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GOEWERMENSKENNISGEWING

DEPARTEMENT VAN JUSTISIE

No. R. 150 **28 Januarie 1994**

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

Woordomskrywing

1. In hierdie Bylae beteken "die Reëls" die reëls uitgevaardig by Goewermenskennisgewing No. R. 1108 van 21 Junie 1968, soos gewysig by Goewermenskennisgewings 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, R. 186 van 2 Februarie 1990, R. 1887 van 8 Augustus 1990, R. 1928 van 10 Augustus 1990, R. 1967 van 17 Augustus 1990, R. 1261 van 30 Mei 1991, R. 2407 van 27 September 1991, R. 2409 van 30 September 1991, R. 405 van 7 Februarie 1992, R. 1510 van 29 Mei

GOVERNMENT NOTICE

DEPARTMENT OF JUSTICE

No. R. 150 **28 January 1994**

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

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, R. 186 of 2 February 1990, R. 1887 of 8 August 1990, R. 1928 of 10 August 1990, R. 1967 of 17 August 1990, R. 1261 of 30 May 1991, R. 2407 of 27 September 1991, R. 2409 of 30 September 1991, R. 405 of 7 February 1992, R. 1510

1992, R. 1882 van 3 Julie 1992, R. 871 van 21 Mei 1993, R. 959 van 28 Mei 1993, R. 1134 van 25 Junie 1993, R. 1355 van 30 Julie 1993, R. 1844 van 1 Oktober 1993 en R. 2530 van 31 Desember 1993.

Wysiging van reël 9 van die Reëls

2. Reël 9 van die Reëls word hierby gewysig—

- (a) deur subreël (1) deur die volgende subreël te vervang:

“(1) ’n Party wat die betekening van enige prosesstuk, kennisgewing of ander dokument deur die balju verlang, lewer aan hom die oorspronklike van sodanige prosesstuk, kennisgewing of dokument tesame met soveel afskrifte daarvan as wat daar persone is aan wie dit beteken moet word: Met dien verstande dat die klerk van die hof, op die skriftelike versoek van die party wat betekening verlang, sodanige prosesstuk, kennisgewing of dokument en afskrifte daarvan aan die balju mag oorhandig.”; en

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

“(5) Wanneer die persoon aan wie beteken moet word, sy woon- of besigheidsplek gesluit hou en derhalwe die balju verhinder om die prosesstuk te beteken, word dit voldoende betekening geag indien ’n afskrif daarvan aan die buite- of hoofdeur of veiligheidshek van sodanige woon- of besigheidsplek aangebring word of in die posbus by sodanige woon- of besigheidsplek geplaas word.”.

Wysiging van reël 39 van die Reëls

3. Reël 39 van die Reëls word hierby gewysig deur in subreël (8) die woord “nie” te skrap.

Wysiging van Deel I van Tabel B van Bylae 2 by die Reëls

4. Deel I van Tabel B van Bylae 2 by die Reëls word hierby gewysig deur item (e) van die Tarief deur die volgende item te vervang:

	“R
(e) (i) Besoldigingbeslagbevel (Vorm 38).....	50,00
(ii) Heruitreiking (Sertifikate ingesluit).....	40,00”.

Wysiging van Tabel E van Bylae 2 by die Reëls

5. Tabel E van Bylae 2 by die Reëls word hierby gewysig—

- (a) deur item 1 deur die volgende item te vervang:

“1. Op elke eerste dagvaarding, of die eerste dokumente by ’n aansoek wat nie betrekking het op ’n siviele geding wat reeds by daardie hof aangeteken is nie, of ’n aansoek om ’n bevel kragtens artikel 74 van die Wet of om ’n mandament van spolie. 10,00”;
en

- (b) deur item 4 deur die volgende item te vervang:

“4. Vir die insien en sertifiseer van ’n afskrif van ’n rekord—
elke 100 woorde of gedeelte daarvan..... 1,00”.

Inwerkingtreding

6. Hierdie reëls tree op 1 Maart 1994 in werking.

of 29 May 1992, R. 1882 of 3 July 1992, R. 871 of 21 May 1993, R. 959 of 28 May 1993, R. 1134 of 25 June 1993, R. 1355 of 30 July 1993, R. 1844 of 1 October 1993 and R. 2530 of 31 December 1993.

Amendment of rule 9 of the Rules

2. Rule 9 of the Rules is hereby amended—

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

“(1) A party requiring service of any process, notice or other document to be made by the sheriff shall deliver to him the original of such process, notice or document, together with as many copies thereof as there are persons to be served: Provided that the clerk of the court may, at the written request of the party requiring service, hand such process, notice or document and copies thereof to the sheriff.”; and

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

“(5) Where the person to be served keeps his residence or place of business closed and thus prevents the sheriff from serving the process, it shall be sufficient service to affix a copy thereof to the outer or principal door or security gate of such residence or place of business or to place such copy in the post box at such residence or place of business.”.

Amendment of rule 39 of the Rules

3. Rule 39 of the Rules is hereby amended by the deletion in the Afrikaans text of subrule (8) of the word “nie”.

Amendment of Part I of Table B of Annexure 2 to the Rules

4. Part I of Table B of Annexure 2 to the Rules is hereby amended by the substitution for item (e) of the Tariff of the following item:

	“R
(e) (i) Emoluments Attachment Order (Form 38)	50,00
(ii) Reissue (Certificates included).....	40,00”.

Amendment of Table E of Annexure 2 to the Rules

5. Table E of Annexure 2 to the Rules is hereby amended—

- (a) by the substitution for item 1 of the following item:

“1. On every initial summons, or the initial documents in an application which are not related to civil proceedings already on record in that court, or an application for an order under section 74 of the Act or an application for a spoliation order..... 10,00”;
and

- (b) by the substitution for item 4 of the following item:

“4. For examining and certifying a copy of a record—
each 100 words or part thereof..... 1,00”.

Commencement

6. These rules shall come into operation on 1 March 1994.

BELANGRIK!!

Plasing van tale:

Staatskoerante

1. Hiermee word bekendgemaak dat die omruil van tale in die *Staatskoerant* jaarliks geskied met die eerste uitgawe in Oktober.
2. Vir die tydperk 1 Oktober 1993 tot 30 September 1994 word Afrikaans **EERSTE** geplaas.
3. Hierdie reëling is in ooreenstemming met dié van die Parlement waarby koerante met Wette ens. die taalvolgorde deurgaans behou vir die duur van die sitting.
4. *Dit word dus van u, as adverteerder, verwag om u kopie met bogenoemde reëling te laat strook om onnodige omskakeling en stylredigering in ooreenstemming te bring.*

—oOo—

IMPORTANT!!

Placing of languages:

Government Gazettes

1. Notice is hereby given that the interchange of languages in the *Government Gazette* will be effected annually from the first issue in October.
2. For the period 1 October 1993 to 30 September 1994, Afrikaans is to be placed **FIRST**.
3. This arrangement is in conformity with Gazettes containing Act of Parliament etc. where the language sequence remains constant throughout the sitting of Parliament.
4. *It is therefore expected of you, the advertiser, to see that your copy is in accordance with the above-mentioned arrangement in order to avoid unnecessary style changes and editing to correspond with the correct style.*

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