS

DEPARTEMENT VAN JUSTISIE

No. R. 185

2 Februarie 1990

WYSIGING VAN DIE REËLS WAARBY DIE VERRIGTINGS VAN DIE VERSKILLENDSE PROVINSHALE EN PLAASLIKE AFDELINGS VAN DIE HOOGGEREGSHOF VAN SUID-AFRIKA GEREËL WORD

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

BYLAE

1. In hierdie Bylae beteken "die Reëls" die reëls waarby die verrigtings van die verskillende provinsiale en plaaslike afdelings van die Hooggeregshof van Suid-Afrika gereël word, afgekondig by Goewermenskenisgewing No. R. 48 van 12 Januarie 1965, soos gewysig by Goewermenskenisgewings Nos. R. 235 van 18 Februarie 1966, R. 2004 van 15 Desember 1967, R. 3553 van 17 Oktober 1969, 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. 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. 2164 van 2 Oktober 1987, R. 2642 van 27 November 1987, R. 1421 van 15 Julie 1988, R. 210 van 10 Februarie 1989, R. 608 van 31 Maart 1989 en R. 2628 van 1 Desember 1989.

2. Reël 4 van die Reëls word hierby gewysig deur in paragraaf (b) van subreël (5) die uitdrukking "R15" deur die uitdrukking "R50" te vervang.

GOVERNMENT NOTICES

DEPARTMENT OF JUSTICE

No. R. 185

2 February 1990

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

SCHEDULE

1. In this Schedule "the Rules" shall mean the rules regulating the conduct of the proceedings of the several provincial and local divisions of the Supreme Court of South Africa, 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. 2021 of 5 November 1971, R. 1985 of 3 November 1972, R. 480 of 30 March 1973, R. 639 of 4 April 1975, R. 1816 of 8 October 1976, R. 1975 of 29 October 1976, R. 2477 of 17 December 1976, R. 2365 of 8 November 1977, R. 1546 of 28 July 1978, R. 1577 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 September 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 September 1985, R. 810 of 2 May 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, R. 608 of 31 March 1989 and R. 2628 of 1 December 1989.

2. Rule 4 of the Rules is hereby amended by the substitution in paragraph (b) of subrule (5) for the expression "R15" of the expression "R50".

3. Reël 50 van die Reëls word hierby gewysig—

- (a) deur in subreël (1) die uitdrukking "40 dae" deur die uitdrukking "60 dae" te vervang;
- (b) deur subreël (4) deur die volgende subreël te vervang:

"(4) (a) Die appellant moet binne 40 dae na aantekening van die appèl skriftelik en met kennisgewing aan alle ander partye by die griffier aansoek doen om die toekenning van 'n datum van aanhoring van die appèl en moet terselfdertyd skriftelik sy volledige woon- en posadres en die adres van sy prokureur, indien hy verteenwoordig word, aan die griffier beskikbaar stel.

(b) By ontstentenis van so 'n aansoek deur die appellant kan die respondent te eniger tyd voor verstryking van die tydperk van 60 dae bedoel in subreël (1), op dieselfde wyse om 'n datum van aanhoring aansoek doen.

(c) By ontvangs van so 'n aansoek van die appellant of die respondent word die appèl geag behoorlik voortgesit te wees."

- (c) deur subreël (5) deur die volgende subreël te vervang:

"(5) (a) By ontvangs van so 'n aansoek moet die griffier onverwyld 'n datum van aanhoring toeken, welke datum minstens 40 dae na ontvangs van genoemde aansoek moet wees, tensy alle partye skriftelik tot 'n vroeër datum toestem: Met dien verstande dat die griffier nie 'n datum van aanhoring toeken alvorens die bepalinge van subreël (7) (a), (b) en (c) behoorlik nagekom is nie.

(b) Die griffier moet die applikant onverwyld skriftelik kennis van die datum van aanhoring gee, waarna die applikant onverwyld 'n kennisgewing van terrolleplasing aflewer en die klerk van die hof van waar die appèl afkomstig is, skriftelik daarvan in kennis stel."; en

- (d) deur paragraaf (a) van subreël (7) deur die volgende paragraaf te vervang:

"(a) Die applikant moet tegelyk met die indiening van die aansoek om 'n datum van aanhoring van die appèl bedoel in subreël (4), twee afskrifte van die oorkonde by die griffier indien: Met dien verstande dat waar so 'n appèl deur meer as twee regters verhoor staan te word, die applikant op versoek van die griffier 'n verdere afskrif vir elke addisionele regter moet indien."

4. Reël 51 van die Reëls word hierby gewysig deur ná subreël (2) die volgende subreël in te voeg:

"(2A) Ondanks andersluidende wetsbepalinge kan 'n kennisgewing aan 'n appellant of sy prokureur bedoel in subreël (1) of (2), beteken word deur dit per geregistreerde pos, geadresseer aan die appellant of sy prokureur by 'n adres wat op die kennisgewing van appèl verskyn of by 'n adres wat die appellant of sy prokureur daarna skriftelik aan die griffier verskaf het, te stuur."

5. Reël 69 van die Reëls word hierby gewysig—

- (a) deur subreël (3), met inbegrip van die tarief van maksimum gelde vir advokate tussen party en party, deur die volgende subreël te vervang:

3. Rule 50 of the Rules is hereby amended—

- (a) by the substitution in subrule (1) for the expression "40 days" of the expression "60 days";
- (b) by the substitution for subrule (4) of the following subrule:

"(4) (a) The appellant shall, within 40 days of noting the appeal, apply to the registrar in writing and with notice to all other parties for the assignment of a date for the hearing of the appeal and shall at the same time make available to the registrar in writing his full residential and postal addresses and the address of his attorney if he is represented.

(b) In the absence of such an application by the appellant, the respondent may at any time before the expiry of the period of 60 days referred to in subrule (1) apply for a date of hearing in like manner.

(c) Upon receipt of such an application from appellant or respondent, the appeal shall be deemed to have been duly prosecuted."

- (c) by the substitution for subrule (5) of the following subrule:

"(5) (a) Upon receipt of such application, the registrar shall forthwith assign a date of hearing, which date shall be at least 40 days after the receipt of the said application, unless all parties consent in writing to an earlier date: Provided that the registrar shall not assign a date of hearing until the provisions of subrule (7) (a), (b) and (c) have been duly complied with.

(b) The registrar shall forthwith give the applicant written notice of the date of hearing, whereupon the applicant shall forthwith deliver a notice of set down and in writing give notice thereof to the clerk of the court from which the appeal emanated."; and

- (d) by the substitution for paragraph (a) of subrule (7) of the following paragraph:

"(a) The applicant shall simultaneously with the lodging of the application for a date for the hearing of the appeal referred to in subrule (4) lodge with the registrar two copies of the record: Provided that where such an appeal is to be heard by more than two judges, the applicant shall, upon the request of the registrar, lodge a further copy of the record for each additional judge."

4. Rule 51 of the Rules is hereby amended by the insertion after subrule (2) of the following subrule:

"(2A) Notwithstanding anything to the contrary in any law contained, a notice may be served on an appellant or his attorney referred to in subrule (1) or (2) by sending it by registered post, addressed to the appellant or his attorney at an address appearing on the notice of appeal or at an address which the appellant or his attorney has subsequently furnished to the registrar in writing."

5. Rule 69 of the Rules is hereby amended—

- (a) by the substitution for subrule (3), including the tariff of maximum fees for advocates on party and party basis of the following subrule:

"(3) Behalwe waar koste aan die verweerder of respondent toegeken word, geld die tarief van maksimum gelde vir advokate tussen party en party genoem in Deel IV van Tabel A van Bylae 2 by die Landdroshofreëls (hieronder "die tarief" genoem), waar die bedrag of waarde van die eis binne die jurisdiksie van die landdroshof val, tensy die hof op versoek gedoen voor of onmiddellik nadat vonnis gegee is, anders gelas."; en

(b) deur subreël (4) te skrap.

6. Hierdie reëls tree op 2 Maart 1990 in werking.

No. R. 186

2 Februarie 1990

LANDDROSHOWE. — WYSIGING VAN DIE REËLS VAN DIE HOF

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

BYLAE

1. In hierdie Bylae beteken "die Reëls" die reëls afgekondig by Goewermmentskennisgewing No. R. 1108 van 21 Junie 1968, soos gewysig by Goewermmentskennisgewings 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. 1285 van 19 Julie 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. 1338 van 29 Junie 1984, 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, R. 607 van 31 Maart 1989 en R. 2629 van 1 Desember 1989.

2. Reël 30 van die Reëls word hierby gewysig—

- (a) deur in paragraaf (a) van subreël (7) die uitdrukking "R2,65" deur die uitdrukking "R3,04" te vervang; en
- (b) deur in paragrafe (a) en (b) van subreël (9) die uitdrukking "25c" en "32c" deur onderskeidelik die uitdrukking "29c" en "37c" te vervang.

3. Reël 66 van die Reëls word hierby gewysig—

- (a) deur in paragraaf (a) van subreël (4) die uitdrukking "R2,65" deur die uitdrukking "R3,04" te vervang; en
- (b) deur in paragrafe (a) en (b) van subreël (7) die uitdrukking "25c" en "32c" deur onderskeidelik die uitdrukking "29c" en "37" te vervang.

4. Reël 67 van die Reëls word hierby gewysig deur in subreël (1) die volgende paragraaf by te voeg, terwyl die bestaande subreël paragraaf (a) word:

- "(b) 'n Veroordeelde moet in die kennisgewing van appèl bedoel in paragraaf (a), 'n posadres verstrek waar enige kennisgewing per geregistreerde pos aan hom beteken kan word indien hy nie deur 'n prokureur verteenwoordig word nie of indien hy ophou om deur 'n prokureur verteenwoordig te word."

5. Hierdie reëls tree op 2 Maart 1990 in werking.

"(3) Save where the defendant or respondent is awarded costs, the tariff of maximum fees for advocates between party and party referred to in Part IV of Table A of Annexure 2 to the Rules for the Magistrates' Court (hereunder referred to as "the tariff") shall apply where the amount or value of the claim falls within the jurisdiction of the magistrates' court, unless the court, on request made before or immediately after the giving of judgment, otherwise directs."; and

(b) by the deletion of subrule (4).

6. These rules shall come into operation on 2 March 1990.

No. R. 186

2 February 1990

MAGISTRATES' COURTS. — AMENDMENT OF THE RULES OF COURT

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

SCHEDULE

1. In this Schedule "the Rules" shall 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. 1285 of 19 July 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. 1338 of 29 June 1984, 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, R. 607 of 31 March 1989 and R. 2629 of 1 December 1989.

2. Rule 30 of the Rules is hereby amended—

- (a) by the substitution in paragraph (a) of subrule (7) for the expression "R2,65" of the expression "R3,04"; and
- (b) by the substitution in paragraphs (a) and (b) of subrule (9) for the expressions "25c" and "32c" of the expressions "29c" and "37c", respectively.

3. Rule 66 of the Rules is hereby amended—

- (a) by the substitution in paragraph (a) of subrule (4) of the expression "R2,65" of the expression "R3,04"; and
- (b) by the substitution in paragraphs (a) and (b) of subrule (7) for the expressions "25c" and "32c" of the expressions "29c" and "37c", respectively.

4. Rule 67 of the Rules is hereby amended by the addition to subrule (1) of the following paragraph, the existing subrule becoming paragraph (a):

- "(b) A convicted person shall state in the notice of appeal referred to in paragraph (a), a postal address where any notice may be served on him by registered post if he is not represented by an attorney or if he ceases to be represented by an attorney."

5. These rules shall come into operation on 2 March 1990.

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