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GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

DEPARTMENT OF JUSTICE DEPARTEMENT VAN JUSTISIE

No. R. 570

18 April 1997

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 these rules "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, R. 150 of 28 January 1994, R. 180 of 28 January 1994, R. 498 of 11 March 1994, R. 625 of 28 March 1994, R. 710 of 12 April 1994, R. 1062 of 28 June 1996, R. 1130 of 5 July 1996, R. 419 of 14 March 1997 and R. 492 of 27 March 1997.

Substitution of Table A of Annexure 2 to the Rules

2. Table A of Annexure 2 to the Rules is hereby substituted for the following Table:

"TABLE A**COSTS****PART I****GENERAL PROVISIONS**

1. When the amount in dispute is less than or equal to the jurisdictional limit of the small claims courts, costs shall be taxed on Scale A; when the amount in dispute exceeds the jurisdictional limit of the small claims court but is less than or equal to R50 000, costs shall be taxed on Scale B; when the amount in dispute exceeds R50 000, costs shall be taxed on Scale C.
2. (a) For the purpose of computing costs, the expression 'amount in dispute' means, where costs are awarded to the plaintiff, the amount or value of the judgment and 'amount or value of the judgment' means, where more than one claim is involved in the action, the total of the amounts involved in the judgment. Where costs are awarded to the defendant, the expression 'amount in dispute' means, the amount or value of the claim, and 'amount or value of the claim' means, where more than one claim is involved in the action, the total of the amounts of all the claims. The amount or value of the judgment or claim shall be inclusive of interest but exclusive of costs. If a matter is settled at any time the costs shall be taxed on the scale laid down in the agreement of settlement.
 - (b) Where the amount in dispute is not apparent on the face of the proceedings, costs shall, unless the court orders otherwise, be computed at the higher rate.
3. Costs taxable in terms of rule 33 (20) shall be deemed to have been awarded under a judgment for the amount paid into court or a judgment in the terms of the settlement, as the case may be.
4. Claims for ejectment shall be computed at two months' rent of the premises.
5. The rate at which costs are computed shall not be increased by reason of any claim for confirmation of any interdict or interlocutory order.
6. Fees to counsel shall be allowed on taxation only in cases falling within Scale B or Scale C or where the court has made an order in terms of rule 33 (8) and shall not be so allowed unless payment thereof is vouched by the signature of counsel.
7. Where the amount allowed for an item is specified, the amount shall be inclusive of all necessary copies, attendances and services (other than services by the sheriff for the magistrate's court) in connection therewith.
8. Where the amount allowed for an item is left blank—
 - (a) the drawing of documents (not pleadings) shall be allowed at R9,00 for each folio;
 - (b) copies for filing and service shall also be allowed;
 - (c) R6,00 shall be allowed for each necessary service.
9. (a) Where any document appears to the court to be unnecessarily prolix, the court may disallow the whole or any part of the fee therefor.
 - (b) Where printed forms of documents to be copied are available, the fees for copying shall be limited to the necessary particulars inserted in such printed forms.
10. (a) A folio shall consist of 100 written or printed words or figures or part thereof.
 - (b) Four figures shall be reckoned as one word.
11. (a) Unless otherwise provided, a charge for perusal shall be allowed at R3,50 per folio in respect of any document or pleading necessarily perused.
 - (b) Where a charge is allowed for copying, it shall be allowed at R1,25 per page, regardless of the number of words, unless otherwise provided.
12. Where there are more defendants than one R6,00 shall be added in respect of each additional defendant for each of items 2 and 3 of Part II and items 2 and 7 of Part III.
13. Where the judgment debt is payable in instalments in terms of the judgment or an agreement, a fee of 10% on each instalment collected in redemption of the capital, costs and interest shall be allowed, subject to a maximum of R250,00 on each instalment. No additional fee shall be charged for any attendance in connection with the receipt or payment of any instalment.
14. The clerk of the court shall on taxation disallow any charge unnecessarily incurred.
15. Where the fee under any item is calculated on a time basis, the total time spent on any one day shall be calculated and the fee for that day calculated on such total.
16. The amount allowable for the issue (inclusive of appearing in court) of a notice to show cause in terms of section 109 (2) shall be R100,00.

PART II

UNDEFENDED ACTIONS

	R	
Item 1	Registered letter of demand in terms of section 56 of the Act.....	14,00
Item 2	Summons, inclusive of a letter of demand other than the letter of demand referred to in item 1:	
	(a) Where the claim is less than or equal to the jurisdictional limit of the small claims courts.	47,00
	(b) Where the claim exceeds jurisdictional limit of the small claims courts but is not more than R5 000,00	156,00
	(c) Where the claim exceeds R5 000,00.....	231,00
Item 3	Judgment:	
	(a) Where the claim does not exceed the amount in 2 (a)	47,00
	(b) Where the claim exceeds the amount in 2 (b) but is not more than R5 000,00.....	119,00
	(c) Where the claim exceeds R5 000,00.....	194,00
Item 4	Notice in terms of rule 12 (2).....	22,50
Item 5	Notice in terms of rule 54 (1).....	22,50
Item 6	Affidavit or certificate	—
Item 7	Attending court at the request of the magistrate when claim is referred to court for judgment	
	as allowed under item 15 on the scale for defended actions.	
Item 8	For each registered letter forwarded to the debtor in terms of section 57 (1) or (3) or section 58 (2) of the Act by the creditor or his attorney, including copies	14,00
Item 9	Admission of liability and undertaking to pay debt in instalments or otherwise (section 57 of the Act)	37,50
Item 10	Consent to judgment or to judgment and an order for the payment of judgment debt in instalments (section 58 of the Act)	37,50

Note: The amount of fees allowable under items 4, 5, 6, 7, 8, 9 and 10 shall be included without taxation in the amount of the costs for which judgment is entered.

PART III

Item	Scale A R	Scale B R	Scale C R
1. Instructions to sue or defend or to counterclaim or defend a counterclaim, perusal of all documentation and consideration of merits and all necessary consultations to issue summons	187,50	250,00	300,00
2. Summons	94,00	131,00	157,00
3. Appearance	16,00	16,00	19,00
4. Notice under rule 12 (1) (b) and (2)	16,00	16,00	19,00
5. Plea	94,00	131,00	157,00
6. Claim in reconvention.....	94,00	131,00	157,00
7. Reply, if necessary	94,00	131,00	157,00
8. Drawing up of all documents not specifically mentioned, including request for further particulars, schedule of documents, all affidavits, subpoenas, any notice not otherwise provided for and drawing up statements by witnesses	—	—	—
9. Production of documents for inspection, or inspecting documents, per quarter of an hour or part thereof of the time spent	56,00	56,00	67,00
10. Each copy for service, per page	1,25	1,25	1,25
11. The recording of statements by witnesses, per quarter of an hour or part thereof	56,00	56,00	67,00
12. Notice of trial or reinstatement	16,00	16,00	19,00
13. Preparing for trial (if counsel not employed)	312,50	425,00	510,00
14. Attendance at settlement negotiations, for each quarter of an hour or part thereof actually spent in such negotiations	56,00	56,00	67,00

<i>Item</i>	<i>Scale A</i>	<i>Scale B</i>	<i>Scale C</i>
	R	R	R
15. Attending court during trial, or at an on-the-spot inspection, or at postponement or examination on commission, for each quarter of an hour or part thereof spent in court while the case is actually being heard:			
(a) if counsel not employed.....	56,00	56,00	67,00
(b) if counsel employed.....	Nil	22,50	27,00
16. Attending pre-trial conference, for each quarter of an hour or part thereof actually spent in such conference	56,00	56,00	67,00
17. Attending court to hear reserved judgment, per quarter of an hour or part thereof.....	11,00	11,00	13,00
18. Correspondence:			
(a) For each necessary letter or telegram, per folio.....	9,00	9,00	11,00
(b) For each letter or telegram received, provided that a fee for perusal shall not be allowed in addition to the fee herein provided for.....	6,00	9,00	11,00
19. Attendances: For each necessary attendance not otherwise provided for, per attendance	6,00	9,00	11,00
20. Necessary formal telephone calls, per call	6,00	9,00	11,00
21. Telephone consultations: For every 5 minutes or part thereof, subject to a maximum of R94,00 per consultation.....	16,00	16,00	19,00
22. Each necessary consultation, per quarter of an hour or part thereof.....	56,00	56,00	67,00
23. The court may, on request made at the hearing, allow in addition to the fee prescribed in item 13 above a refresher fee in postponed or partly heard trials.....	194,00	275,00	330,00
24. Time spent waiting at court (owing to no court being available) per quarter of an hour or part thereof	37,50	37,50	45,00
25. Travelling time [subject to the provisions of rule 33 (9)] per quarter of an hour or part thereof	37,50	37,50	45,00
26. Subsistence and travelling expenses as laid down in rule 33 (9).....	The actual reasonable subsistence and travelling expenses as laid down in rule 33 (9).		

PART IV

OTHER MATTERS

Exceptions, applications to strike out, applications for summary judgment, interlocutory applications, arrest, interdict, *ex parte* applications under rule 27 (9), applications to review judgment, order or taxation and applications for liquidation of close corporations.

<i>Item</i>	<i>Scale A</i>	<i>Scale B</i>	<i>Scale C</i>
	R	R	R
1. (a) Instructions to make application or to oppose or to show cause (the court may on request allow a higher amount)	47,00	94,00	113,00
(b) Instructions to make application for liquidation of close corporation, perusal of all documentation and consideration of merits, and all necessary consultations	231,00	231,00	277,00
2. Drawing up all documents, affidavits, applications and notices, orders, etc	—	—	—
3. Attending court on hearing:			
(a) If unopposed or opposed (if counsel not employed), for each quarter of an hour or part thereof actually spent in court	56,00	56,00	67,00
(b) If opposed (if counsel employed), for each quarter of an hour actually spent in court or part thereof	Nil	22,50	27,00
4. Fee for preparing for trial, when opposed, if allowed by the court on request	194,00	231,00	277,00
5. Consultations and settlement negotiations—when opposed, per quarter of an hour or part thereof	56,00	56,00	67,00

Note: The court may on request made at the hearing allow, as an alternative to the fees prescribed in item 4, a fee for preparing argument under items 13 and 23 of the scale for defended actions.

Item	Scale
TAXATION OF COSTS	
6. Drawing up bill of costs: 5% of the fees allowed.	
7. Attending taxation: 5% of the total of the bill allowed.	
8. Attending on review of taxation, for each quarter of an hour or part thereof in court while review is actually being heard	56,00
9. Notice of application for review of taxation and service.....	—
10. Affidavit, where necessary	—
EXECUTION	
11. (a) Issue of warrant of execution, ejectment, arrest and committal in terms of section 109, delivery up of possession.....	37,50
(b) For each reissue thereof.....	16,00
12. Inclusive fee for work done in connection with releasing of immovable property attached	47,00
13. Inclusive fee for work done in connection with sale in execution of immovable property only (excluding work in respect of which fees are already provided for elsewhere and the drawing up of the conditions of sale).....	119,00
14. (a) Drawing up notice of sale in terms of rule 41 (8) or rule 43 (6), or conditions of sale in terms of rule 43 (7)	—
(b) For all other work done and papers and documents supplied to the sheriff of the magistrate's court in connection with a sale in execution of movable property, and inclusive fee of.....	81,00
15. Security for restitution, where necessary	31,00
WHERE COUNSEL IS EMPLOYED	
16. Instructions for exception or application, where allowed	56,00
17. Instructions on trial	69,00
18. Drawing brief on exception or application, where allowed.....	—
19. Drawing brief on trial	—
20. Attending each necessary consultation with counsel, per quarter of an hour or part thereof	22,50
FEES TO COUNSEL	
21. With brief to argue exception or application.....	275,00
Note: A fee to counsel on application shall be allowed only where the court certifies that the briefing of counsel was warranted.	
22. With trial brief for the first day, not exceeding.....	781,00
23. In any court held more than 30 km from the nearest town where a provincial or local division (other than a Circuit Court) of the Supreme Court sits, a travelling allowance (in addition to the fee on brief) may be allowed by special order of the court at	1,25 per km
24. Each necessary consultation, per quarter of an hour	56,00
25. For every day exceeding one on which evidence is taken or arguments heard, a refresher not exceeding	469,00
26. Drawing up pleadings.....	125,00
<i>Notes:</i>	
(a) In regard to items 22 and 25 a fee in lieu of the fee for the first day's hearing shall be allowed as follows when the case is settled or withdrawn or postponed at the instance of any party on or before the date of hearing:	
(i) not more than two days prior to the date of hearing: The fee otherwise allowable on taxation for the first day's hearing;	
(ii) not less than three days and not more than seven days prior to the date of hearing: Two thirds of the fee under (i); and	
(iii) not less than eight days and not more than 21 days prior to the date of hearing: Half of the fee under (i).	
(b) The court may on request allow a higher fee for counsel in regard to items 22, 24, 25 and 26.	
(c) A fee for travelling time by counsel shall be allowed at the same rate as for attorneys under rule 33 (9).	

Item	Scale
MISCELLANEOUS	
27. Obtaining certified copy of judgment.....	R 28,00
28. Obtaining payment in terms of rule 18 (4)	19,00
29. Request for security in terms of rule 62 (1)	—
30. Furnishing security in terms of rule 62 (1)	—".

Amendment of Table B of Annexure 2 to the Rules

3. Table B of Annexure 2 to the Rules is hereby amended—

- (a) by the substitution in paragraph (b) of item 3 of Part I for the expression "R200,00" of the expression "R250,00";
- (b) by the substitution in paragraph (d) of item 3 of Part I for the expression "R125,00" of the expression "R156,00" and for the expression "R95,00" of the expression "R119,00";
- (c) by the substitution for the Tariff in Part I of the following Tariff:

"TARIFF	R
(a) Where the claim does not exceed the amount of R1 000,00.....	78,00
(b) Where the claim exceeds the amount of R1 000,00 but is not more than R2 000,00.....	119,00
(c) Where the claim exceeds the amount of R2 000,00.....	141,00
(d) Warrant of Arrest and Detention (Form 42).....	31,00
(e) (i) Emoluments Attachment Order (Form 38)	62,50
(ii) Reissue (Certificates included).....	50,00
(f) Warrant of Liberation (Form 43) or Certificate of Liberation (Form 59)	16,00
(g) Application for costs on notice (including appearance in court).....	31,00
(h) Obtaining a certified copy of a judgment.....	31,00
(i) Affidavit or certificate by the judgment creditor or his attorney	22,50
(j) For each registered letter forwarded to the debtor in terms of section 65A (2), 65E (6) or 65J (2) of the Act by the creditor or his attorney.....	14,00
(k) Affidavit or affirmation by debtor [Rule 45 (7)].....	37,50
(l) Request for an order under section 65 of the Act	22,50
(m) Attending postponed proceedings in terms of section 65E (3) or attending application for the suspension of a warrant in terms of section 65F (1) of the Act	31,00
(n)	Subpoena:
(i) Drawing up of subpoena, per folio.....	9,00
(ii) Every necessary attendance, per attendance	6,00
(o) (i) Correspondence: For every necessary letter or telegram written or received,	
including copy to retain, provided that a fee for perusal shall not be allowed in addition to the fee herein provided for, per folio	9,00
(ii) Attendances: For each necessary attendance not otherwise provided for, per attendance	9,00
(iii) Necessary formal telephone calls, per call	9,00";

- (d) by the substitution for the Tariff in Part II of the following Tariff:

"TARIFF	R
(a) Where the claim does not exceed R200,00	47,00
(b) Where the claim exceeds R200,00	100,00
(c) Obtaining certified copy of a judgment.....	28,00
(d) Application for an order of execution against the garnishee	28,00
(e) Garnishee Order (Form 39)	37,50";
and	

- (e) by the substitution for the Tariff in Part III of the following Tariff:

"TARIFF"

<i>Item</i>	<i>One to ten creditors</i>	<i>Eleven to twenty creditors</i>	<i>Twenty-one or more creditors</i>
	R	R	R
1. Instructions to apply for administration order, including the necessary perusal of summonses, demands, etc., and ascertaining the amount of assets and liabilities, including all attendances and correspondence necessary in connection with.....	56,00	78,00	125,00
2. Instructions on application under section 74Q (1) or to oppose such application or the granting of administration order	44,00	44,00	44,00
3. Drawing up application for administration order or review thereof and affidavit, including all annexures thereto and all attendances, excluding attendance in court	78,00	78,00	78,00
4. Making copies of application, affidavit and annexures for creditors, per page	1,25	1,25	1,25
5. Perusal of application and other documents served, if any, per folio.....	3,00	3,00	3,00
<i>Note:</i> The fees under this item are only claimed by the attorney or an opposing party.			
6. Attending court:			
(a) On postponement or setting aside, if not occasioned by the attorney or his client.....	21,00	21,00	21,00
(b) On any other hearing	44,00	84,00	84,00
7. For furnishing to a creditor by the administrator of the information referred to in section 74M (a) of the Act, per application	6,00	6,00	6,00
8. For furnishing of a copy of the debtor's statement of affairs referred to in sections 74 and 74A (1) of the Act by the administrator in terms of section 74M (b) or of a list or account referred to in section 74G (1) or 74J of the Act or of the debtor's statement of affairs referred to in section 65I (2) of the Act, per page	1,00	1,00	1,00
9. Correspondence and attendances	9,00	9,00	9,00"

Commencement

4. These rules shall come into operation on 19 May 1997.

No. R. 570

18 April 1997

LANDDROSHOWE: WYSIGING VAN DIE REËLS VAN DIE HOF

Die Reëlsraad vir Geregshewe het kragtens artikel 6 van die Wet op die Reëlsraad vir Geregshewe, 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 reëls 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. 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, R. 150 van 28 Januarie 1994, R. 180 van 28 Januarie 1994, R. 498 van 11 Maart 1994, R. 625 van 28 Maart 1994, R. 710 van 12 April 1994, R. 1062 van 28 Junie 1996, R. 1130 van 5 Julie 1996, R. 419 van 14 Maart 1997 en R. 492 van 27 Maart 1997.

Vervanging van Tabel A van Bylae 2 by die Reëls

2. Tabel A van Bylae 2 by die Reëls word hierby deur die volgende Tabel vervang:

“TABEL A

KOSTE

DEEL I

ALGEMENE BEPALINGS

1. Wanneer die bedrag in geskil minder is as of gelykstaande is met die jurisdiksieperk vir howe vir klein eise word koste op Skaal A getakseer; wanneer die bedrag meer is as die jurisdiksieperk van die howe vir klein eise, maar minder as of gelykstaande is met die bedrag van R50 000, word koste op Skaal B getakseer; wanneer die bedrag meer is as R50 000 word koste op Skaal C getakseer.
2. (a) Vir doeleindes van kostberekening beteken die uitdrukking “bedrag in geskil”, wanneer koste aan die eiser toegeken word, die bedrag of waarde van die vonnis en “bedrag of waarde van die vonnis” beteken, waar meer as een eis by die aksie betrokke is, die totaal van die bedrae wat by die vonnis betrokke is. Wanneer koste aan die verweerde toegeken word, beteken die uitdrukking “bedrag in geskil” die bedrag of waarde van die eis, en “bedrag of waarde van die eis” beteken waar meer as een eis by die aksie betrokke is, die totaal van die bedrae van al die eise. Die bedrag of waarde van die vonnis of eis sluit rente in maar sluit koste uit. Indien ’n saak te eniger tyd geskik word, word die koste getakseer volgens die skaal in die skikkingsoordeelkoms bepaal.
 (b) Wanneer die bedrag in geskil nie uit die stukke blyk nie, word die koste, tensy die hof anders gelas, teen die hoë tarief bereken.
3. Koste wat takseerbaar is kragtens reël 33 (20), word geag toegeken te gewees het ingevolge ’n vonnis vir die geregtelik inbetaalde bedrag of vonnis ooreenkomsdig die skikking, na gelang van die geval.
4. Eise vir uitsetting word bereken teen twee maande se huurgeld vir die perseel.
5. Die tarief waarvolgens koste bereken word, word nie verhoog as gevolg van enige eis vir bekratiging van ’n interdik of ander tussenbevel nie.
6. Gelde aan advokate word by taksaksie toegelaat alleen in gevalle wat onder Skaal B of Skaal C val, of wanneer die hof ’n bevel ingevolge reël 33 (8) gegee het, en word nie aldus toegelaat nie tensy die betaling daarvan deur die handtekening van die advokaat bevestig word.
7. Waar die bedrag vir ’n item toegelaat, gespesifieer is, sluit die bedrag alle nodige afskrifte, opwagtings en betekenings (uitgesonderd betekenings deur die balju vir die landdroshof) in verband daarmee in.
8. Waar die bedrag vir ’n item toegelaat, oopgeblaas is—
 - (a) word vir die opstel van dokumente (nie pleitstukke nie) R9,00 vir elke folio toegelaat;
 - (b) word afskrifte vir opberg en betekening ook toegelaat;
 - (c) word R6,00 vir elke nodige betekening toegelaat.
9. (a) Wanneer ’n dokument vir die hof onnodig wydlopig blyk te wees, kan die hof die volle gelde of ’n gedeelte daarvan afwyse.
 (b) Wanneer gedrukte vorms van dokumente waarvan afskrifte gemaak moet word, beskikbaar is, word die gelde vir die maak van afskrifte beperk tot die nodige besonderhede wat by sodanige gedrukte vorms ingevoeg word.
10. (a) ’n Folio bestaan uit 100 geskrewe of gedrukte woorde of syfers of gedeelte daarvan.
 (b) Vier syfers word as een woord gereken.
11. (a) Tensy anders bepaal, word ’n bedrag vir deurlesing teen R3,50 per folio toegelaat ten opsigte van ’n dokument of pleitstuk noodsaaklikwys deurgelees.
 (b) Waar gelde vir die maak van afskrifte toegelaat word, word dit toegelaat teen R1,25 per bladsy, ongeag die aantal woorde, tensy anders bepaal.

12. Waar daar meer as een verweerde is, word R6,00 bygevoeg ten opsigte van elke addisionele verweerde vir elk van items 2 en 3 van Deel II en items 2 en 7 van Deel III.
13. Waar die vonnisskuld in paaiemente betaalbaar is ingevolge die vonnis of 'n ooreenkoms, word gelde van 10% op elke paaiement ingevorder ter delging van kapitaal, koste en rente toegelaat, onderworpe aan 'n maksimum van R250,00 per paaiement. Geen bykomstige gelde word gehef vir enige opwagting in verband met die ontvangs of uitbetaling van enige paaiement nie.
14. Die klerk van die hof wys by taksasie enige koste af wat onnodig aangegaan is.
15. Waar die gelde ingevolge 'n item op 'n tydbasis bereken word, word die totale tyd op een dag bestee, bereken en die geldes vir daardie dag op sodanige totaal bereken.
16. Die bedrag toegelaat vir die uitreiking (met inbegrip van verskyning in die hof) van 'n kennisgewing ingevolge artikel 109 (2) om redes aan te voer, is R100,00.

DEEL II

ONBESTREDE AKSIES

		R
Item 1	Geregistreerde aanmaning ingevolge artikel 56 van die Wet	14,00
Item 2	Dagvaarding, met inbegrip van 'n ander aanmaning as die aanmaning in item 1 bedoel:	
	(a) Waar die eis minder as of gelykstaande is met die jurisdiksieperk van die howe vir klein eise	47,00
	(b) Waar die eis meer is as die jurisdiksieperk van die howe vir klein eise maar nie meer is nie as R5 000,00.....	156,00
	(c) Waar die eis meer is as R5 000,00	231,00
Item 3	Vonnis:	
	(a) Waar die eis nie meer is nie as die bedrag in 2 (a).....	47,00
	(b) Waar die eis meer is as in 2 (b) maar nie meer is nie as R5 000,00	119,00
	(c) Waar die eis meer is as R5 000,00	194,00
Item 4	Kennisgewing ingevolge reël 12 (2)	22,50
Item 5	Kennisgewing ingevolge reël 54 (1)	22,50
Item 6	Beëdigde verklaring of sertifikaat	—
Item 7	Verskyning in hof op versoek van die landdros wanneer eis na hof verwys is vir vonnis	
	soos toegelaat onder item 15 van die skaal vir bestrede aksies.	
Item 8	Vir elke geregistreerde brief wat die eiser of sy prokureur ingevolge artikel 57 (1) of (3)	
	artikel 58 (2) van die Wet aan die skuldenaar stuur, insluitende afskrifte.....	14,00
Item 9	Erkenning van aanspreeklikheid en onderneming om skuld in paaiemente of andersins te betaal (artikel 57 van die Wet)	37,50
Item 10	Toestemming tot vonnis of tot vonnis en 'n bevel vir die betaling van vonnisskuld in paaiemente (artikel 58 van die Wet)	37,50

Opmerking: Die bedrag van die geldes wat ingevolge items 4, 5, 6, 7, 8, 9 en 10 toegelaat kan word, word sonder taksasie ingesluit by die bedrag van koste waarvoor vonnis aangeteken word.

DEEL III

BESTREDE AKSIES (EN TUSSENPLEITVERRIGTINGE)

Item	Skaal A	Skaal B	Skaal C
1. Instruksies om te dagvaar of te bestry of om 'n teeneis in te stel of te bestry, nagaan van alle dokumentasie en oorweging van die meriete en alle noodsaaklike konsultasies tot die uitreiking van dagvaarding	187,50	250,00	300,00
2. Dagvaarding	94,00	131,00	157,00
3. Verskyning	16,00	16,00	19,00
4. Kennisgewing kragtens reël 12 (1) (b) en (2)	16,00	16,00	19,00
5. Verweerskrif	94,00	131,00	157,00
6. Eis in rekonsensie	94,00	131,00	157,00
7. Repliek, indien nodig	94,00	131,00	157,00

Item	Skaal A R	Skaal B R	Skaal C R
8. Die opstel van alle dokumente wat nie spesifiek gemeld word nie, insluitende versoek om nadere besonderhede, 'n lys van dokumente, alle beëdigde verklarings, subpoenas, enige kennisgewing waarvoor andersins nie voorseening gemaak word nie en opstel van getuiieverklarings	—	—	—
9. Voorlegging van dokumente ter insae, of insae van dokumente, per kwartier of gedeelte daarvan van die tyd daaraan bestee.....	56,00	56,00	67,00
10. Elke afskrif vir betekening, per bladsy	1,25	1,25	1,25
11. Afneem van verklaring van getuies, per kwartier of gedeelte daarvan.....	56,00	56,00	67,00
12. Kennisgewing van verhoor of herplasing	16,00	16,00	19,00
13. Voorbereiding vir verhoor (as 'n advokaat nie verskyn nie).....	312,50	425,00	510,00
14. Verskyning by skikkingsonderhandelingé, vir elke kwartier of gedeelte daarvan wat werklik aan sodanige onderhandeling bestee is.....	56,00	56,00	67,00
15. Verskyning in die hof tydens verhoor, of by ondersoek ter plaatse, of by uitstel of by ondersoek op kommissie, vir elke kwartier of gedeelte daarvan in die hof teenwoordig terwyl die saak werklik verhoor word—			
(a) as 'n advokaat nie verskyn nie	56,00	56,00	67,00
(b) as 'n advokaat verskyn	Nul	22,50	27,00
16. Verskyning by voorverhooronderhoud, vir elke kwartier of gedeelte daarvan wat werklik aan sodanige onderhoud bestee is	56,00	56,00	67,00
17. Verskyning in hof om voorbehoue uitspraak aan te hoor, per kwartier	11,00	11,00	13,00
18. Briefwisseling:			
(a) Vir elke brief of telegram wat noodsaklike wens geskryf word, per folio.	9,00	9,00	11,00
(b) Vir elke brief of telegram wat ontvang word, met dien verstande dat geldende deurlesing nie bykomend tot die hieringenoemde geldende toegelaat word nie	6,00	9,00	11,00
19. Bywonings: Vir elke noodsaklike bywoning waarvoor andersins nie voorseening gemaak is nie, per bywoning.....	6,00	9,00	11,00
20. Noodsaklike formelege telefoonoproep, per oproep	6,00	9,00	11,00
21. Telefoniese konsultasies: Vir elke 5 minute of deel daarvan, onderworpe aan 'n maksimum bedrag van R94,00 per konsultasie	16,00	16,00	19,00
22. Elke noodsaklike konsultasie, per kwartier of gedeelte daarvan	56,00	56,00	67,00
23. Die hof kan op versoek, gedoen tydens die verhoor, benewens die geldende by item 13 hierbo voorgeskryf, aanvullingsgeld in uitgestelde of deelsverhoorde verhore toelaat.....	194,00	275,00	330,00
24. Wagtyd by hof (deurdat 'n hof nie beskikbaar is nie), per kwartier of gedeelte daarvan	37,50	37,50	45,00
25. Reistyd [behoudens die bepalings van reël 33 (9)], per kwartier of gedeelte daarvan	37,50	37,50	45,00
26. Reis- en verblyfkoste soos bepaal in reël 33 (9)			

Die werklike redelike reis- en verblyfkoste soos bepaal in reël 33 (9).

DEEL IV

ANDER AANGELEENTHEDE

Eksepsies, aansoeke om deurhaling, aansoek om summiere vonnis, tussenaansoeke, arres, interdik, *ex parte*-aansoeke kragtens reël 27 (9), aansoeke om hersiening van vonnis, bevel of taksasie en aansoeke om likwidasie van beslote korporasies.

Item	Skaal A R	Skaal B R	Skaal C R
1. (a) Instruksies om aansoek te doen of te bestry of om gronde aan te voer (die hof kan op versoek 'n hoër bedrag toelaat)	47,00	94,00	113,00
(b) Instruksies om aansoek te doen om likwidasie van 'n beslote korporasie, nagaan van alle dokumentasie en oorweging van die meriete, en alle noodsaklike konsultasies	231,00	231,00	277,00
2. Opstel van alle dokumente, beëdigde verklarings, aansoeke en kennisgewings, bevele ensovoorts	—	—	—

Item	Skaal A			Skaal B			Skaal C		
	R	R	R	R	R	R	R	R	R
3. Verskyning in die hof by verhoor:									
(a) Indien onbestrede of bestrede (as 'n advokaat nie verskyn nie), vir elke kwartier of gedeelte daarvan werklik in die hof teenwoordig.....	56,00			56,00			67,00		
(b) Indien bestrede (as 'n advokaat verskyn), vir elke kwartier of gedeelte daarvan werklik in die hof teenwoordig	Nul			22,50			27,00		
4. Gelde vir voorbereiding vir verhoor, wanneer bestrede, indien deur die hof op versoek toegelaat.....	194,00			231,00			277,00		
5. Konsultasies en skikkingsonderhandelinge—wanneer bestrede, per kwartier of gedeelte daarvan	56,00			56,00			67,00		

Opmerking: Die hof kan op versoek gedoen tydens die verhoor, as alternatief tot die gelde in item 4 voorgeskryf, gelde vir die voorbereiding van beredenering ingevolge items 13 en 23 van die skaal vir bestrede aksies toelaat.

Item	Skaal
	R
TAKSASIE VAN KOSTE	
6. Opstel van kosterekening: 5% van die gelde wat toegelaat word.	
7. Verskyning by taksasie: 5% van die totaal van die rekening wat toegelaat word.	
8. Verskyning by hersiening van taksasie, vir elke kwartier of gedeelte daarvan in die hof, terwyl hersiening werklik verhoor word	56,00
9. Kennisgewing van aansoek om hersiening van taksasie en betekening.....	—
10. Beëdigde verklaring waar nodig.....	—

TENUITVOERLEGGING

11. (a) Uitreiking van lasbrief vir eksekusie, uitsetting, inhegtenisneming en gevangesetting ingevolge artikel 109, inbesitstelling	37,50
(b) Vir elke heruitreiking daarvan	16,00
12. Allesinsluitende gelde vir werk verrig in verband met vrystelling van onroerende goed waarop beslag gelê is	47,00
13. Allesinsluitende gelde vir werk verrig in verband met die eksekusieverkoping van slegs onroerende goed (uitgesonderd werk ten opsigte waarvan gelde reeds elders voorgeskryf word en die opstel van verkoopsvoorwaardes).....	119,00
14. (a) Opstel van kennisgewing van verkoping ingevolge reël 41 (8) of reël 43 (6), of voorwaardes van verkoop ingevolge reël 43 (7)	—
(b) Vir alle ander werk gedoen en stukke en dokumente verskaf aan die balju vir die landdroshof in verband met 'n geregtelike verkoping van roerende goed, allesinsluitende gelde van	81,00
15. Sekerheidstelling vir restitusie, waar nodig	31,00

WANNEER 'N ADVOKAAT VERSKYN

16. Instruksies by eksepsie of op aansoek waar toegelaat	56,00
17. Instruksies by verhoor	69,00
18. Opstel van opdrag by eksepsie of aansoek waar toegelaat	—
19. Opstel van opdrag by verhoor.....	—
20. Bywoning van elke noodsaaklike konsultasie met advokaat, per kwartier of gedeelte daarvan	22,50

ADVOKAATSGELDE

21. Met opdrag om eksepsie of aansoek te beredeneer	275,00
<i>Opmerking:</i> Gelde aan 'n advokaat by 'n aansoek word toegelaat slegs wanneer die hof sertificeer dat die opdrag aan 'n advokaat geregtig was.	
22. Met opdrag vir verhoor, vir die eerste dag, hoogstens	781,00
23. In 'n hof gehou meer as 30 km van die naaste dorp waar 'n provinsiale of plaaslike afdeling van die Hooggeregshof (uitgesonderd 'n Rondgaande Hof) sitting hou, kan 'n reistroelae (benewens die gelde vir opdrag) op spesiale bevel van die hof toegelaat word teen	1,25 per km
24. Elke noodsaaklike konsultasie, per kwartier	56,00
25. Vir elke dag wat meer is as een waarop getuienis afgeneem word of beredenering gehoor word, aanvullingsgeld van hoogstens.....	469,00

Item	Skaal
	R
26. Opstel van pleitstukke	125,00

Opmerkings:

- (a) Met betrekking tot items 22 en 25 word geldie, in plaas van die geldie vir die eerste dag se verhoor, soos volg toegelaat wanneer die saak voor of op die verhoordatum geskik of teruggetrek of op aandring van enige party uitgestel word:
- (i) hoogstens twee dae voor die verhoordatum: Geldie andersins toelaatbaar by taksasie vir die eerste dag van verhoor;
 - (ii) minstens drie dae en hoogstens sewe dae voor die verhoordatum: Twee derdes van die geldie kragtens (i); en
 - (iii) minstens agt dae en hoogstens 21 dae voor die verhoordatum: Die helfte van die geldie kragtens (i).
- (b) Die hof kan op versoek hoer geldie vir advokate ten opsigte van items 22, 24, 25 en 26 toelaat.
- (c) Vergoeding vir reistyd vir advokate word toegelaat teen dieselfde tarief as vir prokureurs ingevolge reël 33 (9).

DIVERSE

27. Verkryging van gewaarmerkte afskrif van vonnis.....	28,00
28. Verkryging van betaling ingevolge reël 18 (4).....	19,00
29. Versoek om sekerheid ingevolge reël 62 (1)	—
30. Die stel van sekerheid ingevolge reël 62 (1).....	—

Wysiging van Tabel B van Bylae 2 by die Reëls

3. Tabel B van Bylae 2 by die Reëls word hierby gewysig—

- (a) deur in paragraaf (b) van item 3 van Deel I die uitdrukking "R200,00" deur die uitdrukking "R250,00" te vervang;
- (b) deur in paragraaf (d) van item 3 van Deel I die uitdrukking "R125,00" deur die uitdrukking "R156,00" te vervang en die uitdrukking "R95,00" deur die uitdrukking "R119,00" te vervang;
- (c) deur die Tarief in Deel I deur die volgende Tarief te vervang:

"TARIEF"	R
(a) Waar die eis nie meer is nie as R1 000,00	78,00
(b) Waar die eis meer is as R1 000,00 maar nie meer is nie as R2 000,00	119,00
(c) Waar die eis meer is as R2 000,00	141,00
(d) Lasbrief vir inhegtenisneming en aanhouding (Vorm 42).....	31,00
(e) (i) Besoldigingsbeslagbevel (Vorm 38).....	62,50
(ii) Heruitreiking (Sertifikate ingesluit).....	50,00
(f) Lasbrief vir invryheidstelling (Vorm 43) of Invryheidstellingsertifikaat (Vorm 59)	16,00
(g) Aansoek om koste op kennisgewing (insluitende verskyning in die hof)	31,00
(h) Verkryging van 'n gewaarmerkte afskrif van 'n vonnis	31,00
(i) Beëdigde verklaring of sertifikaat deur die vonnisskuldeiser of sy prokureur	22,50
(j) Vir elke geregistreerde brief deur die eiser of sy prokureur ingevolge artikels 65A (2), 65E (6) of 65J (2) van die Wet aan die skuldenaar gestuur	14,00
(k) Beëdigde verklaring of bevestiging deur skuldenaar [Reël 45 (7)]	37,50
(l) Versoek om 'n bevel kragtens artikel 65 van die Wet	22,50
(m) Bywoning van uitgestelde verrigtinge ingevolge artikel 65E (3) of bywoning van aansoeke om opskorting van lasbrief uitgereik ingevolge artikel 65F (1) van die Wet.....	31,00
(n)	
Getuiedagvaarding:	
(i) Opstel van getuiedagvaarding, per folio	9,00
(ii) Elke noodsaaklike bywoning, per bywoning	6,00

"TARIEF

	R
(o) (i) Briefwisseling: Vir elke brief of telegram wat noodsaaklikerwys geskryf of ontvang word, insluitende 'n afskrif om te hou, met dien verstande dat gelde vir deurlesing nie bykomend tot die hieringenoemde gelde toegelaat word nie, per folio	9,00
(ii) Bywonings: Vir elke noodsaaklike bywoning waarvoor andersins nie voorsiening gemaak is nie, per bywoning	9,00
(iii) Noodsaaklike formele telefoonoproep, per oproep.....	9,00";

(d) deur die Tarief in Deel II deur die volgende Tarief te vervang:

"TARIEF

	R
(a) Waar die eis nie meer is nie as R200,00	47,00
(b) Waar die eis meer is as R200,00	100,00
(c) Verkryging van 'n gewaarmerkte afskrif van 'n vonnis.....	28,00
(d) Aansoek om 'n bevel tot eksekusie teen die beslagskuldenaar	28,00
(e) Skuldbeslagbevel (Vorm 39)	37,50";

en

(e) deur die Tarief in Deel III deur die volgende Tarief te vervang:

"TARIEF

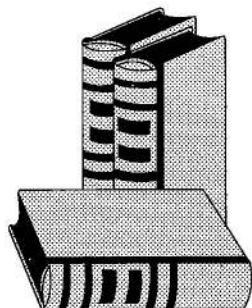
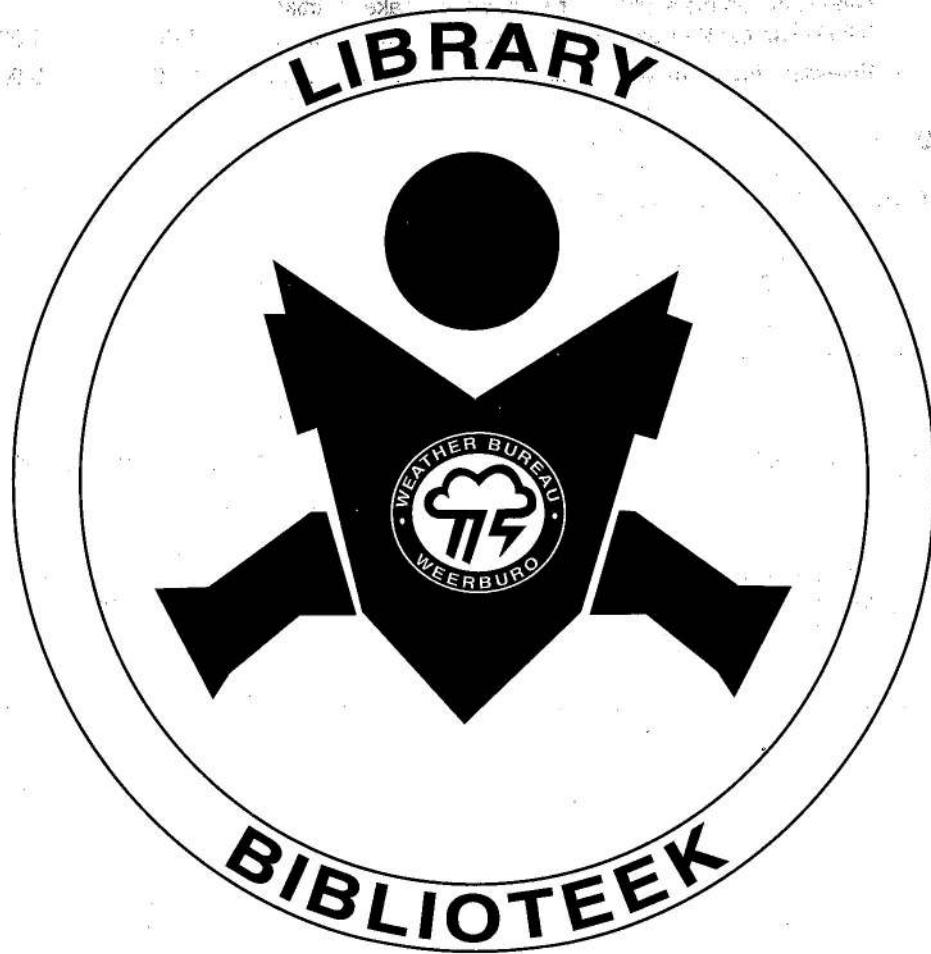
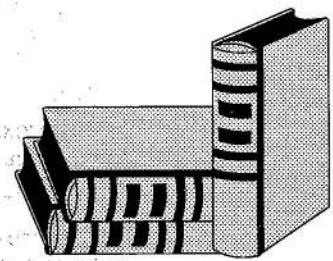
<i>Item</i>	<i>Een tot tien skul- deisers</i>	<i>Elf tot twintig skul- deisers</i>	<i>Meer as twintig skul- deisers</i>
R	R	R	R
1. Instruksies om aansoek te doen om administrasiebevel, insluitende die nodige deurlees van dagvaardings, aanmanings, ens., en vasstelling van die bedrag van bates en laste, insluitende alle verskynings en briefwissellings nodig in verband daarmee	56,00	78,00	125,00
2. Instruksies op aansoek kragtens artikel 74Q (1) of om sodanige aansoek of die toestaan van administrasiebevel te opponeer.....	44,00	44,00	44,00
3. Opstel van aansoek om administrasiebevel, of hersiening daarvan, en beëdigde verklaring, insluitende alle bylaes daarvan en alle verskynings uitgesonderd verskynning in hof.....	78,00	78,00	78,00
4. Maak van afskrifte van aansoek, beëdigde verklarings en bylaes vir skuldeisers, per bladsy	1,25	1,25	1,25
5. Deurlees van aansoek en ander betrekende dokumente, as daar is, per folio	3,00	3,00	3,00
<i>Opmerking:</i> Die gelde onder hierdie item word slegs deur die prokureur of 'n teenparty geëis.			
6. Verskyning in hof:			
(a) By uitstel of tersydestelling, indien nie deur die prokureur of sy kliënt veroorsaak nie.....	21,00	21,00	21,00
(b) By enige ander verhoor	44,00	84,00	84,00

<i>Item</i>	<i>Een tot tien skuldeisers</i>	<i>Elf tot twintig skuldeisers</i>	<i>Meer as twintig skuldeisers</i>
	R	R	R
7. Vir verstrekking deur die administrateur aan 'n skuldeiser van die inligting bedoel in artikel 74M (a) van die Wet, per aansoek	6,00	6,00	6,00
8. Vir verstrekking deur die administrateur ingevolge artikel 74M (b) van 'n afskrif van die skuldenaar se staat van sake in artikel 74 en 74A (1) van die Wet bedoel, of van 'n lys of rekening in artikel 74G (1) of 74J van die Wet bedoel, of van die skuldenaar se staat van sake in artikel 65I (2) van die Wet bedoel, per bladsy	1,00	1,00	1,00
9. Briefwisseling en bywonings	9,00	9,00	9,00".

Inwerkingtreding

4. Hierdie reëls tree op 19 Mei 1997 in werking.

Where is the largest amount of meteorological information in the whole of South Africa available?



Waar is die meeste weerkundige inligting in die hele Suid-Afrika beskikbaar?

*Department of Environmental Affairs and Tourism
Departement van Omgewingsake en Toerisme*

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