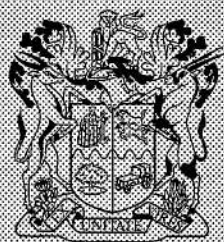


REPUBLIC  
OF  
SOUTH AFRICA



REPUBLIEK  
VAN  
SUID-AFRIKA

# Government Gazette Staatskoerant

*Regulation Gazette*

**No. 6627**

*Regulasiekoerant*

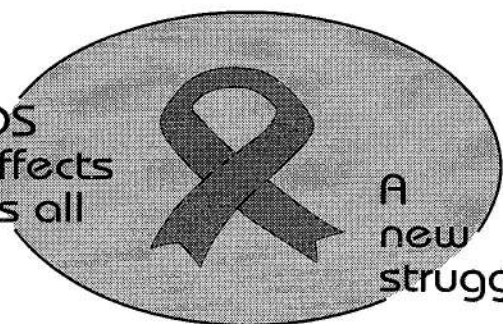
Vol. 411

PRETORIA, 10 SEPTEMBER 1999

**No. 20443**

**We all have the power to prevent AIDS**

AIDS  
affects  
us all



A  
new  
struggle

**Prevention is the cure**

**AIDS  
HELPUNE**

**0800 012 322**

DEPARTMENT OF HEALTH

## GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

### DEPARTMENT OF JUSTICE DEPARTEMENT VAN JUSTISIE

No. R. 1084

10 September 1999

#### 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 under 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, R.1352 of 10 October 1997, R.785 of 5 June 1998, R.881 of 26 June 1998, R.1024 of 7 August 1998, R.1723 of 30 December 1998, R.315 of 12 March 1999 and R.568 of 30 April 1999.

##### 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 51 of the Rules**

2. Rule 51 of the Rules is hereby amended by the substitution for paragraph (a) of subrule (5) of the following paragraph:

- (5) (a) Notice in terms of section 309C(6) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), shall be given by the registrar at least 10 days before the date fixed for the hearing of any of the applications referred to in section 309C, unless the accused or his or her attorney and the [attorney-general] Director of Public Prosecutions concerned have agreed to a shorter period, and shall correspond substantially to Form [22] 25."

**Amendment of the First Schedule to the Rules**

3. The First Schedule to the Rules is hereby amended by the deletion of Form 22 inserted by Government Notice No. R.568 of 30 April 1999 and the insertion of the following Form:

**"FORM 25****NOTICE IN TERMS OF SECTION 309C(6) OF THE CRIMINAL PROCEDURE ACT, 1977 (ACT NO. 51 OF 1977)**

In the High Court of South Africa  
(..... Division)

CASE NO. .... (HIGH COURT)

CASE NO. .... (LOWER COURT) HELD AT ..... (LOWER COURT)

THE STATE vs .....  
CHARGE: .....  
TO THE DIRECTOR OF PUBLIC PROSECUTIONS, .....  
AND TO THE ACCUSED, .....

TAKE NOTICE THAT the application by the accused -

- for leave to appeal in terms of section 309B of the Criminal Procedure Act, 1977 (Act No. 51 of 1977); or
  - for an extension of the period referred to in section 309B of the Act; or
  - for an extension of the period within which an appeal must be noted in terms of section 309(2) of the Act; or
  - to call further evidence as contemplated in section 309B(4) of the Act,
- has been set down for hearing on ..... (date) at ..... (time) or as soon thereafter as the matter may be heard.

THE matter will be heard at ..... (place).

TO THE DIRECTOR OF PUBLIC PROSECUTIONS, .....  
.....  
.....  
(Address)

AND TO THE ACCUSED, .....  
.....  
.....  
(Address)

OR TO: .....  
.....

.....  
(address of accused's attorney, if any)

REGISTRAR OF THE HIGH COURT, .....

• Delete what is not applicable.

**Commencement**

4. These rules shall come into operation on **11 October 1999**.



No. R. 1084

10 September 1999

**WYSIGING VAN DIE REËLS WAARBY DIE VERRIGTINGE VAN DIE VERSKILLEND  
PROVINSIALE EN PLAASLIKE AFDELINGS VAN DIE HOË HOF 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 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 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, R.1352 van 10 Oktober 1997, R.785 van 5 Junie 1998, R.881 van 26 Junie 1998, R.1024 van 7 Augustus 1998, 1723 van 30 Desember 1998, R.315 van 12 Maart 1999 en R.568 van 30 April 1999.

**ALGEMENE VERDUIDELIKENDE NOTA:**

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

**Wysiging van reël 51 van die Reëls**

2. Reël 51 van die Reëls word hierby gewysig deur paragraaf (a) van subreël (5) deur die volgende paragraaf te vervang:

- "(5) (a) Kennis kragtens artikel 309C(6) van die Strafproseswet, 1977 (Wet No. 51 van 1977), moet deur die griffier gegee word minstens 10 dae voor die datum wat vir die aanhoor van enige van die aansoeke bedoel in artikel 309C vasgestel is, tensy die beskuldigde of sy of haar prokureur en die betrokke [prokureur-generaal] Direkteur van Openbare Vervolgings op 'n korter tydperk ooreengekom het, en moet wesenlik met Vorm [22] 25 ooreenstem."

**Wysiging van die Eerste Bylae van die Reëls**

3. Die Eerste Bylae van die Reëls word hierby gewysig deur Vorm 22 ingevoeg by Goewernementskennisgewing No. R. 568 van 30 April 1999 te skrap en die volgende Vorm in te voeg:

**"VORM 25****KENNISGEWING KRAGTENS ARTIKEL 309C(6) VAN DIE STRAFPROSESWET, 1977 (WET NO. 51 VAN 1977)**

In die Hoë Hof van Suid-Afrika  
(..... Afdeling)

SAAKNO. .... (HOË HOF)  
SAAKNO. .... (LAER HOF) GEHOU TE ..... (LAER HOF)

DIE STAAT vs .....  
AANKLAG: .....  
AAN DIE DIREKTEUR VAN OPENBARE VERVOLGINGS, .....  
EN AAN DIE BESKULDIGDE, .....

NEEM KENNIS DAT die aansoek deur die beskuldigde -

- om verlof om te appelleer kragtens artikel 309B van die Strafproseswet, 1977 (Wet No. 51 van 1977); of
  - om 'n verlenging van die tydperk bedoel in artikel 309B van die Wet; of
  - om 'n verlenging van die tydperk waarbinne 'n appèl ingevolge artikel 309(2) van die Wet aangeteken moet word; of
  - om verdere getuienis te roep soos beoog in artikel 309B(4) van die Wet.
- ter rolle geplaas is vir aanhoring op ..... (datum) om ..... (tyd) of so gou moontlik daarna as wat die saak aangehoor kan word.

DIE saak sal aangehoor word te ..... (plek).

AAN: DIE DIREKTEUR VAN OPENBARE VERVOLGINGS, .....  
.....  
.....  
(Adres)

EN AAN DIE BESKULDIGDE, .....

.....  
.....  
(Adres)

OF AAN: .....

.....  
.....  
(Adres van beskuldigde se prokureur, indien enige)

GRIFFIER VAN DIE HOË HOF, .....

• Skrap wat nie van toepassing is nie.

#### **Inwerkingtreding**

**4. Hierdie reëls tree op 11 Oktober 1999 in werking.**

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