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GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF JUSTICE DEPARTEMENT VAN JUSTISIE

No. R. 783

5 June 1998

AMENDMENT OF THE RULES REGULATING THE CONDUCT OF THE PROCEEDINGS OF THE SUPREME COURT OF APPEAL 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 these rules "the Rules" means the rules regulating the conduct of the proceedings of the Supreme Court of Appeal of South Africa published under Government Notice No. R. 1207 of 15 December 1961, as amended by Government Notices Nos. R. 980 of 22 June 1962, R. 120 of 31 January 1969, R. 679 of 30 April 1971, R. 1815 of 8 October 1976, R. 2476 of 17 December 1976, R. 1547 of 28 July 1978, R. 248 of 8 February 1980, R. 1120 of 30 May 1980, R. 2170 of 6 October 1982, R. 644 of 25 March 1983, R. 840 of 22 April 1983, R. 1995 of 7 September 1984, R. 2093 of 13 September 1985, R. 2137 of 20 September 1985, R. 2643 of 12 December 1986, R. 1766 of 2 September 1988, R. 1930 of 10 August 1990, R. 2408 of 30 September 1991, R. 407 of 7 February 1992, R. 1884 of 3 July 1992, R. 872 of 21 May 1993, R. 410 of 11 March 1994, R. 418 of 14 March 1997, R. 490 of 27 March 1997 and R. 799 of 13 June 1997.

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing rules.

Words underlined with a solid line indicate insertions in existing rules.

Amendment of rule 10 of the Rules

2. Rule 10 of the Rules is hereby amended by the substitution for Sections A, B, C, D, E and F and items 1 to 4 inclusive of Section G of the following:

"A - TAKING INSTRUCTIONS

R c

- | | | | |
|----|-----|--|---|
| 1. | (a) | To note an appeal or cross-appeal when leave to appeal is not required | [40,00] <u>56.00</u> |
| | (b) | To prosecute or defend an appeal, including continuation of a cross-appeal | [65,00 <u>91.00</u>
to to
380,00] <u>532.00</u> |
| | (c) | To make or oppose an application | [60,00 <u>84.00</u>
to to
200,00] <u>280.00</u> |
| 2. | | To draft any petition or affidavit | Half the charge allowed under item E1 for drafting |

B - PREPARATION OF RECORDS

- | | | |
|----|--|--------------------|
| 1. | Making, for the purpose of preparing copies of the record on appeal (except where a charge is made under subparagraph 5 hereof), a copy of such particulars of the record as were not in the possession of the appellant or his or her attorney at the time when the order appealed from was made, per folio | [1,30] <u>1.50</u> |
|----|--|--------------------|

R c

- | | | |
|----|--|----------------------|
| 2. | Arranging record for printing or typing, excluding unnecessary documents therefrom, and preparing an index and list of documents not included in the record on appeal, per half-hour or part thereof | [65,00] <u>91.00</u> |
| 3. | Correcting printer's proof or typed or roneoed copy, per half-hour or part thereof | [65,00] <u>91.00</u> |
| 4 | Attending at the office of the registrar or officer of the court appealed from to peruse or authenticate the record, per half-hour or part thereof | [40,00] <u>56.00</u> |
| 5 | (a) Making typed copies of record on appeal and heads of arguments, per folio | [1,30] <u>1.50</u> |
| | (b) Where copies are made other than by typewriter, the charge shall be for the first copy [R1,30] <u>R1.50</u> per page, [for the next four copies, 60c per page] and for further copies, per page | [0,50] <u>0.75</u> |

(Note I: In the calculation of the number of folios the total number of words of all necessary documents is to be divided by 100, i.e. the entire record is to be treated as one document.)

(Note II: In the calculation of the number of pages the total number of words of all necessary documents is to be divided by at least 250, i.e. the entire record is to be treated as one document: Provided that in the case of printed documents or forms, for example publications, bonds, contracts, credit agreements and special procurations, each page thereof is to be treated as only one page.)

C - PERUSAL**R c**

1. (a) Perusing judgment of court *a quo* when taking instructions for the continuation of an appeal or cross-appeal, where leave to appeal is not required, per page **[19,00]** 27.00
- (b) Perusing record on appeal, for each page or part thereof **[0,50]** 0.75
- (c) Perusing judgment of court *a quo* by which leave to appeal was denied, when instructions are taken to address a petition to the Chief Justice, per page **[12,00]** 17.00
 (Note: The minimum fee under items (a) and (b) shall be **[R120,00]** R168.00).
2. Perusing any plan, diagram, photograph or other annexure to the record to which the remuneration hereinbefore set out cannot be applied **[7,00 to 130,00]** 10.00 to 182.00
3. (a) Attendance on and perusal of any petition or affidavit or any other document not elsewhere provided for, per page **[12,00]** 17.00
- (b) Attendance on and perusal of any annexure to a petition and answering affidavit, per page **[0,50]** 0.75
- (c) Attendance on and perusal of a petition or affidavit composed or corrected by counsel, per page **[1,30]** 2.00
 (Note I: The minimum fees under item (a) shall be as follows: For formal affidavits, **[R12,00]** R17.00; for affidavits other than formal affidavits, **[R25,00]** R35.00.)
 (Note II: In the calculation of the number of pages the total number of words of all necessary annexures is to be divided by at least 250, i.e. the entire record is to be treated as one document.)

R c

4. Attendance on and perusal of heads of argument, excluding annexures, for example unreported judgments of court or copies of publications attached as confirmation of heads of arguments, for every 10 pages or portion thereof [25,00] 35.00
- (Note: The minimum fee under this item shall be [R50,00] R70.00 .)

D - ATTENDANCE

1. Any formal attendance on an acknowledgement, receipt, etc. ... [5,00] 7.00
2. Attendance on any letter, telegram, document or telephone call, or any other necessary attendance not otherwise provided for . [7,00 10.00
to to
25,00] 35.00
- (Note: A composite fee shall be charged for all letters received: Provided that a short summary of the contents of such letters be attached to the bill of costs before taxation).
3. (a) Attendance at office of registrar to deliver a letter or document, or to uplift an order, etc. [5,00] 7.00
- (b) Attendance on business other than formal business, per half-hour or part thereof [50,00] 70.00
4. (a) Attendance at any consultation with counsel or client, per half-hour or part thereof [50,00 70.00
to to
75,00] 105.00
- (b) A comprehensive fee for attendance, obtaining and payment of counsel for noting of judgment [40,00] 56.00

R c

5. Attendance at court to enter judgment -

- (a) by an attorney [50,00] 70.00
- (b) by a clerk [19,00] 27.00

6. Attendance at court on hearing or application, per half-hour or part thereof -

- (a) by an attorney [50,00] 70.00
to to
[75,00] 105.00
- (b) by a clerk [30,00] 42.00

E - DRAWING UP OF DOCUMENTS

1. Any petition or affidavit, per folio [15,00] 21.00
(Note: In the calculation of the number of folios, the taxing master shall deduct, but treat as annexures, any relevant portion consisting of quotations from other documents.)
2. Instructions to counsel, whether written or verbal -
- (a) on appeal [60,00] 84.00
to to
[250,00] 350.00
- (b) on petition [60,00] 84.00
to to
[250,00] 350.00

R c

(c) in justifiable cases, for the drawing up or correcting of petition or affidavit for an application for leave to appeal or disputing thereof	[40,00] <u>56.00</u> to <u>to</u> 80,00] <u>112.00</u>
3. Drawing up of notice of appeal or other necessary notices, per folio	[12,00] <u>17.00</u>
4. Letters and telegrams, per folio, including copy to keep (Note: A composite fee shall be charged for all letters written: Provided that a short summary of such letters is to be attached to the bill of costs before taxation.)	[8,00] <u>11.00</u>
5. Drawing up power of attorney, per folio	[8,00] <u>11.00</u>
6. Drawing up short brief to counsel	[8,00] <u>11.00</u>
7. Drawing up bond of security, per folio	[16,00] <u>22.00</u>

F - COPYING

Other documents not specially provided for:

(a) First copy, per page	[1,40] <u>1.50</u>
(b) Each further necessary copy, per page	[0,50] <u>0.75</u>

G - BILLS OF COSTS

In connection with a bill of costs for work done or services rendered by an attorney, such attorney shall be entitled to charge the following:

1. For drawing up the bill of costs, making the necessary copies and attending settlement: 5 per cent of the amount of attorney's fees, either as charged in the bill if not taxed, or as allowed on taxation.
2. For arranging and attending taxation: 5 per cent of the fees allowed.
(Note I: The minimum fee under each of these items shall be **[R50,00] R70.00.**)
(Note II: The fees under each item are calculated on the same amount.)
3. For perusal of the other party's bill of costs, as submitted for taxation, including preparation for taxation, per folio: **[R6,50] R9.00.**
4. For attending taxation of the other party's bill of costs: 5 per cent on fees appearing in the bill of costs as submitted before taxation.
(Note: The minimum fee under this item shall be **[R50,00] R70.00.**)".

Commencement

3. These rules shall come into operation on **6 July 1998.**

No. R. 783

5 Junie 1998

**WYSIGING VAN DIE REËLS WAARBY DIE VERRIGTINGE VAN DIE HOOGSTE HOF
VAN APPÈL 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 reëls beteken "die Reëls" die reëls waarby die verrigtinge van die Hoogste Hof van Appèl van Suid-Afrika gereël word, afgekondig by Goewermentskennisgewing No. R.1207 van 15 Desember 1961, soos gewysig by Goewermentskennisgewings Nos. R.980 van 22 Junie 1962, R.120 van 31 Januarie 1969, R.679 van 30 April 1971, R.1815 van 8 Oktober 1976, R.2476 van 17 Desember 1976, R.1547 van 28 Julie 1978, R.248 van 8 Februarie 1980, R.1120 van 30 Mei 1980, R. 2170 van 6 Oktober 1982, R.644 van 25 Maart 1983, R.840 van 22 April 1983, R.1995 van 7 September 1984, R.2093 van 13 September 1985, R.2137 van 20 September 1985, R.2643 van 12 Desember 1986, R.1766 van 2 September 1988, R.1930 van 10 Augustus 1990, R.2408 van 30 September 1991, R.407 van 7 Februarie 1992, R.1884 van 3 Julie 1992, R.872 van 21 Mei 1993, R.410 van 11 Maart 1994, R.418 van 14 Maart 1997, R.490 van 27 Maart 1997 en R.799 van 13 Junie 1997.

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande reëls aan.

— Woorde met 'n volstreep daaronder, dui invoegings in bestaande reëls aan.

Wysiging van reël 10 van die Reëls

2. Reël 10 van die Reëls word hierby gewysig deur Afdelings A, B, C, D, E, F en items 1 tot 4 insluitend van Afdeling G deur die volgende te vervang:

"A - NEEM VAN INSTRUKSIES

		R	c
1.	(a) Om 'n appèl of teenappèl aan te teken wanneer verlot om te appelleer nie 'n vereiste is nie.....	[40,00]	<u>56.00</u>
	(b) Om 'n appèl voort te sit of te verdedig, insluitende voortsetting van 'n teenappèl.....	[65,00]	<u>91.00</u>
		tot	<u>tot</u>
		380,00]	<u>532.00</u>
	(c) Om 'n aansoek te doen of dit te bestry.....	[60,00]	<u>84.00</u>
		tot	<u>tot</u>
		200,00]	<u>280.00</u>
2.	Om enige petisie of beëdigde verklaring op te stel.....	Die helfte van die gelde toegelaat onder item E1 vir opstel	

B - VOORBEREIDING VAN STUKKE

1. Die maak van 'n afskrif van besonderhede van die stukke wat nie in besit van die appellant of sy of haar prokureur was toe die bevel waarteen geappelleer word, uitgevaardig is nie, met die doel om afskrifte van die oorkonde van appèl (behalwe waar 'n bedrag kragtens subparagraaf 5 hiervan gevorder word) voor te berei, per folio..... [1,30] 1.50

R c

2. Rangskikking van stukke vir druk of tik, met uitsluiting van onnodige dokumente, en voorbereiding van 'n inhoudsopgawe en lys van dokumente nie ingesluit in die oorkonde van appèl nie, per halfuur of gedeelte daarvan **[65,00] 91.00**
3. Nasien van drukproef of getikte of afgerolde afskrif, per halfuur of gedeelte daarvan..... **[65,00] 91.00**
4. Opwagting by die kantoor van die griffier of beampste van die hof waarvandaan geappelleer word, om die oorkonde na te gaan of te laat waarmerk, per halfuur of gedeelte daarvan..... **[40,00] 56.00**
5. (a) Maak van getikte afskrifte van die oorkonde van appèl en betoogpunte, per folio..... **[1,30] 1.50**
- (b) Indien afskrifte op 'n ander wyse as met behulp van 'n tikmasjien gemaak word, is die koste vir die eerste afskrif **[R1,30] R1.50** per bladsy, **[vir die volgende vir afskrifte 60c per bladsy]** en vir verdere afskrifte, per bladsy..... **[0,50] 0.75**

(Opmerking I: By die berekening van die getal folio's moet die totale getal woorde van alle noodsaaklike dokumente deur 100 gedeel word, dit wil sê al die stukke moet as een dokument beskou word.)

(Opmerking II: By die berekening van die getal bladsye moet die totale getal woorde van alle noodsaaklike dokumente deur ten minste 250 gedeel word, dit wil sê al die stukke moet as een dokument beskou word: Met dien verstande dat in die geval van gedrukte dokumente of vorms, soos byvoorbeeld publikasies, verbande, kontrakte, kredietooreenkomste en spesiale volmagte, elke bladsy daarvan as net een bladsy beskou word.)

C - NAGAAN

		R	c
1.	(a) Nagaan van die hofuitspraak <i>a quo</i> wanneer instruksies geneem word vir die voortsetting van 'n appèl of teenapèl, waar verlof om te appelleer nie 'n vereiste is nie, per bladsy.....	[19,00]	<u>27.00</u>
	(b) Nagaan van die oorkonde van appèl, vir elke bladsy of gedeelte daarvan.....	[0,50]	<u>0.75</u>
	(c) Nagaan van die hofuitspraak <i>a quo</i> waarby verlof om te appelleer geweier word, wanneer instruksies geneem word om 'n petisie aan die Hoofregter te rig, per bladsy..... (Opmerking: Die minimum bedrag onder items (a) en (b) is [R120,00] <u>R168,00</u>).	[12,00]	<u>17.00</u>
2.	Nagaan van enige plan, skets, foto of ander aanhangsel van die stukke waarop die vergoeding hierbo uiteengesit, nie toegepas kan word nie.....	[7,00] tot 130,00]	<u>10.00</u> tot <u>182.00</u>
3.	(a) Aandag gee aan en nagaan van enige petisie of beëdigde verklaring of enige ander dokument waarvoor nie elders voorsiening gemaak word nie, per bladsy.....	[12,00]	<u>17.00</u>
	(b) Aandag gee aan en nagaan van enige aanhangsel van 'n petisie en antwoordende verklaring, per bladsy.....	[0,50]	<u>0.75</u>
	(c) Aandag gee aan en nagaan van 'n petisie of beëdigde verklaring wat deur 'n advokaat opgestel of nagesien is, per bladsy..... (Opmerking I: Die minimum bedrae onder item (a) is soos volg: Vir formele beëdigde verklarings, [R12,00] <u>R17.00</u> ; vir beëdigde verklarings wat nie formeel is nie, [R25,00] <u>R35.00</u> .) (Opmerking II: By die berekening van die getal bladsye moet die totale getal woorde van alle noodsaaklike aanhangsels deur ten minste 250 gedeel word, dit wil sê al die stukke moet as een dokument beskou word.)	[1,30]	<u>2.00</u>

R c

4. Aandag gee aan en nagaan van betoogpunte, met uitsluiting van aanhangsels soos byvoorbeeld ongerapporteerde hofuitsprake of afskrifte van publikasies wat ter staving van betoogpunte aangeheg word, vir elke 10 bladsy of gedeelte daarvan..... **[25,00] 35,00**
 (Opmerking: Die minimum bedrag onder hierdie item is **[R50,00] R70,00**.)

D - BEHARTIGING EN OPWAGTING

1. Enige formele behartiging van 'n erkenning, ontvangs, ens. **[5,00] 7,00**
2. Behartiging van enige brief, telegram, dokument of telefoonoproep, of enige ander nodige behartiging waarvoor nie andersins voorsiening gemaak is nie..... **[7,00 10,00**
tot tot
25,00] 35,00
 (Opmerking: 'n Saamgestelde bedrag moet gevorder word vir alle briewe ontvang: Met dien verstande dat 'n kort opsomming van die inhoud van sodanige briewe voor taksasie aan die kosterekening geheg moet word.)
3. (a) Opwagting by kantoor van griffier om 'n brief of dokument af te lewer of om 'n bevel af te haal, ens. **[5,00] 7,00**
- (b) Behartiging van besigheid wat nie formeel is nie, per halfuur of gedeelte daarvan..... **[50,00] 70,00**
4. (a) Opwagting by enige samesprekings met 'n advokaat of kliënt, per halfuur of gedeelte daarvan **[50,00 70,00**
tot tot
75,00] 105,00
- (b) 'n Allesinsluitende bedrag vir opwagtings, verkryging en betaling van 'n advokaat om 'n uitspraak te noteer..... **[40,00] 56,00**

		R c	
5.	Opwagting by hof om vonnis aan te teken -		
	(a) deur 'n prokureur.....	[50,00]	<u>70,00</u>
	(b) deur 'n klerk.....	[19,00]	<u>27,00</u>
6.	Opwagting by hof by verhoor van appèl of aansoek, per halfuur of gedeelte daarvan -		
	(a) deur 'n prokureur.....	[50,00]	<u>70,00</u>
		tot	tot
		75,00]	<u>105,00</u>
	(b) deur 'n klerk.....	[30,00]	<u>42,00</u>

E - OPSTEL VAN DOKUMENTE

1.	Enige petisie of beëdigde verklaring, per folio..... (Opmerking: By die berekening van die getal folio's moet die takseermeester enige tersaaklike gedeelte bestaande uit aanhalings uit ander dokumente aftrek, maar hulle as aanhangsels behandel.)	[15,00]	<u>21,00</u>
2.	Instruksies aan advokaat, hetsy skriftelik of mondeling -		
	(a) by appèl.....	[60,00]	<u>84,00</u>
		tot	tot
		250,00]	<u>350,00</u>
	(b) by petisie.....	[60,00]	<u>84,00</u>
		tot	tot
		250,00]	<u>350,00</u>
	(c) in geregverdigde gevalle, vir die opstel of nasien van 'n petisie of beëdigde verklaring vir 'n aansoek om verlof om te appelleer of bestryding daarvan.....	[40,00]	<u>56,00</u>
		tot	tot
		80,00]	<u>112,00</u>
3.	Opstel van kennisgewing van appèl of ander nodige kennisgewings, per folio.....	[12,00]	<u>17,00</u>

		R c	
4.	Briewe en telegramme, per folio, insluitende afskrif om te hou.....	[8,00]	<u>11,00</u>
	(Opmerking: 'n Saamgestelde bedrag moet gevorder word vir alle briewe geskryf: Met dien verstande dat 'n kort opsomming van sodanige briewe voor taksasie aan die kosterekening geheg moet word.)		
5.	Opstel van volmag, per folio.....	[8,00]	<u>11,00</u>
6.	Opstel van kort opdrag aan advokaat.....	[8,00]	<u>11,00</u>
7.	Opstel van borgakte, per folio.....	[16,00]	<u>22,00</u>

F - MAAK VAN AFSKRIFTE

Ander dokumente waarvoor nie spesiaal voorsiening gemaak is nie:

(a)	Eerste afskrif, per bladsy.....	[1,40]	<u>1,50</u>
(b)	Elke verdere nodige afskrif, per bladsy.....	[0,50]	<u>0,75</u>

G - KOSTEREKENINGE

In verband met 'n kosterekening vir werk gedoen of dienste gelewer deur 'n prokureur, is sodanige prokureur daarop geregtig om die volgende te vorder:

1. Vir die opstel van die kosterekening, die maak van die nodige afskrifte en opwagting by afrekening: 5 persent van die bedrag van die prokureursgelde, hetsy soos geëis in die ongetakseerde kosterekening of soos by taksasie toegelaat.
2. Vir die reëling en bywoning van taksasie: 5 persent van die gelde toegelaat.
(Opmerking I: Die minimum [bedrag ingevolge] gelde onder elk van hierdie items is [R50,00] R70,00.)
(Opmerking II: Die gelde onder elke item word op dieselfde bedrag bereken.)

3. Vir die nagaan van die ander party se kosterekening soos voorgelê vir taksasie, insluitende voorbereiding vir taksasie, per folio: **[R6,50] R9,00**
4. Vir die bywoning van taksasie van die ander party se kosterekening: 5 persent op gelde wat verskyn in die kosterekening soos voorgelê, voor taksasie.
(*Opmerking:* Die minimum bedrag ingevolge hierdie item is **[R50,00] R70,00**.)

Inwerkingtreding

3. Hierdie reëls tree op **6 Julie 1998** in werking.

No. R. 784

5 June 1998

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, R.492 of 27 March 1997, R.570 of 18 April 1997, R.790 of 6 June 1997 and R.797 of 13 June 1997.

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing rules.
— Words underlined with a solid line indicate insertions in existing rules.

Amendment of rule 43 of the Rules

2. Rule 43 of the Rules is hereby amended by the substitution in subrule (6) for paragraph (c) of the following paragraph:

"(c) [the sheriff shall indicate 1 English and 1 Afrikaans newspaper circulating in the district in which the property is situate and require] the execution creditor [to] shall publish the [said] notice once in [each of the said newspapers] a newspaper circulating in the district in which the immovable property is situated and in the *Government Gazette* not less than one week and not later than [10 days] two weeks before the date [appointed for] of the sale and [to furnish him not later than the day prior to the date of the sale with 1 copy of each of the said papers and with the number of the *Gazette* in which the notice appeared] provide the sheriff, by hand or by facsimile, with one photocopy of each of the notices published in the newspaper and the *Government Gazette*, respectively, or, in the case of the *Government Gazette*, the number of the *Government Gazette* in which the notice was published;".

Commencement

3. These rules shall come into operation on **6 July 1998**.

No. R. 784**5 Junie 1998****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 reëls beteken "die Reëls" die reëls afgekondig by Goewerments=
kennisgewing No. R.1108 van 21 Junie 1968, soos gewysig by Goewermentsken=
niskewings 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
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28 Mei 1993, R.1134 van 25 Junie 1993, R.1355 van 30 Julie 1993, R.1844 van 1
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April 1994, R.1062 van 28 Junie 1996, R.1130 van 5 Julie 1996, R.419 van 14 Maart
1997, R.492 van 27 Maart 1997, R.570 van 18 April 1997, R.790 van 6 Junie 1997 en
R.797 van 13 Junie 1997.

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande reëls aan.
- Woorde met 'n volstreep daaronder, dui invoegings in bestaande reëls aan.

Wysiging van reël 43 van die Reëls

2. Reël 43 van die Reëls word hierby gewysig deur paragraaf (c) van subreël (6) deur die volgende paragraaf te vervang:

"(c) [die balju moet 1 Afrikaanse en 1 Engelse nuusblad wat in die distrik waarin die goed geleë is, sirkuleer, aandui en vereis dat] die eksekusieskuldeiser moet die [genoemde] kennisgewing een maal in [elk van die genoemde nuusblaaie] 'n koerant laat plaas wat in die distrik sirkuleer waar die onroerende goed geleë is en in die Staatskoerant minstens [10 dae] een week en nie later nie as twee weke voor die [dag wat vir] datum van die verkoping [vasgestel is, publiseer en hom nie later nie as die dag voor die verkoping van 'n eksemplaar van elk van die genoemde nuusblaaie en van die nommer van die Staatskoerant waarin die kennisgewing verskyn het, voorsien] en aan die balju een fotokopie van elk van die kennisgewings wat onderskeidelik in die koerant en in die Staatskoerant verskyn het of, in die geval van die Staatskoerant, die nommer van die Staatskoerant waarin die kennisgewing verskyn het, per hand of per faksimilee verskaf;".

Inwerkingtreding

3. Hierdie reëls tree op 6 Julie 1998 in werking.

No. R. 785**5 June 1998****AMENDMENT OF THE RULES REGULATING THE CONDUCT OF THE PROCEEDINGS OF THE SEVERAL PROVINCIAL AND LOCAL DIVISIONS OF THE HIGH 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 these rules "the Rules" means the rules regulating the conduct of the proceedings of the several provincial and local divisions of the High 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 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, R.2529 of 31 December 1993, R.181 of 28 January 1994, R.411 of 11 March 1994, R.873 of 31 May 1996, R.1063 of 28 June 1996, R.1557 of 20 September 1996, R.1746 of 25 October 1996, R.2047 of 13 December 1996, R.417 of 14 March 1997, R.491 of 27 March 1997, R.700 of 16 May 1997, R.798 of 13 June 1997 and R.1352 of 10 October 1997.

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing rules.
— Words underlined with a solid line indicate insertions in existing rules.

Amendment of rule 31 of the Rules

2. Rule 31 of the Rules is hereby amended by the substitution in subrule (5) for paragraph (a) of the following paragraph:

"(5)(a) Whenever a defendant is in default of delivery of notice of intention to defend or of a plea, the plaintiff, if he or she wishes to obtain judgment by default, shall where each of the claims is for a debt or liquidated demand, file with the registrar a written application for judgment against such defendant: Provided that when a defendant is in default of delivery of a plea, the plaintiff shall give such defendant not less than 5 days' notice of his or her intention to apply for default judgment."

Amendment of rule 46 of the Rules

3. Rule 46 of the Rules is hereby amended by the substitution in subrule (7) for paragraph (c) of the following paragraph:

"(c) [The sheriff shall indicate two suitable newspapers (whenever possible one in each of the official languages)] The execution creditor shall publish the said notice once in a newspaper circulating in the district in which the immovable property is situated [and require the execution creditor to publish the said notice one in each of the said newspapers, not less than three days and not more than five days] and in the Government Gazette not less than one week and not later than two weeks before the date [appointed for] of the sale and provide the sheriff, [to furnish him, not later than the day prior to the date of the sale,] by hand or by facsimile, with one [copy] photocopy of each of the [said newspapers and with the number of the Gazette in which the notice appeared.] notices published in the newspaper and the Government Gazette, respectively, or, in the case of the Government Gazette, the number of the Government Gazette in which the notice was published."

Commencement

4. These rules shall come into operation on 6 July 1998.

No. R. 785**5 Junie 1998****WYSIGING VAN DIE REËLS WAARBY DIE VERRIGTINGE VAN DIE VERSKILLENDEN PROVINSIALE EN PLAASLIKE AFDELINGS VAN DIE HOË HOF VAN SUID-AFRIKA GEREËL WORD**

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

Woordomskrywing

1. In hierdie reëls beteken "die Reëls" die reëls waarby die verrigtinge van die verskillende provinsiale en plaaslike afdelings van die Hoë Hof 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, R.2529 van 31 Desember 1993, R.181 van 28 Januarie 1994, R.411 van 11 Maart 1994, R.873 van 31 Mei 1996, R.1063 van 28 Junie 1996, R.1557 van 20 September 1996, R.1746 van 25 Oktober 1996, R.2047 van 13 Desember 1996, R.417 van 14 Maart 1997, R.491 van 27 Maart 1997, R.700 van 16 Mei 1997, R.798 van 13 Junie 1997 en R.1352 van 10 Oktober 1997.

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande reëls aan.
— Woorde met 'n volstreep daaronder, dui invoegings in bestaande reëls aan.

Wysiging van reël 31 van die Reëls

2. Reël 31 van die Reëls word hierby gewysig deur paragraaf (a) van subreël (5) deur die volgende paragraaf te vervang:

"(5)(a) Wanneer 'n verweerder in verstek is met sy of haar kennisgewing van voorneme om te verdedig of met sy of haar pleit, moet die eiser wat vonnis by verstek verlang, waar elk van die eise vir skuld of andersins likwied is, 'n skriftelike aansoek om vonnis teen die verweerder by die griffier indien: Met dien verstande dat wanneer die verweerder in verstek is met sy of haar aflewering van 'n pleit, die eiser sodanige verweerder minstens 5 dae kennis moet gee van sy of haar voorneme om aansoek om vonnis by verstek te doen.".

Wysiging van reël 46 van die Reëls

3. Reël 46 van die Reëls word hierby gewysig deur paragraaf (c) van subreël (7) deur die volgende paragraaf te vervang:

"(c) [Die balju moet twee geskikte koerante wat sirkuleer in die distrik waar die eindom geleë is (so moontlik een in elk van die amptelike landstale), aandui en die vonniskskuldeiser opdrag gee om die kennisgewing een maal daarin te plaas, minstens drie dae en hoogstens vyf dae] Die eksekusieskuldeiser moet die genoemde kennisgewing een maal in 'n koerant laat plaas wat in die distrik sirkuleer waar die onroerende eiendom geleë is en in die Staatskoerant minstens een week en nie later nie as twee weke voor die [vasgestelde] datum van die verkoping [en om aan hom laatstens die dag voor die verkoping een eksemplaar van elk van die koerante en die nommer van die Staatskoerant waarin die kennisgewing verskyn het, te verskaf] en aan die balju een fotokopie van elk van die kennisgewings wat onderskeidelik in die koerant en die Staatskoerant verskyn het of, in die geval van die Staatskoerant, die nommer van die Staatskoerant waarin die kennisgewing verskyn het, per hand of per faksimilee verskaf.".

Inwerkingreding

4. Hierdie reëls tree op 6 Julie 1998 in werking.

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