



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Vol. 402

CAPE TOWN, 2 DECEMBER 1998

KAAPSTAD, 2 DESEMBER 1998

No. 19536

OFFICE OF THE PRESIDENT

No. 1550. 2 December 1998

It is hereby notified that the President has assented to the following Act which is hereby published for general information:—

No. 115 of 1998: Attorneys and Matters relating to Rules of Court Amendment Act, 1998.

KANTOOR VAN DIE PRESIDENT

No. 1550. 2 Desember 1998

Hierby word bekend gemaak dat die President sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 115 van 1998: Wysigingswet op Prokureurs en Aangeleenthede rakende Hofreëls, 1998.

**Act No. 115, 1998 ATTORNEYS AND MATTERS RELATING TO RULES OF COURT
AMENDMENT ACT, 1998**

GENERAL EXPLANATORY NOTE:

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

ACT

To amend the Attorneys Act, 1979, so as to limit liability of the Attorneys Fidelity Fund; to insert transitional provisions relating to liability of the Attorneys Fidelity Fund for investments; to extend the jurisdiction of the Attorneys Fidelity Fund to practitioners in the areas of the former Republics of Bophuthatswana and Venda; to further regulate the filling of a vacancy on the council of a society; and to empower the Law Society of the Transvaal to exercise certain powers in respect of practitioners practising in the areas of the former Republics of Bophuthatswana and Venda; to amend certain laws; to make fresh provision with regard to the Rules of the High Court in the areas of the former Republics of Transkei, Bophuthatswana, Venda and Ciskei; and to provide for matters connected therewith.

*(English text signed by the President.)
(Assented to 20 November 1998.)*

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 47 of Act 53 of 1979

1. Section 47 of the Attorneys Act, 1979 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the addition to subsection (1) of the following paragraph:

“(g) by any person as a result of theft of money which a practitioner has been instructed to invest on behalf of such person after the date of commencement of this paragraph.”; and

(b) by the addition after subsection (3) of the following subsections:

“(4) Subject to subsection (5), a practitioner must be regarded as having been instructed to invest money for the purposes of subsection (1)(g), where a person—

(a) who entrusts money to the practitioner; or

(b) for whom the practitioner holds money,

instructs the practitioner to invest all or some of that money in a specified investment or in an investment of the practitioner's choice.

(5) For the purposes of subsection (1)(g), a practitioner must be regarded as not having been instructed to invest money if he or she is instructed by a person—

(a) to pay the money into an account contemplated in section 78(2A) if such payment is for the purpose of investing such money in such account on a temporary or interim basis only pending the conclusion or implementation of any particular matter or transaction which is already in existence or about to come into existence at

ALGEMENE VERDUIDELIKENDE NOTA:

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

WET

Tot wysiging van die Wet op Prokureurs, 1979, ten einde aanspreeklikheid van die Getrouheidsfonds vir Prokureurs te beperk; oorgangsbepalings in verband met aanspreeklikheid van die Getrouheidsfonds vir Prokureurs vir beleggings in te voeg; die jurisdiksie van die Getrouheidsfonds vir Prokureurs na praktisyns in die gebiede van die voormalige Republieke van Bophuthatswana en Venda uit te brei; om die vulling van 'n vakature in die raad van 'n orde verder te reël; en die Prokureursorde van Transvaal te magtig om sekere bevoegdhede ten opsigte van praktisyns wat in die gebiede van die voormalige Republieke van Bophuthatswana en Venda praktiseer, uit te oefen; om sekere wette te wysig; om nuwe voorsiening met betrekking tot die Reëls van die Hoë Hof in die gebiede van die voormalige Republieke van Transkei, Bophuthatswana, Venda en Ciskei te maak; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die President geteken.)
(Goedgekeur op 20 November 1998.)

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 47 van Wet 53 van 1979

1. Artikel 47 van die Wet op Prokureurs, 1979 (hierna die Hoofwet genoem), word hierby gewysig—

(a) deur die volgende paragraaf by subartikel (1) te voeg:

“(g) deur iemand gely weens diefstal van geld wat 'n praktisyn, na die datum van inwerkingtreding van hierdie paragraaf, opdrag gegee is om namens so iemand te belê.”; en

10 (b) deur die volgende subartikels na subartikel (3) by te voeg:

“(4) Behoudens subartikel (5) word 'n praktisyn, vir die doeleindes van subartikel (1)(g), geag opdrag gegee te gewees het om geld te belê indien 'n persoon—

(a) wat geld aan die praktisyn toevertrou; of

15 (b) vir wie die praktisyn geld hou,
die praktisyn opdrag gee om al of sommige van daardie geld in 'n gespesifiseerde belegging of in 'n belegging van die praktisyn se keuse te belê.

(5) By die toepassing van subartikel (1)(g) word 'n praktisyn geag nie opdrag gegee te gewees het om geld te belê nie indien hy of sy deur 'n persoon opdrag gegee word—

20 (a) om die geld in 'n rekening beoog in artikel 78(2A) te betaal, indien so 'n betaling bedoel is om sodanige geld slegs op 'n tydelike of tussentydse grondslag in so 'n rekening te belê, hangende die
25 finalisering of implementering van enige besondere aangeleentheid

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- the time that the investment is made and over which investment the practitioner exercises exclusive control as trustee, agent or stakeholder or in any fiduciary capacity;
- (b) to lend money on behalf of that person to give effect to a loan agreement where that person, being the lender—
- (i) specifies the borrower to whom the money is to be lent;
 - (ii) has not been introduced to the borrower by the practitioner for the purpose of making that loan; and
 - (iii) is advised by the practitioner in respect of the terms and conditions of the loan agreement; or
- (c) to utilise money to give effect to any term of a transaction to which that person is a party, other than a transaction which is a loan or which gives effect to a loan agreement that does not fall within the scope of paragraph (b).
- (6) Subsection (1)(g) does not apply to money which a practitioner is authorised to invest where the practitioner acts in his or her capacity as executor, trustee or curator or in any similar capacity.
- (7) A practitioner who has been instructed to invest money as contemplated in subsection (4) shall, as soon as practicable after he or she has received such instruction but prior to the receipt of the money to be invested, notify the person giving the instruction of the provisions of subsection (1)(g) in the form and manner prescribed by the board of control in terms of subsection (8).
- (8) For the purposes of subsection (7), the board of control shall issue directives prescribing the form and manner in which a notice referred to in that subsection shall be given and may from time to time review and, if necessary, revise such directives.
- (9) Pending the issuing of the directives contemplated in subsection (8), a notice referred to in subsection (7) shall—
- (a) be drawn up by the practitioner;
 - (b) be signed by both the practitioner and the person giving the instruction; and
 - (c) contain a written acknowledgment by such person to the effect that he or she—
- (i) has been informed by the practitioner concerned of the provisions of subsection (1)(g) and that he or she understands the effect thereof; and
 - (ii) admits that the fund shall not be liable in respect of any loss suffered by him or her as a result of theft of such money.
- (10) Any practitioner who contravenes subsection (7) shall be guilty of an offence and on conviction be liable to a fine or to imprisonment for a period not exceeding two years.”.

Insertion of section 47A in Act 53 of 1979

2. The following section is hereby inserted after section 47 of the principal Act:

“Transitional provisions relating to liability of fund for investments

47A. The fund is not liable for loss of money caused by theft committed by a practitioner, candidate attorney, employee or agent of a practitioner where the money is invested or should have been invested on instructions given before the date contemplated in section 47(1)(g) and where—

- (a) the money is to be repaid, at any time after that date, to the beneficiary specified in any agreement whether with the borrower or practitioner;
- (b) the theft is committed at any time after the expiration of 90 days after

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of transaksie wat alreeds bestaan of wat op die punt is om te ontstaan op die tydstip waarop die belegging gemaak word en oor welke belegging die praktisyn as trustee, agent of belanghebbende of in 'n fidusiêre hoedanigheid uitsluitlike beheer uitoefen;

(b) om geld namens daardie persoon te leen om aan 'n leningsooreenkoms gevolg te gee indien daardie persoon, synde die uitlener—

(i) die lener vermeld aan wie die geld geleen moet word;

(ii) nie deur die praktisyn aan die lener vir die doel van die aangaan van daardie lening voorgestel is nie; en

(iii) deur die praktisyn ten opsigte van die bepalings en voorwaardes van die leningsooreenkoms geadviseer is; of

(c) om geld aan te wend om gevolg te gee aan enige voorwaarde van 'n transaksie waartoe daardie persoon 'n party is, anders as 'n transaksie wat 'n lening is of wat aan 'n leningsooreenkoms gevolg gee wat nie binne die omvang van paragraaf (b) val nie.

(6) Subartikel (1)(g) is nie van toepassing nie op geld wat 'n praktisyn gemagtig is om te belê waar die praktisyn optree in sy of haar hoedanigheid as eksekuteur, trustee of kurator of in enige soortgelyke hoedanigheid.

(7) 'n Praktisyn wat opdrag gegee is om geld te belê soos in subartikel (4) beoog, moet so gou moontlik nadat hy of sy die opdrag ontvang het, maar voor die ontvangs van die geld wat belê moet word, die persoon wat die opdrag gee van die bepalings van subartikel (1)(g) in kennis stel in die vorm en op die wyse deur die beheerraad ingevolge subartikel (8) voorgeskryf.

(8) Vir die doeleindes van subartikel (7) moet die beheerraad voorskrifte uitreik wat die vorm waarin en die wyse waarop 'n kennisgewing bedoel in daardie subartikel gegee moet word, voorskryf en die beheerraad kan van tyd tot tyd sodanige voorskrifte hersien en, indien nodig, wysig.

(9) Hangende die uitreiking van die voorskrifte in subartikel (8) beoog, moet 'n kennisgewing bedoel in subartikel (7)—

(a) deur die praktisyn opgestel word;

(b) deur beide die praktisyn en die persoon wat die opdrag gee, onderteken word; en

(c) 'n skriftelike erkenning deur sodanige persoon bevat met die strekking dat hy of sy—

(i) deur die betrokke praktisyn van die bepalings van subartikel (1)(g) ingelig is en dat hy of sy die gevolg daarvan verstaan; en

(ii) toegee dat die fonds nie ten opsigte van 'n verlies deur hom of haar gely weens diefstal van sodanige geld aanspreeklik sal wees nie.

(10) 'n Praktisyn wat subartikel (7) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar."

Invoeging van artikel 47A in Wet 53 van 1979

2. Die volgende artikel word hierby na artikel 47 van die Hoofwet ingevoeg:

"Oorgangsbepalings rakende aanspreeklikheid van fonds vir beleggings

47A. Die fonds is nie aanspreeklik nie vir verlies van geld veroorsaak deur diefstal wat gepleeg is deur 'n praktisyn, kandidaat-prokureur, werknemer of agent van 'n praktisyn indien die geld belê is of belê moes gewees het kragtens opdragte gegee voor die datum in artikel 47(1)(g) beoog en indien—

(a) die geld terugbetaal staan te word op enige tydstip na daardie datum aan die begunstigde gespesifiseer in 'n ooreenkoms, hetsy met die lener of die praktisyn;

(b) die diefstal gepleeg word op enige tydstip na die verstryking van 90

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- the investment matures or after the expiration of 90 days after the date contemplated in section 47(1)(g);
- (c) repayment is subject to the lender making a demand or is subject to the occurrence of an impossible or uncertain event; or
- (d) the repayment date is not fixed.”

Substitution of section 55 of Act 53 of 1979, as substituted by section 1 of Act 116 of 1981 and amended by section 22 of Act 87 of 1989

3. The following section is hereby substituted for section 55 of the principal Act:

“Application of Chapter in respect of persons exercising legal professions in area of former Republic of Transkei, Bophuthatswana, Venda or Ciskei

55. (1) For the purposes of this Chapter—

- (a) ‘practising practitioner’ includes any person who exercises a legal profession in—
- (i) the former Republic of Transkei or Ciskei; or
- (ii) the former Republic of Bophuthatswana or Venda, on his or her own account or in partnership, and—
- (aa) who is required by a law of the former Republic of Transkei or Ciskei, or by section 6(1) of the Attorneys and Matters relating to Rules of Court Amendment Act, 1998, as the case may be, as a prerequisite for exercising such profession, to be in possession of a valid fidelity fund certificate issued to him or her in terms of section 42(3);
- (bb) who is in possession of such a certificate; and
- (b) a person referred to—
- (i) in paragraph (a)(i) must be regarded as being a practitioner who is a member of the society known as the Law Society of the Cape of Good Hope;
- (ii) in paragraph (a)(ii) must be regarded as being a practitioner who is a member of the society known as the Law Society of the Transvaal.
- (2) This Chapter shall apply with the necessary changes in respect of any theft committed in the area of the former Republic of Transkei, Bophuthatswana, Venda or Ciskei, as the case may be, by a practising practitioner, his or her candidate attorney, employee or agent, of any money or other property referred to in section 26.”

Amendment of section 62 of Act 53 of 1979

4. Section 62 of the principal Act is hereby amended by the addition in subsection (2) of the following paragraph, the existing subsection becoming paragraph (a):

- “(b) Any vacancy occurring in any council as a result of the increase in the number of members of such a council, may be filled by a person appointed by that council from the members of the society concerned and such a person shall hold office until the completion of the next election of members of the council held subsequent to the appointment of the person concerned.”

Insertion of section 84A in Act 53 of 1979

5. The following section is hereby inserted in the principal Act after section 84:

“Law Society of Transvaal may exercise certain powers in respect of practitioners practising in areas of former Republics of Bophuthatswana and Venda

84A. Notwithstanding any other law, the Law Society of the Transvaal and its council, president and secretary, may in respect of practitioners practising in the areas of the former Republics of Bophuthatswana and Venda, perform any function which is similar to a function assigned to that

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dae na die verval van die belegging of na die verstryking van 90 dae na die datum in artikel 47(1)(g) beoog;

(c) die terugbetaling aan opeising deur die uitlener of aan die plaasvinder van 'n onmoontlike of onsekere gebeurtenis onderworpe is; of

5 (d) die terugbetalingsdatum nie vasgestel is nie.”.

Vervanging van artikel 55 van Wet 53 van 1979, soos vervang deur artikel 1 van Wet 116 van 1981 en gewysig deur artikel 22 van Wet 87 van 1989

3. Artikel 55 van die Hoofwet word hierby deur die volgende artikel vervang:

10 **“Toepassing van Hoofstuk ten opsigte van persone wat regsberoep in gebied van voormalige Republiek van Transkei, Bophuthatswana, Venda of Ciskei uitoefen**

55. (1) By die toepassing van hierdie Hoofstuk—

(a) beteken ‘praktiserende praktisyn’ ook ’n persoon wat in—

(i) die voormalige Republiek van Transkei of Ciskei; of

15 (ii) die voormalige Republiek van Bophuthatswana of Venda,

’n regsberoep uitoefen, vir sy of haar eie rekening of in vennootskap, en—

(aa) van wie daar by ’n wet van die voormalige Republiek van Transkei of Ciskei, of deur artikel 6(1) van die Wysigingswet op Prokureurs en Aangeleenthede rakende Hofreëls, 1998, na gelang van die geval, vereis word om, as voorvereiste om so ’n beroep uit te oefen, in besit te wees van ’n geldige getrouheidsfondssertifikaat wat ingevolge artikel 42(3) aan hom of haar uitgereik is;

20 (bb) wat in besit is van so ’n sertifikaat; en

(b) word ’n persoon bedoel—

(i) in paragraaf (a)(i) geag ’n praktisyn te wees wat ’n lid is van die orde wat as die Wetsgenootskap van die Kaap die Goeie Hoop bekend staan;

30 (ii) in paragraaf (a)(ii) geag ’n praktisyn te wees wat ’n lid is van die orde wat as die Prokureursorde van Transvaal bekend staan.

(2) Hierdie Hoofstuk is met die nodige veranderinge van toepassing ten opsigte van ’n diefstal gepleeg in die gebied van die voormalige Republiek van Transkei, Bophuthatswana, Venda of Ciskei, na gelang van die geval, deur ’n praktiserende praktisyn, sy of haar kandidaat-prokureur, werknemer of agent, van geld of ander goedere in artikel 26 bedoel.”.

Wysiging van artikel 62 van Wet 53 van 1979

4. Artikel 62 van die Hoofwet word hierby gewysig deur in subartikel (2) die volgende paragraaf by te voeg, terwyl die bestaande subartikel paragraaf (a) word:

40 **“(b) ’n Vakature wat in ’n raad ontstaan as gevolg van die verhoging in die getal lede van so ’n raad, kan gevul word deur ’n persoon deur die raad aangestel vanuit die lede van die betrokke orde en so ’n persoon beklee sy of haar amp tot voltooiing van die eersvolgende verkiesing van lede van die raad wat na die aanstelling van die betrokke persoon gehou word.”.**

45 **Invoeging van artikel 84A in Wet 53 van 1979**

5. Die volgende artikel word hierby na artikel 84 van die Hoofwet ingevoeg:

“Prokureursorde van Transvaal kan sekere bevoegdhede uitoefen ten opsigte van praktisyns wat in gebiede van voormalige Republieke van Bophuthatswana en Venda praktiseer

50 **84A. Ondanks enige ander wet kan die Prokureursorde van Transvaal en sy raad, president en sekretaris, ten opsigte van praktisyns wat in die gebiede van die voormalige Republieke van Bophuthatswana en Venda praktiseer, enige werksaamhede verrig wat soortgelyk is aan ’n werksaamheid wat deur artikel 22(1)(d) of (e), (2), 67(2), 69(a), (e) of (m), 70, 71,**

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Law Society, council, president or secretary, as the case may be, by section 22(1)(d) or (e), (2), 67(2), 69(a), (e) or (m), 70, 71, 72, 73, 74(1)(a), (e) and (f), 78, 81(1)(e) and (f), (2)(a), (d), (e), (i) or (j), (5) or 83(9), (13) or (15).”

Savings and amendment of certain provisions

6. (1) Any practising practitioner contemplated in section 55(a)(ii) of the principal Act who, at the commencement of this Act, is not in possession of a fidelity fund certificate must, within 21 days after that date and subject to the rules of the Law Society of the Transvaal relating to the issue of a fidelity fund certificate, apply for such a certificate. 5

(2) Notwithstanding section 55 of the principal Act, as amended by section 3 of this Act, the Attorneys Fidelity Fund does not incur any liability, in respect of any practising practitioner referred to in section 55(a)(ii) of the principal Act, for any theft committed prior to the day upon which he or she becomes the holder of a valid fidelity fund certificate as contemplated in subsection (1) and issued in terms of section 42(3) of the principal Act. 10

(3) Notwithstanding any other law, section 83(10) of the principal Act applies to any practising practitioner who fails to comply with subsection (1) after 60 days have elapsed from the date on which this Act takes effect. 15

(4) The laws mentioned in the second column of the Schedule are amended to the extent indicated in the third column thereof.

(5) Rules of court made under any provision amended by this Act which were in force immediately before the commencement of this Act, shall, subject to the provisions of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985), and notwithstanding the amendment of that provision by subsection (4), remain in force until repealed in terms of the Rules Board for Courts of Law Act, 1985. 20

Short title and commencement

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7. This is the Attorneys and Matters relating to Rules of Court Amendment Act, 1998, which takes effect on a date fixed by the President by proclamation in the *Gazette*.

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72, 73, 74(1)(a), (e) en (f), 78, 81(1)(e) en (f), (2)(a), (d), (e), (i) of (j), (5) of 83(9), (13) of (15) aan daardie Prokureursorde, raad, president of sekretaris, na gelang van die geval, opgedra is.”

Voorbehoud en wysiging van sekere bepalings

- 5 6. (1) Enige praktiserende praktisyn in artikel 55(a)(ii) van die Hoofwet beoog wat by die inwerkingtreding van hierdie Wet nie in besit is van 'n getrouheidsfondssertifikaat nie, moet binne 21 dae na daardie datum en behoudens die reëls van die Prokureursorde van Transvaal wat met die uitreik van 'n getrouheidsfondssertifikaat verband hou, om so 'n sertifikaat aansoek doen.
- 10 (2) Ondanks artikel 55 van die Hoofwet, soos deur artikel 3 van hierdie Wet gewysig, loop die Getrouheidsfonds vir Prokureurs nie aanspreeklikheid op nie ten opsigte van enige praktiserende praktisyn in artikel 55(a)(ii) van die Hoofwet bedoel, vir enige diefstal gepleeg voor die dag waarop hy of sy die houer word van 'n geldige getrouheidsfondssertifikaat soos in subartikel (1) beoog en wat ingevolge artikel 42(3) van die Hoofwet uitgereik is.
- 15 (3) Ondanks enige ander wet is artikel 83(10) van die Hoofwet van toepassing op enige praktiserende praktisyn wat versuim om aan subartikel (1) te voldoen na die verstryking van 60 dae vanaf die datum waarop hierdie Wet in werking tree.
- 20 (4) Die wette in die tweede kolom van die Bylae vermeld, word gewysig in die mate in die derde kolom daarvan aangedui.
- 25 (5) Hofreëls wat uitgevaardig is kragtens 'n bepaling wat deur hierdie Wet gewysig is en wat onmiddellik voor die inwerkingtreding van hierdie Wet van krag is, bly, behoudens die bepalings van die Wet op die Reëlsraad vir Geregshowe, 1985 (Wet No. 107 van 1985), en ondanks die wysiging van daardie wetsbepaling deur subartikel (4), van krag totdat dit ingevolge die Wet op die Reëlsraad vir Geregshowe, 1985, herroep word.

Kort titel en inwerkingtreding

7. Hierdie Wet is die Wysigingswet op Prokureurs en Aangeleenthere rakende Hofreëls, 1998, wat in werking tree op 'n datum deur die President by kennisgewing in die *Staatskoerant* bepaal.
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SCHEDULE

(Laws amended by section 6(4))

No. and year of law	Short title	Extent of amendment
Act No. 59 of 1959 (Venda)	Supreme Court Act, 1959	Amendment of section 43 by the deletion of subsections (1), (2)(a) and (3).
Act No. 15 of 1976 (Transkei)	Republic of Transkei Constitution Act, 1976	The following section is substituted for section 49: “Rules of court 49. (1) Subject to the provisions of subsection (2) the [Chief Justice] Judge President may make rules regulating the conduct of proceedings in the [Supreme Court] High Court and prescribing any matter whatsoever which [it] is necessary to prescribe in order to ensure the proper despatch and conduct of the business of the court [including rules prescribing court fees, the fees payable for the service or execution of process and the fees chargeable by advocates, attorneys and notaries as well as rules relating to the taxation of bills of costs and the recovery of costs]. (2) Any rules made by the [Chief Justice] Judge President under subsection (1) shall be [subject to the approval of the President and any rules so approved shall be] made known by notice in the <i>Gazette</i>. (3) The rules which immediately prior to the commencement of this Act applied in respect of the High Court referred to in section 44(3) shall, notwithstanding the provisions of section 74(1), apply <i>mutatis mutandis</i> in respect of the [Supreme Court] High Court of Transkei and shall be deemed to have been duly made, approved and published in terms of this section.”
Act No. 18 of 1977 (Bophuthatswana)	Republic of Bophuthatswana Constitution Act, 1977	Amendment of section 64 by the substitution for subsection (1) of the following subsection: “(1) Subject to any contrary provision existing in any other law, the [Chief Justice] Judge President may make rules regulating the conduct of proceedings in the [Supreme Court] High Court and prescribing matters which may be necessary to prescribe in order to ensure the proper dispatch and conduct of the business of that Court, and may amend, substitute or withdraw any rule so made.”

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BYLAE

(Wette gewysig deur artikel 6(4))

No. en jaar van wet	Kort titel	Omvang van wysiging
Wet No. 59 van 1959 (Venda)	Wet op die Hooggeregshof, 1959	Wysiging van artikel 43 deur subartikels (1), (2)(a) en (3) te skrap.
Wet No. 15 van 1976 (Transkei)	Grondwet van die Republiek van Transkei, 1976	Artikel 49 word deur die volgende artikel vervang: “Hofreëls 49. (1) Die [Hoofregter] Regter-president kan, behoudens die bepalings van subartikel (2), reëls uitvaardig waarby die verrigtinge in die [Hooggeregshof] Hoë Hof gereël word en waarby enige ander aangeleentheid hoegenaamd voorgeskryf word wat [dit] nodig is om voor te skryf ten einde die behoorlike afhandeling en reëling van die werksaamhede van die hof te verseker, met inbegrip van reëls wat hofgelde voorskryf sowel as die gelde wat betaalbaar is vir die bestelling of tenuitvoerlegging van prosesstukke en die gelde wat deur advokate, prokureurs en notarisse gevorder mag word, asook reëls met betrekking tot die taksering van kosterekenings en die verhaal van koste. (2) Enige reëls wat kragtens subartikel (1) deur die [Hoofregter] Regter-president uitgevaardig word, [is onderworpe aan die goedkeuring van die President en enige reëls aldus goedgekeur] word by kennisgewing in die <i>Staatskoerant</i> bekendgemaak. (3) Die reëls wat onmiddellik voor die inwerkingtreding van hierdie Wet van toepassing was ten opsigte van die in artikel 44(3) bedoelde Hoërhof is, ondanks die bepalings van artikel 74(1), <i>mutatis mutandis</i> van toepassing ten opsigte van die [Hooggeregshof] Hoë Hof van Transkei en word geag behoorlik ingevolge hierdie artikel uitgevaardig, goedgekeur en afgekondig te wees.”.
Wet No. 18 van 1977 (Bophuthatswana)	Grondwet van die Republiek van Bophuthatswana, 1977	Wysiging van artikel 64 deur subartikel (1) deur die volgende subartikel te vervang: “(1) Behoudens enige andersluidende voorsiening wat by enige ander wet bestaan, kan die [Hoofregter] Regter-president reëls maak waarby die voer van verrigtinge in die [Hooggeregshof] Hoë Hof gereël word en hy of sy aangeleenthede voorskryf wat nodig is om voor te skryf ten einde die behoorlike afhandeling en voer van die sake van dié Hof te verseker, en kan hy of sy enige reël aldus gemaak, wysig, vervang of intrek.”.

**Act No. 115, 1998 ATTORNEYS AND MATTERS RELATING TO RULES OF COURT
AMENDMENT ACT, 1998**

No. and year of law	Short title	Extent of amendment
Act No. 9 of 1979 (Venda)	Republic of Venda Constitution Act, 1979	The following section is substituted for section 47: “Rules of court 47. (1) Subject to the provisions of subsection (2) the [Chief Justice] Judge President may make rules regulating the conduct of proceedings in the [Supreme Court] High Court and prescribing any matter whatsoever which is necessary to prescribe in order to ensure the proper despatch and conduct of the business of the court [including rules prescribing court fees, the fees payable for the service or execution of process and the fees chargeable by advocates, attorneys and notaries as well as rules relating to the taxation of bills of costs and the recovery of costs]. (2) Any rules made by the [Chief Justice] Judge President under subsection (1) shall be [subject to the approval of the President and any rules so approved shall be] made known by notice in the <i>Gazette</i>. (3) The rules which immediately prior to the commencement of this Constitution applied in respect of the High Court referred to in section 42(3) shall, notwithstanding the provisions of section 75(1), apply <i>mutatis mutandis</i> in respect of the [Supreme Court] High Court of Venda and shall be deemed to have been duly made, approved and published in terms of this section.”.
Act No. 32 of 1982 (Bophuthatswana)	Supreme Court of Bophuthatswana Act, 1982	Amendment of section 27— (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words: “Without in any way derogating from the authority of the [Chief Justice] Judge President, in terms of the provisions of section 64 of the Constitution Act, to make rules of court, or from the generality of the said provisions, such rules may prescribe—”; and (b) by the substitution for subsection (3) of the following subsection: “(3) Any rules of court of force immediately prior to the commencement of this Act under any law repealed by section 28(1) shall, subject to the provisions of this Act, and notwithstanding such repeal, remain of full force and effect until amended, substituted or repealed under this section <u>or any other law</u>.”.

WYSIGINGSWET OP PROKUREURS EN
AANGELEENTHEDE RAKENDE HOFREËLS, 1998

Wet No. 115, 1998

No. en jaar van wet	Kort titel	Omvang van wysiging
Wet No. 9 van 1979 (Venda)	Grondwet van die Republiek van Venda, 1979	Artikel 47 word deur die volgende artikel vervang: “Hofreëls 47. (1) Die [Hoofregter] <u>Regter-president</u> kan, behoudens die bepalings van subartikel (2), reëls uitvaardig waarby die verrigtinge in die [Hooggeregshof] <u>Hoë Hof</u> gereël word en waarby enige ander aangeleentheid hoegenaamd voorgeskryf word wat nodig is om voorgeskryf te word ten einde die behoorlike afhandeling en reëling van die werksaamhede van die hof te verseker, met inbegrip van reëls wat hofgelde voorskryf sowel as die gelde wat betaalbaar is vir die bestelling of tenuitvoerlegging van prosesstukke en die gelde wat deur advokate, prokureurs en notarisse gevorder mag word, asook reëls met betrekking tot die taksering van kosterekenings en die verhaal van koste]. (2) Enige reëls wat kragtens subartikel (1) deur die [Hoofregter] <u>Regter-president</u> uitgevaardig word, [is onderworpe aan die goedkeuring van die President en enige reëls aldus goedgekeur] word by kennisgewing in die <i>Staatskoerant</i> bekendgemaak. (3) Die reëls wat onmiddellik voor die inwerkingtreding van hierdie Grondwet van toepassing was ten opsigte van die in artikel 42(3) bedoelde Hoërhof is, ondanks die bepalings van artikel 75(1), <i>mutatis mutandis</i> van toepassing ten opsigte van die [Hooggeregshof] <u>Hoë Hof</u> van Venda en word geag behoorlik ingevolge hierdie artikel uitgevaardig, goedgekeur en afgekondig te wees.”
Wet No. 32 van 1982 (Bophuthatswana)	Wet op die Hooggeregshof van Bophuthatswana, 1982	Wysiging van artikel 27— (a) deur in subartikel (1) die woorde wat paraagraaf (a) voorafgaan, deur die volgende woorde te vervang: “Sonder om enigsins afbreuk te doen aan die bevoegdheid van die [Hoofregter] <u>Regter-president</u> om, ingevolge die bepalings van artikel 64 van die Grondwet, hofreëls af te kondig, of aan die algemeenheid van bedoelde bepalings, kan daar in sodanige reëls voorgeskryf word—”; en (b) deur subartikel (3) deur die volgende subartikel te vervang: “(3) Die hofreëls wat onmiddellik voor die inwerkingtreding van hierdie Wet van krag is ingevolge enige wet herroep by artikel 28(1), bly, behoudens die bepalings van hierdie Wet en ondanks sodanige herroeping, regtens van krag totdat dit ingevolge hierdie artikel of enige ander wet, gewysig, vervang of herroep word.”

**Act No. 115, 1998 ATTORNEYS AND MATTERS RELATING TO RULES OF COURT
AMENDMENT ACT, 1998**

No. and year of law	Short title	Extent of amendment
Act No. 29 of 1984 (Bophuthatswana)	Attorneys, Notaries and Conveyancers Act, 1984	By the deletion of Chapter II.
Act No. 42 of 1987 (Venda)	Attorneys Act, 1987	By the deletion of Chapter II.
Decree No. 43 of 1990 (Ciskei)	Supreme Court Decree, 1990	The following section is substituted for section 37: “Rules of Court 37. (1) Subject to the provisions of subsection (2) the [Chief Justice] Judge President may make rules regulating the conduct of proceedings of the divisions of the [Supreme Court] High Court of Ciskei and prescribing any matter whatsoever which [it] is necessary to prescribe in order to ensure the proper despatch and conduct of business of such courts [including rules prescribing court fees, the fees payable for the service or execution of process and the fees chargeable by advocates, attorneys and notaries, as well as rules relating to the taxation of bills of costs and recovery of the costs]. (2) Any rules made by the [Chief Justice] Judge President under subsection (1) shall be made known by notice in the <i>Gazette</i>. (3) Any rules of court made under any law repealed by section 39 and in force immediately prior to the commencement of this Decree shall, notwithstanding such repeal, remain of full force and effect until amended, substituted or withdrawn in terms of this section or any other law.”.
Act No. 18 of 1996	Justice Laws Rationalisation Act, 1996	Amendment of section 11 by the deletion of subsection (2).

WYSIGINGSWET OP PROKUREURS EN
AANGELEENTHEDE RAKENDE HOFREËLS, 1998

Wet No. 115, 1998

No. en jaar van wet	Kort titel	Omvang van wysiging
Wet No. 29 van 1984 (Bophuthatswana)	Prokureurs, Notarisse en Transportbesorgers Wet, 1984	Deur Hoofstuk II te skrap.
Wet No. 42 van 1987 (Venda)	"Attorneys Act, 1987"	Deur Hoofstuk II te skrap.
Dekreet No. 43 van 1990 (Ciskei)	"Supreme Court Decree, 1990"	Artikel 37 word deur die volgende artikel vervang: "Rules of Court 37. (1) Subject to the provisions of subsection (2) the [Chief Justice] Judge President may make rules regulating the conduct of proceedings of the divisions of the [Supreme Court] High Court of Ciskei and prescribing any matter whatsoever which [it] is necessary to prescribe in order to ensure the proper despatch and conduct of business of such courts[, including rules prescribing court fees, the fees payable for the service or execution of process and the fees chargeable by advocates, attorneys and notaries, as well as rules relating to the taxation of bills of costs and recovery of the costs]. (2) Any rules made by the [Chief Justice] Judge President under subsection (1) shall be made known by notice in the <i>Gazette</i>. (3) Any rules of court made under any law repealed by section 39 and in force immediately prior to the commencement of this Decree shall, notwithstanding such repeal, remain of full force and effect until amended, substituted or withdrawn in terms of this section or any other law."
Wet No. 18 van 1996	Rasionaliseringswet op Justisiewette, 1996	Wysiging van artikel 11 deur subartikel (2) te skrap.

