

Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Regulation Gazette

No. R. 9003

Regulasiekoerant

Vol. 522

Pretoria, 12 December 2008
Desember

No. 31690

CONTENTS**INHOUD**

No.		Page No.	Gazette No.
GOVERNMENT NOTICES			
Justice and Constitutional Development, Department of			
<i>Government Notices</i>			
R. 1341	Rules Board for Courts of Law Act (107/1985): Magistrates' Courts: Amendment of the Rules of Court.....	3	31690
R. 1342	do.: do.: do	7	31690
R. 1343	do.: Amendment of the Rules regulating the conduct of the proceedings of several Provincial and Local Divisions of the High Court of South Africa	17	31690
R. 1344	do.: do.: Amendment of the Rules of Court	28	31690
R. 1345	do.: Amendment of the Rules regulating the conduct of the proceedings of the several Provincial and Local Divisions of the High Court of South Africa	50	31690

No.		Bladsy No.	Koerant No.
GOEWERMENSKENNISGEWINGS			
Justisie en Staatkundige Ontwikkeling, Departement van			
<i>Goewermenskennisgewings</i>			
R. 1341	Wet op die Reëlsraad vir Geregshoue (107/1985): Landdroshoue: Wysiging van die Reëls van die Hof.....	5	31690
R. 1342	do.: do.: do	12	31690
R. 1343	do.: Wysiging van die Reëls wat die verrigtinge in die verskillende Provinsiale en Plaaslike Afdelings van die Hoë Hof van Suid-Afrika reël.....	22	31690
R. 1344	do.: do.: Wysiging van die Reëls van die Hof.....	39	31690
R. 1345	do.: Wysiging van die Reëls waarby die verrigtinge van die verskillende Provinsiale en Plaaslike Afdelings van die Hoë Hof van Suid-Afrika gereël word	57	31690

GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

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

No. R. 1341

12 December 2008

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 for Justice and Constitutional Development, made the rules in the Schedule.

SCHEDULE

GENERAL EXPLANATORY NOTE:

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

____ Expressions underlined with a solid line indicate insertions into existing rules.

Definition

1. In this Schedule "the Rules" mean 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, R. 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, R. 797 of 13 June 1997, R. 784 of 5 June 1998, R. 910 of 3 July 1998, R. 1025 of 7 August 1998, R. 1126 of 4 September 1998, R. 569 of 30 April 1999, R. 501 of 19 May 2000, R. 1087 of 26 October 2001, R. 37 of 18 January 2002, R. 38 of 18 January 2002, R. 1299 of 18 October 2002, R. 228 of 20 February 2004, R. 295 of 5 March 2004, R. 880 of 23 July 2004 and R. 1294 of 5 December 2008.

Amendment of rule 5(1) of the Magistrates' Court Rules

2. Rule 5(1) of the Magistrates' Courts Rules is hereby amended as follows:

"5(1) Subject to the provisions of section 59 of the Act, the process of the court for commencing an action shall be by summons calling upon the defendant to enter an appearance to defend the action within [~~five~~] 10 days after service to answer the claim of the plaintiff and warning the defendant of the consequences to do so."

Commencement

3. These rules shall come into operation on 12 January 2009.

No. R. 1341

12 Desember 2008

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 en Staatkundige Ontwikkeling, die Reëls in die Bylae gemaak.

BYLAE**ALGEMENE VERDUIDELIKENDE NOTA:**

[] Uitdrukings in vet druk tussen vierkantige hakies dui skappings uit bestaande reëls aan

_____ Uitdrukings met 'n volstreep daaronder dui invoegings in bestaande reëls aan

Woordomskrywing

1. In hierdie Bylae 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, R.492 van 27 Maart 1997, R.570 van 18 April 1997, R.790 van 6 Junie 1997, R.797 van 13 Junie 1997, R.784 van 5 Junie 1998, R.910 van 3 Julie 1998, R.1025 van 7 Augustus 1998, R.1126 van 4 September 1998, R.569 van 30 April 1999, R.501 van 19 Mei 2000, R.1087 van 26 Oktober 2001, R.37 van 18 Januarie 2002, R.38 van 18 Januarie 2002, R.1299 van 18 Oktober 2002, R.228 van 20 Februarie 2004, R.295 van 5 Maart 2004, R.880 van 23 Julie 2004 en R. 1294 van 5 Desember 2008.

Wysiging van reël 5 van die Landdroshofreëls

2. Subreël (1) van reël 5 van die Landdroshofreëls word hierby soos volg gewysig:

“(1) Behoudens die bepalings van artikel 59 van die Wet, is die geregtelike prosesstuk waardeur ‘n aksie ingestel word, ‘n dagvaarding waarin die verweerder versoek word om binne [vyf] 10 dae na betekening kennis te gee van sy voorneme om die aksie te verdedig ten einde te antwoord op die eiser se vordering en waarin die verweerder gewaarsku word teen die gevolge van ‘n versuim om aan die versoek te voldoen.”.

Inwerkingtreding

3. Hierdie reëls tree in werking op 12 Januarie 2009.

No. R. 1342

12 December 2008

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 for Justice and Constitutional Development, made the rules in the Schedule.

SCHEDULE**GENERAL EXPLANATORY NOTE:**

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

____ Expressions underlined with a solid line indicate insertions into existing rules.

Definition

1. In this Schedule "the Rules" mean 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, R. 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, R. 797 of 13 June 1997, R. 784 of 5 June 1998, R. 910 of 3 July 1998, R. 1025 of 7 August 1998, R. 1126 of 4 September 1998, R. 569 of 30 April 1999, R. 501 of 19 May 2000, R. 1087 of 26 October 2001, R. 37 of 18 January 2002, R. 38 of 18 January 2002, R. 1299 of 18 October 2002, R. 228 of 20 February 2004, R. 295 of 5 March 2004, R. 880 of 23 July 2004 and R. 1294 of 5 December 2008.

Amendment of rule 39 of the Rules

2. Rule 39 of the Rules is hereby amended as follows:

(a) by the substitution for subrule (2) of the following subrule:

“(2) (a) Subject to any hypothec existing prior to attachment, all warrants of execution lodged with **[the] any sheriff appointed for a particular area or any other sheriff** on or before the day immediately preceding the date of the sale in execution shall rank *pro rata* in the distribution of the proceeds of the goods sold in execution.

(b) The sheriff conducting the sale shall not less than 10 days prior to the date of sale forward a copy of the notice of sale to all other sheriffs appointed for the area in which he or she has been instructed to conduct a sale in respect of the attached goods.

(c) The sheriff conducting the sale shall accept from all other sheriffs appointed for that area or any other sheriff a certificate listing any attachment that has been made and showing the ranking of creditors in terms of warrants in the possession of those sheriffs.”;

(b) by the substitution for subrule (3) of the following subrule:

“(3)(a) Withdrawal of attachment shall be effected by note made and signed by the sheriff on the warrant of execution that the attachment is withdrawn, stating the time and date of the making of such note.

(b) The sheriff shall give notice in writing of the withdrawal and of the time and date thereof to the execution creditor [and], the execution debtor, all other sheriffs appointed for that area or any other sheriff who has submitted a certificate referred to in subrule (2)(c) and to any other person by whom a claim to the property attached has been lodged with him or her. Provided that the property shall not be released from attachment [so long as] for a period of 4 months if a certificate referred to in subrule (2)(c) or an unsatisfied warrant of execution lodged under subrule (2)(a) remains in the hands of the sheriff.”;

(c) by the substitution for subrule (4) of the following subrule:

“(4) If any property attached **[or about to be attached]** in execution is claimed by any third party as his or her property or any third party makes any claim to the proceeds of property so attached and sold in execution, the sheriff shall on receipt of the claim forthwith give notice to the execution creditor and to all other sheriffs appointed for that area who have submitted certificates referred to in subrule (2)(c).”

(d) by the substitution for subrule (7) of the following subrule:

“(7)(a) On completion of any sale in execution of property, whether movable or immovable, the sheriff shall attach to his or her return a vendue roll showing details of the property sold, the prices realized, and, where known, the names and addresses of the purchasers and an account of the distribution of the proceeds and shall forthwith send a copy of such vendue roll to all other sheriffs appointed for that area who have submitted certificates referred to in subrule (2)(c).

(b) Where a warrant of execution has been lodged with the sheriff conducting the sale by any other sheriff referred to in subrule (2)(a), the sheriff conducting the sale shall make payment in terms of a distribution account to any sheriff who submitted a certificate referred to in subrule (2)(c) in respect of the aforesaid sale.

(c) Payment in terms of a distribution account shall only be made after the distribution account has lain for inspection for a period of 15 days after the sheriff who has lodged a warrant of execution with the sheriff who conducted the sale, has received a copy of the distribution account.”.

Amendment of rule 40 of the Rules

3. Rule 40 of the Rules is hereby amended by the substitution for subrule (2) of the following subrule:

“(2) Such appointment shall, until the judgment debt is satisfied, operate as an attachment of the interest of the judgment debtor in the partnership assets and the sheriff so appointed shall notify all other sheriffs appointed for that area of such appointment.”

Amendment of rule 41 of the Rules

4. Rule 41 of the Rules is hereby amended –

(a) by the substitution for subrule (7)(e) of the following subrule:

“(e)(i) Unless an order of court is produced to the sheriff requiring him or her to detain any movable property under attachment for such further period as may be stipulated in such order, the sheriff shall, if a sale in respect of such property is not pending, release from attachment any such property which has been detained for a period exceeding 4 months.

(ii) If such order was made on application made *ex parte*, such order shall not be subject to confirmation.” and

(b) by the substitution for subrule (8)(a) of the following subrule:

“(a) Any movable property sold in execution of process of the court shall be sold publicly and for cash by the sheriff who removed the goods in terms of subrule (7)(b) or, with the approval of the magistrate, by an auctioneer or other person appointed by the sheriff, to the highest bidder at or as near to the place where the same was attached or to which the same had been so removed as aforesaid as may be advantageous for the sale thereof.”.

Amendment of Rule 43 of the Rules

5. Rule 43 of the Rules is hereby amended –

(a) by the substitution for subrule (5) of the following subrule:

“(5) Where the said property is situate in a district other than in which the judgment was given, the party requiring execution shall forward the warrant of execution to [the] a sheriff of the district in which the said property is situate, who shall proceed to attach the property in the manner provided in this rule.”;

(b) by the substitution for subrule (12) of the following subrule:

“(12) Where the said property is situate in a district other than in which the judgment was given, the sale of the said property shall be effected by [the] a sheriff of the district in which it is situate in the manner provided [by] in this rule.”; and

(c) by the substitution for subrule (14)(b) for the following subrule:

“(b) The sheriff shall immediately after receipt of the full purchase price prepare in order of preference as hereinafter provided in this rule, a plan of distribution of the purchase money received and such plan shall lie in his or her office for inspection of persons having an interest therein for a period of [10] 15 days after the date of sale, unless all such persons inform the sheriff in writing that they have no objection to such plan and a copy thereof shall be lodged with the clerk of the court and with any other sheriff who submitted a certificate referred to in rule 39(2)(c).”.

Amendment of rule 44 of the Rules

6. Rule 44 of the Rules is hereby amended by the substitution for subrule (2)(a) of the following subrule:

“(a) (i) Where any person other than the execution debtor (hereinafter in this rule referred to as the ‘claimant’) makes any claim to or in respect of property attached by the sheriff in execution of any process of the court and the execution creditor has not admitted the claim within the period referred to in rule 39(6) or where any such claimant makes any claim to the proceeds of property so attached and sold in execution the sheriff shall forthwith prepare and sue out a summons in the form prescribed for the purpose in Annexure 1 to these rules calling upon the claimant and the execution creditor to appear on the date specified in the summons to have the claim of the claimant adjudicated upon.

(ii) The sheriff shall notify all other sheriffs appointed for that area who have submitted certificates referred to in rule 39(2)(c) of the claim to the property attached, the date specified in the summons and of the judgment of the court.”.

Commencement

7. These rules shall come into operation on 12 January 2009.

No. R. 1342

12 Desember 2008

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 en Staatkundige Ontwikkeling, die Reëls in die Bylae gemaak.

BYLAE**ALGEMENE VERDUIDELIKENDE NOTA:**

[] Uitdrukings in vet druk tussen vierkantige hakies dui skrappings uit bestaande reëls aan

_____ Uitdrukings met 'n volstreep daaronder dui invoegings in bestaande reëls aan

Woordomskrywing

1. In hierdie Bylae 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, R.492 van 27 Maart 1997, R.570 van 18 April 1997, R.790 van 6 Junie 1997, R.797 van 13 Junie 1997, R.784 van 5 Junie 1998, R.910 van 3 Julie 1998, R.1025 van 7 Augustus 1998, R.1126 van 4 September 1998, R.569 van 30 April 1999, R.501 van 19 Mei 2000, R.1087 van 26 Oktober 2001, R.37 van 18 Januarie 2002, R.38 van 18 Januarie 2002, R.1299 van 18 Oktober 2002, R.228 van 20 Februarie 2004, R.295 van 5 Maart 2004, R.880 van 23 Julie 2004 en R. 1294 van 5 Desember 2008.

Wysiging van reël 39 van die Reëls

2. Reël 39 van die Reëls word hierby soos volg gewysig:

(a) deur die vervanging van subreël (2) deur die volgende subreël:

“(2) (a) Behoudens enige hipoteek wat voor die beslaglegging bestaan het, deel alle lasbriewe vir eksekusie wat by [die] enige balju aangestel vir 'n bepaalde area of enige ander balju op of voor die dag van die eksekusieverkoping onmiddellik voorafgaan ingedien is, pro rata in die verdeling van die opbrengs van die goed wat in eksekusie verkoop is.

(b) Die balju, wat die verkoping hou, moet minstens 10 dae voor die datum van die verkoping 'n afskrif van die kennisgewing van verkoping stuur aan al die ander balju's aangestel vir die area waarin hy of sy aangesê is om 'n verkoping te hou van die goed waarop beslaggelê is.

(c) Die balju wat die eksekusieverkoping hou, moet van al die ander balju's, aangestel in daardie distrik, of enige ander balju, 'n sertifikaat ontvang waarop enige beslagleggings gelys is wat gemaak is en wat die rangorde van die skuldeisers toon ooreenkomstig die lasbriewe in die besit van daardie balju's.”

(b) deur die vervanging van subreël (3) deur die volgende subreël:

“(3)(a) Die terugtrekking van 'n beslaglegging geskied deur die aanbring deur die balju op die lasbrief vir eksekusie van 'n endossement deur hom of haar onderteken dat die beslaglegging teruggetrek is, met vermelding van die tyd en datum waarop sodanige endossement aangebring is.

(b) Die balju moet die eksekusieskuldeiser [en], die eksekusieskuldenaar, alle ander balju's vir daardie area aangestel of enige ander balju wat 'n sertifikaat na verwys in subreël (2)(c) ingehandig het asook enigeen wat 'n aanspraak op die eiendom waarop beslag gelê is by hom of haar ingedien het, skriftelik van sodanige terugtrekking en die tyd en datum daarvan kennis gee: Met dien verstande dat die goed nie van

beslaglegging vrygestel word nie **[solank as wat]** vir 'n tydperk van 4 maande indien die balju in besit is van 'n sertifikaat na verwys in subreël (2)(c) of 'n onvoldane lasbrief wat kragtens subreël (2)(a) ingedien is.”;

(c) deur die vervanging van subreël (4) deur die volgende subreël:

“(4) Wanneer 'n derde party aanspraak daarop maak dat goed waarop ter tenuitvoerlegging beslag gelê is **[of gaan word]** sy of haar eiendom is, of wanneer 'n derde party op die opbrengs van sodanige goed waarop aldus beslag gelê is en wat in eksekusie verkoop is, aanspraak maak, moet die balju by ontvangs van die eis onverwyld die eksekusieskuldeiser kennis gee en aan alle ander balju's vir daardie area aangestel wat sertifikate na verwys in subreël(2)(c) ingedien het.”.

(d) deur die vervanging van subreël (7) deur die volgende subreël:

“(7) (a) Na afloop van enige verkoping in eksekusie van goed, hetsy roerend of onroerend, moet die balju 'n vendusielys waarin besonderhede van die goed wat verkoop is, die behaalde pryse en, waar bekend, die name en adresse van die kopers asook 'n uiteensetting van die distribusie van die opbrengs vermeld word, by sy of haar relaas aanheg en moet onverwyld 'n afskrif van so 'n vendusielys stuur aan al die ander balju's wat vir daardie area aangestel is wat sertifikate na verwys in subreël(2)(c) ingedien het.

(b) Waar 'n lasbrief vir eksekusie ingedien is by die balju, wat die verkoping hou, deur enige ander balju na verwys in subreël (2)(a), moet die balju wat die verkoping gehou het 'n betaling doen ooreenkomstig 'n distribusierekening aan enige balju wat 'n sertifikaat ingedien het soos na verwys in subreël (2)(c) ten opsigte van bedoeide verkoping.

(c) Betaling kragtens 'n distribusierekening word slegs gedoen nadat die distribusierekening vir 'n tydperk van 15 dae vir insae beskikbaar was nadat die balju wat 'n lasbrief vir eksekusie ingedien het by die balju wat die verkoping gehou het, 'n afskrif van die distribusierekening ontvang het.”.

Wysiging van reël 40 van die Reëls

3. Reël 40 van die Reëls word hierby gewysig deur die vervanging van subreël (2) deur die volgende subreël:

“(2) Sodanige aanstelling geld as ‘n beslaglegging op die belange van die vonnisskuldenaar in die bates van die vennootskap totdat aan die vonnisskuld voldoen is en die balju aldus aangestel, moet al die ander balju’s wat vir daardie gebied aangestel is van sodanige aanstelling kennis gee.”.

Wysiging van reël 41 van die Reëls

4. Reël 41 van die Reëls word hierby soos volg gewysig:

(a) deur die vervanging van subreël (7)(e) deur die volgende subreël:

“(e)(i) Tensy ‘n hofbevel aan die balju voorgelê word waarin van hom of haar vereis word dat hy of sy roerende goed wat onder beslaglegging is vir sodanige verdere tydperk hou as wat in sodanige hofbevel vermeld is, moet die balju, indien ‘n verkoping van sodanige goed nie hangende is nie, sodanige goed nadat dit vir langer as 4 maande onder beslaglegging gehou is, van beslaglegging vrystel.

(ii) Indien sodanige bevel gegee is op ‘n aansoek *ex parte*, is sodanige bevel nie aan bekragtiging onderworpe nie.”; en

(b) deur die vervanging van subreël (8)(a) deur die volgende subreël:

“(a) Roerende goed wat ter tenuitvoerlegging van ‘n geregtelike prosesstuk verkoop word, word deur die balju wat die goed ooreenkomstig subreël (7)(b) verwyder het of, met die goedkeuring van die landdros, deur ‘n afslaer of ander persoon deur die balju benoem in die openbaar en vir kontant aan die hoogste bieder verkoop op die plek waar beslag op die goed gelê is of waarheen die goed aldus verwyder is of so na as moontlik daaraan as wat vir die verkoop daarvan voordelig mag wees.”.

Wysiging van reël 43 van die Reëls

5. Reël 43 van die Reëls word hierby soos volg gewysig:

(a) deur die vervanging van subreël (5) deur die volgende subreël:

“(5) Wanneer genoemde goed in ‘n ander distrik as dié waar die vonnis gegee is, geleë is, moet die party wat tenuitvoerlegging verlang die lasbrief vir eksekusie aan [die] ‘n balju van die distrik waar die goed geleë is, stuur, wat, soos in hierdie reël voorgeskryf is, op die goed beslag lê.”;

(b) deur die vervanging van subreël (12) deur die volgende subreël:

“(12) Waar die genoemde goed in ‘n ander distrik as die distrik waar die vonnis gegee is, geleë is, vind die verkoping van die goed op die wyse in hierdie reël voorgeskryf, plaas deur [die] ‘n balju van die distrik waarin die goed geleë is.”;

(c) deur die vervanging van subreël (14)(b) deur die volgende subreël:

“(b) Die balju moet onmiddellik na ontvangs van die volle koopsom ‘n distribusieplan van die ontvange koopsom in voorrangorde, soos hieronder in hierdie reël bepaal, opstel en sodanige plan lê in sy of haar kantoor vir ‘n tydperk van **[10] 15** dae na die datum van verkoop ter insae van persone wat ‘n belang daarin het, tensy al sodanige persone die balju skriftelik in kennis stel dat hulle geen beswaar teen sodanige plan het nie, en ‘n afskrif daarvan moet by die klerk van die hof ingedien word en by enige ander balju wat ‘n sertifikaat soos gemeld in reël 39(2)(c) ingedien het.”.

Wysiging van reël 44 van die Reëls

6. Reël 44 van die Reëls word hierby gewysig deur die vervanging van subreël (2)(a) deur die volgende subreël:

“(a) (i) Wanneer iemand anders as die eksekusieskuldenaar (hieronder in hierdie reël die “aanspraakmaker” genoem) aanspraak maak op of in verband met goed waarop die balju in die tenuitvoerlegging van ‘n geregtelike prosesstuk beslag gelê het en die eksekusieskuldeiser nie die aanspraak binne die tydperk in reël 39(6) genoem, erken het nie of wanneer sodanige sodanige aanspraakmaker aanspraak maak op die opbrengs van goed aldus op beslag gelê en geregtelik verkoop, moet die balju onverwyld ‘n dagvaarding in die vorm vir daardie doel in Bylae 1 van hierdie reëls voorgeskryf, opstel en uitneem waarin die aanspraakmaker en die eksekusieskuldeiser opgeroep word om op die datum in die dagvaarding vermeld te verskyn om die aanspraak van die aanspraakmaker te laat beslis.

(ii) Die balju moet kennis gee aan al die ander balju's wat vir daardie area aangestel is wat sertifikate na verwys in reël 39(2)(c) ingedien het, van die datum bepaal in die dagvaarding en van die beslissing van die hof.”.

Inwerkingtreding

7. Hierdie reëls tree in werking op 12 Januarie 2009.

No. R. 1343

12 December 2008

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 and Constitutional Development, made the rules in the Schedule.

SCHEDULE

GENERAL EXPLANATORY NOTE:

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

Expressions underlined with a solid line indicate insertions into existing rules.

Definition

1. In this schedule "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. 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, R.849 of August 2000, R.373 of 30 April 2001, R.1088 of 26 October 2001, R.1755 of 5 December 2003 and R. 229 of 20 February 2004.

Amendment of rule 45(7) of the Rules

2. Rule 45(7) of the Rules is hereby amended as follows:

“(7) (a) Where any movable property is attached as aforesaid the sheriff shall where practicable and subject to rule 58 sell it by public auction to the highest bidder after due advertisement by **[him in two suitable newspapers (whenever possible one in each of the official languages)]** the execution creditor in a newspaper circulating in the district in which the property has been attached and after expiration of not less than **[fifteen]** 15 days from the time of seizure thereof.

(b) Where perishables are attached as aforesaid, they may with the consent of the execution debtor or upon the execution creditor indemnifying the sheriff against any claim for damages which may arise from such sale, be sold immediately by the sheriff concerned in such manner as **[to him]** seems expedient.

(c) The sheriff shall not later than 15 days before the date of sale either in terms of paragraph (a) or paragraph (b), forward a notice of sale to all other sheriffs appointed in that area.

Amendment of Rule 45(11)(a) of the Rules

2. Rule 45(11)(a) of the Rules is hereby amended as follows:

“(11)(a) (i) Subject to any hypothec existing prior to the attachment, all writs of execution lodged with **[the] any** sheriff appointed for a particular area or any other sheriff before or on the day of the sale in execution shall rank pro rata in the distribution of the proceeds of the goods sold, in the order of preference referred to in paragraph (c) of subrule (14) of rule 46.

(ii) The sheriff conducting the sale in execution shall not less than 10 days prior to the date of sale forward a copy of the notice of sale to all other sheriffs appointed in the district in which he or she has been instructed to conduct a sale in respect of the attached goods.

(iii) The sheriff conducting the sale shall accept from all other sheriffs appointed in that district or any other sheriff a certificate listing any attachment that has been made and showing the ranking of creditors in terms of warrants in the possession of those sheriffs”.

Amendment of rule 46(2) of the Rules

3. Rule 46(2) of the Rules is hereby amended as follows:

“(2) An attachment shall be made by **[the] any** sheriff of the district in which the property is situate or by **[the] any** sheriff of the district in which the office of the registrar of deeds or other officer charged with the registration of such property is situate, upon a writ **[as near as may be in accordance]** corresponding substantially* with Form 20 of the First Schedule.”

Amendment of rule 46(4) of the Rules

4. Rule 46(4) of the Rules is hereby amended as follows:

“(4) (a) After attachment, any sale in execution shall take place in the district in which the attached property is situate and be conducted by the sheriff of such district who first attached the property: Provided that the sheriff in the first instance and subject to the provisions of paragraph (b) of subrule (8) may on good cause shown authorise such sale to be conducted elsewhere and by another sheriff.

(b) Upon receipt of written instructions from the execution creditor to proceed with such sale, the sheriff shall ascertain and record what bonds or other encumbrances are registered against the property together with the names and addresses of the persons in whose favour such bonds and encumbrances are so registered and shall thereupon notify the execution creditor accordingly.”.

Amendment of Rule 46(7) of the Rules

5. Rule 46(7) of the Rules is hereby amended as follows:

“(7)(a) The sheriff conducting the sale shall appoint a day and place for the sale of such property, such day being, except by special leave of a magistrate, not less than one month after service of the notice of attachment and shall forthwith inform all other sheriffs appointed in the district of such day and place.

(b) The execution creditor shall, after consultation with the sheriff conducting the sale, prepare a notice of sale containing a short description of the property, its situation and street number, if any, the time and place for the holding of the sale and the fact that the conditions may be inspected at the office of the sheriff conducting

the sale, and he or she shall furnish the said sheriff with as many copies of the notice as the latter may require.

(c) The execution creditor shall publish the notice once in a newspaper circulating in the district in which the immovable property is situate and in the *Government Gazette* not less than 5 days and not more than 15 days before the date of the sale and provide the sheriff conducting the sale, 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.

(d) Not less than **[ten]** 10 days prior to the sale, the sheriff conducting the sale shall forward by registered post a copy of the notice of sale referred to in paragraph (b) above to every judgment/execution creditor who had caused the said immovable property to be attached and to every mortgagee thereof whose address is known and simultaneously furnish a copy of the notice of sale to all other sheriffs appointed in that district.

(e) Not less than **[ten]** 10 days prior to the date of the sale, the sheriff conducting the sale shall affix one copy of the notice on the notice-board of the magistrate's court of the district in which the property is situate, or if the property be situate in the district in which the court out of which the writ issued is situate, then on the notice-board of such court, and one copy at or as near as may be to the place where the said sale is actually to take place."

Amendment of rule 46(8) of the Rules

6. Rule 46(8) of the Rules is hereby amended as follows:

"(8)(a) (i) The conditions of sale shall, not less than 20 days prior to the date of the sale, be prepared by the execution creditor **[as near as may be in accordance]** corresponding substantially with Form 21 of the First Schedule, and the said conditions of sale shall be submitted to the sheriff conducting the sale to settle them.
(ii) The execution creditor shall thereafter supply the said sheriff with two copies of the conditions of sale, one of which shall lie for inspection by interested parties at his or her office and the sheriff conducting the sale shall forthwith furnish a copy of the conditions of sale to all other sheriffs appointed in that district."

Amendment of rule 46(11) of the Rules

7. Rule 46(11) of the Rules is hereby amended as follows:

"(11) (a) If the purchaser fails to carry out any of his or her obligations under the conditions of sale, the sale may be cancelled by a judge summarily on the report of

the sheriff conducting the sale, after due notice to the purchaser, and the property may again be put up for sale[, and the] .

(b) The purchaser shall be responsible for any loss sustained by reason of his or her default, which loss may, on the application of any aggrieved creditor whose name appears on the said sheriff's distribution account, be recovered from him or her under judgment of the judge pronounced summarily on a written report by the said sheriff, after such purchaser shall have received notice in writing that such report will be laid before the judge for such purpose [;and, if he] .

(c) If such purchaser is already in possession of the property, the said sheriff may, on 10 days' notice apply to a judge for an order ejecting him or her or any person claiming to hold under him or her therefrom".

Amendment of Rule 46(13) of the Rules

8. Rule 46(13) of the Rules is hereby amended as follows:

"(13) The sheriff conducting the sale shall give transfer to the purchaser against payment of the purchase money and upon performance of the conditions of sale and may for that purpose do anything necessary to effect registration or transfer, and anything so done by him or her shall be as valid and effectual as if he or she were the owner of the property."

Amendment of Rule 46(14) of the Rules

9. Rule 46(14) of the Rules is hereby amended as follows:

"(14)(a) The sheriff conducting the sale shall not pay out to the creditor the purchase money until transfer has been given to the purchaser, but upon receipt thereof he or she shall forthwith pay into the deposit account of the magistrate of the district all moneys received in respect of the purchase price and simultaneously inform all other sheriffs appointed in that district of such payment.

(b) The said sheriff shall as soon as possible after the sale prepare in order of preference, as hereinafter provided, a plan of distribution of the proceeds and shall forward a copy of such plan to the registrar of the court and to all other sheriffs appointed in that district. Immediately thereafter the said sheriff shall give notice by registered post to all parties who have lodged writs and to the execution debtor that the plan will lie for inspection for 15 days from a date mentioned at his or her office and at the office of the registrar, and unless such parties shall signify, in writing, their agreement to the plan, such plan shall so lie for inspection".

Commencement

10. These rules shall come into operation on 12 January 2009.

No. R. 1343

12 Desember 2008

**WYSIGING VAN DIE REËLS WAT DIE VERRIGTINGE IN DIE VERSKILLENDE
PROVINSIALE EN PLAASLIKE AFDELINGS VAN DIE HOË HOF VAN SUID-
AFRIKA REËL**

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 en Staatkundige Ontwikkeling, die reëls in die Bylae gemaak.

BYLAE**ALGEMEEN VERDUIDELIKENDE NOTA:**

[] Uitdrukings in vet druk tussen vierkantige hakies dui skrapings uit bestaande reëls aan

____ Uitdrukings met 'n volstreep daaronder, dui invoegings in bestaande reëls aan

Woordomskrywing

1. In hierdie Bylae beteken "die Reëls" die reëls waarby die verrigtinge van die verskillende provinsiale and plaaslike afdelings van die Hoë Hof van Suid-Afrika gereël word, afgekondig by Goewermentskennisgewing No. R.48 van 12 Januarie 1965, soos gewysig deur 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, R.849 van 25 Augustus 2000, R.373 van 30 April 2001, R.1088 van 26 Oktober 2001, R.1755 van 5 Desember 2003 en R.229 van 20 Februarie 2004.

Wysiging van reël 45(7) van die Reëls

2. Reël 45(7) van die Reëls word hierby soos volg gewysig:

“(7) (a) Inbeslaggenome roerende goed word waar doenlik en behoudens reël 58 deur die balju by openbare veiling aan die hoogste bieder verkoop. **[Hy moet dit eers behoorlik in twee geskikte koerante]** Die uitwinnende skuldeiser moet dit eers in 'n koerant wat sirkuleer in die distrik waar die eiendom geleë is **[(so moontlik een in elk van die amptelike tale)]** adverteer en minstens **[vyftien]** 15 dae laat verloop na die beslaglegging.

(b) As dit bederfbare produkte is, kan hulle met toestemming van die vonnisskuldenaar of onder vrywaring van die balju deur die uitwinnende skuldeiser teen 'n eis om skadevergoeding vanweë die verkoping, onmiddellik verkoop word soos die balju doenlik ag.

(c) Die balju mag nie later nie as 15 dae voor die datum van die verkoping hetsy kragtens paragraaf (a) of paragraaf (b), 'n kennisgewing van die verkoping stuur aan al die ander balju's wat in daardie area aangestel is.”.

Wysiging van reël 45(11)(a) van die Reëls

2. Reël 45(11)(a) van die Reëls word hierby soos volg gewysig:

“(11)(a) (i) Onderworpe aan 'n hipoteek wat voor die beslaglegging bestaan het, deel alle uitwinningslasbriewe wat voor die dag van die verkoping by **[die]** 'n balju aangestel vir 'n bepaalde area of enige ander balju ingedien is, pro rata in die opbrengs van die verkoopte goed, en volgens die orde van voorkeur in paragraaf (c) van subreël (14) van reël 46 vasgestel.

(ii) Die balju wat die uitwinningsverkoping doen, moet minstens 10 dae voor die datum van die verkoping 'n afskrif van die kennisgewing van verkoping verstrek aan al die ander balju's, wat in die distrik aangestel is waar hy of sy opdrag het om 'n verkoping te onderneem aangaande die goed waarop beslag gelê is.

(iii) Die balju wat die uitwinningsverkoping doen, moet van al die ander balju's, aangestel in daardie distrik, of enige ander balju, 'n sertifikaat ontvang waarop enige beslagleggings voorkom wat gemaak is en wat die rangorde van die skuldeisers toon ooreenkomstig die lasbriewe in die besit van daardie balju's."

Wysiging van reël 46(2) van die Reëls

3. Reël 46(2) van die Reëls word hierby soos volg gewysig:

"(2) Beslaglegging moet uitgevoer word deur **[die] 'n** balju van die distrik waarin die goed geleë is of deur **[die] 'n** balju van die distrik waarin die kantoor van die registrateur van aktes of ander beamppte belas met die registrasie van sodanige eiendom, geleë is, kragtens 'n lasbrief **[so na moontlik bewoord] wesenlik bewoord** soos Vorm 20 in die Eerste Bylae."

Wysiging van reël 46(4) van die Reëls

4. Reël 46(4) van die Reëls word hierby soos volg gewysig:

"(4) (a) Die uitwinningsverkoping vind plaas in die distrik waar die inbeslaggenome goed geleë is, en word waargeneem deur die balju van die distrik wat eerste op die goed beslag gelê het. Met dien verstande dat die balju in die eerste instansie en behoudens paragraaf (b) van subreël (8), by aanvoering van goeie redes die verkoping elders en deur 'n ander balju kan magtig.

(b) By ontvangs van 'n skriftelike opdrag van die vonnisskuldeiser om met die verkoping voort te gaan, moet die balju vasstel en aanteken watter verbande of ander beswarings teen die eiendom geregistreer is, asook die name en adresse van die persone in wie se guns dit geregistreer is en die vonnisskuldeiser dienoooreenkomstig in kennis stel."

Wysiging van reël 46(7) van die Reëls

5. Reël 46(7) van die Reëls word hierby soos volg gewysig:

"(7)(a) Die balju wat die verkoping hou bepaal 'n dag en plek vir die verkoping van die eiendom, maar behalwe met spesiale verlof van 'n landdros, nie minder as een maand na betekening van die kennisgewing van beslaglegging nie en stel onverwyld al die ander balju's wat in die distrik aangestel is van die dag en die plek in kennis.

(b) Die vonnisskuldeiser moet in oorleg met die balju 'n kennisgewing van verkoping opstel wat 'n kort beskrywing van die eiendom bevat, sy ligging en straatnommer (as daar een is), die tyd en plek van die verkoping en die feit dat die voorwaardes by die

kantoor van die balju wat die verkoping hou ingesien kan word, en hy of sy moet soveel eksemplare daarvan aan **[die]** genoemde balju verskaf as wat hy verlang.

(c) 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 5 dae en nie meer nie as 15 dae voor die datum van die verkoping en aan die balju wat die verkoping hou 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.

(d) Minstens **[tien]** dae voor die datum van die verkoping moet die balju wat die verkoping hou per geregistreerde pos 'n eksemplaar van die kennisgewing van verkoping in paragraaf (b) bedoel, stuur aan elke vonnisskuldeiser wat op die onroerende goed beslag laat lê het en aan elke verbandhouer wie se adres bekend is en tegelyk daarmee 'n afskrif van die kennisgewing van verkoping aan al die ander balju's aangestel in daardie distrik.

(e) Minstens **[tien]** 10 dae voor die verkoping moet die balju wat die verkoping hou een eksemplaar van die kennisgewing op die kennisgewingbord van die landdroshof van die distrik waarin die eiendom geleë is, aanbring, of as die eiendom geleë is in die distrik waarin die hof waar die lasbrief uitgereik is, geleë is, dan op die kennisgewingbord van daardie hof, en een eksemplaar op of so na moontlik aan die plek waar die verkoping werklik sal plaasvind."

Wysiging van reël 46(8) van die Reëls

6. Reël 46(8) van die Reëls word hierby soos volg gewysig:

"(8)(a) (i) Die vonnisskuldeiser moet minstens 20 dae voor die datum van die verkoping die verkoopsvoorwaardes opstel **[so na moontlik]** wesenlik bewoord soos Vorm 21 in die Eerste Bylae, dit aan die balju wat die verkoping hou vir goedkeuring voorlê.

[en hom] (ii) Die vonnisskuldeiser moet daarna aan genoemde balju twee eksemplare [daarvan] van die verkoopsvoorwaardes gee, waarvan een in sy of haar kantoor ter insae van belanghebbende partye moet lê en die balju wat die verkoping hou, moet onverwyld 'n afskrif van die verkoopsvoorwaardes verskaf aan alle ander balju's wat in die distrik aangestel is."

Wysiging van reël 46(11) van die Reëls

7. Reël 46(11) van die Reëls word hierby soos volg gewysig:

"(11) (a) As die koper versuim om enige van sy of haar verpligtinge ingevolge die verkoopsvoorwaardes na te kom, kan die koop summier deur 'n regter op grond van 'n verslag van die balju wat die verkoping hou en na behoorlike kennisgewing aan die koper, gekanselleer word en die eiendom kan weer te koop aangebied word.

(b) Die koper is aanspreeklik vir verliese gelyk vanweë sy of haar versuim en dit kan op aansoek van 'n benadeelde skuldeiser wie se naam op **[die] genoemde** balju se distribusierekening verskyn, van hom of haar verhaal word kragtens vonnis van die regter wat summier op grond van 'n skriftelike verslag van **[die] genoemde** balju gegee word nadat die koper skriftelik in kennis gestel is dat so 'n verslag vir daardie doel voor die regter gelê sal word.

(c) As sodanige die koper reeds in besit van die eiendom is, kan **[die] genoemde** balju met 10 dae kennisgewing by 'n regter 'n uitsettingsbevel kry teen hom of haar of teen iemand wat voorgee namens hom of haar te besit."

Wysiging van reël 46(13) van die Reëls

8. Reël 46(13) van die Reëls word hierby soos volg gewysig:

"(13) Die balju wat die verkoping hou gee transport aan die koper teen betaling van die koopsom en vervulling van die verkoopsvoorwaardes. Hy kan vir daardie doel al die nodige doen en enigiets aldus deur hom of haar gedaan is ewe geldig asof hy of sy die eienaar was."

Wysiging van reël 46(14) van die Reëls

9. Reël 46(14) van die Reëls word hierby soos volg gewysig:

"(14)(a) Die balju wat die verkoping hou, moet onverwyld alle gelde wat hy of sy ten opsigte van die koopprys ontvang, in die depositeurekening van die landdros van die distrik stort en terselfdertyd al die ander balju's wat in daardie distrik aangestel is, inlig oor sodanige inbetaling en dit nie aan die skuldeiser oorbetalen voordat transport gegee is nie.

(b) **[Die] Genoemde** balju moet so gou moontlik na die verkoping 'n distribusieplan van die opbrengs opstel in rangorde van voorkeur soos hierna bepaal, en 'n afskrif daarvan aan die griffier en aan al die ander balju's wat in daardie distrik aangestel is stuur. **[Dan moet hy]** Genoemde balju moet dan onmiddellik per aangetekende pos kennis gee aan alle partye wat lasbriewe ingedien het en aan die eksekusieskuldenaar dat die plan 15 dae vanaf 'n bepaalde datum in sy of haar kantoor en in die griffierskantoor ter insae sal lê en tensy die partye skriftelik hul goedkeuring van die plan te kenne gee, moet **[hy]** die plan aldus ter insae lê."

Inwerkingtreding

10. Hierdie reëls tree in werking op 12 January 2009.

No. R. 1344

12 December 2008

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 for Justice and Constitutional Development, made the rules in the Schedule.

SCHEDULE**GENERAL EXPLANATORY NOTE:**

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

____ Expressions underlined with a solid line indicate insertions into existing rules.

Definition

1. In this Schedule "the Rules" means the rules published under Government Notice No. R. 1108 of 21 June 1968, as amended by Government Notices Nos. R. 3002 of 25 July 1969, R. 490 of 26 March 1970, R. 947 of 2 June 1972, R. 1115 of 28 June 1974, R. 1285 of 19 July 1974, R. 689 of 23 April 1976, R. 261 of 25 February 1977, R. 2221 of 28 October 1977, R. 327 of 24 February 1978, R. 2222 of 10 November 1978, R. 1449 of 29 June 1979, R. 1314 of 27 June 1980, R. 1800 of 28 August 1981, R. 1139 of 11 June 1982, R. 1689 of 29 July 1983, R. 1946 of 9 September 1983, R. 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, R. 797 of 13 June 1997, R. 784 of 5 June 1998, R. 910 of 3 July 1998, R. 1025 of 7 August 1998, R. 1126 of 4 September 1998, R. 569 of

30 April 1999, R. 501 of 19 May 2000, R. 1087 of 26 October 2001, R. 37 of 18 January 2002, R. 38 of 18 January 2002, R. 1299 of 18 October 2002, R. 228 of 20 February 2004, R. 295 of 5 March 2004, R. 880 of 23 July 2004 and R. 1294 of 5 December 2008.

Amendment of Part II of Table C of Annexure 2 to the Rules

2. Part II of Table C of Annexure 2 to the Rules is hereby amended as follows:

“PART II

SHERIFFS WHO ARE NOT OFFICERS OF THE PUBLIC SERVICE

- 1A. For registration of any document for service or execution upon receipt thereof: **[R4, 40]** R5,00.
- 1B. (a) For the service of a summons, subpoena, notice, order or other document not being a document mentioned in item 2, the journey to and from the place of service of any of the above-mentioned documents –
- (i) within a distance of 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R22,00]** R25,00;
 - (ii) within a distance of 12 kilometres but further than 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R26,00]** R30,00;
 - (iii) within a distance of 20 kilometres but further than 12 kilometres from the court-house of the district for which the sheriff is appointed: **[R35,00]** R40,00;
 - (iv) where a mandator instructs the sheriff in writing to serve a document referred to in item 1B(a) urgently on the day of receipt of such document or after normal office hours, the costs shall be calculated at double the tariff in item 1B(a)(i), (ii) and (iii) respectively, which additional costs shall be paid by the mandator, save where the court orders otherwise.
- (b) For the attempted service of the documents mentioned in paragraph (a), the journey to and from the place of attempted service of any of the above-mentioned documents –
- (i) within a distance of 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R18, 00]** R21,00;
 - (ii) within a distance of 12 kilometres but further than 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R22,00]** R25,00;
 - (iii) within a distance of 20 kilometres but further than 12 kilometres from

the court-house of the district for which the sheriff is appointed: **[R31,00]**
R36, 00;

(iv) where a mandator instructs the sheriff in writing to serve a document referred to in item 1B(a) urgently on the day of receipt of such document or after normal office hours and the sheriff is unsuccessful in his or her attempt to effect service, the costs shall be calculated at double the tariff in item 1B(b)(i), (ii) and (iii) respectively, which additional costs shall be paid by the mandator, save where the court orders otherwise.

(c) (i) Where a document must be served together with a process of the court and is mentioned in such process or an annexure thereto, no additional fees shall be charged for service of the document, otherwise **[R5,00]** R6,00 may be charged for every separate document served.

(ii) No fees shall be charged for a separate document when process in criminal matters are served.

(iii) The service of a notice referred to in rule 54(1) simultaneously with the summons shall not be regarded as a separate service.

2. (a) For the execution of a warrant, interdict or garnishee order, the journey to and from the place of execution of the above-mentioned documents –

(i) within a distance of 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R31,00]** R36, 00;

(ii) within a distance of 12 kilometres but further than 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R35,00]**
R40,00;

(iii) within a distance of 20 kilometres but further than 12 kilometres from the court-house of the district for which the sheriff is appointed: **[R44,00]**
R51,00;

(iv) where a mandator instructs the sheriff in writing to execute a document referred to in item 2(a) urgently on the day of receipt of such document or after normal office hours, the costs shall be calculated at double the tariff in item 2(a)(i), (ii) and (iii) respectively, which additional costs shall be paid by the mandator, save where the court orders otherwise.

(b) For the attempted execution of the documents mentioned in paragraph (a), the journey to and from the place of attempted execution of the above-mentioned documents –

(i) within a distance of 6 kilometres from the court-house of the district for

which the sheriff is appointed: **[R26,00]** R30,00;

(ii) within a distance of 12 kilometres but further than 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R31,00]** R36,00;

(iii) within a distance of 20 kilometres but further than 12 kilometres from the court-house of the district for which the sheriff is appointed: **[R40,00]** R46,00;

(iv) where a mandator instructs the sheriff in writing to execute a document referred to in item 2(a) urgently on the day of receipt of such document or after normal office hours and the sheriff is unsuccessful in his or her attempt to effect execution, the costs shall be calculated at double the tariff in item 2(b)(i), (ii) and (iii) respectively, which costs shall be paid by the mandator, save where the court orders otherwise.

(c) (i) For the ejectment of a defendant from the premises referred to in the warrant of ejectment: **[R18,00]** R21,00 per half hour or part thereof (except extraordinary expenses necessarily incurred).

(ii) A further fee of **[R12,00]** R14,00 shall be paid after execution for every person over and above the person named or referred to in the process of ejectment, in fact ejected from separate premises: Provided that where service on any person other than the judgment debtor, respondent or garnishee is necessary in order to complete the execution, the fee laid down in item 1B(a) may be charged in respect of each such service.

(d) For the arrest of a defendant *tanquam suspectus de fuga* to found jurisdiction, shall, in addition to the tariff in item 2(a), an amount of **[R18,00]** R21,00 per half hour or part thereof be payable for waiting time during negotiations between the several parties.

3. Compilation of any return in terms of rule 8, in duplicate: **[R9,00]** R10,00.

4. If it is necessary for the sheriff to travel further than 20 kilometres from the court-house of the district for which he or she is appointed, a travelling allowance of **[R2,00]** R3,00 per kilometre for each kilometre or part thereof travelled further than the aforesaid distance to and from the place of service or execution shall be allowed in addition to the fees mentioned in item 1B(a)(iii), 1B(b)(iii), 2(a)(iii) or 2(b)(iii) as the case may be.

5. (a) In respect of the discharge of any official duty other than those mentioned in items 1 and 2, a travelling allowance of **[R2,00]** R3,00 per kilometre for every kilometre, or part thereof, shall be payable to the sheriff for going and returning, and it shall be calculated from the court-house of the district for which the sheriff is appointed.
- (b) A travelling allowance shall include all the expenses incurred in travelling, including train fares.
- (c) A travelling allowance shall be calculated in respect of each separate service, except that –
- (i) where more services than one can be done on the same journey beyond a radius of 20 kilometres from the court-house, the distance from the radius of 20 kilometres to the first place of service may be taken into account only once, and shall be apportioned equally to the respective services, and the distance from the first place of service to the remaining places of service shall similarly be apportioned equally to the remaining services; and
- (ii) where service of the same process has to be effected on more than one person by a sheriff within the area served by him or her, only one charge for travelling shall be allowed.
- (d) When it is necessary for the sheriff to convey any person under arrest for any distance of more than 20 kilometres, an allowance of **[R2,00]** R3,00 per kilometre in respect of that portion of his or her journey on which he or she was necessarily accompanied by such person shall be allowed.
6. (a) Making an inventory, including the making of all necessary copies and time spent on stock-taking: **[R18,00]** R21,00 per half hour or part thereof.
- (b) For assistance, if necessary, with the making of an inventory, **[R18,00]** R21,00 per half hour or part thereof.
7. The perusing, drawing up and completing of a bail bond, deed of suretyship or indemnity bond: **[R4,40]** R5,00.

8. Charge or custody of property (money excluded):
- (a) (i) For each officer necessarily left in possession, a reasonable inclusive amount not exceeding ~~[R66,00]~~ R76,00 per day.
 - (ii) Travelling allowances, to include board in every case.
 - (b) If livestock is attached, only the necessary expenses of herding and preserving the stock shall be allowed.
 - (c) If the goods are removed and stored, only the cost of removal and storage shall be allowed.
9. (a) 'Possession' shall mean actual physical possession by a person employed and paid by the sheriff, whose sole work for the time being is to remain on the premises where the goods have been attached, and who, in fact, remains in possession for the period for which possession is charged.
- (b) 'Cost of removal' shall mean the amount actually and necessarily disbursed for removal or attempted removal if the goods were removed by a third party or an attempt was made to remove them, if they were removed by the sheriff him-or herself, such amount as would fairly be allowable in the ordinary course of business if the goods were removed by a third party, or an attempt was made to so remove them.
- (c) 'Cost of storage' shall mean the amount actually and necessarily paid for storage if the goods were stored with a third person or, if the sheriff provided the storage, such amount as would fairly be allowable in the ordinary course of business if the goods were stored with a third person.
10. (a) Where a warrant of execution or garnishee order is paid in full, or in part, to the sheriff or moneys attached in execution against movables, 9 per cent of the amounts so paid or attached, with a minimum of ~~[R35,00]~~ R40,00 and a maximum of ~~[R352, 00]~~ R405,00.
- (b) Notice of attachment to defendant and to each person to be notified: ~~[R4,40]~~ R5,00.
11. Where property is released from attachment in terms of rule 41(7)(e), or the warrant of execution is withdrawn or stayed, or the judgment debtor's estate is sequestrated after the attachment, but before the sale, 2,3 per cent of the

- value of the goods attached, subject to a maximum of **[R106,00]** R122,00:
Provided that if a sale subsequently takes place in consequence of the said attachment, the amount so paid shall be deducted from the commission payable under item 12.
12. Where the warrant of execution against movables is completed by sale, 9 per cent for the first R15 000, 00 or part thereof and thereafter 6 per cent, with a maximum of **[R4 700, 00]** R5 405,00.
13. For the insurance of attached property if deemed necessary and on written instructions of the judgment creditor to the sheriff, in addition to the premium to be paid, an all inclusive amount of **[R18, 00]** R21,00.
14. (a) When immovable property has been attached in execution and is not sold, either by reason of the warrant having been withdrawn or stayed or of the sequestration of the estate of the execution debtor, the expenses in connection with the attempted sale and the sum of **[R106,00]** R122,00 shall be payable to the sheriff or the person in fact authorised to act as auctioneer, as the case may be.
- (b) The drawing up of a report of the improvements on the property for the purpose of sale, **[R18,00]** R21,00 per half hour or part thereof.
- (c) Written notice to the purchaser who has failed to comply with the conditions of sale: **[R26,00]** R30,00.
- (d) Consideration of conditions of sale: **[R53,00]** R61,00.
15. When immovable property has been attached in execution and the attachment lapses as referred to in section 66(4) of the Act: **[R31,00]** R36,00.
16. When an execution against immovable property is completed by sale, the following fees shall be allowed to the sheriff on the proceeds of the sale:
- (a) On the sale of immovable property by the sheriff as auctioneer 6 per cent on the first R30 000, 00 of the proceeds of the sale and 3,5 per cent on the balance thereof, subject to a maximum commission of **[R7 000,00]**

- R8 050,00 in total and a minimum of **[R352, 00]** R405,00 (inclusive in all instances of the sheriff's bank charges and other expenses incurred in paying the proceeds into his or her trust account), which commission shall be paid by the purchaser.
- (b) If an auctioneer is employed as provided in rule 43(9), 3 per cent on the first R30 000, 00 of the proceeds of the sale and 2 per cent on the balance thereof, subject to a maximum commission of **[R4 000,00]** R4 600,00 in total and a minimum of **[R352, 00]** R405,00 (inclusive in all instances of the sheriff's bank charges and other expenses incurred in paying the proceeds into his or her trust account), which commission shall be paid by the purchaser.
17. In addition to the fees allowed by items 10 to 15, both inclusive, there shall be allowed –
- (a) the sum actually and reasonably paid by the sheriff or the auctioneer for printing, advertising and giving publicity to any sale or intended sale in execution;
- (b) the sum of **[R13,00]** R15,00 to the sheriff for giving transfer to the purchaser.
18. Where the sheriff is in possession under more than one warrant of execution, he or she may charge fees for only one possession, and such possession shall, as far as possible, be apportioned equally to the several warrants issued during the same period: Provided that each execution creditor shall be jointly and severally liable for such possession to an amount not exceeding what would have been due under his or her execution if it had stood alone.
19. Fees payable on the value of goods attached or on the proceeds of the sale of goods in execution shall not be chargeable on such value or proceeds so far as they are in excess of the amount of the warrant.
20. The fees and expenses of the sheriff in execution of a garnishee order, shall be added to the amount to be recovered under the order, and shall be chargeable against the judgment debtor.

21. If it is necessary for the sheriff to return a document received by him or her for service or execution to the mandator because –
- (a) the address of service which appears on the process does not fall within his or her jurisdiction; or
 - (b) the mandator requested, before an attempted service or execution of the process, that it be returned to him or her, an amount of **[R4,40]** R5,00 shall be payable.
22. For the conveyance of any person arrested by the sheriff or committed to his or her custody from the place of custody to the court on a day subsequent to the day of arrest: **[R18,00]** R21,00 per journey and **[R35,00]** R40,00 per hour or part thereof for attending at court.
23. For the examination of indicated newspapers and the *Gazette* in which the notice of sale has been published as referred to in rule 43(6)(c) and Rule 41(8)(c): **[R4,40]** R5,00.
24. For forwarding a copy of the notice of sale to every execution creditor who has lodged a warrant of execution and to every mortgagee in respect of the immovable property concerned whose address is reasonably ascertainable, for each copy: **[R4,40]** R5,00.
25. (a) For affixing a copy of the notice of sale on the notice board or door of the court-house or other public building referred to in rule 43(6)(e) and rule 41(8)(b): **[R13,00]** R15,00.
- (b) For affixing a copy of the notice of sale on the property due to be sold, the amount in paragraph (a) above and travelling costs referred to in item 5(a).
26. For the drawing up and issuing of an interpleader summons: **[R53,00]** R61,00.
27. In addition to the fees prescribed in this Table, the sheriff shall be entitled to

the amount actually disbursed for postage and telephone calls.

28. For the writing of each necessary letter, excluding formal letters accompanying process or returns: **[R4,40]** R5,00.
29. Each necessary attendance by telephone (in addition to prescribed trunk charges and cellular charges): **[R4,40]** R5,00.
30. Sending and receiving of each necessary facsimile per A4 size page (in addition telephone charges): **[R2, 30]** R3,00.
31. For the perusal of the records of the Registrar of Deeds in terms of rule 43(3) to determine the order of precedence of creditors:
 - (a) If investigated by the sheriff him- or herself: **[R31,00]** R36,00 per case.
 - (b) If the sheriff utilises the services of a third party for the investigation, the actual cost as required by the third party, provided that it is reasonable.
32. For the making of all necessary copies of documents: **[R1,50]** R2,00 per A4 size page.
33. (a) A request to tax an account of a sheriff shall be done within 90 days after the date on which the account of which the fees are disputed, has been rendered.
 - (b) For the drawing up of the bill for taxation and attendance of the taxation by the sheriff: **[R35, 00]** R40,00.
34. Bank charges: Actual costs incurred relating to bank charges and cheque forms.
35. (a) Drafting of notice to the judgment debtor in terms of section 65A(8)(b) of the Act: **[R9,00]** R10, 00.
 - (b) Service of notice referred to in paragraph (a): Tariff as prescribed in item 1B(a).

- (c) Attempted service of notice referred to in paragraph (a): Tariff as prescribed in item 1B(b).
 - (d) The tariff as prescribed in item 4 shall apply to paragraphs (b) and (c).
36. (a) For the arrest or attempted arrest of a judgment debtor in terms of section 65A(6) of the Act:
- (i) The tariff as prescribed in item 2(a) or item 2(b), as the case may be.
 - (ii) The tariff as prescribed in item 4 shall apply to this item.
- (b) For the handing over of the judgment debtor to the South African Police Service, prisoners' friend or clerk of the court or other lawful place of detention:
- (i) The tariff as prescribed in item 2(a).
 - (ii) Travelling costs from place of arrest to place of handing over to the relevant authority referred to in paragraph (b), per kilometre or part thereof: **[R2,00] R3,00.**
 - (iii) Waiting time in regard to handing over the judgment debtor to the relevant authority referred to in paragraph (b): **[R18, 00] R21,00** per half hour or part thereof with a maximum of **[R70, 00] R80,50."**

Commencement

3. These rules shall come into operation on **12 January 2009**.

No. R. 1344

12 Desember 2008

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 vir Justisie en Staatkundige Ontwikkeling, die Reëls in die Bylae gemaak.

BYLAE**ALGEMENE VERDUIDELIKENDE NOTA:**

[] Uitdrukings in vet druk tussen vierkantige hakies dui skrappings uit
bestaande reëls aan

_____ Uitdrukings met 'n volstreep daaronder dui invoegings in bestaande reëls aan

Woordomskrywing

1. In hierdie Bylae 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, R.492 van 27 Maart 1997, R.570 van 18 April 1997, R.790 van 6 Junie 1997, R.797

van 13 Junie 1997, R.784 van 5 Junie 1998, R.910 van 3 Julie 1998, R.1025 van 7 Augustus 1998, R.1126 van 4 September 1998, R.569 van 30 April 1999, R.501 van 19 Mei 2000, R.1087 van 26 Oktober 2001, R.37 van 18 Januarie 2002, R.38 van 18 Januarie 2002, R.1299 van 18 Oktober 2002, R.228 van 20 Februarie 2004, R.295 van 5 Maart 2004, R.880 van 23 Julie 2004 en R. 1294 van 5 Desember 2008.

Wysiging van Deel II van Tabel C van Bylae 2 van die Reëls

2. Deel II van Tabel C van Bylae 2 van die Reëls word hierby soos volg gewysig:

“DEEL II

BALJU'S WAT NIE AMPTENARE VAN DIE STAATSDIENS IS NIE

- 1A. Vir die registrasie van 'n dokument vir betekening of tenuitvoerlegging, by ontvangs daarvan: **[R4,40]** R5,00.
- 1B. (a) Vir die betekening van 'n dagvaarding, getuiedagvaarding, kennisgewing, bevel of ander dokument wat nie 'n dokument is wat in item 2 vermeld word nie, die heenreis na en terugreis van die plek van betekening van die dokumente hierbo bedoel-
- (i) binne 'n afstand van 6 kilometer vanaf die hofgebou van die distrik waarvoor die balju aangestel is: **[R22,00]** R25,00;
 - (i) binne 'n afstand van 12 kilometer maar verder as 6 kilometer vanaf die hofgebou van die distrik waarvoor die balju aangestel is: **[R26,00]** R30,00;
 - (ii) binne 'n afstand van 20 kilometer maar verder as 12 kilometer vanaf die hofgebou van die distrik waarvoor die balju aangestel is: **[R35,00]** R40,00;
 - (v) wanneer 'n opdraggewer skriftelik van die balju vereis om 'n dokument in item 1B (a) bedoel, dringend op dieselfde dag van ontvangs of buite normale kantoorure te beteken, word die koste bereken teen dubbel die tarief in item 1B (a) (i), (ii) en (iii) onderskeidelik, welke addisionele koste deur die opdraggewer betaalbaar is, tensy die hof anders gelas.
- (b) Vir die gepoogde betekening van die dokumente in paragraaf (a) bedoel, die heenreis na en terugreis van die plek van gepoogde betekening van die dokumente hierbo bedoel-
- (i) binne 'n afstand van 6 kilometer vanaf die hofgebou van die distrik waarvoor die balju aangestel is: **[R18,00]** R21,00;
 - (ii) binne 'n afstand van 12 kilometer maar verder as 6 kilometer vanaf die hofgebou van die distrik waarvoor die balju aangestel is: **[R22,00]** R25,00;
 - (iii) binne 'n afstand van 20 kilometer maar verder as 12 kilometer vanaf die hofgebou van die distrik waarvoor die balju aangestel is: **[R31,00]** R36,00;

- (iv) wanneer 'n opdraggewer skriftelik van die balju vereis om 'n dokument in item 1B (a) bedoel, dringend op dieselfde dag van ontvangs of buite normale kantoorure te beteken en die balju onsuksesvol is in sy of haar poging om te beteken, word die koste bereken teen dubbel die tarief in item 1B (b) (i), (ii) en (iii) onderskeidelik, welke addisionele koste deur die opdraggewer betaalbaar is, tensy die hof anders gelas.
- (c) (i) Wanneer 'n dokument saam met 'n prosesstuk beteken moet word en in die prosesstuk genoem word of 'n aanhangsel daarvan is, word geen addisionele gelde gevorder vir betekening van die dokument nie, maar origens mag **[R5,00]** R6,00 gevorder word vir elke afsonderlike dokument wat beteken word.
- (ii) Geen geld word gevorder by die betekening van prosesstukke in strafsake vir 'n aparte dokument nie.
- (iii) Die betekening van 'n kennisgewing in reël 54 (1) genoem, gelyktydig met die dagvaarding, word nie as 'n afsonderlike betekening geag nie.
2. (a) Vir die tenuitvoerlegging van 'n lasbrief, interdik of skuldbeslagbevel, die heenreis na en terugreis van die plek van tenuitvoerlegging van die dokumente hierbo bedoel-
- (i) binne 'n afstand van 6 kilometer vanaf die hofgebou van die distrik waarvoor die balju aangestel is: **[R31,00]** R36,00;
- (ii) binne 'n afstand van 12 kilometer maar verder as 6 kilometer vanaf die hofgebou van die distrik waarvoor die balju aangestel is: **[R35,00]** R40,00;
- (iii) binne 'n afstand van 20 kilometer maar verder as 12 kilometer vanaf die hofgebou van die distrik waarvoor die balju aangestel is: **[R44,00]** R51,00;
- (iv) wanneer 'n opdraggewer skriftelik van die balju vereis om 'n dokument in item 2 (a) bedoel, dringend op dieselfde dag van ontvangs of buite normale kantoorure ten uitvoer te lê, word die koste bereken teen dubbel die tarief in item 2 (a) (i), (ii) en (iii) onderskeidelik, welke addisionele koste deur die opdraggewer betaalbaar is, tensy die hof anders gelas.
- (b) Vir die gepoogde tenuitvoerlegging van die dokumente in paragraaf (a) bedoel, die heenreis na en terugreis van die plek van gepoogde tenuitvoerlegging van die dokumente hierbo bedoel-
- (i) binne 'n afstand van 6 kilometer vanaf die hofgebou van die distrik waarvoor die balju aangestel is: **[R26,00]** R30,00;
- (ii) binne 'n afstand van 12 kilometer maar verder as 6 kilometer vanaf die

- hofgebou van die distrik waarvoor die balju aangestel is: **[R31,00]** R36,00;
- (iii) binne 'n afstand van 20 kilometer maar verder as 12 kilometer vanaf die hofgebou van die distrik waarvoor die balju aangestel is: **[R40,00]** R46,00;
- (iv) wanneer 'n opdraggewer skriftelik van die balju vereis om 'n dokument in item 2 (a) bedoel, dringend op dieselfde dag van ontvangs of buite normale kantoorure ten uitvoer te lê en die balju onsuksesvol is in sy of haar poging om die tenuitvoerlegging te bewerkstellig, word die koste bereken teen dubbel die tarief in item 2 (b) (i), (ii) en (iii) onderskeidelik, welke addisionele koste deur die opdraggewer betaalbaar is, tensy die hof anders gelas.
- (c) (i) Vir uitsetting van 'n verweerder uit die perseel in die lasbrief vir uitsetting vermeld: **[R18,00]** R21,00 per halfuur of gedeelte daarvan (benewens buitengewone uitgawes noodsaaklikerwys aangegaan).
- (ii) 'n Verdere bedrag van **[R12,00]** R14,00 moet na die tenuitvoerlegging betaal word vir elke persoon, bo en behalwe die een wat in die lasbrief vir uitsetting genoem word of bedoel word, wat werklik uit 'n afsonderlike perseel uitgesit is: Met dien verstande dat waar dit nodig is dat betekening aan iemand anders as die vonnisskuldenaar, respondent of beslagskuldenaar geskied ten einde tenuitvoerlegging te voltooi, die tarief in item 1B (a) vir elke sodanige betekening betaalbaar is.
- (d) Vir die arres van 'n verweerder *tanquam suspectus de fuga* om jurisdiksie te vestig, is, benewens die tarief in item 2 (a), 'n verdere bedrag van **[R18,00]** R21,00 per halfuur of gedeelte daarvan betaalbaar vir wagtyd tydens onderhandelinge tussen die onderskeie partye.
3. Vir die opstel van 'n relaas ingevolge reël 8, in tweevoud: **[R9,00]** R10,00.
4. Indien dit vir 'n balju nodig is om verder as 20 kilometer te reis vanaf die hofgebou van die distrik waarvoor hy of sy aangestel is, word, benewens die gelde in item 1B (a) (iii), 1B (b) (iii), 2 (a) (iii) of 2 (b) (iii) vermeld, na gelang van die geval, reisgeld van **[R2,00]** R3,00 per kilometer vir elke kilometer of gedeelte daarvan wat verder as die voormelde afstand na en van die plek van betekening of tenuitvoerlegging gereis word, toegelaat.
5. (a) As enige ander ampspelig as die in items 1 en 2 bedoel, vervul moet word, is

reisgeld van **[R2,00]** R3,00 per kilometer vir elke kilometer of gedeelte daarvan, aan die balju betaalbaar vir die heen- en terugreis, en word dit bereken vanaf die hofgebou van die distrik waarvoor die balju aangestel is.

- (b) Reistoelae omvat alle uitgawes wat in verband met die reis aangegaan is, met inbegrip van treingeld.
 - (c) Reistoelae word bereken met betrekking tot elke afsonderlike betekening, behalwe dat-
 - (i) waar meer as een betekening gedoen kan word op dieselfde rit buite 'n straal van 20 kilometer van die hofgebou af, die afstand van die straal van 20 kilometer na die eerste plek van betekening slegs een maal in berekening gebring kan word en gelykop verdeel word tussen die onderskeie betekenings, en die afstand van die eerste plek van betekening na die ander plekke van betekening word eweneens gelyk verdeel tussen die ander betekenings; en
 - (ii) waar dieselfde prosesstuk aan meer as een persoon deur 'n balju binne die gebied deur hom of haar bedien, beteken moet word, reiskoste slegs een maal in rekening gebring word.
 - (d) Wanneer dit vir die balju nodig is om iemand onder arrest oor enige afstand van meer as 20 kilometer te vervoer, word 'n toelae van **[R2,00]** R3,00 per kilometer ten opsigte van daardie gedeelte van sy of haar reis waarop hy of sy noodsaaklikerwys deur sodanige persoon vergesel is, toegelaat.
6. (a) Vir die opstel van 'n inventaris, insluitende die maak van alle nodige afskrifte en tyd bestee aan voorraadopname: **[R18,00]** R21,00 per halfuur of gedeelte daarvan.
- (b) Vir bystand, waar nodig, by die opstel van 'n inventaris, **[R18,00]** R21,00 per halfuur of gedeelte daarvan.
7. Vir die deurlees, opstel en voltooiing van 'n akte van borgstelling, sekerheidstelling of vrywaring: **[R4,40]** R5,00.
8. Toesig en bewaring van goed (geld uitgesluit):
- (a) (i) Vir elke beampte wat noodsaaklikerwys in besit gelaat is, 'n redelike allesinsluitende bedrag van hoogstens **[R66,00]** R76,00 per dag.

- (ii) Reistoelaes, met inbegrip van losies in elke geval.
 - (b) Indien op lewende hawe beslag gelê word, word slegs die nodige onkoste om die diere op te pas en te onderhou, toegestaan.
 - (c) Indien die goedere verwyder en geberg word, word slegs die verwyderings- en bergingskoste toegestaan.
9. (a) 'Besit' beteken werklike liggaamlike besit deur 'n persoon deur die balju in diens geneem en betaal, wie se enigste werk as dan is om te bly op die perseel waar daar goedere op beslag gelê is, en wat in werklikheid in besit is vir die tydperk waarvoor besit bereken word.
- (b) 'Verwyderingskoste' beteken die bedrag in werklikheid en noodsaaklikerwys vir verwydering of gepoogde verwydering uitbetaal as die goedere deur 'n derde party verwyder is of gepoog is om verwyder te word, of, as die balju die verwydering onderneem het, die bedrag wat billikerwys in die gewone loop van besigheid toegestaan sou kon word as die goedere deur 'n derde party verwyder is of gepoog is om aldus verwyder te word.
- (c) 'Bergingskoste' beteken die bedrag in werklikheid en noodsaaklikerwys vir berging uitbetaal as die goedere by 'n derde persoon geberg is, of, as die balju die bergplek verskaf het, die bedrag wat billikerwys in die gewone loop van besigheid toegestaan sou kon word as die goedere by 'n derde persoon geberg is.
10. (a) Indien 'n lasbrief vir eksekusie of 'n skuldbeslagorder ten volle of gedeeltelik aan die balju betaal word, of indien daar in tenuitvoerlegging teen roerende goed op geld beslag gelê word, 9 persent van die bedrag wat aldus betaal word of waarop beslag gelê word, met 'n minimum van **[R35,00]** R40,00 en 'n maksimum van **[R352,00]** R405,00.
- (b) Kennisgewing van beslaglegging aan verweerder en aan elke persoon wat kennis moet kry: **[R4,40]** R5,00.
11. Indien goed ingevolge reël 41 (7) (e) van beslaglegging vrygestel word, of die lasbrief vir eksekusie teruggetrek of opgeskort word, of die vonnisskuldenaar se boedel gesekwestreer word na beslagleggings, maar voor verkoop, 2,3 persent van die waarde van die goed waarop beslag gelê

is, behoudens 'n maksimum van **[R106,00]** R122,00: Met dien verstande dat indien 'n verkoping daarna ingevolge genoemde beslaglegging plaasvind, die bedrag aldus betaal, afgetrek word van die kommissie kragtens item 12 betaalbaar.

12. Waar die lasbrief vir eksekusie teen roerende goed uitgevoer word deur verkoping, 9 persent vir die eerste R15 000,00 of deel daarvan en daarna 6 persent, met 'n maksimum van **[R4 700,00]** R5 405,00.
13. Vir die versekering van inbeslaggenome goed wanneer dit nodig geag word en in skriftelike opdrag van die vonnisskuldenaar aan die balju, benewens die premie wat betaal word, 'n allesinsluitende bedrag van **[R18,00]** R21,00.
14. (a) Wanneer op onroerende goed in tenuitvoerlegging beslag gelê is en dié onroerende goed nie verkoop word nie òf omrede die lasbrief òf opgeskort òf gestuit is òf omrede die boedel van die eksekusieskuldenaar gesekwestreer is, is die uitgawes in verband met die poging om te verkoop en die bedrag van **[R106,00]** R122,00 aan die balju of die persoon wat inderdaad gemagtig was om as afslaer op te tree, na gelang van die geval, betaalbaar.
(b) Vir die opstel van 'n verslag van die verbeterings op die eiendom vir die doel van 'n verkoping, **[R18,00]** R21,00 per halfuur of gedeelte daarvan.
(c) Vir 'n skriftelike kennisgewing aan die koper wat versuim het om aan die verkoopvoorwaardes te voldoen: **[R26,00]** R30,00.
(d) Oorweging van verkoopvoorwaardes: **[R53,00]** R61,00.
15. Wanneer op onroerende goed in tenuitvoerlegging beslag gelê is en die inbeslagneming verval soos bedoel in artikel 66 (4) van die Wet: **[R31,00]** R36,00.
16. Wanneer tenuitvoerlegging teen onroerende goed deur verkoping voltooi is, word die volgende afslaersgelde op die opbrengs van die verkoping aan die balju toegestaan:
(a) By die verkoop van onroerende goed deur die balju as afslaer, 6 persent op

die eerste R30 000,00 van die opbrengs van die verkoping en 3,5 persent op die balans daarvan, onderhewig aan 'n maksimum kommissie van **[R7 000,00]** R8 050,00 in totaal en 'n minimum van **[R352,00]** R405,00 (insluitende in alle gevalle die balju se bankkoste en ander uitgawes aangegaan om die opbrengs in sy of haar trustrekening in te betaal), welke kommissie deur die koper betaalbaar is.

- (b) Indien 'n afslaer in diens geneem is soos in reël 43 (9) bepaal, 3 persent op die eerste R30 000,00 van die opbrengs van die verkoping en 2 persent op die balans daarvan, onderhewig aan 'n maksimum kommissie van **[R4 000,00]** R4 600,00 in totaal en 'n minimum van **[R352,00]** R405,00 (insluitende in alle gevalle die balju se bankkoste en ander uitgawes aangegaan om die opbrengs in sy of haar trustrekening in te betaal) welke kommissie deur die koper betaalbaar is.

17. Benewens die gelde in items 10 tot en met 15 toegestaan, word-

- (a) die bedrag in werklikheid en redelikerwys deur die balju of die afslaer betaal vir drukwerk, advertensie en bekendmaking van 'n verkoping of voorgenome verkoping in tenuitvoerlegging, toegestaan;
- (b) die bedrag van **[R13,00]** R15,00 aan die balju betaal, vir die gee van transport aan die koper.

18. Waar die balju in besit is uit hoofde van meer as een lasbrief vir eksekusie, kan hy of sy slegs vir een besit gelde vra en sodanige besit moet, sover doenlik, gelykop tussen die verskillende lasbriewe wat gedurende dieselfde tydperk uitgereik is, verdeel word: Met dien verstande dat eike eksekusieskuldeiser gesamentlik en afsonderlik aanspreeklik is vir sodanige besit tot hoogstens 'n bedrag wat verskuldig sou gewees het ingevolge sy of haar tenuitvoerlegging as dit die enigste was.

19. Gelde wat betaalbaar is op die waarde van die goedere waarop beslag gelê is of op die opbrengs van die verkoping van goed in tenuitvoerlegging, word nie bereken op sodanige waarde of opbrengs vir sover dit die bedrag van die lasbrief te bowe gaan nie.

20. Die balju se gelde en uitgawes in tenuitvoerlegging van 'n skuldbeslagorder word by die bedrag gevoeg wat kragtens die order verhaal moet word, en kan teen die vonnisskuldenaar in berekening gebring word.
21. Indien dit vir die balju nodig is om 'n dokument wat hy of sy vir betekening of tenuitvoerlegging ontvang, aan sy of haar opdraggewer terug te stuur omrede-
- (a) die adres van betekening wat op die prosesstuk verskyn, nie binne sy of haar jurisdiksie ressorteer nie; of
 - (b) die opdraggewer, voor die gepoogde betekening of tenuitvoerlegging van die prosesstuk, versoek dat dit aan hom of haar teruggestuur word, is 'n bedrag van **[R4,40]** R5,00 betaalbaar.
22. Vir die vervoer van 'n persoon wat deur die balju in hegtenis geneem is of wat in sy of haar bewaring gestel is, vanaf die plek van aanhouding na die hof op 'n dag ná die dag van arres: **[R18,00]** R21,00 per rit en **[R35,00]** R40,00 per uur of gedeelte daarvan vir bywoning van die hof.
23. Vir nagaan van aangeduide koerante en die *Staatskoerant* waarin die kennisgewing van verkoping gepubliseer is soos in reël 43 (6) (c) en reël 41 (8) (c) bedoel: **[R4,40]** R5,00
24. Vir die stuur van 'n afskrif van die kennisgewing van verkoping aan elke eksekusieskuldeiser wat 'n lasbrief vir eksekusie ingedien het, en aan elke verbandhouer, ten opsigte van die betrokke onroerende goed, wie se adres redelikerwys vasgestel kan word, vir elke afskrif: **[R4,40]** R5,00.
25. (a) Vir die aanbring van 'n afskrif van die kennisgewing van verkoping op die kennisgewingbord of die deur van die hofgebou of 'n ander openbare gebou bedoel in reël 43 (6) (e) en reël 41 (8) (b): **[R13,00]** R15,00.
- (b) Vir die aanbring van 'n eksemplaar van die kennisgewing van verkoping op die eiendom wat verkoop staan te word, die bedrag soos in paragraaf (a) hierbo en reiskoste soos in item 5 (a) vermeld.

26. Vir die opstel en uitreiking van 'n tussenpleitdagvaarding: **[R53,00]** R61,00.
27. Benewens die gelde voorgeskryf in hierdie Tabel, is die balju geregtig op die bedrag in werklikheid aan posgeld en telefoonproepe uitbetaal.
28. Vir die skryf van elke noodsaaklike brief, behalwe formele briewe wat prosesstukke of relase vergesel: **[R4,40]** R5,00.
29. Vir elke noodsaaklike telefoonoproep (benewens voorgeskrewe hooflyngelde en sellulêre gelde): **[R4,40]** R5,00.
30. Vir die stuur en ontvangs van elke noodsaaklike faksimilee per A4-grootte bladsy, benewens telefoonkoste: **[R2,30]** R3,00.
31. Vir die nagaan van die rekords van die Registrateur van Aktes ingevolge reël 43 (3), om die voorrangorde van skuldeisers te bepaal:
 - (a) Indien die balju self die ondersoek onderneem: **[R31,00]** R36,00 per saak.
 - (b) Indien die balju die dienste van 'n derde party gebruik om die ondersoek te doen, die werklike koste soos deur die derde party gevra, mits dit redelik is.
32. Vir die maak van alle noodsaaklike afskrifte van dokumente: **[R1,50]** R2,00 per A4-grootte bladsy.
33. (a) 'n Versoek om 'n rekening van 'n balju te takseer word gedoen binne 90 dae na die datum waarop die rekening waarvan die gelde betwis word, gelewer is.
 - (b) Vir die opstel van rekening vir taksasie en bywoning van die taksasie deur die balju: **[R35,00]** R40,00.
34. Bankkoste: Werklike koste aangegaan met betrekking tot bankkoste en tjekvorms.
35. (a) Opstel van kennisgewing aan die vonnisiskuldenaar ingevolge artikel

65A(8)(b) van die Wet: **[R9,00]** R10,00.

- (b) Betekening van kennisgewing bedoel in paragraaf (a): Tarief soos in item 1B(a) voorgeskryf.
 - (c) Gepoogde betekening van kennisgewing bedoel in paragraaf (a): Tarief soos in item 1B(b) voorgeskryf.
 - (d) Die tarief in item 4 voorgeskryf is op paragrawe (b) en (c) van toepassing.
36. (a) Vir die arres of gepoogde arres van 'n vonnisskuldenaar ingevolge artikel 65A(6) van die Wet:
- (i) Die tarief voorgeskryf in item 2 (a) of item 2 (b), na gelang van die geval.
 - (ii) Die tarief in item 4 voorgeskryf is op hierdie item van toepassing.
- (b) Vir die oorhandiging van die vonnisskuldenaar aan die Suid-Afrikaanse Polisie diens, prisoniersvriend of klerk van die hof of ander regmatige plek van aanhouding:
- (i) Die tarief soos in item 2 (a) voorgeskryf.
 - (ii) Reiskoste van plek van arres na plek van oorhandiging aan betrokke gesag bedoel in paragraaf (b), per kilometer of gedeelte daarvan: **[R2,00]** R3,00.
 - (iii) Wagtyd met betrekking tot die oorhandiging van die vonnisskuldenaar aan die betrokke gesag bedoel in paragraaf (b): **[R18,00]** R21,00 per halfuur of gedeelte daarvan, met 'n maksimum van **[R70,00]** R80,50.

Inwerkingtreding

4. Hierdie reëls tree op **12 Januarie 2009** in werking.

No. R. 1345

12 December 2008

**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 for Justice and Constitutional Development, made the rules in the Schedule.

SCHEDULE

GENERAL EXPLANATORY NOTE:

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

_____ Expressions underlined with a solid line indicate insertions into existing rules.

Definition

1. In this Schedule "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. 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, R. 849 of 25 August 2000, R. 373 of 30 April 2001, R. 1088 of 26 October 2001, R. 1755 of 5 December 2003 and R. 229 of 20 February 2004.

"Amendment of Rule 68 of the Rules

2. **Rule 68 of the Rules is hereby amended by the substitution for the Tariff of the following tariff:**

"Tariff

	R c	R c
1. For registration of any document for service or execution, upon receipt thereof	[4,40]	<u>5,00</u>
2. (a) For service of summonses, petitions together with notice of motion or notice to set down, other notices, orders or any other documents, each	[35,00]	<u>40,00</u>
Provided that –		
(i) whenever any document to be served with any such process is mentioned in the process or forms an annexure thereto, no additional fee shall be charged for the service of such document, but otherwise a fee of [R5, 00] <u>6,00</u> may be charged in respect of each separate document served;		
(ii) no fee for the service of a separate document shall be charged in respect of the service of process in criminal cases.		
(b) Attempted service of summonses, petitions together with notice of motion or notice of set down, other notices, orders and any other documents	[26,00]	<u>30,00</u>
Provided that an attempted service of more than one document on the same person shall be treated as an attempted service of one document only.		
3. Travelling allowance:		
(a) For the distance actually and necessarily travelled by the sheriff or his or her officer, reckoned from the office of the sheriff, both on the forward and the return journey, per kilometre or fraction of a kilometre	[2,00]	<u>3,00</u>
(b) When two or more summonses or other process, whether at the instance of the same party or of different parties, are capable of being served on one		

and the same journey, the travelling allowance for performing the round of service shall be fairly and equitably apportioned among the several cases, regard being had to the distance at which the parties against whom such process is directed respectively reside from the office of the sheriff, but the fee for service shall be payable for each service made or attempted to be made.

- (c) This allowance shall be payable only in cases where the duty in question is to be performed beyond a radius of one kilometre from the office of the sheriff: Provided that if the office of the sheriff is situated more than three kilometres from the office of the magistrate of his or her district the allowance shall be payable only where such duty is to be performed beyond a distance of one kilometre from the magistrate's office.
- (d) The restriction imposed by the proviso in paragraph 3(c) above may be relaxed by the Minister for Justice and Constitutional Development, in his or her discretion, where circumstances warrant this.

4. (a) Postage in civil matters, as per postal tariff.
(b) Postage in criminal matters, free.

NOTE: The sheriff may take any postal matter to the registrar of the High Court, or if there is no registrar in his or her town or city, to the magistrate, who shall frank the envelope with his or her official franking stamp.

5. For the execution of any writ-

- | | | |
|--|----------|--------------|
| (a) (i) of personal arrest, including the conveyance of the person concerned to court, to an attorney's office or to a prison, per person | [44,00] | <u>51,00</u> |
| (ii) for conveying the person concerned to court from a place of custody on a day subsequent to the day of arrest and attending at court, per hour or part thereof | [53, 00] | <u>61,00</u> |
| (iii) for attachment of property <i>ad fundandam jurisdictionem</i> or <i>ad confirmandam jurisdictionem</i> | [44,00] | <u>51,00</u> |
| (iv) where an attachment in terms of item 5 (a) (iii) is withdrawn or suspended | [13,00] | <u>15,00</u> |
| (b) of ejectment: [R53,00] <u>R61,00</u> per hour or part thereof, subject to a minimum of | [79,00] | <u>91,00</u> |
| which shall include the first hour (in addition to reasonable expenses necessarily incurred); | | |

(c) against immovable property-		
(i) for execution, including service of notice of attachment upon the owner of the immovable property and upon the registrar of deeds or other officer charged with the registration of such property, and if the property is in occupation of some person other than the owner, also upon such occupier	[106,00]	<u>122,00</u>
ii) for notice of attachment to a single lessee or occupier	[9,00]	<u>10,00</u>
(identical notices where there are several lessees, occupiers or owners, for each after the first	[2,20]	<u>3,00</u>
(iii) for making valuation report for purposes of sale per hour or part thereof	[53,00]	<u>61,00</u>
(iv) when a sheriff has been authorized to sell property and the property is not sold by reason of the fact that the attachment is withdrawn or stayed, irrespective of the amount of the writ, all the necessary notice for the withdrawal of the attachment	[106, 00]	<u>122,00</u>
(v) for ascertaining and recording what bonds or other encumbrances are registered against the property, together with the names and addresses of the persons in whose favour such bonds and encumbrances are so registered, including any correspondence in connection therewith (in addition to reasonable expenses necessarily incurred)	[53, 00]	<u>61,00</u>
(vi) for notifying the execution creditor of such bonds or other encumbrances and of the names and addresses of the persons in whose favour such bonds or other encumbrance are registered	[9,00]	<u>10,00</u>
(vii) for consideration of proof that a preferent creditor has complied with the requirements of rule 46(5)(a)	[4,40]	<u>5,00</u>
(viii) for the notice referred to in rule 46(6).....	[9,00]	<u>10,00</u>
(ix) for consideration of notice of sale prepared by the execution creditor in consultation with the sheriff; and		
(x) for verifying that notice of sale has been published in the newspapers indicated and in the Gazette; and		
(xi) for forwarding a copy of the notice of sale to every judgment creditor who had caused the immovable property to be attached and to every mortgagee thereof whose address is known, for each copy, inclusive fee for (ix), (x) and (xi)	[53, 00]	<u>61,00</u>
(xii) for affixing a copy of the notice of sale to the notice board of the magistrate's court referred to		

in rule 46(7)(e) and at or as near as may be to the place where the sale is actually to take place, an inclusive fee of	[18, 00]	<u>21,00</u>
(xiii) for considering the conditions of sale.....	[44,00]	<u>51,00</u>
(xiv) on the sale of immovable property by the sheriff as auctioneer, 6 per cent on the first R 30 000,00 of the proceeds of the sale and 3,5 per cent on the balance thereof, subject to a maximum commission of [R7 000,00] R8 050,00 in total and a minimum of [R352,00] R405,00 (inclusive in all instances of the sheriff's bank charges and other expenses incurred in paying the proceeds into his or her trust account), which commission shall be paid by the purchaser;		
(xv) for any report referred to in rule 46(11)	[26,00]	<u>30,00</u>
(xvi) for giving transfer to the purchaser	[13,00]	<u>15,00</u>
(xvii) for preparing a plan of distribution of the proceeds (including the necessary copies) and for forwarding a copy to the registrar	[53, 00]	<u>61,00</u>
(xviii) for giving notice to all parties who have lodged writs and to the execution debtor that the plan of distribution will lie for inspection, for every notice	[9,00]	<u>10,00</u>
(xix) for request to magistrate to pay out in accordance with the plan of distribution	[4,40]	<u>5,00</u>
(d) against movable property –		
(i) when a writ is paid on presentation, 9 per cent on the amount so paid, with a minimum fee of [R35,00] R40,00 and a maximum of	[352, 00]	<u>405,00</u>
(ii) for any abortive attempt at attachment, including one hour's search and enquiry	[35, 00]	<u>40,00</u>
(iii) when a writ is withdrawn or stayed before any property is attached	[13,00]	<u>15,00</u>
(iv) for making an attachment, including one hour's search and enquiry	[88, 00]	<u>101, 00</u>
(v) notice of attachment, if necessary, to a single person	[9,00]	<u>10,00</u>
(identical notices, when there is more than one person to be given notice, for each after the first)	[4,40]	<u>5,00</u>
(vi) when an attachment is withdrawn by a judgment creditor or stayed before sale, 3 per cent on the value of the property attached or the amount of the writ, whichever is the lesser, but subject to a maximum of	[264, 00]	<u>304,00</u>
(vii) when a writ is paid by the debtor to the sheriff after attachment but before sale, 9 percent on the amount so paid, with a minimum fee of [R35, 00] R40,00 and a maximum of	[352, 00]	<u>405,00</u>
(viii) when moneys are taken in execution, 9 percent of the amount so taken, but subject to a maximum of	[352, 00]	<u>405,00</u>

	(ix) for drawing up advertisements of sale of goods attached	[35, 00]	<u>40,00</u>
	(x) for selling in execution (whether auctioneer employed or not), including distribution of the proceeds, on the first R15 000 or part thereof, 9 per cent, and thereafter, 6 per cent, with a maximum of	[4 700, 00]	<u>5 405,00</u>
	(xi) the sheriff him- or herself shall sell movable property in execution, but he or she shall engage the services of an auctioneer if directed thereto in writing by the judgment creditor, provided the judgment creditor bears the additional commission, if any;		
	(xii) commission shall not be chargeable against a judgment debtor on the value of movable property attached and subsequently claimed by a person other than the judgment debtor and released in consequence of such claim, unless such property has been attached at the express direction of the judgment creditor, in writing, in which event the judgment creditor shall be liable to the sheriff for the commission;		
	(xiii) for insuring movable property attached when it is considered necessary and when the sheriff is directed thereto in writing by the judgment creditor, in addition to the amount of premium paid, an inclusive fee of	[18, 00]	<u>21,00</u>
(e)	for keeping possession of property (money excluded)-		
	(i) for each officer necessarily left in possession, a reasonable inclusive fee per officer per day not exceeding	[66,00]	<u>76,00</u>
	NOTE: 'Possession' means the continuous and necessary presence on the premises for the period in respect of which possession is reckoned, of a person employed and paid by the sheriff for the sole purpose of retaining possession.		
	(ii) for removal and storage, the reasonable and necessary expenses for such removal and storage, and if an animal is to be stabled or fed, the reasonable charges for such stabling and feeding;		
	(iii) for tending livestock, the necessary expenses for tending such stock;		
	(iv) when no officer is left in possession and no security bond is taken, but movable property attached remains under the supervision of the sheriff, per day	[0, 90]	<u>1,00</u>
6.	(a) For making an inventory, including all necessary copies and time spent in stocktaking, per hour or part thereof	[66,00]	<u>76,00</u>

	(b) For assistance, where necessary, in taking inventory, a reasonable and inclusive fee per day, not exceeding	[66,00]	<u>76,00</u>
7.	(a) For making return of service or execution, including drawing up and typing of original for court, limited to one person upon each original process; and (b) copy thereof for party desiring service or execution ..	[18, 00]	<u>21,00</u>
8.	Drawing and completing of bail bond, deed of suretyship or indemnity bond	[13,00]	<u>15,00</u>
9.	For the making of all necessary copies of documents per A4 size page.	[1, 50]	<u>2,00</u>
10.	Taking statement from accused, who is not represented and who desires witnesses to be subpoenaed at the expense of the State, as to his or her means, the names and addresses of the witnesses and what they can say in his or her defence, in order to enable the registrar or the clerk of the court on circuit to decide whether the witnesses should be subpoenaed	[13,00]	<u>15,00</u>
	NOTE: This information is to be obtained at the time of serving the notice of trial and indictment and conveyed to the registrar or clerk of the court in the same letter under cover of which the documents are returned.		
11.	Attending any criminal session of a superior court or any circuit court, [R53, 00] <u>R61,00</u> per hour or part thereof, with a maximum per day of	[264, 00]	<u>304,00</u>
12.	Each necessary letter, excluding formal letters accompanying process or returns	[9,00]	<u>10,00</u>
13.	Each necessary attendance by telephone (in addition to prescribed trunk charges)	[4,40]	<u>5,00</u>
14.	Sending and receiving of each necessary facsimile per A4 size page (in addition to telephone charges)	[2,30]	<u>3,00</u>
15.	Bank charges: Actual costs incurred regarding bank charges and cheque forms."		

Commencement

3. These rules shall come into operation on **12 January 2009**.

No. R. 1345

12 Desember 2008

**WYSIGING VAN DIE REËLS WAARBY DIE VERRIGTINGE VAN DIE
VERSKILLENDE 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 vir Justisie en Staatkundige Ontwikkeling, die reëls in die Bylae gemaak.

BYLAE

ALGEMENE VERDUIDELIKENDE NOTA:

[] Uitdrukings in vetdruk tussen vierkantige hake dui skappings uit bestaande reëls aan.

_____ Uitdrukings met 'n volstreep daaronder dui invoegings in bestaande reëls aan.

Woordomskrywing

1. In hierdie Bylae beteken “die Reëls” die reëls waarby die verrigtinge van die verskillende provinsiale and plaaslike afdelings van die Hoë Hof van Suid-Afrika gereël word, afgekondig by Goewermentskennisgewing No. R. 48 van 12 Januarie 1965, soos gewysig deur 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, R. 849 van 25 Augustus 2000, R. 373 van 30 April 2001, R. 1088 van 26 Oktober 2001, R. 1755 van 5 Desember 2003 en R. 229 van 20 Februarie 2004.

Wysiging van reël 68 van die Reëls

2. Reël 68 van die Reëls word hierby gewysig deur die Tarief deur die volgende Tarief te vervang:

"Tarief

	R c	R c
1. Registrasie van 'n dokument vir betekening of tenuitvoerlegging, by ontvangs daarvan.....	[4,40]	<u>5,00</u>
2. (a) Betekening van dagvaardings, petisies tesame met kennisgewing van mosie of van terrolleplasing, ander kennisgewings, bevele of enige ander dokumente, elk.....	[35, 00]	<u>40,00</u>
Met dien verstande dat -		
(i) wanneer 'n dokument saam met 'n prosesstuk beteken moet word en in die prosesstuk genoem word of 'n aanhangsel daarvan is, geen addisionele gelde gevorder mag word vir betekening van die dokument nie. Origens mag [R5, 00] R6, 00 gevorder word vir elke afsonderlike dokument wat beteken word;		
(ii) geen geld vir 'n aparte dokument gevorder word vir die betekening van prosesstukke in strafsake nie.		
(b) Gepoogde betekening van dagvaardings, petisies tesame met kennisgewing van mosie of van terrolleplasing, ander kennisgewings, bevele en enige ander dokumente.....	[26,00]	<u>30,00</u>
Met dien verstande dat 'n gepoogde betekening van meer as een dokument aan dieselfde persoon beskou word as 'n gepoogde betekening van slegs een dokument.		
3. Reistoelae:		
(a) Vir die afstand werklik en noodsaaklikerwys deur die balju of sy of haar verteenwoordiger afgelê, bereken van die kantoor van die balju af vir die heen-en terugreis, per kilometer of deel van 'n kilometer.....	[2, 00]	<u>3,00</u>

- (b) Wanneer twee of meer dagvaardings of ander prosesstukke, in opdrag van dieselfde party of van verskillende partye, met een en dieselfde reis beteken kan word, moet die reistoelae redelik en billik verdeel word tussen die verskillende sake met inagneming van die afstand wat die onderskeie partye aan wie die prosesstukke gerig is van die kantoor van die balju af woon, maar die gelde is betaalbaar vir elke betekening of gepoogde betekening.
- (c) Hierdie toelae is alleen betaalbaar in gevalle waar die betrokke diens meer as een kilometer van die kantoor van die balju af verrig moet word: Met dien verstande dat as die kantoor van die balju meer as drie kilometer van die landdroskantoor van sy of haar distrik is, die toelae betaalbaar is slegs wanneer sodanige diens meer as een kilometer van die landdroskantoor verrig moet word.
- (d) Die beperking opgelê deur die voorbehoud by paragraaf 3(c) hierbo, kan deur die Minister vir Justisie en Staatkundige Ontwikkeling na goeiddunke verslap word waar omstandighede dit regverdig.
4. (a) Posgeld in siviele sake, volgens die postarief.
(b) Posgeld in strafsake, posvry.
LET WEL: Die balju kan enige posstuk na die griffier van die Hoë Hof neem of, as daar geen griffier in sy of haar dorp of stad is nie, na die landdros, wat die koevert met sy of haar amptelike frankeerstempel moet merk.
5. Tenuitvoerlegging van enige lasbrief -
- | | | |
|--|----------|--------------|
| (a) (i) vir die arres van 'n persoon, insluitende sy of haar vervoer na die hof, na 'n prokureur se kantoor of na die gevangenis, per persoon... | [44, 00] | <u>51,00</u> |
| (ii) vir vervoer van die betrokke persoon na die hof van die plek van aanhouding op 'n dag na die dag van arres, en bywoning van die hof per uur of gedeelte daarvan..... | [53, 00] | <u>61,00</u> |
| (iii) vir beslaglegging op goed <i>ad fundandam jurisdictionem</i> of <i>ad confirmandam jurisdictionem</i> | [44, 00] | <u>51,00</u> |
| (iv) waar 'n beslaglegging ingevolge item 5(a)(iii) teruggetrek of opgeskort word..... | [13, 00] | <u>15,00</u> |
| (b) vir uitsetting, [R53,00] <u>R61,00</u> per uur of gedeelte daarvan, met 'n minimum van..... wat die eerste uur insluit(benewens redelike uitgawes noodsaaklikerwys aangegaan); | [79, 00] | <u>91,00</u> |
| (c) teen onroerende goed - | | |
| (i) vir tenuitvoerlegging, insluitende betekening van kennisgewing van beslaglegging aan die eienaar van die onroerende goed en die registrateur van aktes of ander beaampte belas met registrasie van sodanige goed, en as die onroerende goed deur iemand anders as die eienaar geokkupeer word, ook aan | | |

	die okkupant.....	[106, 00]	<u>122,00</u>
(ii)	vir kennisgewing van beslaglegging aan 'n enkele huurder of okkupant.....	[9, 00]	<u>10,00</u>
	(identiese kennisgewings waar daar meer as een huurder, okkupant of eienaar is, vir elkeen na die eerste.....	[2, 20]	<u>3,00</u>
(iii)	vir waardasie [of] verslag vir die doel van 'n verkoping, per uur of gedeelte daarvan.....	[53, 00]	<u>61,00</u>
(iv)	waar 'n balju gemagtig is om goed te verkoop en die goed nie verkoop word nie omdat die beslaglegging teruggetrek, opgeskort, gestaak of gestuit word, afgesien van die bedrag van die lasbrief, en al die nodige kennisgewing van terugtrekking van die beslaglegging.....	[106,00]	<u>122,00</u>
(v)	vir die vasstelling en aantekening van watter verband of ander beswarings teen die eiendom geregistreer is, asook die name en adresse van die persone in wie se guns dit geregistreer is, insluitende enige briefwisseling in verband daarmee (benewens redelike uitgawes noodsaaklikerwys aangegaan).....	[53, 00]	<u>61,00</u>
(vi)	om die vonnisskuldeiser in kennis te stel van sodanige verbande of beswarings en van die name en adresse van die persone in wie se guns dit geregistreer is.....	[9, 00]	<u>10,00</u>
(vii)	vir oorweging van bewys dat preferente skuldeiser aan die vereistes van reël 46(5)(a) voldoen het.....	[4, 40]	<u>5,00</u>
(viii)	vir die kennisgewing in reël 46(6) bedoel...	[9, 00]	<u>10,00</u>
(ix)	vir oorweging van kennisgewing van verkoping wat deur vonnisskuldeiser in oorleg met balju opgestel word; en		
(x)	vir die nagaan van aangeduide koerante en die <i>Staatskoerant</i> om seker te maak dat kennisgewing van verkoping geplaas is; en		
(xi)	vir die stuur van 'n eksemplaar van die kennisgewing van verkoping aan elke vonnisskuldeiser wat op die onroerende goed beslag laat lê het en aan elke verbandhouer wie se adres bekend is, vir elke eksemplaar, insluitende geld van (ix), (x) en (xi).....	[53, 00]	<u>61,00</u>
(xii)	vir die aanbring van 'n eksemplaar van die kennisgewing van verkoping op die kennisgewingbord van die landdroshof bedoel in reël 46(7)(e) en op of so na moontlik aan die plek waar die verkoping sal plaasvind, 'n allesinsluitende bedrag van.....	[18, 00]	<u>21,00</u>
(xiii)	vir oorweging van die verkoopvoorwaardes.	[44, 00]	<u>51,00</u>
(xiv)	by die verkoop van onroerende goed deur die balju as afslaer, 6 persent op die eerste R30 000, 00 van die opbrengs van die		

	verkoop en 3,5 persent op die balans daarvan, onderhewig aan 'n maksimum kommissie van [R7 000, 00] R8 050,00 in totaal en 'n minimum van [R352,00] R405,00, (insluitende in alle gevalle die baljuse bankkoste en ander uitgawes aangegaan om die opbrengs in sy of haar trustrekening in te betaal), welke kommissie deur die koper betaalbaar is;		
(xv)	vir 'n verslag in reël 46(11) bedoel.....	[26, 00]	<u>30,00</u>
(xvi)	vir die gee van transport aan die koper.....	[13, 00]	<u>15, 00</u>
(xvii)	vir die opstel van 'n distribusieplan van die opbrengs (insluitende die nodige afskrifte) en afsending van 'n afskrif aan die griffier...	[53, 00]	<u>61,00</u>
(xviii)	vir kennisgewing aan alle partye wat lasbriewe ingedien het en aan die vonnisskuldenaar dat distribusieplan ter insae sal lê, vir elke kennisgewing.....	[9, 00]	<u>10, 00</u>
(xix)	vir versoek aan landdros om ooreenkomstig distribusieplan uit te betaal.....	[4, 40]	<u>5,00</u>
(d)	teen roerende goed -		
(i)	wanneer 'n lasbrief by aanbidding betaal word, 9 persent van die bedrag aldus betaal, met 'n minimum van [R35, 00] R40, 00 en 'n maksimum van.....	[352, 00]	<u>405, 00</u>
(ii)	vir 'n onsuksesvolle poging om beslag te lê, insluitende opsporing vir een uur en navraag.....	[35, 00]	<u>40,00</u>
(iii)	waar 'n lasbrief teruggetrek, opgeskort, gestaak of gestuit word voordat daar op enige goed beslag gelê is.....	[13, 00]	<u>15, 00</u>
(iv)	vir 'n beslaglegging, insluitende opsporing vir een uur en navraag.....	[88, 00]	<u>101, 00</u>
(v)	kennisgewing van beslaglegging, indien nodig, aan een persoon.....	[9, 00]	<u>10, 00</u>
	(identiese kennisgewing waar daar meer as een persoon is wat kennis moet kry, vir elkeen na die eerste).....	[4, 40]	<u>5,00</u>
(vi)	waar beslaglegging deur die vonnisskuldeiser teruggetrek word of opgeskort, gestaak of gestuit word voor die verkoping, 3 persent van die waarde van die inbeslaggenome goed of die bedrag van die lasbrief, watter ook al die minste is, maar met 'n maksimum van	[264, 00]	<u>304, 00</u>
(vii)	waar die lasbrief aan die balju betaal word deur die skuldenaar na beslaglegging maar vóór verkoping, 9 persent van die bedrag betaal, met 'n minimum geld van [R35, 00] R40,00 en 'n maksimum van ...	[352, 00]	<u>405, 00</u>
(viii)	waar beslag op geld gelê word, 9 persent van die betrokke bedrag, maar met 'n maksimum van	[352, 00]	<u>405, 00</u>

	(ix)	vir opstel van advertensie van verkoping van inbeslaggenome goed.....	[35, 00]	<u>40,00</u>
	(x)	vir verkoping vir uitwinning (met of sonder afslaer), insluitende verdeling van die opbrengs, vir die eerste R15 000, 00 of deel daarvan 9 persent, en daarna 6 persent, met 'n maksimum van.....	[4 700, 00]	<u>5 405,00</u>
	(xi)	die balju moet roerende goed self uitwin maar 'n afslaer aanstel indien skriftelik daartoe deur die vonnisskuldeiser versoek, en mits die vonnisskuldeiser die addisionele kommissie, as daar is, betaal;		
	(xii)	kommissie is nie op 'n vonnisskuldenaar verhaalbaar op die waarde van inbeslaggenome roerende goed wat daarna deur 'n derde opgeëis en gevolglik vrygegee is nie, tensy die goed in beslag geneem is op die uitdruklike skriftelike versoek van die vonnisskuldeiser, in welke geval die vonnisskuldeiser teenoor die balju aanspreeklik is vir die kommissie;		
	(xiii)	vir die versekering van inbeslaggenome roerende goed wanneer dit nodig geag word en in skriftelike opdrag van die vonnisskuldeiser aan die balju, benewens die premie wat betaal word, 'n allesinsluitende bedrag van.....	[18, 00]	<u>21,00</u>
(e)		vir bewaring van goed (geld uitgesluit) -		
	(i)	vir elke beampte wat noodsaaklikerwys in besit gelaat is, 'n redelike allesinsluitende bedrag per beampte per dag van hoogstens.. LET WEL: 'Bewaring' beteken die voortdurende en noodsaaklike teenwoordigheid op die perseel vir die tydperk waarvoor bewaring bereken word, van iemand in diens van en betaal deur die balju, vir die uitsluitlike doel om besit te behou.	[66,00]	<u>76,00</u>
	(ii)	vir vervoer en opberging, die redelike en noodsaaklike uitgawes daaraan verbonde en, as 'n dier op stal geplaas of gevoer moet word, die redelike uitgawes daaraan verbonde;		
	(iii)	vir die oppas van lewende hawe, die nodige uitgawes daaraan verbonde;		
	(iv)	waar geen beampte in besit gelaat word en geen akte van sekerheidstelling verkry is nie, maar die inbeslaggenome roerende goed onder toesig van die balju bly, per dag.....	[0,90]	<u>1, 00</u>
6.	(a)	Vir die opstel van 'n inventaris, insluitende die maak van alle nodige afskrifte en tyd bestee aan voorraadopname, per uur of gedeelte daarvan.....	[66, 00]	<u>76,00</u>
	(b)	Vir bystand, waar nodig, by die opstel van 'n inventaris, 'n redelike allesinsluitende bedrag per dag van hoogstens	[66, 00]	<u>76,00</u>

7.	(a) Vir die opstel van relaas van betekening of tenuitvoerlegging, insluitende opstel en tik van oorspronklike vir die hof, beperk tot een persoon op elke oorspronklike prosesstuk; en (b) afskrif daarvan vir die party wat betekening of tenuitvoerlegging verlang.....	[18, 00]	<u>21,00</u>
8.	Opstel en voltooiing van 'n akte van borgstelling, sekerheidstelling of vrywaring.....	[13, 00]	<u>15, 00</u>
9.	Vir die maak van alle noodsaaklike afskrifte van dokumente per A4-grootte bladsy.....	[1, 50]	<u>2,00</u>
10.	Afneem van 'n verklaring van 'n beskuldigde wat nie verteenwoordig is nie en wat verlang dat getuies op koste van die Staat gedagvaar moet word, betreffende sy of haar middele, die name en adresse van die getuies en wat hulle ter verdediging van hom of haar kan sê, ten einde die griffier of die klerk van die hof op rondgang in staat te stel om te oordeel of die getuies gedagvaar moet word..... LET WEL: Hierdie inligting moet verkry word wanneer die kennisgewing van verhoor en akte van beskuldiging beteken word en aan die griffier of klerk van die hof oorgedra word in dieselfde brief onder dekking waarvan die dokumente teruggestuur word.	[13, 00]	<u>15,00</u>
11.	Bywoning van strafsittings van 'n hoër hof of 'n rondgaande hof, [R53, 00] <u>R61,00</u> per uur of gedeelte daarvan met 'n maksimum per dag van.....	[264, 00]	<u>304, 00</u>
12.	Elke noodsaaklike brief behalwe formele briewe wat prosesstukke of relase vergesel.....	[9, 00]	<u>10, 00</u>
13.	Maak of beantwoording van elke noodsaaklike telefoonoproep (benewens voorgeskrewe hooflyngelde)	[4, 40]	<u>5,00</u>
14.	Afstuur en ontvangs van elke noodsaaklike faksimile per A4-grootte bladsy (benewens telefoongelde).....	[2, 30]	<u>3,00</u>
15.	Bankkoste: Werklike koste aangegaan in verband met bankkoste en tjekvorms."		

Inwerkingtreding

3. Hierdie reëls tree op **12 Januarie 2009** in werking.