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GOEWERMENSKENNISGEWINGS

DEPARTEMENT VAN JUSTISIE

No. R. 180 **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 afgekondig 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, 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 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, R. 2530 van 31 Desember 1993 en R. 150 van 28 Januarie 1994.

GOVERNMENT NOTICES

DEPARTMENT OF JUSTICE

No. R. 180 **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, 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 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, R. 2530 of 31 December 1993 and R. 150 of 28 January 1994.

Vervanging van reël 55A van die Reëls

2. Reël 55A van die Reëls word hierby deur die volgende reël vervang:

“Wysiging van pleitstukke

55A. (1) 'n Party wat 'n pleitstuk of dokument, buiten 'n beëdigde verklaring, wat in verband met enige verrigtinge ingedien is, wil wysig, gee alle ander partye kennis van sy voorneme om te wysig en verskaf besonderhede van die wysiging.

(2) Die kennisgewing bedoel in subreël (1) moet meld dat tensy skriftelike beswaar teen die voorgestelde wysiging afgelewer word binne 10 dae nadat die kennisgewing afgelewer is, die wysiging aangebring sal word.

(3) 'n Beswaar teen 'n voorgenome wysiging moet die gronde waarop die beswaar berus, duidelik en bondig vermeld.

(4) As 'n beswaar wat aan subreël (3) voldoen, afgelewer word binne die tydperk in subreël (2) bedoel, kan die party wat wil wysig, binne 10 dae 'n aansoek om wysiging aanhangig maak.

(5) As geen beswaar soos in subreël (4) beoog, afgelewer word nie, word elke party wat die kennisgewing ontvang het, geag tot die wysiging toe te gestem het en kan die party wat die kennisgewing gegee het, binne 10 dae na verstryking van die tydperk in subreël (2) bedoel, die wysiging aangebring soos in subreël (7) beoog.

(6) Tensy die hof anders gelas, mag 'n wysiging wat deur 'n hofbevel gemagtig is, nie later as 10 dae nadat die magtiging verleen is, aangebring word nie.

(7) Tensy die hof anders gelas, bring 'n party wat mag wysig, die wysiging aan deur elke betrokke bladsy in sy gewysigde vorm af te lewer.

(8) Enige party wat deur 'n wysiging geraak word, kan binne 15 dae nadat die wysiging aangebring is of binne enige ander tydperk wat die hof gelas, 'n gevolglike aanpassing maak in die stukke wat hy ingedien het, en kan ook die stappe bedoel in reëls 17 en 19 (14), doen.

(9) 'n Party wat ingevolge subreël (1) kennis gee van sy voorneme om te wysig, is, behalwe as die hof anders gelas, aanspreeklik vir die koste wat daardeur vir 'n ander party veroorsaak is.

(10) Die hof kan ondanks andersluidende bepalings van hierdie reël in enige stadium voor uitspraak verlof tot wysiging van 'n pleitstuk of dokument gee met sodanige ander bepalings betreffende koste of ander aangeleenthede as wat hy goedvind.”

Substitution of rule 55A of the Rules

2. The following is hereby substituted for rule 55A of the Rules:

“Amendment of pleadings

55A. (1) Any party desiring to amend a pleading or document other than an affidavit, filed in connection with any proceedings, shall notify all other parties of his intention to amend and shall furnish the particulars of the amendment.

(2) The notice referred to in subrule (1) shall state that unless written objection to the proposed amendment is delivered within 10 days of delivery of the notice of amendment, the amendment will be effected.

(3) An objection to a proposed amendment shall clearly and concisely state the grounds upon which the objection is founded.

(4) If an objection which complies with subrule (3) is delivered within the period referred to in subrule (2), the party wishing to amend may, within 10 days, lodge an application for leave to amend.

(5) If no objection is delivered as contemplated in subrule (4), every party who received the notice of the proposed amendment shall be deemed to have consented to the amendment and the party who gave notice of the proposed amendment may, within 10 days after the expiration of the period mentioned in subrule (2), effect the amendment as contemplated in subrule (7).

(6) Unless the court otherwise directs, an amendment authorized by an order of the court may not be effected later than 10 days after such authorization.

(7) Unless the court otherwise directs, a party who is entitled to amend shall effect the amendment by delivering each relevant page in its amended form.

(8) Any party affected by an amendment may, within 15 days after the amendment has been effected or within such other period as the court may determine, make any consequential adjustment to the documents filed by him, and may also take the steps contemplated in rules 17 and 19 (14).

(9) A party giving notice of amendment in terms of subrule (1) shall, unless the court otherwise directs, be liable for the costs thereby occasioned to any other party.

(10) The court may, notwithstanding anything to the contrary in this rule, at any stage before judgment, grant leave to amend any pleading or document on such other terms as to costs or other matters as it deems fit.”

Commencement

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

Inwerkingtreding

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

No. R. 181**28 Januarie 1994****WYSIGING VAN DIE REËLS WAARBY DIE VERRIGTINGE VAN DIE VERSKILLENDEN PROVINSIALE 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**Woordomskrywing**

1. In hierdie Bylae beteken "die Reëls" die reëls waarby die verrigtinge van die verskillende provinsiale en plaaslike afdelings van die Hooggeregshof van Suid-Afrika gereël word, afgekondig by Goewermentskennisgewing No. R. 48 van 12 Januarie 1965, soos gewysig by Goewermentskennisgewings 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 18 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, R. 2628 van 1 Desember 1989, R. 185 van 2 Februarie 1990, R. 1929 van 10 Augustus 1990, R. 1262 van 30 Mei 1991, R. 2410 van 30 September 1991, R. 2845 van 29 November 1991, R. 406 van 7 Februarie 1992, R. 1883 van 3 Julie 1992, R. 109 van 22 Januarie 1993, R. 960 van 28 Mei 1993, R. 974 van 1 Junie 1993, R. 1356 van 30 Julie 1993, R. 1843 van 1 Oktober 1993, R. 2365 van 10 Desember 1993 en R. 2529 van 31 Desember 1993.

Wysiging van die Inhoudsopgawe van die Reëls

2. Die Inhoudsopgawe van die Reëls word hierby gewysig deur die uitdrukking "37 Inkorting van verrigtinge." deur die uitdrukking "37 Voorverhoorkonferensie." te vervang.

Vervanging van reël 28 van die Reëls

3. Reël 28 van die Reëls word hierby deur die volgende reël vervang:

"Wysiging van Pleitstukke en Dokumente"

28. (1) 'n Party wat 'n pleitstuk of dokument, buiten 'n beëdigde verklaring, wat in verband met enige verrigtinge ingedien is, wil wysig, gee alle ander partye kennis van sy voorneme om te wysig en verskaf besonderhede van die wysiging.

No. R. 181**28 January 1994****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**Definitions**

1. In this Schedule "the Rules" means the rules regulating the conduct of the proceedings of the several provincial and local divisions of the Supreme Court of South Africa published under Government Notice No. R. 48 of 12 January 1965, as amended by Government Notices No. 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 18 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, R. 2628 of 1 December 1989, R. 185 of 2 February 1990, R. 1929 of 10 August 1990, R. 1262 of 30 May 1991, R. 2410 of 30 September 1991, R. 2845 of 29 November 1991, R. 406 of 7 February 1992, R. 1883 of 3 July 1992, R. 109 of 22 January 1993, R. 960 of 28 May 1993, R. 974 of 1 June 1993, R. 1356 of 30 July 1993, R. 1843 of 1 October 1993, R. 2365 of 10 December 1993 and R. 2529 of 31 December 1993.

Amendment of the Index of the Rules

2. The Index of the Rules is hereby amended by the substitution for the expression "37 Curtailment of proceedings." of the expression "37 Pre-trial conference."

Substitution of rule 28 of the Rules

3. The following is hereby substituted for rule 28 of the Rules:

"Amendment of Pleadings and Documents"

28. (1) Any party desiring to amend a pleading or document other than a sworn statement, filed in connection with any proceedings, shall notify all other parties of his intention to amend and shall furnish particulars of the amendment.

(2) Die kennisgewing bedoel in subreël (1) moet meld dat tensy skriftelike beswaar teen die voorgestelde wysiging afgelewer word binne 10 dae nadat die kennisgewing afgelewer is, die wysiging aangebring sal word.

(3) 'n Beswaar teen 'n voorgename wysiging moet die gronde waarop die beswaar berus, duidelik en bondig vermeld.

(4) As 'n beswaar wat aan subreël (3) voldoen, afgelewer word binne die tydperk in subreël (2) bedoel, kan die party wat wil wysig, binne 10 dae 'n aansoek om wysiging aanhangig maak.

(5) As geen beswaar soos in subreël (4) beoog, afgelewer word nie, word elke party wat die kennisgewing ontvang het, geag tot die wysiging toe te gestem het en kan die party wat die kennisgewing gegee het, binne 10 dae na verstryking van die tydperk in subreël (2) bedoel, die wysiging aangebring soos in subreël (7) beoog.

(6) Tensy die hof anders gelas, mag 'n wysiging wat deur 'n hofbevel gemagtig is, nie later as 10 dae nadat die magtiging verleen is, aangebring word nie.

(7) Tensy die hof anders gelas, bring 'n party wat mag wysig, die wysiging aan deur elke betrokke bladsy in sy gewysigde vorm af te lewer.

(8) Enige party wat deur 'n wysiging geraak word, kan binne 15 dae nadat die wysiging aangebring is of binne enige ander tydperk wat die hof gelas, 'n gevolglike aanpassing maak in die stukke wat hy ingedien het en kan ook die stappe beoog in reëls 23 en 30, doen.

(9) 'n Party wat ingevolge subreël (1) kennis gee van sy voorneme om te wysig, is, behalwe as die hof anders gelas, aanspreeklik vir die koste wat daardeur vir 'n ander party veroorsaak is.

(10) Die hof kan ondanks andersluidende bepalinge van hierdie reël in enige stadium voor uitspraak verlof tot wysiging van 'n pleitstuk of dokument gee met sodanige ander bepalinge betreffende koste of ander aangeleenthede as wat hy goedvind."

Vervanging van reël 37 van die Reëls

4. Reël 37 van die Reëls word hierby deur die volgende reël vervang:

"Voorverhoorkonferensie

37. (1) 'n Party wat kennis ontvang van die verhoordatum van 'n aksie, moet, indien hy nog nie blootlegging ingevolge reël 35 gedoen het nie, binne 15 dae 'n beëdigde verklaring aflewer wat aan reël 35 (2) voldoen.

(2) (a) 'n Eiser wat die kennis beoog in subreël (1) ontvang, moet binne vyf dae 'n kennisgewing aflewer waarin hy 'n datum, tyd en plek vir die hou van 'n voorverhoorkonferensie aanwys.

(b) Indien die eiser nie sy verpligtinge ingevolge paragraaf (a) nagekom het nie, kan die verweerder sodanige kennisgewing binne 30 dae na die verstryking van die tydperk in daardie paragraaf vermeld, aflewer.

(2) The notice referred to in subrule (1) shall state that unless written objection to the proposed amendment is delivered within 10 days of delivery of the notice, the amendment will be effected.

(3) An objection to a proposed amendment shall clearly and concisely state the grounds upon which the objection is founded.

(4) If an objection which complies with subrule (3) is delivered within the period referred to in subrule (2), the party wishing to amend may, within 10 days, lodge an application for leave to amend.

(5) If no objection is delivered as contemplated in subrule (4), every party who received notice of the proposed amendment shall be deemed to have consented to the amendment and the party who gave notice of the proposed amendment may, within 10 days after the expiration of the period mentioned in subrule (2), effect the amendment as contemplated in subrule (7).

(6) Unless the court otherwise directs, an amendment authorized by an order of the court may not be effected later than 10 days after such authorization.

(7) Unless the court otherwise directs, a party who is entitled to amend shall effect the amendment by delivering each relevant page in its amended form.

(8) Any party affected by an amendment may, within 15 days after the amendment has been effected or within such other period as the court may determine, make any consequential adjustment to the documents filed by him, and may also take the steps contemplated in rules 23 and 30.

(9) A party giving notice of amendment in terms of subrule (1) shall, unless the court otherwise directs, be liable for the costs thereby occasioned to any other party.

(10) The court may, notwithstanding anything to the contrary in this rule, at any stage before judgment grant leave to amend any pleading or document on such other terms as to costs or other matters as it deems fit."

Substitution of rule 37 of the Rules

4. The following is hereby substituted for rule 37 of the Rules:

"Pre-trial conference

37. (1) A party who receives notice of the trial date of an action shall, if he has not yet made discovery in terms of rule 35, within 15 days deliver a sworn statement which complies with rule 35 (2).

(2) (a) A plaintiff who receives the notice contemplated in subrule (1) shall within five days deliver a notice in which he appoints a date, time and place for a pre-trial conference.

(b) If the plaintiff has failed to comply with paragraph (a), the defendant may, within 30 days after the expiration of the period mentioned in that paragraph, deliver such notice.

(3) (a) Die datum, tyd en plek van die voorverhoorkonferensie kan by ooreenkoms gewysig word: Met dien verstande dat die konferensie nie later nie as ses weke voor die verhoordatum plaasvind.

(b) Indien die partye verskil oor die datum, tyd of plek van die konferensie, moet dit aan die griffier vir sy beslissing voorgelê word.

(4) Nie later nie as 10 dae voor die voorverhoorkonferensiedatum moet elke party 'n lys aan elke ander party verskaf van—

- (a) die erkennings wat hy verlang;
- (b) die navrae wat hy gaan rig wat nie in 'n versoek om verhoorbesonderhede vervat is nie; en
- (c) ander aspekte omtrent voorbereiding vir verhoor wat hy vir bespreking gaan opper.

(5) By die voorverhoorkonferensie moet die aangeleenthede in subreëls (4) en (6) genoem, behandel word.

(6) 'n Notule van die voorverhoorkonferensie moet opgestel en deur of namens elke party onderteken word, en daaruit moet die volgende blyk:

- (a) Die datum, plek en duur van die konferensie, en die name van die aanwesige persone;
- (b) indien enige party meen dat hy benadeel word deurdat 'n ander party nog nie aan die hofreëls voldoen het nie, die aard van sodanige nie-nakoming en benadeling;
- (c) dat elke party wat regshulp eis, sy teenparty versoek het om 'n skikkingsvoorstel te maak en dat die teenparty daarop gereageer het;
- (d) of enige geskilpunt deur die partye verwys is na bemiddeling, arbitrasie of beslissing deur 'n derde party en op welke grondslag dit verwys is;
- (e) of die saak na 'n ander hof oorgeplaas behoort te word;
- (f) die geskilpunte wat ooreenkomstig reël 33 (4) afsonderlik bereg behoort te word;
- (g) die erkennings wat elke party maak;
- (h) enige geskil oor die plig om te begin of oor die bewyslas;
- (i) enige ooreenkoms betreffende die voorlegging van getuienis by wyse van beëdigde verklaring ingevolge reël 38 (2);
- (j) welke party vir die kopiëring en ander voorbereiding van dokumente verantwoordelik sal wees;
- (k) welke dokumente of kopieë van dokumente sonder verdere bewys sal dien as bewys van wat dit voorgee om te wees, welke uittreksels bewys kan word sonder om die hele dokument te bewys of enige ander ooreenkoms omtrent bewys van dokumente.

(7) Die notule moet nie later nie as vyf weke voor die verhoordatum by die griffier ingedien word.

(3) (a) The date, time and place for the pre-trial conference may be amended by agreement: Provided that the conference shall be held not later than six weeks prior to the date of hearing.

(b) If the parties do not agree on the date, time or place for the conference, the matter shall be submitted to the registrar for his decision.

(4) Each party shall, not later than 10 days prior to the pre-trial conference, furnish every other party with a list of—

- (a) the admissions which he requires;
- (b) the enquiries which he will direct and which are not included in a request for particulars for trial; and
- (c) other matters regarding preparation for trial which he will raise for discussion.

(5) At the pre-trial conference the matters mentioned in subrules (4) and (6) shall be dealt with.

(6) The minutes of the pre-trial conference shall be prepared and signed by or on behalf of every party and the following shall appear therefrom:

- (a) The date, place and duration of the conference and the names of the persons present;
- (b) if a party feels that he is prejudiced because another party has not complied with the rules of court, the nature of such non-compliance and prejudice;
- (c) that every party claiming relief has requested his opponent to make a settlement proposal and that such opponent has reacted thereto;
- (d) whether any issue has been referred by the parties for mediation, arbitration or decision by a third party and on what basis it has been so referred;
- (e) whether the case should be transferred to another court;
- (f) which issues should be decided separately in terms of rule 33 (4);
- (g) the admissions made by each party;
- (h) any dispute regarding the duty to begin or the onus of proof;
- (i) any agreement regarding the production of proof by way of an affidavit in terms of rule 38 (2);
- (j) which party will be responsible for the copying and other preparation of documents;
- (k) which documents or copies of documents will, without further proof, serve as evidence of what they purport to be, which extracts may be proved without proving the whole document or any other agreement regarding the proof of documents.

(7) The minutes shall be filed with the registrar not later than five weeks prior to the trial date.

(8) (a) 'n Regter wat nie die regter hoof te wees wat by die verhoor voorsit nie, kan, indien hy dit wenslik ag, te enige tyd, op voorstel van 'n party of uit eie beweging, die partye se prokureurs of advokate oproep om 'n konferensie voor 'n regter in kamers te hou of voort te sit, en kan gelas dat 'n party persoonlik by sodanige konferensie beskikbaar moet wees.

(b) Geen bepaling van hierdie reël word so uitgelê dat dit verg dat 'n regter voor wie 'n konferensie gehou word, by skikkingsbesprekings betrokke raak nie, en die inhoud van 'n reaksie op 'n versoek om 'n skikkingsvoorstel mag nie aan 'n regter bekendgemaak word nie behalwe as die regter en alle partye daartoe instem.

(c) By so 'n konferensie of na afloop daarvan kan 'n regter, met instemming van die partye en sonder 'n formele aansoek, enige aanwysing gee wat die effektiewe verloop van die verhoor kan bevorder, met insluiting van die verleen van kondonasie ten aansien van hierdie of enige ander reël.

(d) Tensy die regter anders bepaal, moet die eiser 'n notule van die konferensie voor die regter opstel en dit in behoorlik ondertekende vorm binne vyf dae of die langer tydperk wat die regter bepaal, by die griffier indien.

(9) (a) By die verhoor moet die hof oorweeg of dit gepas is om 'n spesiale kostebevel teen 'n party of sy prokureur te maak omdat hy of sy prokureur—

- (i) nie 'n voorverhoorkonferensie bygewoon het nie; of
- (ii) in 'n wesenlike mate versuim het om die effektiewe afhandeling van die litigasie te bevorder.

(b) Behalwe met betrekking tot 'n verskyning ingevolge subreël (8)(a) is geen advokaatsgelde op 'n party-en-party-basis verhaalbaar ten aansien van 'n voorverhoorkonferensie wat meer as 10 dae voor die verhoor plaasgevind het nie.

(10) 'n Regter in kamers kan sonder aanhoor van partye afwykings van die tydsbepalings van hierdie reël beveel.

(11) 'n Aanwysing wat kragtens hierdie reël voor die aanvang van die verhoor gemaak is, kan gewysig word."

Wysiging van reël 45 van die Reëls

5. Reël 45 van die Reëls word hierby gewysig deur subreël (1) deur die volgende te vervang:

"(1) Die party in wie se guns die hof vonnis gegee het, kan op eie risiko by die griffierskantoor een of meer lasbriewe vir tenuitvoerlegging daarvan uitneem, so na moontlik bewoerd soos Vorm 18 in die Eerste Bylae: Met dien verstande dat, behalwe waar onroerende goed spesiaal deur die hof of, in die geval waar vonnis ingevolge reël 31 (5) toegestaan is, deur die griffier uitwinbaar verklaar is, geen uitwinningslasbrief teen onroerende goed uitgereik word nie tensy daar eers ten opsigte van 'n lasbrief teen sy roerende goed gerelateer is dat die persoon nie genoeg roerende goed het om daaraan te voldoen nie."

Inwerkingtreding

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

(8) (a) A judge, who need not be the judge presiding at the trial, may, if he deems it advisable, at any time at the request of a party or *meru motu*, call upon the attorneys or advocates for the parties to hold or to continue with a conference before a judge in chambers and may direct a party to be available personally at such conference.

(b) No provision of this rule shall be interpreted as requiring a judge before whom a conference is held to be involved in settlement negotiations, and the contents of a reaction to a request for a settlement proposal shall not be made known to a judge except with the consent of the judge and all parties.

(c) The judge may, with the consent of the parties and without any formal application, at such conference or thereafter give any direction which might promote the effective conclusion of the matter, including the granting of condonation in respect of this or any other rule.

(d) Unless the judge determines otherwise, the plaintiff shall prepare the minutes of the conference held before the judge and file them, duly signed, with the registrar within five days or within such longer period as the judge may determine.

(9) (a) At the hearing of the matter, the court shall consider whether or not it is appropriate to make a special order as to costs against a party or his attorney, because he or his attorney—

- (i) did not attend a pre-trial conference; or
- (ii) failed to a material degree to promote the effective disposal of the litigation.

(b) Except in respect of an attendance in terms of subrule (8)(a) no advocate's fees shall be allowed on a party-and-party basis in respect of a pre-trial conference held more than 10 days prior to the hearing.

(10) A judge in chambers may, without hearing the parties, order deviation from the time limits in this rule.

(11) A direction made in terms of this rule before the commencement of the trial may be amended."

Amendment of rule 45 of the Rules

5. Rule 45 of the Rules is hereby amended by the substitution for subrule (1) of the following:

"(1) The party in whose favour any judgment of the court has been pronounced may, at his own risk, sue out of the office of the registrar one or more writs for execution thereof as near as may be in accordance with Form 18 of the First Schedule: Provided that, except where immovable property has been specially declared executable by the court or, in the case of a judgment granted in terms of rule 31 (5), by the registrar, no such process shall issue against the immovable property of any person until a return shall have been made of any process which may have been issued against his movable property, and the registrar perceives therefrom that the said person has not sufficient movable property to satisfy the writ."

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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