

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 4477

8 March 2024

RULES BOARD FOR COURTS OF LAW ACT, 1985 (ACT NO. 107 OF 1985)

AMENDMENT OF THE RULES REGULATING THE CONDUCT OF THE PROCEEDINGS OF
THE PROVINCIAL AND LOCAL DIVISIONS OF THE HIGH COURT OF SOUTH AFRICA

The Rules Board for Courts of Law has under section 6 of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985), with the approval of the Minister for Justice and Correctional Services, made the rules in the Schedule.

SCHEDULE

GENERAL: EXPLANATORY NOTE:

[] Words or expressions in bold type in square brackets represent omissions from the existing rules.

_____ Words or expressions underlined with a solid line represent insertions into the existing rules.

Definition

1. In this Schedule "the Rules" means the Rules Regulating the Conduct of the Proceedings of the Provincial and Local Divisions of the High Court of South Africa published under Government Notice No. R. 48 of 12 January 1965, as amended by Government Notice No. R. 235 of 18 February 1966, R. 2004 of 15 December 1967, R. 3553 of 17 October 1969, R. 2021 of 5 November 1971, R. 1985 of 3 November 1972, R. 480 of 30 March 1973, R. 639 of 4 April 1975, R. 1816 of 8 October 1976, R. 1975 of 29 October 1976, R. 2477 of 17 December 1976, R. 2365 of 18

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November 1977, R. 1546 of 28 July 1978, R. 1577 of 20 July 1979, R. 1535 of 25 July 1980, R. 2527 of 5 December 1980, R. 500 of 12 March 1982, R. 773 of 23 April 1982, R. 775 of 23 April 1982, R. 1873 of 3 September 1982, R. 2171 of 6 October 1982, R. 645 of 25 March 1983, R. 841 of 22 April 1983, R. 1077 of 20 May 1983, R. 1996 of 7 September 1984, R. 2094 of 13 September 1985, R. 810 of 2 May 1986, R. 2164 of 2 October 1987, R. 2642 of 27 November 1987, R. 1421 of 15 July 1988, R. 210 of 10 February 1989, R. 608 of 31 March 1989, R. 2628 of 1 December 1989, R. 185 of 2 February 1990, R. 1929 of 10 August 1990, R. 1262 of 30 May 1991, R. 2410 of 30 September 1991, R. 2845 of 29 November 1991, R. 406 of 7 February 1992, R. 1883 of 3 July 1992, R. 109 of 22 January 1993, R. 960 of 28 May 1993, R. 974 of 1 June 1993, R. 1356 of 30 July 1993, R. 1843 of 1 October 1993, R. 2365 of 10 December 1993, R. 2529 of 31 December 1993, R. 181 of 28 January 1994, R. 411 of 11 March 1994, R. 873 of 31 May 1996, R. 1063 of 28 June 1996, R. 1557 of 20 September 1996, R. 1746 of 25 October 1996, R. 2047 of 13 December 1996, R. 417 of 14 March 1997, R. 491 of 27 March 1997, R. 700 of 16 May 1997, R. 798 of 13 June 1997, R. 1352 of 10 October 1997, R. 785 of 5 June 1998, R. 881 of 26 June 1998, R. 1024 of 7 August 1998, R. 1723 of 30 December 1998, R. 315 of 12 March 1999, R. 568 of 30 April 1999, R. 1084 of 10 September 1999, R. 1299 of 29 October 1999, R. 502 of 19 May 2000, R. 849 of 25 August 2000, R. 373 of 30 April 2001, R. 1088 of 26 October 2001, R. 1755 of 5 December 2003, R. 229 of 20 February 2004, R. 1343 of 12 December 2008, R. 1345 of 12 December 2008, R. 516 of 8 May 2009, R. 518 of 8 May 2009, R. 86 of 12 February 2010, R. 87 of 12 February 2010, R. 88 of 12 February 2010, R. 89 of 12 February 2010, R. 90 of 12 February 2010, R. 500 of 11 June 2010, R. 591 of 09 July 2010, R. 980 of 19 November 2010, R. 981 of 19 November 2010, R. 464 of 22 June 2012, R. 992 of 7 December 2012, R. 114 of 15 February 2013, R. 262 of 12 April 2013, R. 471 of 12 July 2013, R. 472 of 12 July 2013, R. 759 of 11 October 2013, R. 212 of 28 March 2014, R. 213 of 28 March 2014, R. 214 of 28 March 2014, R. 30 of 23 January 2015, R. 31 of 23 January 2015, R. 317 of 17 April 2015, R. 781 of 31 August 2015, R. 3 of 19 February 2016, R. 678 of 3 June 2016, R. 1055 of 29 September 2017, R. 1272 of 17 November 2017, R. 1318 of 30 November 2018, R. 61 of 25 January 2019, R. 842 of 31 May 2019, R. 1343 of 18 October 2019, R. 107 of 7 February 2020, R. 1157 of 30 October 2020, R. 1603 of 17 December 2021, R. 2133 of 3 June 2022, R. 2413 of 26 August 2022 and R. 3398 of 12 May 2023.

Amendment of Rule 4 of the Rules

2. Rule 4 of the rules is hereby amended by the substitution in subrule (1) for subparagraphs (ii) and (iv) of paragraph (a) of the following subparagraphs, respectively:

- “(ii) by **[leaving]** delivering a copy thereof at the place of residence or business of the said person, guardian, tutor, curator or the like **[with]** to the person apparently in charge of the premises at the time of delivery, being a person apparently not less than sixteen years of age. For the purposes of this paragraph when a building, other than an hotel, boarding-house, hostel or similar residential building, is occupied by more than one person or family, ‘residence’ or ‘place of business’ means that portion of the building occupied by the person upon whom service is to be effected;
- (iv) if the person so to be served has chosen a *domicilium citandi*, by delivering **[or leaving]** a copy thereof to a person apparently not less than sixteen years of age at the *domicilium* so chosen;”.

Insertion of rule 67A in the Rules

3. The following rule is hereby inserted in the Rules after rule 67:

“67A Costs

(1) Subject to any order of the court awarding costs, the fees and disbursements as between party and party, which may be included in a bill of costs submitted for taxation, shall be—

(a) for attorneys, in accordance with the tariff in rule 70;

(b) for attorneys, with a right to appear in the Superior Courts and who appear in a matter, in accordance with rules 69 and 70, where applicable; and

(c) for advocates, in accordance with the tariff in rule 69: Provided that for services rendered by an advocate referred to in section 34(2)(a)(ii) of the Legal Practice Act, 2014 (Act No. 28 of 2014), for work which is ordinarily performed by an attorney, the fee for such work shall be in terms of rule 70.

(2) In considering all relevant factors when awarding costs, the court may have regard to —

(a) the provisions of rule 41A;

(b) failure by any party or such party's legal representative to comply with the provisions of rules 30A; 37 and 37A;

(c) unnecessary or prolix drafting, unnecessary annexures and unnecessary procedures followed;

(d) unnecessary time spent in leading evidence, cross examining witnesses and argument;

(e) the conduct of the litigation by any party's legal representative and whether such representative should be ordered to pay such costs in his or her personal capacity; and

(f) whether the litigation could have been conducted out of the magistrate's court.

(3)(a) A costs order shall indicate the scale in terms of rule 69, under which costs have been granted.

(b) In considering the factors to award an appropriate scale of costs, the court may have regard to:

(i) the complexity of the matter; and

(ii) the value of the claim or importance of the relief sought.

(c) If the scale in terms of paragraph (a) is not indicated in the order, scale A of rule 69(7) shall apply to the costs that the court has awarded.

(4) A costs order may upon application by any party indicate—

(a) which portions of the proceedings are deemed urgent; and

(b) whether the fees consequent upon the employment of more than one advocate or attorney having right of appearance in the Superior Courts and who appears, are allowed and the scale in terms of rule 69, under which such fees are allowed.

(5) The taxation of fees as between party and party shall be effected by the taxing master in accordance with rules 69 and 70 and the applicable tariffs therein.

(6) Where an item in the tariffs set out in rules 69 or 70 requires the taxing master to exercise a discretion in determining the amount of a fee or disbursement to be allowed for such item, the taxing master may have regard to any guidelines recommended by the Legal Practice Council .".

Amendment of rule 69 of the Rules

4. Rule 69 of the Rules is hereby amended by the substitution for the rule of the following rule:

"69. Tariff of **[maximum]** fees for **[advocates]** legal practitioners who appear in the Superior Courts **[on party and party basis in certain civil matters]**

(1) Save where the court authorizes fees consequent upon the employment of more than one advocate or attorney having right of appearance in the Superior Courts and who appears, to be

included in a party and party bill of costs, only such fees as are consequent upon the employment of one advocate or attorney having right of appearance in the Superior Courts and who appears, shall be allowed as between party and party.

(2) Where fees in respect of more than one advocate or attorney having right of appearance in the Superior Courts and who appears are allowed in a party and party bill of costs, the fees to be permitted in respect of any additional advocate or attorney having right of appearance in the Superior Courts and who appears, shall **[not exceed one half of those allowed in respect of the first advocate]** be on a scale in terms of subrule (7), as directed by the court.

[(3) Save where the defendant or respondent is awarded costs, the tariff of fees for advocates between party and party set out referred to in Part IV of Table A of Annexure 2 to the Rules for the Magistrates' Court, (hereunder referred to as 'the tariff') shall apply where the amount or value of the claim falls within the jurisdiction of the magistrates' court, unless the court, on request made before or immediately after the giving of judgment, otherwise directs.]

(4)...

[(5) The taxation of advocates' fees as between party and party shall be effected by the taxing master in accordance with this rule and, where applicable the tariff. Where the tariff does not apply, he shall allow such fees (not necessarily in excess thereof) as he considers reasonable.

[(6) For advocates referred to in section 34(2)(a)(ii) of the Legal Practice Act, 2014 (Act No. 28 of 2014), the tariff of fees as between party and party shall be in accordance with this rule and the tariff in Rule 70, whichever tariff items are applicable to the services rendered by the advocate: Provided that where an attendance performed by an advocate constitutes a service ordinarily performed by an attorney, the tariff in Uniform Rule 70 shall apply to that attendance.]

(7) The scales of fees contemplated by subrule (3) of rule 67A shall be:

<u>SCALE A</u>	<u>SCALE B</u>	<u>SCALE C</u>
<u>R375,00 per quarter of an hour or part thereof (maximum allowed)</u>	<u>R750,00 per quarter of an hour or part thereof (maximum allowed)</u>	<u>R1125, 00 per quarter of an hour or part thereof (maximum allowed)</u>

(8) The tariff of fees to be allowed for work performed by legal practitioners in terms of this rule shall be:

TARIFF OF FEES

1. (a) Appearances in court for trial: a day fee inclusive of preparation, consultation and appearance on the same day.

(b) Appearances in court for opposed applications:

(i) for the first day, a day fee inclusive of preparation, consultation and appearance on the same day; and

(ii) for subsequent days, per quarter of an hour or part thereof.

2. Appearances in court: unopposed applications: per quarter of an hour or part thereof subject to a minimum fee of one hour being allowed.

3. A per quarter of an hour or part thereof for-

(a) Preparation prior to the day of hearing;

(b) Conferences: pre-trial and case-management;

(c) Drafting or settling affidavits, pleadings, heads of argument and other necessary documents;

(d) Necessary consultations;

(e) Necessary perusal; and

(f) Any inspection *in loco*, *in situ*, or otherwise.

4. In the event that a trial or opposed application is postponed, settled or withdrawn at the instance of any party on the day of hearing or before the first day's hearing and a charge for the cancellation of the reservation of any day is levied, a reservation fee may be allowed as follows:

(a) If settled, withdrawn or postponed on the day of set down or two days before that, a full first day fee; or

(b) If settled, withdrawn or postponed three to seven days before the day of set down, two thirds of a day fee;

Provided that no reservation fee shall be allowed if a trial or opposed application is settled, postponed or withdrawn more than seven days before the day of set down."

Amendment of rule 70 of the Rules

5. Rule 70 of the rules is hereby amended—

(a) by the substitution for item 7 of Section A to the Tariff of Fees of Attorneys of the following item:

- "7. Any inspection *in loco, in situ*, or otherwise, per quarter of an hour or part thereof—
- (a) by an attorney.....R388,00
- (b) by a candidate attorneyR120,50

(b) by the addition in Section D to the Tariff of Fees of Attorneys of the following item:

"6 The fees in sections A, B, C and D shall be increased by 15% in accordance with any costs order made in terms of rule 67A(4)(a) and as allowed at taxation."

Substitution of Form 16A of the First Schedule to the Rules

6. The following Form is hereby substituted for Form 16A of the First Schedule to the Rules:

"Form 16A**SUBPOENA DUCES TECUM**

IN THE HIGH COURT OF SOUTH AFRICA
(..... DIVISION)

Case No.....

In the matter between:

.....

Plaintiff

and

.....

Defendant

To the sheriff or deputy:

INFORM:

(1)

- (2)
 (3)
 (4)

(State names, **[sex,]** occupation and place of business or residence of each witness)

that each of such persons shall within 10 days of receipt of this subpoena, lodge with the registrar of the said Court (here describe accurately each document to be produced) or inform the registrar of the whereabouts of (here describe a thing to be produced)

- (1)
 (2)
 (3)

unless such person claims privilege in respect of any document or thing.

AND INFORM [each of the said persons further that] EACH OF THE SAID PERSONS FURTHER THAT:

- (a) Such person should on no account fail to comply with this subpoena as such person may become liable to a fine or to imprisonment not exceeding three months;
 (b) Such person/s may waive privilege, but [if] if privilege is claimed in respect of any document or thing, the party that caused the subpoena to be issued shall be informed within five days of receipt of the subpoena of the nature of the privilege claimed; and
 (c) Such person is entitled to the return of the document or thing after inspection or copying or photographing by the parties.

DATED at this day of 20

.....
 Registrar of the High Court

.....
 Plaintiff/Defendant/Attorney".

Commencement

7. These Rules come into operation on 12 April 2024.

DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

NO. R. 4477

8 Maart 2024

WET OP DIE REËLSRAAD VIR GEREESHOWE, 1985 (WET NO. 107 VAN 1985)

WYSIGING VAN DIE REËLS WAARBY DIE VOER VAN DIE VERRIGTINGE VAN DIE
PROVINSIALE EN PLAASLIKE AFDELINGS VAN DIE HOOGGEREGSHOF VAN SUID-AFRIKA
GEREËL WORD

Die Reëlsraad vir Gereeshowe het kragtens artikel 6 van die Wet op die Reëlsraad vir Gereeshowe, 1985 (Wet No. 107 van 1985), en met die goedkeuring van die Minister van Justisie en Korrektiewe Dienste, die reëls in die Bylae gemaak.

BYLAE

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde of uitdrukkings in vetdruk in vierkantige hakies dui op weglatings uit die bestaande reëls.

_____ Woorde of uitdrukkings met 'n volstreep daaronder dui op invoegings in die bestaande reëls.

Woordomskrywing

1. In hierdie Bylae beteken die "reëls", die Reëls waarby die verrigtinge van die verskillende Provinsiale en Plaaslike Afdelings van die Hoë Hof van Suid-Afrika gereël word soos gepubliseer in Goewermentskennisgewing No. R. 48 van 12 Januarie 1965 en soos gewysig deur Goewermentskennisgewings No's. R. 235 van 18 Februarie 1966, R. 2004 van 15 Desember 1967, R. 3553 van 17 Oktober 1969, R. 2021 van 5 November 1971, R. 1985 van 3 November 1972, R.

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480 van 30 Maart 1973, R. 639 van 4 April 1975, R. 1816 van 8 Oktober 1976, R. 1975 van 29 Oktober 1976, R. 2477 van 17 Desember 1976, R. 2365 van 18 November 1977, R. 1546 van 28 Julie 1978, R. 1577 van 20 Julie 1979, R. 1535 van 25 Julie 1980, R. 2527 van 5 Desember 1980, R. 500 van 12 Maart 1982, R. 773 van 23 April 1982, R. 775 van 23 April 1982, R. 1873 van 3 September 1982, R. 2171 van 6 Oktober 1982, R. 645 van 25 Maart 1983, R. 841 van 22 April 1983, R. 1077 van 20 Mei 1983, R. 1996 van 7 September 1984, R. 2094 van 13 September 1985, R. 810 van 2 Mei 1986, R. 2164 van 2 Oktober 1987, R. 2642 van 27 November 1987, R. 1421 van 15 Julie 1988, R. 210 van 10 Februarie 1989, R. 608 van 31 Maart 1989, R. 2628 van 1 Desember 1989, R. 185 van 2 Februarie 1990, R. 1929 van 10 Augustus 1990, R. 1262 van 30 Mei 1991, R. 2410 van 30 September 1991, R. 2845 van 29 November 1991, R. 406 van 7 Februarie 1992, R. 1883 van 3 Julie 1992, R. 109 van 22 Januarie 1993, R. 960 van 28 Mei 1993, R. 974 van 1 Junie 1993, R. 1356 van 30 Julie 1993, R. 1843 van 1 Oktober 1993, R. 2365 van 10 Desember 1993, R. 2529 van 31 Desember 1993, R. 181 van 28 Januarie 1994, R. 411 van 11 Maart 1994, R. 873 van 31 Mei 1996, R. 1063 van 28 Junie 1996, R. 1557 van 20 September 1996, R. 1746 van 25 Oktober 1996, R. 2047 van 13 Desember 1996, R. 417 van 14 Maart 1997, R. 491 van 27 Maart 1997, R. 700 van 16 Mei 1997, R. 798 van 13 Junie 1997, R. 1352 van 10 Oktober 1997, R. 785 van 5 Junie 1998, R. 881 van 26 Junie 1998, R. 1024 van 7 Augustus 1998, R. 1723 van 30 Desember 1998, R. 315 van 12 Maart 1999, R. 568 van 30 April 1999, R. 1084 van 10 September 1999, R. 1299 van 29 Oktober 1999, R. 502 van 19 Mei 2000, R. 849 van 25 Augustus 2000, R. 373 van 30 April 2001, R. 1088 van 26 Oktober 2001, R. 1755 van 5 Desember 2003, R. 229 van 20 Februarie 2004, R. 1343 van 12 Desember 2008, R. 1345 van 12 Desember 2008, R. 516 van 8 Mei 2009, R. 518 van 8 Mei 2009, R. 86 van 12 Februarie 2010, R. 87 van 12 Februarie 2010, R. 88 van 12 Februarie 2010, R. 89 van 12 Februarie 2010, R. 90 van 12 Februarie 2010, R. 500 van 11 Junie 2010, R. 591 van 09 Julie 2010, R. 980 van 19 November 2010, R. 981 van 19 November 2010, R. 464 van 22 Junie 2012, R. 992 van 7 Desember 2012, R. 114 van 15 Februarie 2013, R. 262 van 12 April 2013, R. 471 van 12 Julie 2013, R. 472 van 12 Julie 2013, R. 759 van 11 Oktober 2013, R. 212 van 28 Maart 2014, R. 213 van 28 Maart 2014, R. 214 van 28 Maart 2014, R. 30 van 23 Januarie 2015, R. 31 van 23 Januarie 2015, R. 317 van 17 April 2015, R. 781 van 31 Augustus 2015, R. 3 van 19 Februarie 2016, R. 678 van 3 Junie 2016, R. 1055 van 29 September 2017, R. 1272 van 17 November 2017, R. 1318 van 30 November 2018, R. 61 van 25 Januarie 2019, R. 842 van 31 Mei 2019, R. 1343 van 18 Oktober 2019, R. 107 van 7 Februarie 2020, R. 1157 van 30 Oktober 2020, R. 1603 van 17 Desember 2021, R. 2133 van 3 Junie 2022, R. 2413 van 26 Augustus 2022 en R. 3397 van 12 Mei 2023.

Wysiging van reël 4 van die Reëls

2. Reël 4 van die reëls word hierby gewysig deur in subreël (1) subparagrafe (ii) en (iv) van paragraaf (a) deur die volgende subparagrafe, onderskeidelik, te vervang:

- “(ii) deur by die woon- of besigheidsplek van die betrokke persoon of van die persoon se voog, kurator of ander belangewaarnemer 'n afskrif daarvan **[by]** aan iemand af te **[laat]** lewer wat ten tye van die aflewering skynbaar in beheer van die perseel is en nie jonger as sestig jaar voorkom nie. As 'n gebou wat nie 'n hotel, losieshuis, hostel of soortgelyke woonplek is nie, deur meer as een persoon of gesin bewoon word, beteken 'woon- of besigheidsplek', vir die doel van hierdie paragraaf, dié gedeelte van die gebou wat deur die persoon aan wie betekening moet geskied, bewoon word;
- (iv) deur in die geval waar die betrokke persoon 'n *domicilium citandi* gekies het, 'n afskrif daarvan by die domicilium af te lewer **[of te laat]** aan 'n persoon wat nie jonger as sestig jaar voorkom nie”.

Invoeging van reël 67A in die Reëls

3. Die volgende reël word hierby na reël 67 in die Reëls ingevoeg:

“67A Koste

(1) Behoudens enige ander bevel van die hof wat koste toestaan, is die gelde en uitbetalings soos tussen party en party toeken, wat in 'n kosterekening ingesluit kan word wat vir taksasie voorgelê word—

(a) vir prokureurs, ooreenkomstig die tarief in reël 70;

(b) vir prokureurs, met 'n reg om in die Hoër Howe te verskyn en wat in 'n aangeleentheid verskyn, ooreenkomstig reëls 69 en 70, waar van toepassing; en

(c) vir advokate, ooreenkomstig die tarief in reël 69: Met dien verstande dat vir dienste deur 'n advokaat in artikel 34(2)(a)(ii) van die Wet op Regspraktyk, 2014 (Wet No. 28 van 2014), bedoel, vir werk wat gewoonlik deur 'n prokureur gedoen word, word die gelde vir sodanige werk ingevolge reël 70 vasgestel.

(2) By oorweging van alle tersaaklike faktore wanneer koste toegestaan word, kan die hof die volgende in ag neem:

(a) die bepalings van reël 41A;

(b) versuim deur enige party of sodanige party se regsverteenwoordiger om aan die bepalings van reëls 30A; 37 en 37A te voldoen;

(c) onnodige of breedsprakige opstelling, onnodige aanhangsels en onnodige prosedures wat gevolg is;

(d) onnodige tyd gespandeer in die voer van getuienis, kruis-ondervraging van getuies en argumente;

(e) die voer van litigering deur enige party se regsverteenwoordiger en hetsy sodanige verteenwoordiger beveel moet word om sodanige koste in sy of haar persoonlike hoedanigheid te betaal; en

(f) hetsy die litigering uit die landdroshof gevoer kon gewees het.

(3) (a) 'n Kostebevel moet die skaal ingevolge reël 69 aandui waarkragtens koste toegeken is.

(b) By die oorweging van die faktore om 'n gepaste skaal van koste toe te ken, kan die hof die volgende in ag neem:

(i) hoe ingewikkeld die aangeleentheid is; en

(ii) die waarde van die eis of belangrikheid van die regshulp wat verlang word.

(c) Indien die skaal ingevolge paragraaf (a) nie in die bevel aangedui word nie, is skaal A van reël 69(7) van toepassing op die koste wat die hof toegestaan het.

(4) 'n Kostebevel kan by aansoek deur enige party aandui—

(a) watter gedeelte van die verrigtinge as dringend beskou word; en

(b) hetsy die gelde wat volg op die indiensneming van meer as een advokaat of prokureur wat die reg het op verskyning in die Hoër Howe het en wat verskyn, toegelaat word en die skaal ingevolge reël 69, waarkragtens sodanige gelde toegelaat word.

(5) Die taksasie van gelde soos tussen party en party word deur die takseermeester gedoen ooreenkomstig reëls 69 en 70 en die toepaslike tariewe wat daarin verskyn.

(6) Waar 'n item in die tariewe in reëls 69 of 70 uiteengesit, vereis dat die takseermeester diskresie uitoefen in die vasstelling van die bedrag van gelde of uitbetaling wat vir sodanige item toegelaat staan te word, kan die takseermeester enige riglyne wat deur die Regspraktykraad aanbeveel word, in ag neem."

Wysiging van reël 69 van die Reëls

4. Reël 69 van die Reëls word hierby gewysig deur die reël deur die volgende reël te vervang:

"69. [Advokaatsgelde in Siviele Sake in die Provinsiale en Plaaslike Afdelings van die Hooggeregshof] Tarief van gelde vir regspraktisyns wat in die Hoër Howe verskyn

(1) Die gelde van net een advokaat of prokureur wat die reg het om in die Hoër Howe te verskyn en wat verskyn, word as tussen party en party toegelaat, behalwe waar die hof gelde magtig wat voortspruit uit die diens van meer dan een advokaat [tussen] of prokureur wat die reg op verskyning in die Hoër Howe het en wat verskyn, vir 'n party en party [magtig] kosterekening.

(2) Waar gelde vir meer as een advokaat of prokureur wat die reg op verskyning in die Hoër Howe het en wat verskyn, vir 'n tussen party en party kosterekening toegelaat word, [beloop] is dié van 'n addisionele advokaat [hoogstens die helfte van dié van die eerste] of prokureur wat die reg op verskyning in die Hoër Howe het en wat verskyn, op 'n skaal ingevolge subreël (7), soos deur die hof gelas.

[(3) Behalwe waar koste aan die verweerder of respondent toegeken word, geld die tarief van maksimum gelde vir advokate tussen party en party genoem in Deel IV van Tabel A van Bylae 2 by die Landdroshofreëls (hieronder "die tarief" genoem), waar die bedrag of waarde van die eis binne die jurisdiksie van die landdroshof val, tensy die hof op versoek gedoen voor of onmiddellik nadat vonnis gegee is, anders gelas.]

(4)...

[(5) Die taksering van advokaatsgelde tussen party en party word deur die takseermeester in ooreenstemming met hierdie reël en waar van toepassing, die tarief, gedoen. Waar die tarief nie geld nie, laat hy soveel toe as wat hy redelik ag, en nie noodwendig meer as die tarief nie.

(6) Vir advokate in artikel 34(2)(a)(ii) van die Wet op Regspraktyk, 2014 (Wet 28 van 2014), bedoel, is die tarief van gelde soos tussen party en party ooreenkomstig hierdie reël en die

tarief in reël 70, welke tariefitems ook al van toepassing is op die dienste deur die advokaat gelewer: Met dien verstande dat waar 'n bywoning deur 'n advokaat 'n diens daarstel wat gewoonlik deur 'n prokureur verrig word, die tarief in reël 70 op daardie bywoning van toepassing is.]

(7) Die skale van gelde in subreël (3) van reël 67A beoog, is:

<u>SKAAL A</u>	<u>SKAAL B</u>	<u>SKAAL C</u>
R375,00 per kwartier of gedeelte daarvan (maksimum toegelaat)	R750,00 per kwartier of gedeelte daarvan (maksimum toegelaat)	R1125,00 per kwartier of gedeelte daarvan (maksimum toegelaat)

(8) Die tarief van gelde wat ingevolge hierdie reël vir regspraktisyns toegelaat sal word, is:

TARIEF VAN GELDE

1. (a) Verskynings in die hof vir verhoor: Daggelde, inklusief van voorbereiding, konsultasie en verskyning op dieselfde dag.

(b) Verskynings in die hof vir bestrede aansoeke:

(i) vir die eerste dag, daggelde inklusief van voorbereiding, konsultasie en verskyning op dieselfde dag; en

(ii) vir opeenvolgende dae, per kwartier of gedeelte daarvan.

2. Verskynings in die hof: onbestrede aansoeke: per kwartier of gedeelte daarvan behoudens minimum gelde van een uur wat toegelaat word.

3. Per kwartier of gedeelte daarvan vir—

(a) Vorbereiding voor die dag van die verhoor;

(b) Konferensies: voorverhoor en saakbestuur;

(c) Opstel of skikking van beëdigde verklarings, pleitstukke, betooghoofde en ander nodige dokumentasie;

(d) Nodige konsultasies;

(e) Nodige sorgvuldige deurlesing; en

(f) Enige inspeksie ter plaatse, in die oorspronklike ligging, of andersins.

4. Indien 'n verhoor of bestrede aansoek uitgestel, geskik of teruggetrek word op aandrang van enige party op die dag van die verhoor of voor die eerste dag se verhoor en 'n heffing vir die kansellasië van die bespreking van die dag word gehef, kan 'n besprekingsfooi soos volg toegelaat word:

(a) Indien geskik, teruggetrek of uitgestel op die dag van terrolleplasing of twee dae voor dit, 'n volle eerste daggeld; of

(b) Indien geskik, teruggetrek of uitgestel drie of sewe dae voor die dag van terrolleplasing, twee derdes van 'n daggeld:

Met dien verstande dat geen besprekingsgeld toegelaat sal word nie as 'n verhoor of bestrede aansoek geskik, uitgestel of teruggetrek word voor die dag van terrolleplasing."

Wysiging van reël 70 van die Reëls

5. Reël 70 van die Reëls word hierby gewysig—

(a) deur die volgende item by item 7 van Afdeling A by die Tarief van Gelde van Prokureurs te voeg:

"7. Enige inspeksie ter plaatse, in die oorspronklike ligging of elders, per kwartier of gedeelte daarvan—

(a) deur 'n prokureur.....R388,50

(b) deur 'n kandidaatprokureurR120,50

(b) deur in Afdeling D die volgende item by die Tarief van Gelde van Prokureurs te voeg:

"6 Die gelde in afdelings A, B, C en D word met 15% verhoog ooreenkomstig enige kostebevel wat ingevolge reël 67A(4)(a) gemaak is en soos by taksasie toegelaat."

Vervanging van Vorm 16A van die Eerste Bylae van die Reëls

6. Vorm 16A van die Eerste Bylae van die Reëls word hierby deur die volgende vorm vervang:

“Vorm 16A**SUBPOENA DUCES TECUM**

IN DIE HOOGEREGSHOF VAN SUID-AFRIKA
(..... AFDELING)

Saakno.....

In die aangeleentheid tussen:

.....
Eiser

en

.....
Verweerder

Aan die balju of adjunk:

STEL:

- (1)
(2)
(3)
(4)

(Vermeld naam, [*geslag*,] beroep en besigheids- of woonplek van elke getuie)

dat elkeen van daardie persone binne 10 dae vanaf ontvangs van hierdie dagvaarding, by die griffier van die genoemde hof (beskryf elke dokument wat beskikbaar gestel moet word akkuraat) moet indien of die griffier verwittig waar die (beskryf voorwerp wat beskikbaar gestel moet word).

- (1)
(2)
(3)

gevind kan word, tensy daardie persoon aanspraak maak op privilegie ten opsigte van enige dokument of voorwerp.

[En elk van die genoemde persone verder] EN ELK VAN DIE GENOEMDE PERSONE
VERDER IN KENNIS STEL DAT:

(a) Daardie persoon in geen omstandighede moet versuim om aan hierdie dagvaarding te voldoen nie aangesien die persoon aan 'n boete of aan gevangenisstraf van hoogstens drie maande blootgestel kan word;

(b) **[Indien]** Sodanige persoon/persone kan van privilegie afstand doen, maar indien op privilegie aanspraak gemaak word ten opsigte van enige dokument of voorwerp, word die party wat die

dagvaarding laat uitreik het binne vyf dae vanaf ontvangs van die dagvaarding in kennis gestel van die aard van die privilegie waarop aanspraak gemaak word; en

(c) Sodanige persoon is geregtig daarop dat die dokument of ding ná insae of die maak van afskrifte of neem van foto's deur die partye, aan hom of haar terugbesorg word.

GEDATEER te op hede die dag van 20.....

.....
Griffier van die Hooggeregshof

.....
Eiser/Verweerde/Prokureur".

Inwerkingtreding

7. Hierdie reëls tree in werking op 12 April 2024.