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No. 12689

PROKLAMASIE

van die

Staatspresident van die Republiek van Suid-Afrika

No. R. 132, 1990

**INWERKINGTREDING VAN DIE WET OP DIE
AFDWINGING VAN BUITELANDSE SIVIELE
VONNISSE, 1988 (WET No. 32 VAN 1988)**

Kragtens artikel 12 van die Wet op die Afdwinging van Buitelandse Siviele Vonnisse, 1988 (Wet No. 32 van 1988), bepaal ek hierby 8 Augustus 1990 as die datum waarop genoemde Wet in werking tree.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Sewende dag van Augustus Eenduisend Negehonderd-en-negentig.

F. W. DE KLERK,
Staatspresident.

Op las van die Staatspresident-in-Kabinet:

H. J. COETSEE,
Minister van die Kabinet.

GOEWERMENSKENNISGEWING

DEPARTEMENT VAN JUSTISIE

No. R. 1887

8 Augustus 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), gelees met artikel 10 van die Wet op die Afdwinging van Buitelandse Siviele Vonnisse, 1988 (Wet No. 32 van 1988), met die goedkeuring van die Minister van Justisie, die reëls in die Bylae gemaak.

PROCLAMATION

by the

State President of the Republic of South Africa

No. R. 132, 1990

**COMMENCEMENT OF THE ENFORCEMENT OF
FOREIGN CIVIL JUDGMENTS ACT, 1988 (ACT
No. 32 OF 1988)**

Under section 12 of the Enforcement of Foreign Civil Judgments Act, 1988 (Act No. 32 of 1988), I hereby fix 8 August 1990 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 Pretoria this Seventh day of August, One thousand Nine hundred and Ninety.

F. W. DE KLERK,
State President.

By Order of the State President-in-Cabinet:

H. J. COETSEE,
Minister of the Cabinet.

GOVERNMENT NOTICE

DEPARTMENT OF JUSTICE

No. R. 1887

8 August 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), read with section 10 of the Enforcement of Foreign Civil Judgments Act, 1988 (Act No. 32 of 1988), with the approval of the Minister of Justice, made the rules in the Schedule.

BYLAE**Woordomskrywing**

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, R. 2629 van 1 Desember 1989 en R. 186 van 2 Februarie 1990.

Wysiging van die INHOUDSOPGAWE EN VERGELYKENDE TABEL VAN NOMMERS VAN NUWE REËLS EN OOREENSTEMMENDE NOMMERS VAN VORIGE REËLS van die Reëls

2. Die INHOUDSOPGAWE EN VERGELYKENDE TABEL VAN NOMMERS VAN NUWE REËLS EN OOREENSTEMMENDE NOMMERS VAN VORIGE REËLS van die Reëls word hierby gewysig deur die volgende uitdrukking na die uitdrukking "43 Tenuitvoerlegging teen Onroerende Goed . . ." in te voeg:
"43A Afdwinging van Buitelandse Siviele Vonnisse . . . — —".

Wysiging van die INHOUDSOPGAWE (ALFABETIES) van die Reëls

3. Die INHOUDSOPGAWE (ALFABETIES) van die Reëls word hierby gewysig deur die volgende uitdrukking na die uitdrukking "Aansoeke om Deurhaling, Eksepsies en . . ." in te voeg:
"Afdwinging van Buitelandse Siviele Vonnisse . . . 43A — —".

Invoeging van reël 43A in die Reëls

4. Die Reëls word hierby gewysig deur die volgende reël na reël 43 in te voeg:

"REËL 43A

Afdwinging van Buitelandse Siviele Vonnisse

43A. (1) Wanneer 'n gewaarmerkte afskrif van 'n vonnis bedoel in artikel 3 (1) van die Wet op die Afdwinging van Buitelandse Siviele Vonnisse, 1988 (Wet No. 32 van 1988), by 'n klerk van die hof in die Republiek ingedien word, registreer sodanige klerk van die hof daardie vonnis deur dit te nommer met 'n volgnommer vir die jaar waarin dit ingedien word en deur die besonderhede ten opsigte van die vonnis bedoel in paragrafe (a), (b) en (c) van genoemde artikel 3 (1) op die saakomslag aan te teken.

(2) Die vonnisskuldeiser moet, tesame met die gewaarmerkte afskrif van 'n vonnis bedoel in subreël (1) —

- (a) 'n beëdigde verklaring gedoen deur homself of deur iemand anders wat ondergenoemde feite kan bevestig, indien —

- (i) waarin die bedrag rente verskuldig, die toepaslike rentekoers en die wyse waarop die bedrag rente bereken is, vermeld word; en

SCHEDULE**Definitions**

1. In this Schedule "the Rules" means the rules published under 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, R. 2629 of 1 December 1989 and R. 186 of 2 February 1990.

Amendment of the TABLE OF CONTENTS AND COMPARATIVE TABLE OF NUMBERS OF NEW RULES AND CORRESPONDING NUMBERS OF PREVIOUS RULES of the Rules

2. The TABLE OF CONTENTS AND COMPARATIVE TABLE OF NUMBERS OF NEW RULES AND CORRESPONDING NUMBERS OF PREVIOUS RULES of the Rules is hereby amended by the insertion of the following expression after the expression "43 Execution against Immovable Property . . .":

"43A Enforcement of Foreign Civil Judgments . . . — —".

Amendment of the INDEX (ALPHABETICAL) of the Rules

3. The INDEX (ALPHABETICAL) of the Rules is hereby amended by the insertion of the following expression after the expression "Endorsement of Summons . . .":

"Enforcement of Foreign Civil Judgments . . . 43A — —".

Insertion of rule 43A in the Rules

4. The Rules are hereby amended by the insertion of the following rule after rule 43:

"RULE 43A

Enforcement of Foreign Civil Judgments

43A. (1) Whenever a certified copy of a judgment referred to in section 3 (1) of the Enforcement of Foreign Civil Judgments Act, 1988 (Act No. 32 of 1988), is filed with a clerk of the court in the Republic, such clerk of the court shall register that judgment by numbering it with a consecutive number for the year during which it is filed and by noting the particulars in respect of the judgment referred to in paragraphs (a), (b) and (c) of the said section 3 (1) on the case cover.

(2) The judgment creditor shall, together with the certified copy of a judgment referred to in subrule (1) —

- (a) file an affidavit made by himself or by somebody else who can confirm the undermentioned facts —

- (i) stating the amount of interest due, the appropriate rate of interest and how the amount of interest has been calculated; and

(ii) waarin vermeld word of enige bedrag sedert vonnis deur die vonnisskulde-naar betaal is, en, indien wel, of sodanige bedrag van die kapitale bedrag van die vonnisskuld of van die rente of koste, na gelang van die geval, afgetrek is; en

(b) indien enige bedrag betaalbaar kragtens die vonnis uitgedruk is in 'n ander betaalmiddel as die betaalmiddel van die Republiek, 'n sertifikaat uitgereik deur 'n bankinstelling wat ingevolge artikel 4 van die Bankwet, 1965 (Wet No. 23 van 1965), geregistreer is, indien waarin vermeld word wat die wisselkoers was wat geheers het op die datum van die vonnis.

(3) 'n Kennisgewing uitgereik ingevolge artikel 3 (2) van die Wet op die Afdwinging van Buitelandse Siviele Vonnisse, 1988 (Wet No. 32 van 1988), bevat—

- (a) die volgnommer bedoel in subreël (1);
- (b) die datum waarop die vonnis geregistreer is;
- (c) die balans van die bedrag kragtens die vonnis betaalbaar;
- (d) die getakseerde koste deur die hof van die aangewese land toegeken;
- (e) die rente, as daar is, wat volgens die reg of volgens 'n bevel van die hof van die betrokke aangewese land verskuldig is op die bedrag wat kragtens die vonnis betaalbaar is tot op die tydstip van registrasie van die vonnis;
- (f) die redelike koste van en in verband met die registrasie van die vonnis, met inbegrip van die koste ten opsigte van die verkryging van 'n gewaarmerkte afskrif van die vonnis;
- (g) die name van die betrokke partye; en
- (h) die naam van die hof waar die vonnis gegee is.”

5. Hierdie reëls tree op 8 September 1990 in werking.

(ii) stating whether any amount has been paid by the judgment debtor since judgment, and, if so, whether such amount has been deducted from the capital amount of the judgment debt or from the interest or costs, as the case may be; and

(b) if any amount payable under the judgment is expressed in a currency other than the currency of the Republic, file a certificate issued by a banking institution registered in terms of section 4 of the Banks Act, 1965 (Act No. 23 of 1965), stating the rate of exchange prevailing at the date of the judgment.

(3) A notice issued in terms of section 3 (2) of the Enforcement of Foreign Civil Judgments Act, 1988 (Act No. 32 of 1988), shall contain—

- (a) the consecutive number referred to in sub-rule (1);
- (b) the date on which the judgment was registered;
- (c) the balance of the amount payable under the judgment;
- (d) the taxed costs awarded by the court of the designated country;
- (e) the interest, if any, which by the law or by order of the court of the designated country concerned is due on the amount payable under the judgment up to the time of registration of the judgment;
- (f) the reasonable costs of and incidental to the registration of the judgment, including the costs of obtaining a certified copy of the judgment;
- (g) the names of the parties concerned; and
- (h) the name of the court where the judgment was given.”

5. These rules shall come into operation on 8 September 1990.

**Maak uself asseblief deeglik vertrouwd met die
“Voorwaardes vir Publikasie” van wetlike
kennisgewings in die *Staatskoerant*, asook met die
nuwe tariewe wat daarmee in verband staan**

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