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DEPARTMENT OF JUSTICE

SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT No. 74 OF 1996)

RULES TO REGULATE THE CONDUCT OF PROCEEDINGS IN A SPECIAL TRIBUNAL

The Tribunal President of the Special Tribunal established by Proclamation No. R. 24 of 14 March 1997 has, under section 9 of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996), withdrawn the rules as promulgated under General Notice 894 of 1997 as published in *Government Gazette* No. 18054 of 6 June 1997 and substituted same with the rules contained in the Schedule, to regulate the conduct of proceedings in the Special Tribunal. These rules shall come into operation upon date of publication thereof in the *Government Gazette*. It shall be deemed that anything done in terms of the Rules hereby repealed, was done in terms of the Rules hereby promulgated.

SCHEDULE

Definitions

1. In these rules and annexures any word or expression to which a meaning has been assigned in the Act and in the regulations shall have the meaning so assigned to it and, unless the context otherwise indicates—

"application" means an application contemplated in rule 4;

"commissioner" means a person appointed by the Tribunal to take evidence in terms of rule 17 (3);

"day", in the computation of any time period expressed in days prescribed by these rules or fixed by the Tribunal, means any day other than a Saturday, Sunday or public holiday;

"deliver" means to serve copies on all parties and file the original with the secretary;

"messenger" includes a deputy or assistant messenger and acting messenger of the Court;

"person" shall include a natural person, association, board, firm, partnership, company, closed corporation or body corporate, or any other body with legal personality;

"police officer" means any member of the South African Police Services;

"secretary" means the secretary of the Tribunal appointed under section 7 of the Act;

"sheriff" includes a deputy sheriff and/or acting sheriff and an assistant to a deputy sheriff;

"the Act" means the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996);

"the Regulations" means the regulations under section 11 of the Act;

"the Tribunal" means the Special Tribunal established by Proclamation No. R. 24 of 1997;

"the Unit" means the Special Investigating Unit established by Proclamation No. R. 24 of 1997.

Office hours

2. The office of the Tribunal shall be open every Monday to Friday, excluding public holidays, from 08:00 to 13:00 and from 14:00 to 16:00: Provided that the office may in exceptional circumstances, or when directed to do so by a member of the Tribunal, issue process and accept documents on any day and at any time.

Sessions of the Tribunal and venues

3. (1) The Tribunal President shall from time to time determine the terms and sessions of the Tribunal.

(2) A presiding officer may, whenever it is convenient to do so, alter the venue of the particular hearing.

Applications

4. (1) Every application shall be brought on notice of motion on a form substantially corresponding to the form in Annexure 1 and shall be supported by an affidavit as to the facts upon which the applicant relies for relief.

(2) When relief is claimed against any party, or where it is necessary or proper to give any party notice of such application, the notice of motion shall be addressed to both the secretary and such party, otherwise it shall be addressed to the secretary only.

(3) Every notice of motion shall conclude with the form or order applied for.

(4) (a) (i) Every application brought *ex parte* upon notice to the secretary only on a form substantially corresponding to Annexure 2, supported by an affidavit as aforesaid, shall be filed with the secretary and be set down, before 12:00 at least two days before the day upon which it is to be heard.

(ii) If an application is brought upon notice to the secretary, such notice shall request him or her to place the matter on the roll for hearing.

(b) Any interested party (that may be affected by a decision on an application brought *ex parte*) may deliver a notice of an application by him or her for leave to oppose, supported by an affidavit setting forth the nature of such interest and the ground upon which he or she desires to be heard, whereupon the secretary shall set such application down for hearing at the same time as the application first mentioned.

(5) (a) Every application other than one brought *ex parte* shall be served upon every party to whom notice thereof is to be given.

(b) In the notice of motion the applicant shall appoint an address within ten (10) kilometres of the office of the secretary at which he or she will accept notice and service of all documents in such proceedings, and shall set forth a day, not less than five days after service thereof on the respondent, on or before which such respondent is required to notify the secretary and the applicant in writing, whether he or she intends to oppose such application, and the applicant shall further state that if no such notice of opposition is filed, then on a stated day, being not less than ten (10) days after service on the said respondent of the said notice, the matter shall be set down for hearing.

(c) If the respondent does not, on or before the day mentioned for that purpose in such notice, notify the secretary and the applicant of his or her intention to oppose, the applicant may set the matter down for hearing by giving the secretary notice of set-down before 12:00 at least two days before the day upon which application is to be heard.

(d) Any person opposing the granting of an order sought in the notice of motion shall—

- (i) within the time stated in the said notice, give the applicant notice in writing that he or she intends to oppose the application, and appoint in such notice an address within ten (10) kilometres of the office of the secretary at which he or she will accept notice and service of all documents;
- (ii) simultaneously with the notice of his or her intention to oppose the application, deliver his or her answering affidavit, if any, together with any relevant documents; and
- (iii) if he or she intends to raise any question of law only, deliver notice of his or her intention to do so, within the time stated in the preceding subparagraphs, setting forth such question.

(e) Within ten (10) days after the service upon him or her of the affidavit and documents referred to in paragraph (d) (i) and (ii) the applicant may deliver a replying affidavit: Provided that the Tribunal may in its discretion permit the filing of further affidavits.

(f) The applicant may within five (5) days after the filing of the replying affidavit or, if no replying affidavit is filed, within five (5) days after the filing of an answering affidavit, set the matter down for hearing on a date allocated by the secretary.

(g) Where an application cannot properly be decided on affidavit the Tribunal may dismiss the application or make such an order as to it seems meet with a view to ensuring a just and expeditious decision.

(h) In particular, but without affecting the generality of the foregoing, the Tribunal may direct that oral evidence be heard on a specified issue with a view to resolving any dispute of fact, and to that end may order any deponent to appear personally or grant leave for him or her or any other person to be subpoenaed to appear and be examined and cross-examined as a witness, or it may refer the matter for hearing with appropriate directions as to the future conduct of the case.

(6) The Tribunal may, after hearing an application, whether brought *ex parte* or otherwise, grant or dismiss the application or make no order thereon but grant leave to the applicant to renew the application on the same papers supplemented by such further affidavit or affidavits as the matter may require.

(7) Any party to application proceedings may bring a counter-application or join any interested party, in which case the provisions of this rule shall apply *mutatis mutandis*.

(8) Any person against whom an order is granted *ex parte* may anticipate the return date thereof by delivery to all parties of not less than 24 hours' notice.

(9) Notwithstanding the foregoing sub-rules, interlocutory and other applications incidental to pending proceedings may be brought on notice of motion on a form substantially corresponding to the form in Annexure 3, supported by such affidavit or affidavits as the matter may require and set down for a time assigned by the secretary or as directed by a member of the Tribunal.

(10) (a) In the case of urgent applications the Tribunal may dispense with the forms and service provided for in these rules and may dispose of such matter at such time and place and in such manner and in accordance with such procedure (which shall as far as practicable be in terms of these rules) as to it seems meet.

(b) In every affidavit filed in support of an application under paragraph (a), the applicant shall set forth explicitly the circumstances which render the matter urgent and the reason why substantial relief cannot be afforded at a hearing in due course.

(c) A person against whom an order was granted in his absence in an urgent application may by notice, set the matter down for reconsideration of the order.

(11) In any application against any Minister, Deputy Minister, Premier, Member of the Executive Council, officer or servant of the State, in his or her capacity as such, or against any State Institution, the respective period referred to in subrule (5) (b) or for the return of a rule *nisi*, as the case may be, shall not be less than fifteen (15) days after the service of the notice of motion, unless the Tribunal shall have specially authorized a shorter period.

(12) The Tribunal may, on application, order to be struck out from any affidavit any matter which is scandalous, vexatious or irrelevant: Provided that the Tribunal shall not grant the application unless it is satisfied that the applicant will be prejudiced in his or her case if it be not granted.

Notice commencing action

5. Any civil action to be instituted in the Tribunal shall be commenced by the issue of the notice envisaged in regulation 7 (1) of the Regulations, clearly setting out the issues to be tried and the relief sought.

Joinder of parties

6. Subject to regulation 7 (1) of the Regulations, any person aggrieved by either being joined as a party to the proceedings or not being joined as such, may apply to the Tribunal for the appropriate relief.

Service of process

7. (1) (a) Service of any process of the Unit and the Tribunal or of any interested party, addressed to all police officers, sheriffs or messengers or member of the Unit, shall be effected by the said officers in one or other of the following manners:

- (i) By delivering a copy thereof to the person concerned personally: Provided that where such person is a minor or a person under legal disability, service shall be effected upon the guardian, tutor, curator or the like of such minor or person under disability.
- (ii) By leaving a copy thereof at the place of residence or business of the person concerned or his or her guardian, tutor, curator or the like with a person apparently in charge of the premises at the time of delivery, being a person apparently not less than 16 years of age, and for the purposes of this paragraph, when a building other than a hotel, boarding house, hostel or similar residential building is occupied by more than one person or family, "residence" or "place of business" means the portions of the building which is occupied by the person upon whom service is to be effected.
- (iii) By delivering a copy thereof at the place of employment of the person concerned or his or her guardian, tutor, curator or the like to some person who is apparently not less than 16 years of age and is apparently in authority over him or her.
- (iv) By faxing a copy thereof to the person concerned, if the person has a fax number registered in his or her name.
- (v) If the person on whom process is to be served has chosen a *domicilium citandi* or fax number for service, by delivering or leaving a copy thereof at the *domicilium* so chosen or by faxing it to the fax number so chosen.
- (vi) In the case of a company or other body or society, by delivering a copy of the process to a responsible employee thereof at its registered office or principal place of business, or if there be no employee willing to accept service, by affixing a copy to the main door of such office or place of business, or in any other manner provided by law.
- (vii) By delivering a copy to an agent who is properly authorised in writing to accept service on behalf of a party on whom service is to be effected.
- (viii) Where process is to be served on any partnership, firm or voluntary association, service shall be effected in the manner referred to in subparagraph (ii) at the place of business of such partnership, firm or voluntary association, and if such partnership, firm or voluntary association has no place of business, service shall be effected on a partner, the proprietor or the chairperson or secretary of the committee or other managing body of such association, as the case may be, in one of the manners set forth in this rule.

- (ix) Where process is to be served on a State institution, service shall be effected by delivering a copy of the process to a responsible official or employee of the said institution, or in any manner provided by law, and at the office of the State Attorney for that area.
 - (x) If two or more persons are subpoenaed in their joint capacity as trustees, liquidators, executors, administrators, curators or guardians, or in any other joint representative capacity, service shall be effected upon each of them in any manner set forth in this rule.
- (2) Service shall be effected as far as possible between the hours of 07:00 and 19:00 on any weekday.
- (3) It shall be the duty of the officer serving the process or documents to explain the nature, contents and exigency thereof to the person upon whom service is affected and to state in his or her return or affidavit or on the signed receipt that he or she has done so.
- (4) If it is impossible or impracticable to effect service in any of the manners aforesaid, the Head of the Unit or a member of the Tribunal may give directions in regard thereto.
- (5) Service of any document or process of the Unit or the Tribunal in a foreign country shall be effected in the manner ordered by the Tribunal President.
- (6) Service shall be proved in one of the following manners:
- (a) Where service has been effected by the officer referred to above, by the return of service, affidavit or signed receipt of such an officer.
 - (b) In any other manner as may be ordered by the Tribunal President.
- (7) Whenever a member of the Tribunal is not satisfied as to the effectiveness of the service, he or she may order such further steps to be taken as he or she deems fit.

Interpretation of evidence

8. Where evidence in any proceedings is given in any language with which the Unit, a party or the Tribunal is not sufficiently conversant, such evidence shall be interpreted by a competent interpreter, sworn to interpret faithfully and to the best of his or her ability in the languages concerned, and the provisions of rule 6 (2) of the Uniform Rules of Court shall apply *mutatis mutandis*.

Filing and preparation of document

9. (1) Any person who files documents with the Unit or with the Tribunal shall ensure that such documents are—

- (a) clearly and legibly written or typed;
- (b) properly numbered; and
- (c) suitably bound.

(2) When a matter is to be heard by more than one member the parties shall file additional copies of all documents for each additional member.

(3) The applicant or plaintiff, as the case may be, shall prior to the start of the trial, collate all pages, number them consecutively and bind them and compile and file a complete index.

(4) Any party to a matter, and any person with a personal interest therein may with leave from the Secretary, on good cause peruse all documents and make copies thereof at his or her office.

Destruction of documents

10. In any matter which has not been adjudicated upon, and has not been withdrawn, the Secretary may, subject to the provisions of the Archives Act, 1962 (Act No. 6 of 1962), after the lapse of three years from the date of the last filing of the last documents therein, authorize the destruction of the documents filed relating to such matter.

Extension of time

11. (1) A member of the Tribunal may upon application and on good cause shown, make an order extending or abridging any time prescribed by these rules for performing an act or taking any steps in connection with any proceedings of any nature whatsoever on such terms or conditions as he or she may deem fit.

(2) A member of the Tribunal may, on good cause shown, condone any non-compliance with these rules.

Notice of intention to defend

12. (1) Any interested party who has received a notice in terms of Regulation 7 shall notify the Unit and the secretary within ten (10) days of receipt of such notice [and where such party resides more than 100 kilometres from the office of the secretary, within twenty (20) days] of his or her intention to defend or to be joined as a party to the proceedings before the Tribunal.

(2) The notice referred to in subrule (1) shall be accompanied by a brief summary of the issues which a party may wish to contest or raise in the Tribunal.

Amendments

13. (1) Any party wishing to amend any document containing a statement of the issues to be tried before the Tribunal, save for a sworn statement, must notify all parties concerned of its intention to do so.

(2) The notice referred to in subrule (1) shall state that unless written objection to the proposed amendment is delivered within 10 days of delivery of the notice, the amendment will be effected.

(3) An objection to a proposed amendment shall clearly and concisely state the grounds upon which the objection is founded.

(4) If an objection which complies with subrule (3) is delivered within the period referred to in subrule (2), the party wishing to amend may, within 10 days, lodge an application for leave to amend.

(5) If no objection is delivered as contemplated in subrule (4), every party who received notice to the proposed amendment shall be deemed to have consented to the amendment and the party who gave notice to the proposed amendment may, within ten (10) days of the expiration of the period mentioned in subrule (2), effect the amendment as contemplated in subrule (7).

(6) Unless the Tribunal otherwise directs, an amendment authorised by an order of the Tribunal may not be effected later than ten (10) days after such authorisation.

(7) Unless the Tribunal otherwise directs, a party who is entitled to amend shall effect the amendment by delivering each relevant page in its amended form.

(8) Any party affected by an amendment may, within fifteen (15) days after the amendment has been effected or within such other period as the Tribunal may determine, make any consequential adjustment to the documents already filed by him or her.

(9) The Tribunal may, notwithstanding anything to the contrary in this rule, at any stage before judgment, grant leave to amend any such document on such terms as the Tribunal may deem fit.

Representation of parties

14. (1) Any party shall be entitled to be legally represented and a legal representative shall notify the Unit and the Tribunal and all other interested parties in writing of his or her appointment as such and of his or her particulars and business address.

(2) If the legal representative's authority is terminated by the party concerned, then the latter is entitled to appoint another legal representative.

(3) If another legal representative is appointed, the party shall forthwith notify the Unit and the Tribunal and all other interested parties of the termination of his or her former legal representative's authority.

(4) The subsequent legal representative shall forthwith notify the Unit and the Tribunal of his or her particulars and business address.

(5) Upon receipt of a notice in terms of subrule (1) the address of the legal representative or of the party shall become the address of such party for the service upon him or her of all documents in any proceedings.

Change of parties

15. (1) No proceeding shall terminate solely by reason of the death, marriage or other change in status of any party thereto unless the cause of such proceedings is thereby extinguished.

(2) Whenever by reason of an event referred to in subrule (1) it becomes necessary or proper to introduce a further person as a party to the proceedings (whether in addition to or in substitution of a party to whom the proceedings relate), the terms of rule 15 of the Uniform Rules of Court shall apply *mutatis mutandis*.

Sworn translation

16. (1) Any person of full age who is properly qualified may be enrolled by a member of the Tribunal as a sworn translator in an official language of the Republic of South Africa or in any foreign language upon satisfying the said member of the Tribunal as to his or her competence.

(2) (a) Any person admitted and enrolled under subrule (1) shall, before commencing to exercise the functions of his or her office, take an oath or make an affirmation which shall be subscribed by him or her in the form set out below:

"I,, do hereby swear/solemnly and sincerely affirm and declare that I will in my capacity as a translator of the Tribunal faithfully and correctly translate, to the best of my knowledge and ability, any document or evidence into an official language of the Republic of South Africa from any other language in respect of which I have been admitted and enrolled as a translator."

(b) Any such oath or affirmation shall be taken or made before a member of the Tribunal.

Evidence and information

17. (1) Any party desiring the attendance of any person to give evidence at the proceedings before the Tribunal may as of right, without any prior notice whatsoever, issue through the secretary one or more subpoenas for that purpose, each of which shall not contain the names of more than four persons, and service thereof upon any person named therein shall be effected by the officers and in the manner referred to in rule 7, and the process for subpoenaing such witnesses shall be in a form substantially corresponding to the form in Annexure 4.

(2) If any witness has in his or her possession or control any deed, instrument, writing or object which the party requiring his or her attendance desires to be produced in evidence, the subpoena shall specify such document or object and require him or her to produce it to the Tribunal at the proceedings.

(3) A Tribunal may, in any matter where it appears convenient or desirable in the interests of justice to make an order for taking the evidence of any person either before or during the hearing, appoint one of its members or any other suitably qualified person a commissioner of the Tribunal. The Tribunal may permit any party to any such matter to use any such evidence or portion thereof on such terms, if any, as to the Tribunal seems meet. Such permission may declare that such evidence shall be made use of only after the close of pleadings or only after the giving of discovery of the furnishing of any particulars in the action.

(4) A commissioner shall disallow any question which is irrelevant.

(5) Where the evidence of any person is to be taken on commission before any commissioner within the Republic, such person may be subpoenaed to appear before such commissioner to give evidence as if at the hearing.

(6) Unless the Tribunal ordering the commission directs such examination to be by interrogatories and cross-interrogatories, the evidence of any witness to be examined before the commissioner in terms of an order granted under subrule (3) shall be adduced upon oral examination in the presence of the parties and their legal representatives, and the witness concerned shall be subject to cross-examination and re-examination.

(7) A commissioner shall not decide upon the admissibility of evidence tendered, but shall note any objections made and such objections shall be decided by the Tribunal.

(8) Evidence taken on commission shall be recorded in such manner as evidence is recorded when taken before the Tribunal and the transcript of any shorthand record or record taken by mechanical means, duly certified by the person transcribing the same and by the commissioner, shall constitute the record of the examination: Provided that the evidence before the commission may be taken down in narrative form.

(9) The record of the evidence shall be returned by the commissioner to the secretary, together with his or her certificate to the effect that it is the record of the evidence given before him or her, and shall thereupon become part of the record in the case.

Suspension orders and interdicts

18. (1) The Unit or any interested party may at any time apply to the Tribunal for a suspension order or interdict on notice on a form substantially corresponding to the form in Annexure 3, supported by an affidavit filed with the Tribunal.

(2) The said notice of the intention to apply for such an order or interdict shall be served on the Unit in the event of the application being brought by an interested party other than the Unit at least 48 hours before the hearing of the application by the Tribunal.

(3) In the event of the Unit bringing such an application, notice of the application shall only be required if a specific party, the interests of whom will be affected by such an order or interdict, has been identified: Provided that the Tribunal may require notification of any interested party before the application is heard.

(4) The provisions of subrules (1) and (3) shall apply *mutatis mutandis* to an application by the Unit for confirmation of a suspension order or interdict issued by the Head of the Unit.

Discovery and inspections

19. (1) The Unit shall be obliged to make available to any interested party all relevant documentation and exhibits at least fifteen (15) days before the hearing before the Tribunal commences.

(2) Any other party shall be obliged to make available to the Unit and other parties all relevant documentation and exhibits at least fifteen (15) days before the hearing before the Tribunal commences.

(3) Discovery shall be made on notice to the other parties on a form substantially corresponding to the form in Annexure 5 with a list of the documents discovered in Annexure 1 to the notice and a list of the documents not discovered in Annexure 2 thereto, specifying the reasons why the discovery of the documents in Annexure 2 is refused. The Tribunal shall have the power to determine all questions relating to the refusal of discovery of any document.

Subpoena

20. A subpoena issued by the Tribunal in terms of section 8 (3) of the Act shall be issued on a form substantially corresponding to the form in Annexure 4.

Warrant of arrest

21. A warrant of arrest provided for in section 8 (4) and (5) of the Act shall be issued in a form substantially corresponding to the form in Annexure 6.

Stated special cases and adjudication upon point of law

22. (1) The parties to any dispute may, at any stage after the institution of proceedings, agree upon a written statement of facts in the form of a special case for adjudication by the Tribunal.

(2) (a) Such statement shall set forth the facts agreed upon, the question of law in dispute between the parties and their contentions thereon.

(b) Such statement shall be divided into consecutively numbered paragraphs and there shall be annexed thereto copies of documents necessary to enable the Tribunal to decide upon such question.

(c) The statement shall be signed by a legal representative on behalf of each party or, where a party is not represented, by such party personally.

(d) Such special case shall be set down for hearing in the manner provided for in rule 23.

(e) If a minor or person of unsound mind is a party to such proceedings the Tribunal may, before determining the questions of law in dispute, require proof that the statements in such special case, so far as they concern the minor or person of unsound mind, are true.

(3) At the hearing thereof the Tribunal and the parties may refer to the whole of the contents of such documents and the Tribunal may draw any inference of fact or of law from facts and documents as if proved at a hearing.

(4) If it appears to the Tribunal of its own accord or on the application of any party that there is, in any pending proceedings, a question of law or fact which it would be convenient to decide either before any evidence is led or separately from any other question, the Tribunal may make an order directing the hearing of such question in such manner as it may deem fit, and may order that all further proceedings be stayed until such question has been disposed of.

(5) When giving its decision upon any question in terms of this rule the Tribunal may give such ruling or order as may upon such decision be appropriate and may give any direction with regard to the hearing of any other issues in the proceedings which may be necessary for the final disposal thereof.

(6) If the question in dispute is one of law and the parties are agreed upon the facts, the facts may be admitted and recorded at the hearing and the Tribunal may give judgment without hearing any evidence.

Notice of set-down

23. (1) The Unit shall serve a notice of set-down for the hearing of the proceedings on any other party at least twenty (20) days before the date of set-down.

(2) Should the Unit fail to set the matter down for hearing, any other party to the proceedings may set the matter down for a hearing on at least twenty (20) days notice to the Unit and any other party.

Curtailement of proceedings

24. (1) The Unit shall, and any other party may, at least twenty (20) days before the hearing, notify the other parties in writing that he or she requires the other parties to attend a conference at a mutually convenient time and place with the object—

(i) of reaching agreement as to possible ways of curtailing the duration of the proceedings before the Tribunal; and

(ii) obtaining such further particulars as are required for the proper preparation and conduct of the trial.

(2) Any request for further particulars to be supplied at the conference referred to in subrule (1) shall be delivered to all other parties at least ten (10) days prior to the date of the conference.

(3) At the conclusion of such a conference the parties shall draw up and sign a minute of the matters discussed which shall reflect all questions raised and answers given therein as well as any issues in dispute.

Hearing

25. (1) Any party upon whom the burden of proof lies shall discharge the said burden on a balance of probabilities.

(2) The Unit shall be entitled to proceed with the proceedings, to tender evidence and to prove allegations made with regard to interested parties. Notwithstanding the absence of interested parties, duly notified by the Unit, the Tribunal may, where the claim is for a debt or a liquidated demand, and without hearing evidence, grant judgment against such interested party as it deems fit, and in any other case, the Tribunal shall after receiving evidence make the order it deems fit.

(3) Subject to the provisions of subrule (1), the sequence of tendering evidence at the proceedings before the Tribunal shall be on the basis of the Unit tendering evidence first (unless the Tribunal directs otherwise) and thereafter the other parties, in a sequence directed by the Tribunal.

(4) Each witness may be examined and re-examined by the party calling such witness and be cross-examined by any other party.

(5) Upon the cases of all parties being closed, the Unit shall address the Tribunal first and thereafter the other parties in the sequence directed by the Tribunal, whereafter the Unit shall be entitled to replicate.

(6) Any witness subpoenaed by the Tribunal in terms of section 8 (3) of the Act shall be examined by the Tribunal and all the parties to the proceedings shall be entitled to cross-examine such a witness.

(7) Any party to any matter which has been recorded may apply in writing through the office of the secretary to have the record transcribed if an order to that effect has not already been made. Such a party shall at his or her own expense be entitled to a copy of any transcript of the evidence.

(8) Notwithstanding the foregoing, and if it appears convenient to do so or in the interest of justice, the Tribunal may at any time make an order with regard to the conduct of the proceedings before the Tribunal and may thereby vary any procedure laid down by these rules.

(9) Without limiting the foregoing and whenever any particular circumstance is not catered for in these rules, the Tribunal may on application of any party and on notice to all other parties, make such ruling as it deems fit to cater for such circumstance.

Variation and rescission of orders

26. (1) The Tribunal may in addition to any other powers it may have, of its own accord or upon the application of any interested party, rescind or vary—

- (a) an order, ruling or decision erroneously sought or erroneously granted in the absence of any interested party;
- (b) an order, ruling or decision in which there is an ambiguity or a patent error or omission, but only to the extent of such ambiguity, error or omission;
- (c) any order, ruling or decision granted by default on good cause shown and on disclosure or a *bona fide* cause of action or defence.

(2) Any party desiring any relief under this rule shall make application for such relief upon notice on a form substantially corresponding to the form in Annexure 3, supported by an affidavit, to all parties whose interests may be affected by the variation sought.

(3) The Tribunal shall not make an order rescinding or varying any order, ruling or decision unless it is satisfied that all parties whose interest may be affected have had notice of the order proposed.

Execution of orders

27. (1) If a party against whom an order for restitution of property is granted, fails to return such property—

- (a) in the case of fixed property, the Tribunal shall be entitled to issue an order instructing and authorizing the Registrar of Deeds to effect the necessary changes to the records of the deeds office in order to give effect to such an order;
- (b) in the case of movable property, the Tribunal may authorize a sheriff, messenger or police officer to attach the property and to return it to the rightful owner.

(2) If a party against whom an order has been granted by the Tribunal for payment of money fails to pay the amount, the Unit on behalf of the State or any other party in whose favour such an order has been granted shall be entitled to effect execution, and the provisions of the relevant Uniform Rules of Court shall apply *mutatis mutandis*: Provided that reference to the Court in such rules shall be construed as a reference to the Tribunal and a reference to the registrar shall be construed as a reference to the secretary.

Appeals

28. (1) Any party wishing to appeal against a ruling, decision or order of the Tribunal as provided for in section 8 (7) of the Act shall within fifteen (15) days of such ruling, decision or order deliver to all parties a notice of appeal.

(2) The notice of appeal shall state whether the whole or part only of the ruling, decision or order is appealed against, and if only part of such a ruling, decision or order is appealed against, it shall state which part and shall further specify the finding of fact and/or ruling of law appealed against and the grounds upon which the appeal is founded.

(3) The appeal shall be directed to the full court of the Provincial Division with jurisdiction in the area where the ruling, decision or order by the Tribunal was granted.

(4) A notice of cross-appeal shall be delivered within ten (10) days after delivery of the notice of appeal and the provisions of these rules with regard to appeals shall apply *mutatis mutandis* to cross-appeals.

(5) The provisions of the relevant Uniform Rules of Court with regard to an appeal from a single judge to a full court shall apply after such notice of appeal or cross-appeal has been delivered.

Authentication of documents executed outside the Republic for use within the Republic of South Africa

29. The provisions of the relevant Uniform Rules of Court with regard to the authentication of documents executed outside the Republic of South Africa for use within the Republic of South Africa shall apply *mutatis mutandis* to the proceedings before the Tribunal.

ANNEXURE 1**FORM 1**

Case No.

NOTICE OF MOTION**TO THE SECRETARY (AND/OR ANY OTHER) INTERESTED PARTY****IN THE SPECIAL TRIBUNAL ESTABLISHED BY
PROCLAMATION No. R. 24 OF 1997****In the matter between:**..... **Applicant****and**..... **Respondent**

TAKE NOTICE THAT..... (hereinafter referred to as the Applicant) intends to make application to the Special Tribunal for the following Order:

1.
2.
3.
4.

and that the accompanying affidavit of..... together with the Annexure(s) will be used in support thereof.

TAKE NOTICE FURTHER that the Applicant has appointed[here set forth an address referred to in rule 4 (5) (b)] at which he or she will accept notice and service of all process in these proceedings.

TAKE NOTICE FURTHER that if you intend opposing this application, you are required—

- (a) to notify the secretary and the applicant or his or her legal representative in writing on or beforeof your intention to oppose the application;
- (b) simultaneously with the service of the notice of opposition, to file your answering affidavits, if any;
- (c) to appoint in the notice of opposition an address within ten (10) kilometres from the seat of the Special Tribunal as referred to in rule 4 (5) (d) at which you will accept notice and service of all documents in these proceedings.

If no such notice of opposition is given, the application will be made on..... at..... :(time) or as soon thereafter as the Applicant or his or her legal representative can be heard, for the relief sought.

DATED ATON THIS.....DAY OF..... 19.....

.....
APPLICANT/LEGAL REPRESENTATIVE
ACTING ON BEHALF OF THE
APPLICANT*

ADDRESS:

TO: (1)
.....
.....

(2) THE SECRETARY OF THE SPECIAL TRIBUNAL

* Delete if not applicable.

ANNEXURE 2**FORM 2**

Case No.

NOTICE OF MOTION**IN THE SPECIAL TRIBUNAL ESTABLISHED BY
PROCLAMATION No. R. 24 OF 1997****In the *ex parte* application by:**..... **Applicant**

TAKE NOTICE that application will be made on behalf of the above-mentioned Applicant on theday of.....at..... :(time) or as soon thereafter as the matter may be heard, for an order in the following terms:

1.
2.
3.
4.

and that the accompanying affidavit of..... together with the annexures attached thereto will be used in support thereof.

Kindly place the matter on the roll for hearing accordingly.

DATED AT.....ON THIS.....DAY OF.....19.....

.....
APPLICANT/LEGAL REPRESENTATIVE
ACTING ON BEHALF OF THE
APPLICANT*

ADDRESS:

TO: (1) THE SECRETARY OF THE SPECIAL TRIBUNAL

* Delete if not applicable.

ANNEXURE 3**FORM 3**

Case No.

NOTICE OF MOTION**TO THE SECRETARY AND ANY INTERESTED PARTY****IN THE SPECIAL TRIBUNAL ESTABLISHED BY PROCLAMATION No. R. 24 OF 1997****In the matter between:**..... **Applicant****and**..... **Respondent**

TAKE NOTICE that application will be made on behalf of the above-mentioned Applicant on the day of at : (time) or as soon thereafter as the matter may be heard, for an order in the following terms:

1.
2.
3.
4.

and that the accompanying affidavit of together with the annexures attached thereto will be used in support thereof.

Kindly place the matter on the roll for hearing accordingly.

DATED AT ON THIS DAY OF 19.....

.....
 APPLICANT/LEGAL REPRESENTATIVE
 ACTING ON BEHALF OF THE
 APPLICANT*

ADDRESS:

- TO:**
- (1) THE SECRETARY OF THE SPECIAL TRIBUNAL
 - (2)
 - (3)
 - (4)

* Delete if not applicable.

ANNEXURE 4**FORM 4**

Case No.

SUBPOENA

TO APPEAR BEFORE THE SPECIAL TRIBUNAL ESTABLISHED BY PROCLAMATION
No. R. 24 OF 1997

In the matter between:

..... Plaintiff

and

..... Defendant

TO ALL POLICE OFFICERS, SHERIFFS, MESSENGERS OF THE COURT OR MEMBERS OF THE
UNIT:

INFORM—

1.
2.
3.
4.

(state names, occupation and place of business or residence of each witness)

that he or she or each of them is hereby ordered to appear before the Special Tribunal at
on the.....day of.....19.....at :(time) and thereafter to remain
in attendance until excused by the said Tribunal in order to testify on behalf of the above-
mentioned Plaintiff/ Defendant* in regard to all matters within his or her knowledge relating to an action
now pending before the said Tribunal and wherein the Plaintiff claims the following relief:

1.
2.
3.
4.

AND INFORM him or her each or each of them that he or she is further ordered to bring with him or her
and to produce to the said Tribunal

(here describe accurately each book, document or object to be produced).

AND INFORM each of the said persons further that should he or she fail without reasonable excuse
to obey this subpoena he or she will be guilty of an offence and liable on conviction to a fine or to
imprisonment for a period not exceeding one year in terms of section 12 of Act No. 74 of 1996.

DATED ATON THIS.....DAY OF.....19.....

.....
SECRETARY OF THE TRIBUNAL

.....
PLAINTIFF/DEFENDANT/
LEGAL REPRESENTATIVE(S) ACTING ON
BEHALF OF THE PLAINTIFF/DEFENDANT*

* Delete if not applicable.

ANNEXURE 5**FORM 5**

Case No.

NOTICE OF DISCOVERY**IN THE SPECIAL TRIBUNAL ESTABLISHED BY
PROCLAMATION No. R. 24 OF 1997****In the matter between:**..... **Applicant/Plaintiff*****and**..... **Respondent/Defendant***

PLEASE TAKE NOTICE that the Plaintiff/Defendant hereby makes discovery of the documents listed in Annexure 1 and refuses to make discovery of the documents listed in Annexure 2 for the reasons specified in Annexure 2.

.....
PLAINTIFF/DEFENDANT/
LEGAL REPRESENTATIVE ACTING ON
BEHALF OF THE PLAINTIFF/
DEFENDANT*

ADDRESS:

TO: (1)
.....
.....

(2) THE SECRETARY OF THE SPECIAL TRIBUNAL

* Delete if not applicable.

ANNEXURE 6**FORM 6**

Case No.

WARRANT OF ARREST

IN THE SPECIAL TRIBUNAL ESTABLISHED BY
PROCLAMATION No. R. 24 OF 1997

NAME

AGE

ADDRESS

TO ALL POLICE OFFICERS and other officers of the law proper to the execution of criminal warrants:

WHEREAS THE ABOVE-NAMED—

Was duly subpoenaed to attend the proceedings and/or to produce a book, document or object before the Special Tribunal at.....on the..... day of.....19.....at..... :(time) in the matter between.....and....., and *failed to appear as aforesaid/attended but failed to remain in attendance until excused by the said Tribunal;

THEREFORE you are commanded that immediately upon sight hereof to arrest and bring the said—or cause him or her to be arrested and brought before the said Tribunal to be dealt with according to law at.....(venue and time).

GIVEN UNDER MY HAND ATTHIS
DAY OF..... 19

.....
TRIBUNAL PRESIDENT/
MEMBER OF THE TRIBUNAL

* Delete if not applicable.

KENNISGEWING 565 VAN 1998**DEPARTEMENT VAN JUSTISIE****WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996
(WET No. 74 VAN 1996)****REÛLS OM DIE VOER VAN VERRIGTINGE IN 'N
SPESIALE TRIBUNAAL TE REÛL**

Die Tribunaalpresident van die Spesiale Tribunaal by Proklamasie No. R. 24 van 14 Maart 1997 ingestel, het kragtens artikel 9 van die Wet op Spesiale Ondersoekkeenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996), die reëls soos uitgevaardig by Algemene Kennisgewing 894 van 1997 (*Staatskoerant* No. 18054 van 6 Junie 1997) hierby herroep en vervang met die reëls soos vervat in die Bylae, om die voer van verrigtinge in daardie Spesiale Tribunaal te reël. Hierdie reëls sal in werking tree op datum van publikasie daarvan in die *Staatskoerant*. Alles wat gedoen is kragtens die Reëls hierby herroep, sal geag word gedoen te gewees het kragtens die Reëls hierby ingestel.

BYLAE**Woordomskrywing**

1. In hierdie reëls en aanhangsels het elke woord of uitdrukking waaraan 'n betekenis in die Wet en in die regulasies geheg is, die betekenis aldus daaraan geheg en, tensy uit die samehang anders blyk, beteken—

“**aansoek**” ’n aansoek beoog in reël 4;

“**aflouer**” om afskrifte aan al die partye te betel en die oorspronklike by die sekretaris in te dien;

“**balju**” ook ’n addisionele balju, ’n adjunkbalju, ’n waarnemende balju en ’n assistent van ’n adjunkbalju;

“**bode**” ook ’n adjunk-, of waarnemende of assistentgeregsbode;

“**dag**”, by die berekening van enige tydperk uitgedruk in dae, soos voorgeskryf deur hierdie reëls of deur die Tribunaal bepaal, enige ander dag as ’n Saterdag, Sondag of openbare vakansiedag;

“**die Eenheid**” die Spesiale Ondersoekkeenheid ingestel by Proklamasie No. R. 24 van 1997;

“**die Regulasies**” die regulasies kragtens artikel 11 van die Wet uitgevaardig;

“**die Tribunaal**” die Spesiale Tribunaal ingestel by Proklamasie No. R. 24 van 1997;

“**die Wet**” die Wet op Spesiale Ondersoekkeenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996);

“**kommissaris**” ’n persoon deur die Tribunaal aangestel om getuienis kragtens reël 17 (3) af te neem;

“**persoon**” ook enige natuurlike persoon, vereniging, raad, firma, vennootskap, maatskappy, beslote korporasie, korporatiewe liggaam of enige liggaam met regs-persoonlikheid;

“**polisiebeampte**” enige lid van die Suid-Afrikaanse Polisie;

“**sekretaris**” die sekretaris van die Tribunaal kragtens artikel 7 van die Wet aangestel.

Kantoorure

2. Die kantoor van die Tribunaal is elke Maandag tot Vrydag, uitgesonderd openbare vakansiedae, van 08:00 tot 13:00 en van 14:00 tot 16:00 oop: Met dien verstande dat die kantoor in buitengewone omstandighede of indien deur 'n lid van die Tribunaal daartoe gelas, op enige dag en te eniger tyd prosesstukke kan uitreik of dokumente kan ontvang.

Sittings van die Tribunaal

3. (1) Die Tribunaalpresident bepaal van tyd tot tyd die sittings van die Tribunaal.

(2) 'n Voorsittende beampte kan, wanneer dit geleë mag wees, die plek van sitting van 'n bepaalde verhoor, verander.

Aansoeke

4. (1) Elke aansoek moet gebring word op kennisgewing van mosie op 'n vorm wat wesenlik ooreenstem met die vorm in Aanhangel 1 en moet gesteun word deur 'n beëdigde verklaring aangaande die feite waarop die applikant steun vir regshulp.

(2) Wanneer regshulp teen enige party aangevra word, of waar dit nodig of gepas is om enige party kennis van sodanige aansoek te gee, moet die kennisgewing van mosie gerig word aan die sekretaris en sodanige party; so nie moet dit slegs aan die sekretaris gerig word.

(3) Elke kennisgewing van mosie moet afsluit met die vorm van die bevel waarom aansoek gedoen word.

(4) (a) (i) Elke aansoek wat *ex parte* gebring word by kennisgewing aan slegs die sekretaris op 'n vorm wat wesenlik ooreenstem met die vorm in Aanhangel 2, gesteun deur 'n beëdigde verklaring soos voormeld, moet by die sekretaris ingedien word en moet voor 12:00 minstens twee dae voor die dag waarop die aansoek aangehoor gaan word, ter rolle geplaas word.

(ii) Indien 'n aansoek by kennisgewing aan die sekretaris gebring word, moet sodanige kennisgewing hom of haar versoek om die aangeleentheid vir verhoor ter rolle te plaas.

(b) Enige belanghebbende party (wat geraak kan word deur 'n beslissing oor 'n aansoek wat *ex parte* gebring is) kan 'n kennisgewing aflewer van 'n aansoek deur hom of haar om verlof om te bestry, gesteun deur 'n beëdigde verklaring wat die aard van sodanige belang en die gronde waarop hy of sy verlang om aangehoor te word, uiteensit, waarop die sekretaris die aansoek vir verhoor op dieselfde tyd as eersgenoemde aansoek ter rolle moet plaas.

(5) (a) Elke ander aansoek as een wat *ex parte* gebring word, moet beteken word aan elke party aan wie kennis daarvan gegee moet word.

(b) In die kennisgewing van mosie moet die applikant 'n adres binne tien (10) kilometer van die kantoor van die sekretaris aanwys waar hy of sy kennisgewing en betekening van alle dokumente in sodanige verrigtinge sal ontvang en moet die applikant 'n dag, wat minstens vyf dae na betekening daarvan aan die respondent is, aandui waarvoor of waarop sodanige respondent die sekretaris en die applikant skriftelik in kennis moet stel of hy of sy beoog om sodanige aansoek te bestry en moet die applikant voorts aandui dat indien geen sodanige kennisgewing van voorneme om te bestry ontvang word nie, die aangeleentheid op 'n gegewe dag, wat minstens tien (10) dae na betekening van daardie kennisgewing aan die betrokke respondent is, vir verhoor ter rolle geplaas sal word.

(c) Indien die respondent nie voor of op die dag vermeld vir daardie doel in sodanige kennisgewing die sekretaris en die applikant in kennis stel van sy of haar voorneme om te bestry nie, kan die applikant die aangeleentheid vir verhoor ter rolle plaas deur aan die sekretaris kennis van ter rolleplasing te gee voor 12:00 minstens twee dae voor die dag waarop die aansoek aangehoor gaan word.

(d) Enige persoon wat die maak van 'n bevel versoek in die kennisgewing bestry, moet—

- (i) binne die tyd vermeld in bedoelde kennisgewing, aan die applikant skriftelik kennis gee van sy of haar voorneme om die aansoek te bestry en moet in sodanige kennisgewing 'n adres binne tien (10) kilometer van die kantoor van die sekretaris aanwys waar hy of sy kennisgewing en betekening van alle dokumente sal ontvang;
- (ii) tesame met die kennisgewing van sy of haar voorneme om die aansoek te bestry, sy of haar antwoordende beëdigde verklaring, indien enige, saam met tersaaklike dokumente aflewer; en
- (iii) indien hy of sy voornemens is om slegs 'n regspraak te opper, 'n kennisgewing van sy of haar voorneme om dit te doen, wat sodanige vraag uiteensit, binne die tyd vermeld in die voorgaande subparagrafe, aflewer.

(e) Binne tien (10) dae na betekening aan hom of haar van die beëdigde verklaring en dokumente bedoel in paragraaf (d) (i) en (ii) kan die applikant 'n repliserende beëdigde verklaring aflewer. Met dien verstande dat die Tribunaal na goeë dunnke die indiening van verdere beëdigde verklarings kan toelaat.

(f) Die applikant kan binne vyf (5) dae na die indiening van die repliserende beëdigde verklaring of, indien geen repliserende beëdigde verklaring ingedien is nie, binne vyf (5) dae na die indiening van 'n beantwoordende beëdigde verklaring, die aangeleentheid vir verhoor op 'n datum toegeken deur die sekretaris, ter rolle plaas.

(g) Waar 'n aansoek nie behoorlik op beëdigde verklaring beslis kan word nie, kan die Tribunaal die aansoek van die hand wys of sodanige bevel maak as wat hy of sy goed ag met die oog daarop om 'n regverdigte en spoedige beslissing te verseker.

(h) In die besonder, maar sonder om die algemeenheid van die voorgaande te beperk, kan die Tribunaal gelas dat mondelinge getuieis aangaande 'n bepaalde aangeleentheid aangehoor word met die oog daarop om enige feitegeskil op te los en kan hy of sy vir daardie doel gelas dat enige verklaarder persoonlik verskyn of verlof verleen dat hy of sy enige ander persoon gedagvaar word om te verskyn en as 'n getuie ondervra en kruisondervra te word, of kan hy of sy die aangeleentheid vir verhoor verwys met gepaste aanwysings betreffende die voortsetting van die saak.

(6) Die Tribunaal kan, nadat hy 'n aansoek wat *ex parte* of andersins gebring is, aangehoor het, die aansoek toestaan of van die hand wys of kan geen bevel daarvoor maak nie maar aan die applikant verlof toestaan om die aansoek op dieselfde stukke, aangevul deur sodanige bykomstige beëdigde verklarings as wat die aangeleentheid vereis, te hernu.

(7) Enige party by aansoekverrigtinge kan 'n teenaansoek bring of kan 'n belanghebbende party voeg, in welke geval die bepalings van hierdie reël *mutatis mutandis* van toepassing is.

(8) Enige persoon teen wie 'n bevel *ex parte* toegestaan word, kan die keurdatum daarvan vervroeg na kennisgewing aan alle partye van nie minder nie as 24 uur.

(9) Ondanks die voorgaande subreëls kan tussentydse en ander aansoeke bykomstig by hangende verrigtinge by kennisgewing van mosie op 'n vorm wat wesenlik ooreenstem met die vorm in Aanhangsel 3, gesteun deur sodanige beëdigde verklaring of verklarings as wat die aangeleentheid vereis, gebring word en ter rolle geplaas word vir 'n tyd deur die sekretaris toegeken of soos gelas deur 'n lid van die Tribunaal.

(10) (a) In die geval van dringende aansoeke kan die Tribunaal afsien van die vorms en betekening waarvoor in hierdie reëls voorsiening gemaak word en kan hy of sy sodanige aangeleentheid afhandel op sodanige tyd en plek en op sodanige wyse en ooreenkomstig sodanige prosedure (wat so ver doenlik in ooreenstemming met hierdie reëls moet wees) as wat hy of sy goed ag.

(b) In elke beëdigde verklaring wat ter ondersteuning van 'n aansoek ingevolge paragraaf (a) ingedien is, moet die applikant uitdruklik die omstandighede wat die aangeleentheid dringend maak en die rede waarom wesenlike regshulp nie mettertyd by 'n verhoor gegee kan word nie, uiteensit.

(c) 'n Persoon teen wie 'n bevel gemaak is in 'n dringende aansoek in sy of haar afwesigheid mag, na kennisgewing, die saak ter rolle plaas vir heroorweging van die bevel.

(11) In enige aansoek teen 'n Minister, Adjunkminister, Premier, Lid van die Uitvoerende Raad, beamppte of dienaar van die Staat, in sy of haar hoedanigheid as sodanig, of teen 'n Staatsinstelling mag die onderskeie tydperke bedoel in subreël (5) (b) of vir die keerdatum van 'n *bevel nisi*, na gelang van die geval nie minder as vyftien (15) dae na betekening van die kennisgewing van mosie wees nie, tensy die Tribunaal spesifiek 'n korter tydperk gemagtig het.

(12) Die Tribunaal kan op aansoek gelas dat enige aangeleentheid wat aanstootlik, kwelsugtig of ontoepaslik is, uit enige beëdigde verklaring geskrap word: Met dien verstande dat die Tribunaal nie die aansoek toegestaan nie, tensy hy oortuig is dat die aansoeker in sy of haar saak benadeel sal word indien dit nie toegestaan word nie.

Kennisgewing vir instel van aksie

5. Enige siviele aksie in die Tribunaal word ingestel deur middel van 'n kennisgewing soos na verwys in regulasie 7 (1) van die Regulasies, waarin die kwessies wat verhoor staan te word en die verlangde regshulp duidelik uiteengesit word.

Voeging van partye

6. Onderhewig aan regulasie 7 (1) van die Regulasies, mag enige persoon wat gegrief is oor sy of haar voeging of nie-voeging as party tot 'n geding, by die Tribunaal aansoek doen om die nodige regshulp.

Betekening van prosesstukke

7. (1) (a) Enige prosesstuk van die Eenheid en die Tribunaal of van enige belanghebbende party, gerig aan alle polisiebeamptes, balju's of bodes of lede van die Eenheid, moet deur bedoelde beamptes op een van die volgende wyses beteken word:

- (i) Deur 'n afskrif daarvan aan die betrokke persoon persoonlik te oorhandig: Met dien verstande dat waar sodanige persoon minderjarig of regsonbevoeg is, betekening moet geskied aan die voog, tutor, kurator of dergelike van daardie minderjarige of regsonbevoegde.

- (ii) Deur 'n afskrif daarvan by die woon- of werkplek van die betrokke persoon, voog, tutor, kurator of dergelike te laat by 'n persoon wat oënskynlik in beheer is van sodanige woon- of werkplek ten tyde van aflewering en oënskynlik nie jonger as 16 jaar oud is nie, en vir die doeleindes van hierdie paragraaf beteken "woonplek" of "werkplek", wanneer 'n gebou, behalwe 'n hotel, losieshuis, hostel of soortgelyke residensiële gebou, deur meer as een persoon of gesin bewoon word, die gedeelte van die gebou aldus bewoon deur die persoon aan wie betekening geskied.
- (iii) Deur 'n afskrif daarvan af te lewer by die werkplek van die betrokke persoon, voog, tutor, kurator of dergelike aan 'n persoon wat oënskynlik nie jonger as 16 jaar oud is nie en oënskynlik gesag oor hom of haar uitoefen.
- (iv) Deur 'n afskrif daarvan aan die betrokke persoon te faks, indien die persoon 'n faksnommer op sy of haar naam geregistreer het.
- (v) Deur 'n afskrif daarvan by die gekose *domicilium* te laat of dit na die gekose faksnommer te faks, indien die persoon aan wie beteken moet word, 'n *domicilium citandi* of 'n faksnommer vir betekening gekies het.
- (vi) Deur, in die geval van 'n maatskappy of enige ander liggaam of vereniging, 'n afskrif daarvan aan 'n verantwoordelike werknemer daarvan by die geregistreerde kantoor of belangrikste besigheid af te lewer, of, indien daar nie so 'n werknemer is wat betekening wil aanvaar nie, deur 'n afskrif aan die hoof deur van sodanige kantoor of besigheidsplek aan te bring of op enige ander wyse waarvoor regtens voorsiening gemaak word.
- (vii) Deur 'n afskrif af te lewer aan 'n agent wat behoorlik skriftelik gemagtig is om betekening te aanvaar namens die party aan wie betekening moet geskied.
- (viii) Deur, in die geval van 'n vennootskap, firma of vrywillige vereniging, 'n afskrif daarvan af te lewer op die wyse bedoel in subparagraaf (ii) by die besigheidsplek van sodanige vennootskap, firma of vrywillige vereniging, en indien sodanige vennootskap, firma of vrywillige vereniging nie so 'n besigheidsplek het nie, moet betekening geskied aan 'n vennoot, die eienaar of die voorsitter of sekretaris van die komitee of ander beheerliggaam van sodanige vereniging, na gelang van die geval, op een van die wyses uiteengesit in hierdie reël.
- (ix) Deur, in die geval van 'n Staatsinstelling, 'n afskrif daarvan aan 'n verantwoordelike beampte of werknemer van die instelling af te lewer of op enige wyse waarvoor regtens voorsiening gemaak word en by die kantoor van die Staatsprokureur vir daardie gebied.
- (x) Deur, indien twee of meer persone in hulle gesamentlike hoedanigheid van trustees, likwidateurs, eksekuteurs, administrateurs, kurators of voogde of enige ander gesamentlike hoedanigheid gedagvaar moet word, 'n afskrif daarvan aan elkeen van hulle te beteken op 'n wyse uiteengesit in hierdie reël.

(2) Betekening moet so ver moontlik tussen 07:00 en 19:00 op enige weksdag geskied.

(3) Dit is die plig van die beampte wat die prosesstukke of dokumente beteken, om die aard, inhoud en dringendheid daarvan aan die persoon aan wie betekening geskied, te verduidelik en om in sy of haar relaas of beëdigde verklaring of op die ondergetekende ontvangserkenning aan te dui dat hy of sy dit gedoen het.

(4) Indien dit onmoontlik of onprakties is om betekening op enige voorgenoemde wyse te laat geskied, kan die Hoof van die Eenheid of 'n lid van die Tribunaal aanwysings in verband daarmee gee.

- (5) Betekening van enige dokument of prosesstuk van die Eenheid of die Tribunaal in 'n vreemde land geskied op die wyse gelas deur die Tribunaalpresident.
- (6) Betekening word op een van die volgende wyses bewys:
- (a) Waar betekening deur die hierbo bedoelde beamptes geskied, deur die relaas van betekening, beëdigde verklaring of ondergetekende ontvangserkenning van sodanige beampte.
 - (b) Op enige ander wyse gelas deur die Tribunaalpresident.
- (7) Wanneer 'n lid van die Tribunaal nie tevrede is aangaande die doeltreffendheid van die betekening nie, kan hy of sy gelas dat sodanige verdere stappe gedoen word as wat hy of sy dienstig ag.

Tolk van getuienis

8. Waar getuienis in enige verrigting afgelê word in 'n taal wat die Eenheid, 'n party of die Tribunaal nie voldoende magtig is nie, moet sodanige getuienis getolk word deur 'n bevoegde tolk wat beëdig is om getrou en na die beste van sy of haar vermoë in die betrokke tale te tolk, en die bepalings van reël 6 (2) van die Eenvormige Hofreëls is *mutatis mutandis* van toepassing.

Indiening en voorbereiding van dokumente

9. (1) Enigiemand wat dokumente by die Eenheid of by die Tribunaal indien, moet toesien dat die dokumente—
- (a) duidelik en leesbaar geskryf of getik is;
 - (b) behoorlik genommer is; en
 - (c) gepas ingebind is.
- (2) Wanneer meer as een lid 'n geding sal aanhoor, moet die partye addisionele afskrifte van alle dokumente liasseer vir elke sodanige addisionele lid.
- (3) Die applikant of eiser, na gelang van die geval, moet voor die aanvang van die verhoor, alle bladsye van die dokumente saamvoeg, opeenvolgend nommer en saambind en 'n volledige inhoudsopgawe daarvan opstel en liasseer.
- (4) Enige party tot 'n geding en enige persoon met 'n persoonlike belang daarby, mag met toestemming van die Sekretaris om goeie redes, by sy of haar kantoor alle dokumente in sodanige geding nagaan en afskrifte daarvan maak.

Vernietiging van dokumente

10. In enige aangeleentheid waaroor nog nie beslis is nie, en wat nog nie teruggetrek is nie, mag die Sekretaris, onderhewig aan die bepalings van die Wet op Argiewe, 1962 (Wet No. 6 van 1962), na verloop van drie jaar vanaf datum van die laaste liassering van die laaste dokument daarin, die vernietiging van die dokumente met betrekking tot sodanige aangeleentheid magtig.

Verlenging van tydperke

11. (1) 'n Lid van die Tribunaal kan, op aansoek en by aanvoering van gegronde redes, 'n bevel maak wat enige tydperk wat by hierdie reëls voorgeskryf is vir die verrigting van enige handeling of die doen van enige stappe in verband met enige verrigtinge van enige aard hoegenaamd, verleng of verkort op die bepalings en voorwaardes wat hy of sy dienstig ag.

(2) 'n Lid van die Tribunaal kan, by aanvoering van gegronde redes, enige nie-nakoming van hierdie reëls kondoneer.

Kennisgewing van voorneme om te verdedig

12. (1) Enige belanghebbende party wat 'n kennisgewing ingevolge regulasie 7 ontvang het, moet die Eenheid en die sekretaris binne tien (10) dae [en waar sodanige party verder as 100 kilometer van die kantoor van die sekretaris woonagtig is, binne twintig (20) dae] na ontvangs van daardie kennisgewing in kennis stel van sy of haar voorneme om te verdedig of om as party by die verrigtinge voor die Tribunaal gevoeg te word.

(2) Die kennisgewing bedoel in subreël (1) moet vergesel gaan van 'n kort opsomming van die aangeleenthede wat 'n party voor die Tribunaal wil betwis of opper.

Wysigings

13. (1) Enige party wat enige dokument wat 'n uiteensetting van kwessies bevat vir beregting deur die Tribunaal, behalwe 'n beëdigde verklaring wil wysig, moet alle partye kennis gee van sodanige voorneme.

(2) Die kennisgewing vermeld in subreël (1) moet meld dat tensy skriftelik beswaar aangeteken word binne 10 dae na betekening van sodanige voorneme, die wysiging aangebring sal word.

(3) 'n Beswaar teen 'n voorgenome wysiging moet die gronde waarop die beswaar gebaseer is, duidelik en bondig uiteensit.

(4) Indien 'n beswaar ooreenkomstig subreël (3) binne die tyd in subreël (2) afgelewer is, mag die party wat wil wysig, 'n aansoek om te wysig binne 10 dae daarna instel.

(5) Indien geen beswaar soos voorsien in subreël (4) ingedien is nie, sal alle partye wat kennis ontvang het van die voorgenome wysiging geag word om daartoe toe te gestem het. Die party wat sodanige kennisgewing tot wysiging afgegee het, mag dan na tien (10) dae van die tydperk vermeld in subreël (2) die wysiging aanbring soos voorgeskryf in subreël (7).

(6) Geen wysiging deur die Tribunaal gemagtig, mag aangebring word meer as 10 dae na sodanige magtiging nie, tensy die Tribunaal anders voorskryf.

(7) 'n Party wat geregtig is om te wysig, moet die wysiging aanbring deur elke bladsy in sy gewysigde vorm te liasseer, tensy die Tribunaal anders voorskryf.

(8) Enige party wat deur 'n wysiging geraak word, mag binne vyftien (15) dae, of sodanige langer tydperk as wat die Tribunaal mag bepaal, nadat die wysiging aangebring is, enige gevolglike wysiging aanbring aan dokumente reeds deur hom of haar geliasseer.

(9) Ongeag enigiets tot die teendeel in hierdie reël, mag die Tribunaal te eniger tyd vooruitspraak, vergunning gee om enige dokument te wysig op sodanige voorwaardes as wat die Tribunaal mag goed vind.

Verteenwoordiging van partye

14. (1) Enige party is geregtig op regsverteenvoordiging en 'n regsverteenvoordiger moet die Eenheid en die Tribunaal en alle ander belanghebbende partye skriftelik van sy of haar aanstelling as sodanig en van sy of haar besonderhede en sakeadres in kennis stel.

(2) Indien die regsverteenvoordiger se volmag deur die betrokke partye beëindig word, is laasgenoemde daarop geregtig om 'n ander regsverteenvoordiger aan te stel.

(3) Indien 'n ander regsverteenwoordiger aangestel word, moet die party onverwyld aan die Eenheid en die Tribunaal en aan alle ander belanghebbende partye kennis van die beëindiging van sy of haar voormalige regsverteenwoordiger se volmag gee.

(4) Die opvolgende regsverteenwoordiger moet onverwyld die Eenheid en die Tribunaal van sy of haar besonderhede en sakeadres in kennis stel.

(5) By ontvangs van 'n kennisgewing ingevolge subreël (1) word die adres van die regsverteenwoordiger of van die party, die adres van daardie party vir die betekening aan hom of haar van alle dokumente in enige verrigtinge.

Verandering van partye

15. (1) Geen verrigting word beëindig bloot vanweë die dood, huwelik of ander statusverandering van enige party daartoe nie, tensy sodanige verandering die verrigting uitwis.

(2) Wanneer dit nodig of dienstig is om 'n verdere party tot die verrigting in te voeg vanweë 'n rede vermeld in subreël (1) (hetsy addisioneel tot, hetsy ter vervanging van 'n party op wie die verrigting betrekking het) sal die bepalinge van reël 15 van die Eenvormige Hofreëls *mutatis mutandis* geld.

Beëdigde vertaling

16. (1) Enige meerderjarige persoon wat behoorlik gekwalifiseer is, kan deur 'n lid van die Tribunaal as 'n beëdigde vertaler in 'n amptelike taal van die Republiek van Suid-Afrika of in enige vreemde taal ingeskryf word nadat hy of sy daardie lid van die Tribunaal van sy of haar bevoegdheid oortuig het.

(2) (a) Enigiemand wat kragtens subreël (1) toegelaat en ingeskryf is, moet voordat hy of sy sy of haar ampswerkzaamhede begin uitvoer, onderstaande eed of bevestiging aflê en onderteken:

“Ek,, verklaar hiermee onder eed/plegtig en opreg dat ek in my hoedanigheid van vertaler van die Tribunaal enige dokument of getuienis getrou en na die beste van my kennis en vermoë sal vertaal in 'n amptelike taal van die Republiek van Suid-Afrika uit enige taal ten opsigte waarvan ek as vertaler toegelaat en ingeskryf is.”

(b) Enige sodanige eed of bevestiging moet voor 'n lid van die Tribunaal afgelê word.

Getuienis en inligting

17. (1) Enige party wat die aanwesigheid van enige persoon verlang om getuienis af te lê in die verrigting voor die Tribunaal, het die reg om sonder kennisgewing vooraf, deur die sekretaris een of meer dagvaardings vir daardie doel uit te reik wat elk die name van hoogstens vier persone bevat, en betekening daarvan aan 'n persoon daarin vermeld, geskied deur die beampptes en op die wyse bedoel in reël 7, en die prosesstuk vir die dagvaarding van sodanige getuies is op 'n vorm wat wesenlik ooreenstem met die vorm in Aanhangsel 4.

(2) Indien enige getuie en enige akte, instrument, geskrif of voorwerp in sy of haar besit of onder sy of haar beheer het wat die party wat sy of haar aanwesigheid vereis, verlang as getuienis voorgelê moet word, moet die dagvaarding daardie dokument of voorwerp vermeld en van hom of haar vereis om dit by die verrigtinge aan die Tribunaal voor te lê.

(3) 'n Tribunaal kan in enige aangeleentheid, indien dit gerieflik of in die belang van geregtigheid blyk te wees om 'n bevel te maak vir die afneem van die getuie van enige persoon, hetsy voor of tydens die verhoor, een van sy lede of enige ander paslike gekwalifiseerde persoon as 'n kommissaris van die Tribunaal aanstel. Die Tribunaal kan toelaat dat enige party by enige sodanige aangeleentheid enige sodanige getuie of gedeelte daarvan gebruik op die voorwaardes, indien enige, wat die Tribunaal dienstig ag. Sodanige toestemming kan bepaal dat daardie getuie slegs na die sluiting van pleitstukke of slegs na blootlegging of die verstrekking van enige besonderhede in die aksie gebruik mag word.

(4) 'n Kommissaris moet nie enige vraag wat ontoepaslik is, toelaat nie.

(5) Indien die getuie van enige persoon op kommissie binne die Republiek afgeneem moet word, kan sodanige persoon gedagvaar word om voor die kommissaris te verskyn en te getuig soos by die verhoor.

(6) Tensy die Tribunaal wat die kommissie beveel, gelas dat sodanige ondervraging by wyse van vraagpunte en kruisvraagpunte moet geskied, word die getuie van enige getuie wat ingevolge 'n bevel kragtens subreël (3) voor die kommissaris ondervra moet word, gelewer op mondelinge ondervraging in teenwoordigheid van die partye en hulle regsvertegenwoordigers, en die betrokke getuie is onderhewig aan kruisondervraging en herondervraging.

(7) 'n Kommissaris besluit nie oor die toelaatbaarheid van getuie wat aangebied word nie, maar moet enige besware aanteken en sodanige besware moet deur die Tribunaal beslis word.

(8) Getuie wat op kommissie afgeneem word, moet op sodanige wyse genotuleer word as getuie voor die Tribunaal en die transkripsie van enige snelskrifantekeninge of meganiese opname, behoorlik gesertifiseer deur die persoon wat die transkripsie gemaak het en die kommissaris, maak die rekord van die ondervraging uit: Met dien verstande dat getuie voor die kommissie in verhalende vorm afgeneem kan word.

(9) Die rekord van die getuie moet deur die kommissaris aan die sekretaris besorg word, tesame met sy of haar sertifikaat dat dit die rekord is van die getuie wat voor hom of haar gelewer is, en word daarop deel van die rekord van die saak.

Opskortingsbevele en interdikte

18. (1) Die Eenheid of enige belanghebbende party kan te eniger tyd by die Tribunaal om 'n opskortingsbevel of interdik aansoek doen by kennisgewing op 'n vorm wat wesenlik ooreenstem met die vorm in Aanhangsel 3, gesteun deur 'n beëdigde verklaring ingedien by die Tribunaal.

(2) Bedoelde kennisgewing van voorneme om aansoek te doen om sodanige bevel of interdik moet, indien die aansoek gebring word deur 'n ander belanghebbende party as die Eenheid, aan die Eenheid beteken word minstens 48 uur voor die aanhoor van die aansoek deur die Tribunaal.

(3) Indien die Eenheid sodanige aansoek bring, word kennisgewing van die aansoek slegs vereis indien 'n bepaalde party, wie se belange deur sodanige bevel of interdik geraak sal word, geïdentifiseer is: Met dien verstande dat die Tribunaal kan vereis dat kennis aan enige belanghebbende party gegee word alvorens die aansoek aangehoor word.

(4) Die bepalinge van subreëls (1) en (3) *mutatis mutandis* van toepassing op 'n aansoek deur die Eenheid om bevestiging van 'n opskortingsbevel of interdik deur die Hoof van die Eenheid.

Blootlegging en inspeksies

19. (1) Die Eenheid is verplig om minstens vyftien (15) dae voordat die verhoor voor die Tribunaal 'n aanvang neem, alle toepaslike dokumente en bewysstukke aan enige belanghebbende party beskikbaar te stel.

(2) Enige ander party is verplig om minstens vyftien (15) dae voordat die verhoor voor die Tribunaal 'n aanvang neem, alle toepaslike dokumente en bewysstukke aan die Eenheid en die ander partye beskikbaar te stel.

(3) Blootlegging geskied by kennisgewing aan die ander partye op 'n vorm wat wesenlik ooreenstem met die vorm in Aanhangsel 5, tesame met 'n lys van dokumente wat blootgelê word, in Bylae 1 by die kennisgewing, en 'n lys van dokumente wat nie blootgelê word nie, in Bylae 2 by die kennisgewing, met vermelding van die redes waarom blootlegging van die dokumente vermeld in Bylae 2 geweier word. Die Tribunaal het die bevoegdheid om alle vraagstukke aangaande die weiering van blootlegging van enige dokument te beslis.

Dagvaarding

20. 'n Dagvaarding deur die Tribunaal ingevolge artikel 8 (3) van die Wet uitgereik, moet uitgereik word op 'n vorm wat wesenlik ooreenstem met die vorm in Aanhangsel 4.

Lasbrief tot inhegtenisneming

21. Die lasbrief tot inhegtenisneming bedoel in artikel 8 (4) en (5) van die Wet moet uitgereik word op 'n vorm wat wesenlik ooreenstem met die vorm in Aanhangsel 6.

Gestelde spesiale sake en beregting van regspunte

22. (1) Die partye by enige geskil kan, te eniger tyd na die instel van verrigtinge, ooreenkom op 'n skriftelike verklaring van feite in die vorm van 'n spesiale saak vir beregting deur die Tribunaal.

(2) (a) Sodanige verklaring moet die feite waarop ooreengekom is, die regsvrae in geskil tussen die partye en hulle standpunte daaromtrent uiteensit.

(b) Die verklaring moet verdeel word in opeenvolgende genommerde paragrawe en daarby moet afskrifte van dokumente aangeheg word wat nodig is om die Tribunaal in staat te stel om daardie vrae te beslis.

(c) Die verklaring moet onderteken word deur 'n regsverteenwoordiger namens elke party of, waar 'n party nie verteenwoordig word nie, deur sodanige party self.

(d) Sodanige spesiale saak moet vir verhoor ter rolle geplaas word op die wyse waarvoor in reël 23 voorsiening gemaak word.

(e) Indien 'n minderjarige of iemand met 'n geestesgebrek 'n party by sodanige verrigtinge is, kan die Tribunaal, alvorens hy die regsvraag in die geskil beslis, bewys vereis dat die verklarings in sodanige spesiale saak, in soverre dit betrekking het op die minderjarige of persoon met 'n geestesgebrek, waar is.

(3) By die aanhoor daarvan kan die Tribunaal en die partye verwys na die volle inhoud van sodanige dokumente en die Tribunaal kan enige afleiding aangaande feite of die reg uit die feite en dokumente maak asof dit by 'n verhoor bewys is.

(4) Indien dit uit eie beweging of op aansoek deur enige party vir die Tribunaal voorkom of daar in hangende verrigtinge 'n regs- of feitevraag is wat geriefshalwe beslis moet word voordat enige getuienis gelei is of afsonderlik van enige ander vraag, kan die Tribunaal 'n bevel aangaande die aanhoor van sodanige vraag maak op sodanige wyse as wat hy dienstig ag en kan gelas dat alle verdere verrigtinge opgeskort word totdat daardie vraag afgehandel is.

(5) By die beslissing van enige vraag ingevolge hierdie reël kan die Tribunaal sodanige bevinding of bevel maak as wat by sodanige beslissing gepas is en kan enige aanwysing gee aangaande die aanhoor van enige ander aangeleenthede wat nodig is vir die finale afhandeling daarvan.

(6) Indien die vraag in geskil 'n regsvraag en die partye eensgesind oor die feite is, kan die feite toegelaat en genotuleer word by die verhoor en die Tribunaal kan uitspraak lewer sonder om getuienis aan te hoor.

Kennisgewing van terrolleplasing

23. (1) Die Eenheid moet 'n kennisgewing van terrolleplasing vir verhoor minstens twintig (20) dae voor die datum van terrolleplasing aan enige ander party beteken.

(2) Indien die Eenheid versuim om die saak vir verhoor ter rolle te plaas, kan enige ander party by die verrigtinge die saak vir verhoor ter rolle plaas met minstens twintig (20) dae kennisgewing aan die Eenheid en ander partye.

Inkorting van verrigtinge

24. (1) Die Eenheid moet, en enige ander party mag ten minste twintig (20) dae voor die verhoor, die ander partye skriftelik kennis gee dat hulle 'n voor-verhoor konferensie moet bywoon op 'n wedersydse geskikte tyd en plek ten einde—

(i) ooreenkoms te bereik oor moontlike wyses om die duur van die verrigtinge voor die Tribunaal in te kort; en

(ii) om sodanige nadere besonderhede te verkry wat nodig mag wees vir die behoorlike voorbereiding en voer van die verhoor.

(2) Enige versoek om verdere besonderhede wat by die konferensie verskaf moet word, soos na verwys in subreël (1), moet ten minste tien (10) dae voor die konferensiedatum afgelewer word aan alle ander partye.

(3) By die afhandeling van so 'n konferensie moet die partye 'n notule opstel en onderteken van die aangeleenthede wat bespreek is, wat al die vrae wat geopper is en antwoorde wat gegee is, asook enige aangeleenthede in geskil, bevat.

Verhoor

25. (1) Enige party op wie die bewyslas rus, moet aan sodanige bewyslas volgens 'n oorwig van waarskynlikhede voldoen.

(2) Die Eenheid mag met die verrigtinge voortgaan, getuienis aanbied en alle bewerings met betrekking tot die betrokke partye bewys. Ongeag die afwesigheid van enige party wat behoorlike kennis ontvang het van die Eenheid, mag die Tribunaal, in geval van 'n gelikwiderde skuld of eis, en sonder om getuienis aan te hoor, vonnis teen so 'n betrokke party gee soos dit goetvind, en in enige ander geval moet die Tribunaal na aanhoor van getuienis 'n bevel maak wat dit mag goed ag.

(3) Behoudens die bepalings van subreël (1) berus die volgorde waarin getuienis by verrigtinge voor die Tribunaal afgelê word, daarop dat die Eenheid eerste getuienis aflê (tensy die Tribunaal anders gelas) en daarna die ander partye, in 'n volgorde gelas deur die Tribunaal.

(4) Elke getuie kan ondervra en herondervra word deur die party wat sodanige getuie geroep het, en kruisondervra word deur enige ander party.

(5) Nadat die sake van al die partye afgesluit is, moet die Eenheid eerste die Tribunaal toespreek en daarna die ander partye in die volgorde gelas deur die Tribunaal, waarna die Eenheid daarop geregtig is om te repliseer.

(6) Enige getuie wat deur die Tribunaal kragtens artikel 8 (3) van die Wet gedagvaar is, word deur die Tribunaal ondervra en al die partye is daarop geregtig om sodanige getuie te kruisondervra.

(7) Enige party by enige aangeleentheid wat genotuleer is, kan skriftelik by die kantoor van die sekretaris aansoek doen om die notule te laat transkribeer indien 'n bevel te dien effekte nie reeds gemaak is nie. Sodanige party is, op sy of haar eie koste, geregtig op 'n afskrif van enige transkripsie van die getuienis.

(8) Nieteenstaande die voorgaande kan die Tribunaal, geriefshalwe of in die belang van geregtigheid, te eniger tyd 'n bevel maak met betrekking tot die voer van verrigtinge voor die Tribunaal en daardeur prosedure voorgeskryf by hierdie reëls, wysig.

(9) Sonder om die strekking van die voorgaande in te kort, en wanneer hierdie reëls nie vir 'n bepaalde geval voorsiening maak nie, mag die Tribunaal by aansoek van enige party en na kennisgewing aan alle ander partye, 'n reëling tref wat dit dienstig ag om vir die omstandigheid voorsiening te maak.

Wysiging en herroeping van bevele

26. (1) Die Tribunaal kan, bykomstig by enige ander bevoegdhede wat hy het, uit eie beweging of op aansoek deur enige belanghebbende party—

- (a) 'n bevel, bevinding of beslissing wat foutiewelik aangevra of foutiewelik in die afwesigheid van enige belanghebbende party toegestaan is;
- (b) 'n bevel, bevinding of beslissing waarin daar 'n dubbelsinnigheid of duidelike fout of weglating is, maar slegs in die mate van sodanige dubbelsinnigheid, fout of weglating;
- (c) enige bevel, bevinding of beslissing wat by verstek verleen is, by aanvoering van gegronde redes en by openbaring van 'n *bona fide*-aksiegrond of -verweer,

herroep of wysig.

(2) Enige party wat enige regshulp kragtens hierdie reël verlang, moet daarom aansoek doen by kennisgewing op 'n vorm wat wesenlik ooreenstem met die vorm in Aanhangsel 3, ondersteun deur 'n beëdigde verklaring, aan al die partye wie se belange deur die wysiging wat verlang word, geraak kan word.

(3) Die Tribunaal maak nie 'n bevel tot herroeping of wysiging van enige bevel nie, tensy hy tevrede is dat alle partye wie se belange geraak kan word, kennis ontvang het van die beoogde bevel.

Tenuitvoerlegging

27. (1) Indien 'n party teen wie 'n bevel vir restitusie van eiendom verleen is, versuim om sodanige eiendom te oorhandig—

- (a) in die geval van onroerende eiendom, is die Tribunaal daarop geregtig om 'n bevel uit te reik wat die Registrateur van Aktes gelas en magtig om die nodige veranderinge aan die rekords in die aktekantoor aan te bring ten einde gevolg te gee aan sodanige bevel;
- (b) in die geval van roerende eiendom, kan die Tribunaal 'n balju, bode of polisie-beampte magtig om beslag te lê op sodanige eiendom en dit aan die regmatige eienaar terug te besorg.

(2) Indien 'n party teen wie 'n bevel vir die betaling van geld deur die Tribunaal verleen is, versuim om die bedrag te betaal, kan die Eenheid namens die Staat of enige ander party in wie se guns sodanige bevel toegestaan is, eksekusie verkry en is die bepalinge van die Eenvormige Hofreëls *mutatis mutandis* van toepassing: Met dien verstande dat 'n verwysing na die Hof in sodanige reëls uitgelê word as 'n verwysing na die Tribunaal en 'n verwysing na die griffier uitgelê word as 'n verwysing na die sekretaris.

Appèlle

28. (1) Enige party wat teen die beslissing, besluit of bevel van die Tribunaal wil appèlleer soos beoog in artikel 8 (7) van die Wet, moet binne vyftien (15) dae na sodanige beslissing, besluit of bevel 'n kennisgewing van appèl aan al die partye aflewer.

(2) Die kennisgewing van appèl moet vermeld of daar teen die hele of slegs 'n gedeelte van die beslissing, besluit of bevel geappèlleer word, en indien daar teen slegs 'n gedeelte van sodanige beslissing, besluit of bevel geappèlleer word, moet die kennisgewing die gedeelte vermeld en verder die feitebevinding of regsbeslissing waarteen en die gronde waarop die appèl gegrond is, spesifiseer.

(3) Die appèl moet gerig word aan die volle hof van die Provinsiale Afdeling wat jurisdiksie het in die gebied waar die beslissing, besluit of bevel deur die Tribunaal gemaak is.

(4) 'n Kennisgewing van teenappèl moet binne tien (10) dae na aflewering van die kennisgewing van appèl afgelewer word en die bepalinge van hierdie reëls met betrekking tot appèlle is *mutatis mutandis* van toepassing op teenappèlle.

(5) Die bepalinge van die toepaslike Eenvormige Hofreëls met betrekking tot 'n appèl van 'n enkele regter na die volle hof is van toepassing nadat sodanige kennisgewing van appèl of teenappèl afgelewer is.

Waarmerking van dokumente wat buite die Republiek verly is vir gebruik binne die Republiek van Suid-Afrika

29. Die bepalinge van die toepaslike Eenvormige Hofreëls met betrekking tot die waarmerking van dokumente verly buite die Republiek van Suid-Afrika vir gebruik binne die Republiek van Suid-Afrika, is *mutatis mutandis* van toepassing op verrigtinge voor die Tribunaal.

AANHANGSEL 1**VORM 1**

Saak No.

KENNISGEWING VAN MOSIE**AAN DIE SEKRETARIS (EN/OF ENIGE ANDER) BELANGHEBBENDE PARTY****IN DIE SPESIALE TRIBUNAAL INGESTEL BY****PROKLAMASIE No. R. 24 VAN 1997****In die saak tussen:**..... **Applikant**

en

..... **Respondent**

NEEM KENNIS DAT..... (hierna "die Applikant" genoem)
voornemens is om by die Spesiale Tribunaal aansoek te doen om die volgende bevel:

1.
2.
3.
4.

en dat bygaande beëdigde verklaring van..... tesame met die
Aanhangsel(s) ter ondersteuning daarvan gebruik sal word.

NEEM VERDER KENNIS dat die Applikant.....[verstrek hier die
adres bedoel in reël 4 (5) (b)] aangewys het waar hy of sy kennisgewing en betekening van alle
prosesstukke in hierdie verrigtinge sal aanvaar.

NEEM VERDER KENNIS dat indien u voornemens is om hierdie aansoek te bestry, u—

- (a) die sekretaris en die Applikant of sy of haar regsverteenwoordiger skriftelik voor of
op.....van u voorneme om die aansoek te bestry, in kennis moet stel;
- (b) tesame met die betekening van die kennisgewing van voorneme om te bestry u
antwoordende beëdigde verklarings, indien enige, moet indien;
- (c) in die kennisgewing van voorneme om te bestry 'n adres binne 10 kilometer van die setel
van die Tribunaal, soos bedoel in reël 4 (5) (d), moet aanwys waar u kennisgewing en
betekening van alle dokumente in hierdie verrigtinge sal aanvaar.

Indien geen sodanige kennisgewing van voorneme om te bestry gegee word nie, sal die aansoek
gebring word op.....om..... :(tyd) of so gou daarna as wat die Applikant of sy
of haar regsverteenwoordiger aangehoor kan word, om die regshulp wat verlang word.

GEDATEER TE OP HEDE DIE DAG VAN 19.....

APPLIKANT/REGSVERTEENWOORDIGER
WAT NAMENS APPLIKANT OPTREE*

ADRES:

AAN: (1)

.....

.....

(2) DIE SEKRETARIS VAN DIE SPESIALE TRIBUNAAL

* Skrap indien nie van toepassing nie.

AANHANGSEL 2**VORM 2**

Saak No.

KENNISGEWING VAN MOSIE**IN DIE SPESIALE TRIBUNAAL INGESTEL BY
PROKLAMASIE No. R. 24 VAN 1997****In die *ex parte*-aansoek deur:**..... **Applikant**

NEEM KENNIS dat aansoek namens bogenoemde Applikant gebring sal word op die.....
dag van.....om..... :(tyd) of so gou daarna as wat die aangeleentheid
aangehoor kan word, om 'n bevel met die volgende bepaling:

1.
2.
3.
4.

en dat bygaande beëdigde verklaring van.....tesame met die
aanhangsels daarby aangeheg, gebruik sal word ter ondersteuning daarvan.

Geliewe die saak dienooreenkomstig vir verhoor ter rolle te plaas.

GEDATEER TE.....OP HEDE DIE.....DAG VAN..... 19.....

.....
AANSOEKER/REGSVERTEENWOORDIGER
WAT NAMENS AANSOEKER OPTREE*

ADRES:

AAN: (1) DIE SEKRETARIS VAN DIE SPESIALE TRIBUNAAL

*** Skrap indien nie van toepassing nie.**

AANHANGSEL 3**VORM 3**

Saak No.

KENNISGEWING VAN MOSIE**AAN DIE SEKRETARIS EN ENIGE BELANGHEBBENDE PARTY****IN DIE SPESIALE TRIBUNAAL INGESTEL BY PROKLAMASIE No. R. 24 VAN 1997****In die saak tussen:**..... **Applikant****en**..... **Respondent**

NEEM KENNIS dat aansoek namens bogenoemde Applikant gebring sal word op die
 dag van.....om..... :(tyd) of so gou daarna as wat die aangeleentheid
 aangehoor kan word, om 'n bevel met die volgende bepalinge:

1.
2.
3.
4.

en dat bygaande beëdigde verklaring van.....tesame met die
 aanhangsels daarby aangeheg, gebruik sal word ter ondersteuning daarvan.

Geliewe die saak dienooreenkomstig vir verhoor ter rolle te plaas.

GEDATEER TE.....OP HEDE DIE DAG VAN 19.....

.....
AANSOEKER/REGSVERTEENWOORDIGER
WAT NAMENS AANSOEKER OPTREE*

ADRES:

AAN: (1) DIE SEKRETARIS VAN DIE SPESIALE TRIBUNAAL

(2)

(3)

(4)

*** Skrap indien nie van toepassing nie.**

AANHANGSEL 4**VORM 4**

Saak No.

DAGVAARDING

OM TE VERSKYN VOOR DIE SPESIALE TRIBUNAAL INGESTEL BY PROKLAMASIE
No. R. 24 VAN 1997

In die saak tussen:

..... **Eiser**

en

..... **Verweerder**

AAN ALLE POLISIEBEAMPTES, BALJU'S, GEREGBODES EN LEDE VAN DIE EENHEID:

STEL—

1.
2.
3.
4.

(vermeld die naam, beroep en besigheids- of woonplek van elke getuie)

in kennis dat hy of sy elk van hulle gelas word om te verskyn voor die Spesiale Tribunaal te.....
op die.....dag van.....19.....om.....:.....(tyd) en daarna aanwesig
te bly totdat hy of sy deur gemelde Tribunaal verskoon is, ten einde getuienis af te lê namens
bogenoemde Eiser/Verweerder* ten opsigte van alle aangeleenthede binne sy of haar kennis in verband
met 'n saak wat tans hangend is voor gemelde Tribunaal en waarin die Eiser die volgende regshulp eis:

1.
2.
3.
4.

EN STEL hom of haar of elk van hulle in kennis dat hy of sy verder gelas word om.....

(beskryf presies elke boek, dokument of voorwerp wat voorgelê moet word) saam met hom of haar te
bring en aan gemelde Tribunaal voor te lê.

EN STEL elk van genoemde persone verder in kennis dat indien hy of sy versuim om sonder redelike
verskoning hierdie dagvaarding te gehoorsaam, hy of sy skuldig is aan 'n misdryf en by skuldig-
bevinding strafbaar is met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens een jaar
ingevolge artikel 12 van Wet 74 van 1996.

GEDATEER TE.....OP HEDE DIE.....DAG VAN.....19.....

.....
SEKRETARIS VAN DIE TRIBUNAAL

.....
EISER/VERWEERDER/
REGSVERTEENWOORDIGER(S)
WAT NAMENS EISER/VERWEERDER
OPTREE*

* Skrap indien nie van toepassing nie.

AANHANGSEL 5**VORM 5**

Saak No.

KENNISGEWING VAN BLOOTLEGGING**IN DIE SPESIALE TRIBUNAAL INGESTEL BY
PROKLAMASIE No. R. 24 VAN 1997****In die saak tussen:**..... **Applikant/Eiser*****en**..... **Respondent/Verweerder***

GELIEWE KENNIS TE NEEM dat die Eiser/Verweerder hierby die dokumente gelys in Bylae 1 blootlê en weier om die dokument gelys in Bylae 2, vir die redes vermeld in Bylae 2, bloot te lê.

.....
EISER/VERWEERDER/
REGSVERTEENWOORDIGER WAT
NAMENS EISER/VERWEERDER
OPTREE*

ADRES:

AAN: (1)

.....

.....

(2) DIE SEKRETARIS VAN DIE SPESIALE TRIBUNAAL

* Skrap indien nie van toepassing nie.

AANHANGSEL 6**VORM 6**

Saak No.

LASBRIEF TOT INHEGTENISNEMING**IN DIE SPESIALE TRIBUNAAL INGESTEL BY
PROKLAMASIE No. R. 24 VAN 1997**

NAAM

OUDERDOM

ADRES

AAN ALLE POLISIEBEAMPTES en ander geregsdienaars vir die uitvoering van strafregtelike lasbriewe:

NADEMAAL BOGENOEMDE—

Behoorlik gedagvaar is om die verrigtinge by te woon en/of 'n boek, dokument of voorwerp voor te lê aan die Spesiale Tribunaal te.....op die
dag van.....19.....om.....:(tyd) in die saak tussen.....
en....., en

*versuim het om te verskyn/verskyn het, maar versuim het om aanwesig te bly totdat hy of sy deur
gemelde Tribunaal verskoon is;

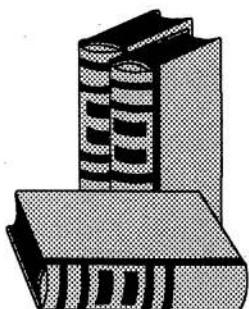
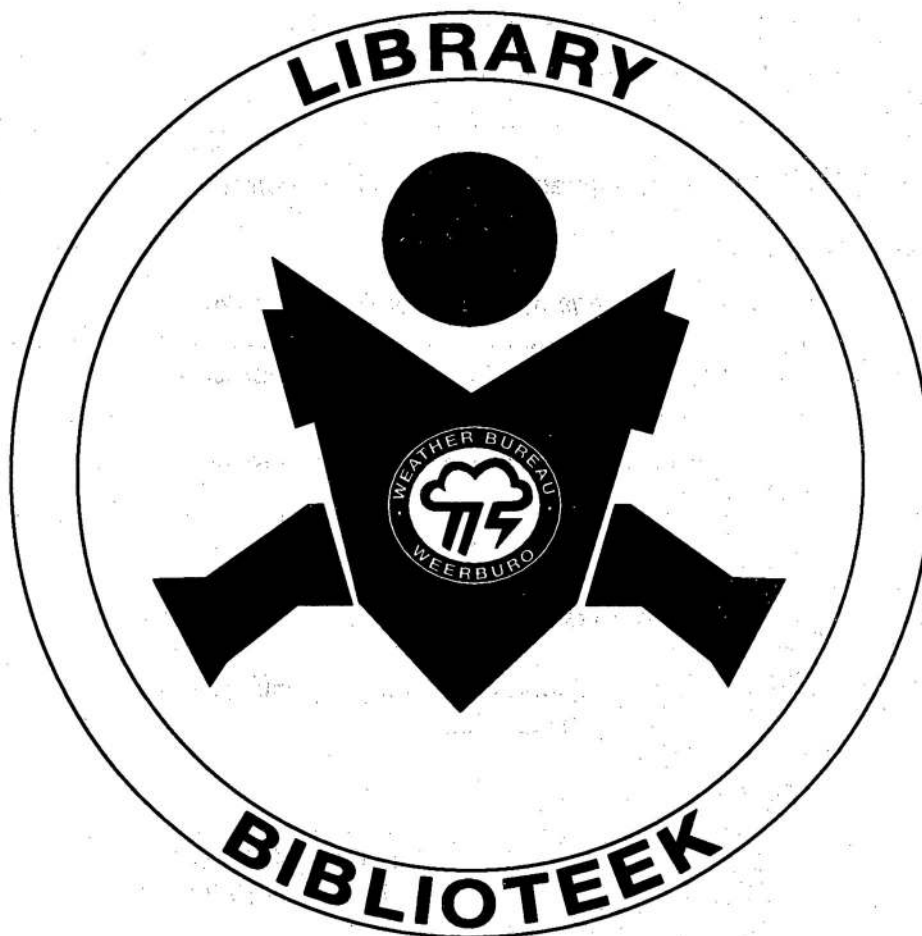
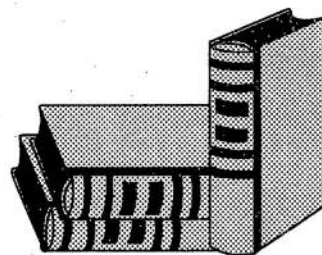
DAAROM word u gelas om onmiddellik op sig hiervan, gemelde.....
.....in hegtenis te neem of te laat neem en voor gemelde Tribunaal te bring
om volgens reg mee gehandel te word te (plek en tyd).

GEGEE ONDER MY HAND TEOP HEDE DIE.....
DAG VAN.....19

.....
TRIBUNAAPRESIDENT/
LID VAN DIE TRIBUNAAL*

* Skrap indien nie van toepassing nie.

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



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

Department of Environmental Affairs and Tourism
Departement van Omgewingsake en Toerisme

Keep South Africa Clean

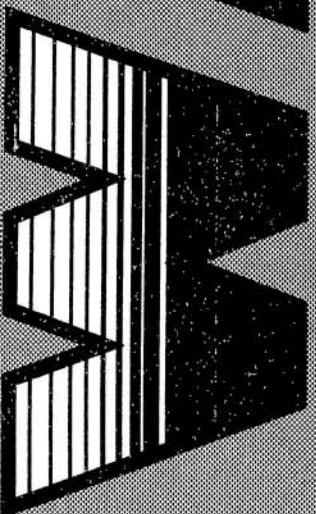
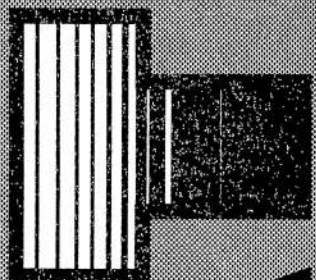
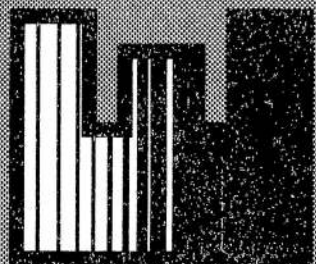


Throw trash where it belongs

Hou Suid-Afrika Skoon



Gooi rommel waar dit hoort

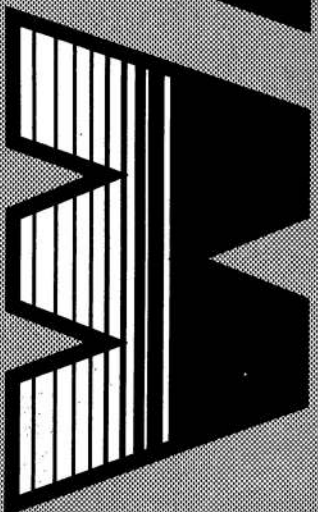
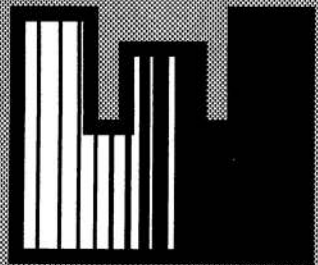
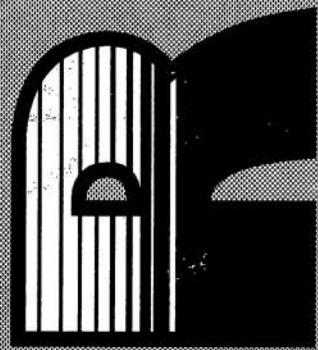


DON'T

WASTE

It!





WERK

SPAARSAAM

DAARMEE !



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