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AIDS HELPLINE: 0800-123-22 Prevention is the cure

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GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

No. R. 373

30 April 2001

RULES REGULATING THE CONDUCT OF THE PROCEEDINGS OF THE VARIOUS PROVINCIAL AND LOCAL DIVISIONS OF THE HIGH COURT OF SOUTH AFRICA: REPEAL OF RULE 37A, AND TRANSITIONAL PROVISIONS

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 for Justice and Constitutional Development, 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 Various 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, 1723 of 30 December 1998, R.315 of 12 March 1999, R.568 of 30 April 1999, R.1084 of 10 September 1999, R.1299 of 29 October 1999, R.502 of 19 May 2000 and R.849 of 25 August 2000.

Repeal of rule 37A of the Rules

2. Subject to the provisions of rule 3, rule 37A of the Rules published by Government Notice No. R.1352 of 10 October 1997 is hereby repealed.

Transitional Provisions

3. (1) The provisions of this rule shall apply to a civil action in respect of which the Cape of Good Hope Provincial Division of the High Court of South Africa has jurisdiction.

(2) In matters where directions have at any stage been issued by a judge pursuant to any provision of the repealed rule 37A, the provisions of such repealed rule shall continue to apply subject to the provisions of subrule (3).

(3) Notwithstanding the provisions of the repealed rule 37A, the registrar may, after consultation with the Judge President or a judge designated by the Judge President, convene a final conference or allocate trial dates in matters referred to in subrule (2).

Commencement

4. These rules shall come into operation on 1 June 2001.

No. R. 373

30 April 2001

**REËLS WAARBY DIE VERRIGTINGE VAN DIE VERSKILLENDEN PROVINSIALE
EN PLAASLIKE AFDELINGS VAN DIE HOË HOF VAN SUID-AFRIKA GEREËL
WORD: HERROEPING VAN REËL 37A, EN OORGANGSBEPALINGS**

Die Reëlsraad vir Geregshoe het kragtens artikel 6 van die Wet op die Reëlsraad vir Geregshoe, 1985 (Wet No. 107 van 1985), met die goedkeuring van die Minister vir Justisie en Staatkundige Ontwikkeling, 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 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, R.1352 van 10 Oktober 1997, R.785 van 5 Junie 1998, R.881 van 26 Junie 1998, R.1024 van 7 Augustus 1998, R.1723 van 30 Desember 1998, R.315 van 12 Maart 1999, R.568 van 30 April 1999, R.1084 van 10 September 1999, R.1299 van 29 Oktober 1999, R.502 van 19 Mei 2000 en R.849 van 25 Augustus 2000.

Herroeping van reël 37A van die Reëls

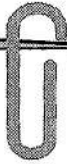
2. Reël 37A van die Reëls gepubliseer by Goewermentskennisgewing No. R.1352 van 10 Oktober 1997 word, behoudens die bepalings van reël 3, hierby herroep.

Oorgangsbepalings

3. (1) Die bepalings van hierdie reël is van toepassing op 'n siviele aksie ten opsigte waarvan die Kaap die Goeie Hoop Provinsiale Afdeling van die Hoë Hof van Suid-Afrika jurisdiksie het.
- (2) In aangeleenthede waar 'n regter in enige stadium ingevolge enige bepaling van die herroepe reël 37A aanwysings gegee het, bly die bepalings van sodanige herroepe reël van toepassing, behoudens die bepalings van subreël (3).
- (3) Nieteenstaande die bepalings van die herroepe reël 37A kan die griffier, na oorleg met die Regter-president of 'n regter deur die Regter-president aangewys, 'n finale konferensie belê of verhoordatums toeken in aangeleenthede bedoel in subreël (2).

Inwerkingtreding

4. Hierdie reëls tree op 1 Junie 2001 in werking.
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