

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 4476

8 March 2024

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

AMENDMENT OF RULES REGULATING THE CONDUCT OF THE PROCEEDINGS OF
THE MAGISTRATES' COURTS OF SOUTH AFRICA

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

SCHEDULE

GENERAL EXPLANATORY NOTE:

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

— Words or expressions underlined with a solid line indicate insertions into the existing rules.

1. In this Schedule "the Rules" means the Rules Regulating the Conduct of the Proceedings of the Magistrates' Courts of South Africa published under Government Notice No. R. 740 of 23 August 2010, as amended by Government Notice Nos. R. 1222 of 24 December 2010, R. 611 of 29 July 2011, R. 1085 of 30 December 2011, R. 685 of 31 August 2012, R. 115 of 15 February 2013, R. 263 of 12 April 2013, R. 760 of 11 October 2013, R. 183 of 18 March 2014, R. 215 of 28 March 2014, R. 507 of 27 June 2014, 571 of 18 July 2014, R. 5 of 9 January 2015, R. 32 of 23 January 2015, R. 33 of 23 January 2015, R. 318 of 17 April 2015, R. 545 of 30 June 2015, R. 2 of 19 February 2016, R. 1055 of 29 September 2017, R. 1272 of 17 November 2017, R. 632 of 22 June 2018, R. 1318 of 30 November 2018, R. 842 of 31 May 2019, R. 1343 of 18 October 2019, R. 107 of 7 February 2020, R. 858 of 7 August

2020, R. 1156 of 30 October 2020, R. 1602 of 17 December 2021, R. 2134 of 3 June 2022, R. 2298 of 22 July 2022, R. 2414 of 26 August 2022, R. 2434 of 2 September 2022, R. 3371 of 5 May 2023 and R. 3399 of 12 May 2023.

Amendment of rule 9 of the Rules

2. Rule 9 of the Rules is hereby amended by the substitution in sub-rule (3) for paragraph (d) of the following paragraph:

"(d) if the person so to be served has chosen a *domicilium citandi*, by delivering a copy thereof at the *domicilium* so chosen: Provided that, where possible, service at the *domicilium* so chosen shall be effected by delivering a copy of the process to a responsible person apparently not less than 16 years of age: Provided further that the sheriff shall set out in the return of service the details of the manner and circumstances under which [such] service was effected;"

Amendment of rule 33 of the Rules

3. Rule 33 of the Rules is hereby amended by the substitution for subrule (1) of the following subrule:

"(1) (a) The court in giving judgment or in making any order, including any adjournment or amendment, may award costs as it deems fit.

(b) A costs order may upon application by any party indicate which portions of the proceedings are deemed urgent."

Amendment of rule 41 of Rules

4. Rule 41 of the Rules is hereby amended—

(a) by the substitution for sub-rule (1) of the following sub-rule:

"Execution against movable property

(1) An execution creditor may, at his or her own risk and subject to the provisions of rules 36 and 37, issue out of the office of the registrar or clerk of the court **[one or more**

warrants]a warrant of execution in a form corresponding substantially with form 32 of Annexure 1.";

- (b) by the substitution for sub-rule (14) of the following sub-rule:

"(14)(a) Where movable property, other than money or documents, has been attached, the execution creditor or his or her attorney shall after notification of such attachment, instruct the sheriff in writing, whether the property shall be removed to a place of security or left upon the premises in the charge and custody of the judgment debtor or in the charge and custody of some other person acting on behalf of the sheriff.

(b) Upon the execution creditor or his or her attorney satisfying the registrar or clerk of the court in writing of the desirability for the immediate removal of goods attached or to be attached, either upon issue of the warrant of execution or at any time thereafter, the registrar or clerk of the court shall endorse his or her approval on the document containing the instructions, and authorise the sheriff in writing, to remove immediately from the possession of the judgment debtor all or any of the movable property attached.

(c) In the absence of any instruction under paragraph (a) or authorisation under paragraph (b), the sheriff shall leave the attached property, other than money or documents, on the premises and in the possession of the person in whose possession the said movable property is attached.";

- (c) by the substitution for sub-rule (18) of the following sub-rule:

"(18)(a) Unless an order of court is produced to the sheriff requiring him or her to **[detain]**retain any movable property under attachment for such further period as may be stipulated in such order, the sheriff **[shall]**must release from attachment such property which has been **[detained]**retained for a period exceeding **[four]**six months unless a sale in execution of such property is pending.

(b) If such order was granted in terms of an *ex parte* application, such order shall not require confirmation.

(c) In the event of a claimant lodging an interpleader claim with the sheriff in accordance with rule 44, the period of **[four]**six months referred to in paragraph (a) shall

be suspended from the date on which the claimant delivers his or her affidavit to the sheriff until the final adjudication of the interpleader claim, including any review or appeal in respect of such interpleader claim."; and

- (d) by the substitution for sub-rule (19) of the following sub-rule:

"(19)(a)(i) Any movable property to be sold in execution **[of process of the court]** shall be sold **[publicly]** by public auction for cash to the highest bidder by the sheriff who removed the goods in terms of sub-rule (17)(a) or, with the approval of the magistrate, by an auctioneer or other person appointed by the sheriff, at or as near to the place where same was attached or to which same had been so removed as aforesaid~~[.]~~: Provided that the auction may be conducted via electronic platform simultaneously with the physical auction, and the auction shall be conducted in accordance with the provisions of section 45 of the Consumer Protection Act, 2008 and the regulations promulgated thereunder.

- (ii) The provisions of rule 43(10) shall apply with appropriate changes to the sale in execution of movable property under this rule.

(b) The execution creditor shall, after consultation with the sheriff, prepare a notice of sale and furnish two copies thereof to the sheriff in sufficient time to enable one copy to be affixed not later than 10 days before the day appointed for the sale on the notice board or door of the court-house or other public building in which the said court is held and the other at or as near as may be to the place where the said sale is to take place~~[.]~~: Provided that where an auction is conducted via electronic platform simultaneously with the physical auction the notice of sale shall comply with the provisions of section 45 of the Consumer Protection Act, 2008 and the regulations promulgated thereunder.

(c) In addition to the requirements of paragraph (b), if in the opinion of the sheriff the value of the goods attached exceeds an amount equivalent to the monetary jurisdiction of the Small Claims Court, the sheriff shall indicate and direct the execution creditor to publish the notice of sale in a local or other newspaper circulating in the region or district not later than 10 days before the date appointed for the sale and to furnish the

sheriff with a copy of the edition of the paper in which the publication appeared not later than the day preceding the date of sale.

(d) In lieu of paragraph (c), the sheriff may post the notice of sale on the sheriff's office's website, upon being so instructed in writing by the execution creditor: Provided that the sheriff shall not later than 10 days before the appointed date of sale, affix on the notice board, the door of the court-house or other public building in which the said court is held, and the other, at or as near as the case may be, to the place where the said sale is to take place, a notice stating the date of the sale in execution and the website on which the full details of the sale may be inspected."

Amendment of rule 43 of Rules

5. The following sub-rule is hereby substituted for sub-rule (7) of rule 43 of the Rules:

"(7)(a) The sheriff conducting the sale shall appoint a day and place for the sale of the attached immovable property, such day being, except by special leave of a magistrate, not less than 45 days after service of the notice of attachment and shall forthwith inform all other sheriffs appointed in the district of such day and place [.] Provided that—

- (i) the auction may be conducted via electronic platform simultaneously with the physical auction; and
- (ii) the auction shall be conducted in accordance with the provisions of section 45 of the Consumer Protection Act, 2008 and the regulations promulgated thereunder.

(b)(i) The execution creditor shall, after consultation with the sheriff conducting the sale, prepare a notice of sale containing a short description of the attached immovable property, its improvements, magisterial district and physical address, the time and place for the holding of the sale and the fact that the conditions may be inspected at the office of the sheriff conducting the sale.

- (ii) The execution creditor must furnish the sheriff with as many copies of the notice of sale as the sheriff may require.

(c) The execution creditor shall—

- (i) publish the notice once in a newspaper circulating daily or weekly in the district in which the attached immovable property is situated and in the *Gazette* not less than five days and not more than 15 days before the date of the sale; and
- (ii) provide the sheriff conducting the sale, by hand, or by facsimile or electronic mail, with one satisfactory photocopy of each of the notices published in the newspaper and the *Gazette*, respectively.

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

(e) Not less than 10 days prior to the date of the sale, the sheriff conducting the sale shall affix—

- (i) one copy of the notice on the notice-board of the magistrate's court of the district in which the attached immovable property is situated, or if the said property is situated in the district where the court out of which the warrant was issued is situated, then on the notice-board of such court; and
- (ii) one copy at or as near as may be to the place where the said sale is actually to take place."

Amendment of rule 51 of the Rules

6. Rule 51 is hereby amended by the substitution for sub-rules (3), (4) and (5) of the following sub-rules, respectively: —

"(3) An appeal may be noted by the delivery of notice within 20 days after the date of a judgment appealed against or within 20 days after the registrar or clerk of the court has supplied a copy of the judgment in writing to the party applying therefor **[, whichever period shall be the longer]**.

[(4) An appeal shall be noted by the delivery of notice, and, unless the court of appeal shall otherwise order, by giving security for the respondent's costs of appeal to the amount of R1000: Provided that no security shall be required from the State or, unless the court of appeal otherwise orders, from a person to whom legal aid is rendered by a statutorily established legal aid board.]

(4)(a) Unless the respondent waives his or her right to security or the court subsequently on application to it has released the appellant wholly or partially from that obligation, the appellant shall, before lodging copies of the record on appeal with the registrar or clerk of the court, enter good and sufficient security for the respondent's costs of appeal.

(b) In the event of failure by the parties to agree on the amount of security, the registrar or clerk of the court shall fix the amount and the appellant shall enter security in the amount so fixed or such percentage thereof as the court has determined, as the case may be: Provided that no security shall be required from the State or, unless the court of appeal otherwise orders, from a person to whom legal aid is rendered by a statutorily established legal aid board.

(5) Money paid into court under sub-rule (4) and outstanding for more than three years, may be paid into the **[State] National Revenue Fund**, after three months' notice of such intention in writing has been given to the parties concerned, whereafter the parties concerned may apply for a refund of the amount paid into the said Fund."

Amendment of Part I of Table A of Annexure 2 to the Rules

7. Part I of Table A of Annexure 2 to the Rules is hereby amended by the insertion after item 18 of the following item:

"(19) The fees in Part IV shall be increased by 15% in accordance with any costs order made in terms of rule 33(1)(b) and as allowed at taxation."

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

8. Part II of Table C of Annexure 2 to the Rules is hereby amended by the substitution for item 6 of the following item:

"(6) (a) Making an inventory, including the making of all necessary copies and time spent on stock-taking: R45,00 per half-hour or part thereof.

(b) For assistance, if necessary, with the making of an inventory, R45,00 per half hour or part thereof.

(c) For the attendances referred to in rule 41(11): R52,50."

Commencement

9. These rules come into operation on **12 April 2024**.

DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

NO. R. 4476

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
LANDDROSHOWE 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.

1. In hierdie Bylae beteken "die Reëls" die Reëls waarby die voer van die verrigtinge van die Landdroshowe van Suid-Afrika gereël word, afgekondig in Goewermenskennisgewing No. R. 740 van 23 Augustus 2010, soos gewysig deur Goewermenskennisgewing No's. R. 1222 van 24 Desember 2010, R. 611 van 29 Julie 2011, R. 1085 van 30 Desember 2011, R. 685 van 31 Augustus 2012, R. 115 van 15 Februarie 2013, R. 263 van 12 April 2013, R. 760 van 11 Oktober 2013, R. 183 van 18 Maart 2014, R. 215 van 28 Maart 2014 en R. 507 van 27 Junie 2014, R. 5 van 9 Januarie 2015, R. 32 van 23 Januarie 2015, R. 33 van 23 Januarie 2015, R. 318 van 17 April 2015, R. 545 van 30 Junie 2015, R. 2 van 19 Februarie 2016, R. 1055 van 29 September 2017, R. 1272 van 17 November 2017, R. 632 van 22 Junie 2018, R. 1318 van 30 November 2018, R. 842 van 31 Mei 2019, R. 1343 van 18 Oktober 2019, R. 107 van 7 Februarie 2020, R. 858 van 7 Augustus 2020, R. 1156

van 30 Oktober 2020, R. 1604 van 17 Desember 2021, R 2134 van 3 Junie 2022, R. 2298 van 22 Julie 2022, R.2414 van 26 Augustus 2022, R. 2434 van 2 September 2022, R. 3371 van 5 Mei 2023 en R. 3399 van 12 Mei 2023.

Wysiging van reël 9 van die Reëls

2. Reël 9 van die Reëls word hierby gewysig deur in subreël (3) paragraaf (d) deur die volgende reël te vervang:

"(d) indien die persoon aan wie betekening gedoen moet word 'n *domicilium citandi* gekies het, deur 'n afskrif daarvan by die aldus gekose *domicilium* af te lewer: Met dien verstande dat, waar moontlik, betekening by die aldus gekose *domicilium* gedoen sal word deur 'n afskrif van die prosesstuk aan 'n verantwoordelike persoon wat klaarblyklik nie jonger as 16 jaar oud is nie, af te lewer: Met dien verstande verder dat die balju in die relaas van betekening die besonderhede sal uiteensit van die wyse waarop en omstandighede waaronder [sodanige] betekening gedoen is;".

Wysiging van reël 33 van die Reëls

3. Reël 33 van die Reëls word hierby gewysig deur subreël (1) deur die volgende subreël te vervang:

"(1) (a) Die hof kan by die gee van 'n vonnis of 'n bevel, met inbegrip van enige verdaging of wysiging, die koste toeken wat die hof gepas ag.

(b) 'n Kostebevel kan by aansoek deur enige party aandui watter gedeeltes van die verrigtinge geag word dringend te wees.".

Vir die bywonings in reël 41(11) bedoel: R52,50."

Wysiging van reël 41 van die Reëls

4. Reël 41 van die Reëls word hierby gewysig—

(a) deur subreël (1) deur die volgende subreël te vervang:

"Tenuitvoerlegging teen onroerende eiendom

(1) 'n Eksekusieskuldeiser kan, op sy of haar eie risiko en behoudens die bepalings van reëls 36 en 37, uit die kantoor van die griffier of klerk van die hof **[een of meer lasbriewe]** 'n lasbrief vir eksekusie uitvaardig in 'n vorm wat wesenlik dieselfde is as vorm 32 van Aanhangsel 1.”;

(b) deur subreël (14) deur die volgende subreël te vervang:

“(14)(a) Waar op roerende eiendom, wat nie geld of dokumente is nie, beslag gelê is, gee die eksekusieskuldeiser of sy of haar prokureur ná kennisgewing van sodanige beslaglegging, die balju skriftelik instruksie hetsy die eiendom verwyder sal word na 'n veilige plek of op die perseel agtergelaat word in die beheer en bewaring van die Eksekusieskuldeiser of in die beheer en bewaring van 'n ander persoon wat namens die balju optree.

(b) Indien die eksekusieskuldeiser of sy of haar prokureur die griffier of klerk van die hof skriftelik oortuig dat dit wenslik is om die goedere waarop beslag gelê is, of waarop beslag gelê gaan word, onmiddellik te verwyder, hetsy by uitreiking van die lasbrief vir eksekusie of te eniger tyd daarna, endosseer die griffier of klerk van die hof sy of haar goedkeuring op die dokument wat die instruksies bevat, en magtig die balju skriftelik om al of enige van die roerende eiendom waarop beslag gelê is, onmiddellik uit die besit van die vonnisskuldenaar te verwyder.

(c) By gebrek aan enige instruksie kragtens paragraaf (a) of magtiging kragtens paragraaf (b), los die balju die eiendom waarop beslag gelê is, behalwe geld of dokumente, op die perseel en in die besit van die persoon in wie se besit die vermelde roerende eiendom op beslag gelê is.”;

(c) deur subreël (18) deur die volgende subreël te vervang:

“(18)(a) Tensy 'n hofbevel aan die balju voorgelê word waarin van die balju vereis word om enige roerende eiendom onder beslaglegging te hou vir sodanige verdere tydperk wat in sodanige bevel bepaal kan word, moet die balju die eiendom wat vir 'n tydperk van langer as **[vier]** ses maande onder beslaglegging gehou is, uit beslaglegging vrystel, tensy 'n verkoping in eksekusie van sodanige eiendom hangende is.

(b) Indien sodanige bevel ingevolge 'n ex parte-aansoek toegestaan is, benodig sodanige bevel nie bevestiging nie.

(c) Indien 'n eiser 'n tussenpleitvordering ingevolge reël 44 by die balju indien, word die tydperk van **[vier] ses** maande in paragraaf (a) bedoel, opgeskort vanaf die datum waarop die eiser sy of haar beëdigde verklaring aan die balju aflewer tot die finale beregting van die tussenpleitvordering, met inbegrip van enige hersiening of appèl ten opsigte van sodanige tussenpleitvordering."; en

(d) deur subreël (19) deur die volgende subreël te vervang:

"(19)(a)(i) Enige roerende eiendom wat ter tenuitvoerlegging **[van 'n geregtelike prosesstuk]** verkoop gaan word, word in **[die openbaar]** 'n publieke veiling vir kontant aan die hoogste bieder verkoop deur die balju wat die goedere ingevolge subreël (17)(a) verwyder het of, met die goedkeuring van die landdros, deur 'n afslaer of ander persoon deur die balju aangestel, by of so naby die plek waar daarop beslag gelê is of waarheen dit aldus verwyder is soos vermeld[.]; Met dien verstande dat die veiling terselfdertyd as die fisiese veiling via elektroniese platform gehou kan word, en die veiling word ooreenkomstig die bepalings van artikel 45 van die 'Consumer Protection Act, 2008' en die regulasies daarkragtens uitgevaardig, gehou.

(ii) Die bepalings van reël 43(10) is van toepassing met gepaste veranderinge op die verkoping in eksekusie van roerende eiendom kragtens hierdie reël.

(b) Die Eksekusieskuldeiser, ná raadpleging met die balju, berei 'n kennisgewing van verkoping voor en twee afskrifte daarvan word aan die balju voorsien met genoeg tyd dat een afskrif nie later nie as 10 dae as die dag wat vir die verkoping vasgestel is, op die kennisgewingbord of deur van die hofgebou of ander openbare gebou waarin die vermelde hof sit, opgesit kan word en die ander afskrif by of naby moontlik aan die plek waar die vermelde verkoping werklik gaan plaasvind, opgesit kan word; Met dien verstande dat waar 'n veiling terselfdertyd as die fisiese veiling via 'n elektroniese platform gehou word, die kennisgewing van verkoping aan die bepalings van artikel 45 van die 'Consumer Protection Act, 2008' en die regulasies daarkragtens uitgevaardig, moet voldoen.

(c) Benewens die vereistes van paragraaf (b), as die waarde van die goedere waarop beslag gelê is na mening van die balju meer is as 'n bedrag gelyk aan die

monetêre jurisdiksie van die hof vir klein eise, moet die balju dit aandui en die Eksekusieskuldeiser opdrag gee om die kennisgewing van verkoping in 'n plaaslike of ander koerant wat in die streek of distrik sirkuleer, te publiseer nie later nie as 10 dae voor die datum vir die verkoping aangewys en om 'n afskrif van die uitgawe van die koerant waarin die publikasie verskyn het aan die balju te voorsien, nie later nie as die dag voor die datum van die verkoping.

(d) In plek van paragraaf (c), kan die balju die kennisgewing van verkoping op die webwerf van die balju se kantoor plaas, indien die eksekusieskuldeiser so 'n instruksie gee: Met dien verstande dat die balju nie later nie as 10 dae voor die aangewese datum van verkoping, op die kennisgewingbord of deur van die hofgebou of ander openbare gebou waarin die vermelde hof sit, aanbring en die ander by of so naby moontlik aan die plek waar die vermelde verkoping werklik gaan plaasvind, 'n kennisgewing moet aanbring waarin die datum van die verkoping in eksekusie en die webwerf waarop die volle besonderhede van die verkoping gesien kan word, vermeld word."

Wysiging van reël 43 van Reëls

5. Subreël (7) van reël 43 van die Reëls word hierby deur die volgende subreël vervang:

"(7)(a) Die balju wat die verkoping hou, bepaal 'n dag en plek vir die verkoping van die inbeslaggenome onroerende eiendom, welke dag, behalwe met spesiale toestemming van 'n landdros, nie minder as 45 dae ná betekening van die kennisgewing van beslaglegging nie en moet onverwyld alle ander balju's wat in die distrik aangestel is, van sodanige dag en plek verwittig[.]: Met dien verstande dat—

- (i) die verkoping terselfdertyd as die fisiese verkoping via 'n elektroniese platform gehou kan word; en
- (ii) die verkoping ooreenkomstig die bepalings van artikel 45 van die 'Consumer Protection Act, 2008,' en die regulasies daarkragtens uitgevaardig, gehou word.

(b)(i) Die uitwinningskuldeiser moet, ná oorleg met die balju wat die verkoping hou, 'n verkopingskennisgewing voorberei met 'n kort beskrywing van die

inbeslaggenome roerende eiendom, verbeterings daaraan, landdrosdistrik en fisiese adres, die tyd en plek vir die verkoping en die feit dat insae gekry kan word in die voorwaardes by die kantoor van die balju wat die verkoping hou.

- (ii) Die vonnisskuldeiser moet die balju voorsien van soveel afskrifte van die verkopingskennisgewing soos die balju kan vereis.

(c) Die vonnisskuldeiser—

- (i) moet die kennisgewing een keer publiseer in 'n koerant wat daaglik of weeklik sirkuleer in die distrik waarin die inbeslaggenome roerende eiendom geleë is en in die Staatskoerant nie minder nie as vyf dae en nie meer nie as 15 dae voor die datum van die verkoping; en
- (ii) die balju wat die verkoping hou, per hand of per faks of elektroniese pos, voorsien van een bevredigende fotokopie van elk van die kennisgewings in die koerant en die Staatskoerant, onderskeidelik, gepubliseer.

(d) Minstens 10 dae voor die datum van die verkoping, moet die balju wat die verkoping hou 'n afskrif van die kennisgewing verkoping in paragraaf (b) bedoel, aanstuur aan elke vonnisskuldeiser wat die vermelde inbeslaggenome in beslag laat lê het en aan elke verbandhouer daarvan wie se adres bekend is en moet terselfdertyd 'n afskrif van die kennisgewing van verkoping verstrek aan alle ander baljus wat in daardie distrik aangestel is.

(e) Minstens 10 dae voor die datum van die verkoping, moet die balju wat die verkoping doen—

- (i) een afskrif van die kennisgewing aanbring op die kennisgewingbord van die landdroshof van die distrik waar die inbeslaggenome eiendom geleë is, of indien die gemelde eiendom in die distrik geleë is waar die hof waaruit die lasbrief uitgereik is, geleë is, op die kennisgewingbord van sodanige hof; en

- (ii) een afskrif aanbring op of so naby moontlik aan die plek waar die vermelde verkoping werklik gaan geskied."

Wysiging van reël 51 van die Reëls

6. Reël 51 word hierby gewysig deur subreëls (3), (4) en (5) deur die volgende subreëls, onderskeidelik, te vervang:

"(3) 'n Appèl kan by aflewering van kennisgewing binne 20 dae ná die datum van die vonnis waarteen geappelleer word of binne 20 dae nadat die griffier of klerk van die hof 'n afskrif van die skriftelike vonnis aan die party wat daarom aansoek doen aldus verskaf het **[welke tydperk ookal die langste is]**, aangeteken word.

[(4) 'n Appèl word aangeteken deur die aflewering van 'n kennisgewing en, tensy die hof van appèl anders bevel, deur sekerheid ten bedrae van R1000 vir die respondent se appèlkoste te stel: Met dien verstande dat geen sekerheid van die Staat vereis word nie of, tensy die hof van appèl anders gelas, van 'n persoon aan wie regshulp deur 'n statutêre regshulpraad gelewer word nie.]

(4)(a) Tensy die respondent sy of haar reg op sekerheid van die hand wys of die hof daarna by aansoek by die hof die appellant in die geheel of gedeeltelik verlig het van 'n verpligting, moet die appellant, voor afskrifte van die aantekening van appèl by die griffier of klerk van die hof ingedien, goeie en genoegsame sekerheid vir die respondent se kostes vir appèl gee.

(b) Indien die partye nie ooreenstem oor die bedrag van die sekerheid nie, moet die griffier of klerk van die hof die bedrag vasstel en die appellant moet sekerheid gee ten bedrae van die aldus vasgestelde bedrag of sodanige persentasie daarvan soos die hof bepaal het, na gelang van die geval: Met dien verstande dat geen waarborg van die Staat vereis sal word nie of, tensy die appèlhof anders gelas, van 'n persoon aan wie regshulp deur 'n statutêre regshulpraad gelewer word nie.

(5) Gelde wat kragtens subreël (4) geregteelik inbetaal is en wat vir meer as drie jaar onuitbetaal is, kan in die Nasionale Inkomstefonds inbetaal word nadat drie maande skriftelike kennis van sodanige voorneme aan die betrokke partye gegee is. Daarna kan

die betrokke partye aansoek doen om 'n terugbetaling van die bedrag in die genoemde Fonds inbetaal.”.

Wysiging van Deel I van Tabel A van Aanhangel 2 by die Reëls

7. Deel I van Tabel A van Aanhangel 2 by die Reëls word hierby gewysig deur die volgende item na item 18 in te voeg:

“(19) Die gelde in Deel IV word met 15% verhoog ooreenkomstig enige kosbevel ingevolge reël 33(1)(b) en soos by taksasie toegelaat.”

Wysiging van Deel II van Tabel C van Aanhangel 2 by die Reëls

8. Deel II van Tabel C van Aanhangel 2 by die Reëls word hierby gewysig deur item 6 deur die volgende item te vervang:

“(6) (a) Vir die opstel van 'n inventaris, insluitende die maak van alle nodige afskrifte en tyd bestee aan voorraadopname: R45,00 per halfuur of deel daarvan.

(b) Vir bystand, indien nodig, met die opstel van 'n inventaris, R45,00 per halfuur of deel daarvan.

(c) Vir die bywonings in reël 41(11) bedoel: R52,50.”

Inwerkingtreding

9. Hierdie reëls tree in werking op **12 April 2024**.