
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT**NO. R. 61****25 JANUARY 2019****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 SEVERAL PROVINCIAL AND LOCAL DIVISIONS OF
THE HIGH COURT OF SOUTH AFRICA**

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

SCHEDULE

GENERAL EXPLANATORY NOTE:

Expressions in square brackets in bold [] represent omissions from existing text.

Expressions with **solid underline** represent insertions into existing text.

Definition

1. In this Schedule the "Rules" means the Rules Regulating the Conduct of the Proceedings of the Several Provincial and Local Divisions of the High Court of South Africa published under Government Notice No. R. 48 of 12 January 1965, as amended by Government Notice Nos. 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 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 and R. 678 of 3 June 2016, R. 1055 of 29 September 2017, R. 1272 of 17 November 2017 and R. 1318 of 30 November 2018.

Substitution of rule 31 of the Rules

2. The following rule is hereby substituted for rule 31 of the Rules:

"Judgment on confession and by default and rescission of judgments

31. (1) (a) Save in actions for relief in terms of the Divorce Act, 1979 (Act No. 70 of 1979), or nullity of marriage, a defendant may at any time confess in whole or in part the claim contained in the summons.

(b) **[Such]** The confession referred to in paragraph (a) shall be signed by the defendant personally and **[his]** the defendant's signature shall either be witnessed by an attorney acting for **[him]** the defendant, not being the attorney acting for the plaintiff, or shall be verified by affidavit.

(c) Such confession shall then be furnished to the plaintiff, whereupon the plaintiff may apply in writing through the registrar to a judge for judgment according to such confession.

(2) (a) Whenever in an action the claim or, if there is more than one claim, any of the claims is not for a debt or liquidated demand and a defendant is in default of delivery of notice of intention to defend or of a plea, the plaintiff may set the action down as provided in subrule (4) for default judgment and the court may, after hearing evidence, grant judgment against the defendant or make such order as **[to]** it **[seems meet]** deems fit.

(b) A defendant may within 20 days after **[he or she has]** acquiring knowledge of such judgment apply to court upon notice to the plaintiff to set aside such judgment and the court may, upon good cause shown, set aside the default judgment on such terms as **[to]** it **[seems meet]** deems fit.

(3) Where a plaintiff has been barred from delivering a declaration the defendant may set the action down as provided in subrule (4) and apply for absolution from the instance or, after adducing evidence, for judgment, and the court may make such order thereon as **[to]** it **[seems meet]** deems fit.

(4) The proceedings referred to in subrules (2) and (3) shall be set down for hearing upon not less than five days' notice to the party in default: Provided that no notice of set down **[need]** shall be given to any party in default of delivery of notice of intention to defend.

(5) (a) Whenever a defendant is in default of delivery of notice of intention to defend or of a plea, the plaintiff, **[if he or she]** who wishes to obtain judgment by default, shall where each of the claims is for a debt or liquidated demand, file with the registrar a written application for judgment against such defendant: Provided that when a defendant is in default of delivery of a plea, the plaintiff shall give such defendant not less than **[5]** five days' notice of **[his or her]** the intention to apply for default judgment.

(b) The registrar may—

- (i) grant judgment as requested;
- (ii) grant judgment for part of the claim only or on amended terms;

- (iii) refuse judgment wholly or in part;
- (iv) postpone the application for judgment on such terms as **[he or she]** may be **[consider]** considered just;
- (v) request or receive oral or written submissions;
- (vi) require that the matter be set down for hearing in open court:

Provided that if the application is for an order declaring residential property specially executable, the registrar must refer such application to the court:

(c) The registrar shall record any judgment granted or direction given **[by him or her]**.

(d) Any party dissatisfied with a judgment granted or direction given by the registrar may, within 20 days after such party has acquired knowledge of such judgment or direction, set the matter down for reconsideration by the court.

(e) The registrar shall grant judgment for costs **[in an amount of R200]**:

- (i) in accordance with Part II of Table A of Annexure 2 to the Rules for the Magistrates' Courts plus the sheriff's fees if the value of the claim as stated in the summons, apart from any consent to jurisdiction, is within the jurisdiction of the magistrate's court; and **[,]**
- (ii) in other cases, unless the application for default judgment requires costs to be taxed or the registrar requires a decision on costs from the Court, **[R650]** in accordance with items 1 and 2 of Section B of rule 70 plus the sheriff's fees.

(6) (a) Any person affected by a default judgment which has been granted, may, if the plaintiff has consented in writing to the judgment

being rescinded, apply to court in accordance with Form 2B of the First Schedule to rescind the judgment, and the court may upon such application rescind the judgment.

(b) A judgment debtor against whom a default judgment has been granted, or any person affected by such judgment, may, if the judgment debt, the interest at the rate granted in the judgment and the costs have been paid, apply to court to rescind the judgment, and the court may on such application by the judgment debtor or other person affected by the judgment, rescind the judgment.

(c) An application in terms of paragraph (b) shall—

- (i) be made on Form 2C of the First Schedule;
- (ii) be accompanied by reasonable proof that the judgment debt, interest and costs, as referred to in paragraph (b), have been paid; and
- (iii) be served on the judgment creditor not less than 10 days (which exclude a public holiday, Saturday or Sunday) before the hearing of the application and proof of such service shall accompany the application.

(d) The application referred to in paragraph (c)—

- (i) may be set down for hearing not less than 10 days (which exclude a public holiday, Saturday or Sunday) after service of the application upon the judgment creditor; and
- (ii) may be heard by a judge in chambers."

Insertion of Forms 2B and 2C in the First Schedule to Rules

3. The following Forms are hereby inserted in the First Schedule to the Rules, after Form 2A:

"Form 2B**APPLICATION FOR RESCISSION OF JUDGMENT IN TERMS OF RULE 31(6)(a)**

IN THE HIGH COURT OF SOUTH AFRICA

(.....DIVISION)

Case No. /20.....

In the matter between

.....Applicant

and

.....Respondent

PLEASE TAKE NOTICE that application will be made to the above Honourable Court (in Chambers, through the office of the Registrar) in terms of section 23A(1) of the Superior Courts Act, 2013 (Act No. 10 of 2013), as amended, for an order in the following terms:

1. That the judgment granted against the judgment debtor on
..... (*state date of judgment*) be rescinded.
2. Costs only in the event of the application being opposed.

TAKE NOTICE FURTHER that the written consent of the respondent, attached hereto marked "ANNEXURE A", will be used in support of the application.

KINDLY place the matter on the roll for hearing accordingly.

Dated atthisday of20.....

Applicant/ Applicant's Attorney

Address of Applicant/Applicant's Attorney

.....

.....

.....

To: The Registrar of the High Court

And To: Respondent/Respondent's Attorney

.....

Address of Respondent/Respondent's Attorney

.....

.....

.....

(Note: Provide proof of service on the respondent or attorney)

Form 2C**APPLICATION FOR RESCISSION OF JUDGMENT IN TERMS OF RULE 31(6)(b)**

IN THE HIGH COURT OF SOUTH AFRICA

(.....DIVISION)

Case No. /20.....

In the matter between

.....Applicant

and

.....Respondent

To: The Registrar

PLEASE TAKE NOTICE that application will be made to the above Honourable Court on at....., (or before a Judge in Chambers, if so directed) for an order in the following terms:

1. That the judgment granted against the judgment debtor on (*state date of judgment*) be rescinded.
2. Costs if applicable.

TAKE NOTICE FURTHER that the affidavit of the applicant, attached hereto, will be used in support of the application.

DATED atthisday of20....

Applicant/ Applicant's Attorney

Address of Applicant/Applicant's Attorney

.....

.....

.....

To: The Registrar of the High Court

And To: Respondent/Respondent's Attorney

.....

Address of Respondent/Respondent's Attorney

.....

.....

.....

(Note: Provide proof of service of the application on the respondent or attorney)

IN THE HIGH COURT OF SOUTH AFRICA

(.....DIVISION)

Case No. /20....

In the matter between

.....Applicant

and

.....Respondent

AFFIDAVIT IN SUPPORT OF APPLICATION FOR RESCISSION OF JUDGMENT

1. I the undersigned:

.....

(State full names and surname)

Identity/Passport No.

.....

Residing at.....

hereby make oath and state/solemnly affirm:

1.1 I am the applicant in this matter and the judgment debtor in the main case.

OR

1.1 I am the applicant in this matter. The judgment debtor

is..... *(state the name of the judgment*

debtor). I am affected by the judgment granted against the judgment debtor,

for the following reasons:

(Delete whichever paragraph is not applicable)

- 1.2 The respondent is the judgment creditor in the main case.
- 1.3 The facts deposed to herein are within my personal knowledge and are to the best of my knowledge and belief true and correct.
2. This application is made in terms of section 23A(2) of the Superior Courts Act, 2013 (Act No. 10 of 2013), as amended.
3. On *(state date)* the above Honourable Court granted default judgment against the judgment debtor, in favour of the respondent for *(State the amount of the judgment, the rate of interest and costs)* Attached hereto marked "Annexure A" is a copy of the court order/report from the Credit Bureaux.
4. The judgment debt, interest and costs have been paid. Attached hereto marked "Annexure B" is the proof of payment. *(Attach copy of receipt or other form of proof of payment)*
5. The written consent of the respondent has not been obtained for the following

reasons:

6. I do not ask for costs to be granted against the respondent.

OR

6. The respondent should pay the costs of this application for the following reasons:

(Delete whichever paragraph that is not applicable)

WHEREFORE I pray that the above Honourable Court grants the orders in the Notice of Application.

.....

(Applicant)

Signed and sworn to/solemnly affirmed aton this
.....day ofafter the deponent admitted that
he/she knows and understands the contents of this affidavit, that he/she has no
objection in taking the prescribed oath/solemnly affirming the contents of this
affidavit and that he/she considers the oath/affirmation binding on his/her
conscience.

.....

COMMISSIONER OF OATHS

NAME.....

CAPACITY.....

ADDRESS....."

Commencement

4. These Rules shall come into effect on 11 March 2019.

DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

NO. R. 61

25 JANUARIE 2019

WET OP REËLSRAAD VIR GERECSHOWE, 1985 (WET NO. 107 VAN 1985)**WYSIGING VAN DIE REËLS WAARBY DIE VERRIGTINGE VAN DIE
VERSKILLENDIE PROVINSIALE EN PLAASLIKE AFDELINGS VAN DIE HOË
HOF VAN SUID-AFRIKA GEREËL WORD**

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

BYLAE

ALGEMENE VERDUIDELIKENDE NOTA:

1. Uitdrukkings in [] **vet druk** dui uitlatings uit bestaande reëls aan.
2. Uitdrukkings met 'n volstreep daaronder dui invoegings in bestaande reëls aan.

Woordomskrywing

1. In hierdie Bylae beteken die “Reëls” die Reëls waarby die verrigtinge van die verskillende provinsiale en plaaslike afdelings van die Hoë Hof van Suid-Afrika gereël word gepubliseer kragtens Goewermentskennisgewing No. R. 48 van 12 Januarie 1965, soos gewysig by Goewermentskennisgewings No. R. 235 van 18 Februarie 1966, R. 2004 van 15 Desember 1967, R. 3553 van 17 Oktober 1969, R. 2021 van 5 November 1971, R. 1985 van 3 November 1972, R. 480 van 30 Maart 1973, R. 639 van 4 April 1975, R. 1816 of 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 en 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 en R. 1318 van 30 November 2018.

Vervanging van reël 31 van die Reëls

2. Reël 31 van die Reëls word hierby deur die volgende reël vervang:

"Toestemming tot vonnis [en], vonnis by verstek en herroeping van vonnisse

31. (1) (a) Behalwe in aksies om regshulp ingevolge die Wet op Egskeiding, 1979 (Wet No. 70 van 1979), of nietigverklaring van 'n huwelik, kan 'n verweerder te eniger tyd geheel of gedeeltelik toestem tot vonnis.

(b) Die toestemming in paragraaf (a) bedoel word deur die verweerder persoonlik onderteken en geattesteer deur 'n prokureur wat namens **[hom]** die verweerder optree en nie ook vir die eiser nie, of dit **[word]** moet by beëdigde verklaring bevestig word.

(c) Die toestemming word dan aan die eiser verskaf, waarop hy skriftelik deur die griffier by 'n regter aansoek kan doen om vonnis ooreenkomstig die toestemming.

(2) (a) Wanneer die eis in 'n aksie of, indien daar meer as een eis is, enige van die eise nie vir skuld of andersins likwied is nie en 'n verweerder in verstek is met sy of haar kennisgewing van voorneme om te verdedig of met sy of haar pleit, kan die eiser die aksie ter rolle plaas soos in subreël (4) vir verstekvonnisse voorgeskryf en die hof kan, na die aanhoor van getuienis, vonnis teen die verweerder gee of na goëddunke 'n ander bevel gee.

(b) 'n Verweerder kan binne 20 dae [**nadat**] ná kennisname van so 'n vonnis [**tot sy of haar kennis gekom het**], met kennisgewing aan die eiser by die hof aansoek doen om tersydestelling van die vonnis en die hof kan by aanvoering van gegronde redes, die verstekvonnis tersyde stel op die voorwaardes wat [**hy**] die hof goedvind.

(3) Waar 'n eiser onder belet is om 'n deklarasie af te lewer, kan die verweerder die aksie ter rolle plaas soos in subreël (4) bepaal en aansoek doen om absolusie van die instansie of, nadat hy getuienis aangebied het, om vonnis, en die hof kan daarop na goeddunke 'n bevel gee.

(4) Die verrigtinge in subreëls (2) en (3) bedoel, word ter rolle geplaas met minstens vyf dae kennisgewing aan die party wat in verstek is: Met dien verstande dat aan 'n party wat geen kennis gegee het van voorneme om te verdedig nie, geen kennisgewing van terrolleplasing gegee [**hoef te**] word nie.

(5) (a) Wanneer 'n verweerder in verstek is met aflewering van sy of haar kennisgewing van voorneme om te verdedig of met sy of haar pleit, moet die eiser wat vonnis by verstek verlang, waar elk van die else vir skuld of andersins likwied is, 'n skriftelike aansoek om vonnis teen die verweerder by die griffier indien: Met dien verstande dat wanneer die verweerder in verstek is met sy of haar aflewering van 'n pleit, die eiser sodanige verweerder minstens [**5**] 5 dae kennis moet gee van [**sy of haar**] die voorneme om aansoek om vonnis by verstek te doen.

(b) Die griffier kan—

(i) vonnis soos versoek gee;

- (ii) vonnis vir slegs 'n gedeelte van die eis of op gewysigde voorwaardes gee;
- (iii) vonnis in die geheel of gedeeltelik weier;
- (iv) die aansoek om vonnis op die voorwaardes wat **[hy of sy] geag kan word billik [ag] te wees**, uitstel;
- (v) mondelinge of skriftelike voorleggings aanvra of ontvang;
- (vi) vereis dat die saak ter rolle geplaas word vir verhoor in die ope hof:

Met dien verstande dat indien die aansoek om 'n bevel is wat residensiële eiendom spesiaal as vatbaar vir eksekusie verklaar, die griffier sodanige aansoek aan die hof rig.

(c) Die griffier notuleer 'n vonnis of voorskrif **[deur hom of haar gegee]**.

(d) 'n Party wat ontevrede is met 'n vonnis of voorskrif deur die griffier gegee, kan binne 20 dae nadat so 'n vonnis of voorskrif tot sodanige party se kennis gekom het die saak vir heroorweging deur die hof ter rolle plaas.

(e) Die griffier staan vonnis vir koste toe:

- (i) ooreenkomstig Deel II van Tabel A van Bylae 2 tot die Landdroshofreëls plus baljugele indien die waarde van die eis volgens die dagvaarding, afgesien van enige toestemming tot jurisdiksie, binne die jurisdiksie van die landdroshof val^[,]; en
- (ii) in ander gevalle, tensy in die aansoek om vonnis by verstek vir taksasie gevra word of die griffier 'n beslissing omtrent koste van die hof verlang, **[R650]** ooreenkomstig items 1 en 2 van Artikel B van reël 70 plus baljugele.

(6) (a) Enige persoon wat deur 'n toegestaande verstekvonnis geraak word, kan, indien die eiser skriftelik tot die tersydestelling van die vonnis ingestem het, ooreenkomstig Vorm 2B van die Eerste Bylae by die hof aansoek doen om tersydestelling van die vonnis, en die hof kan by sodanige aansoek die vonnis tersyde stel.

(b) 'n Vonnisskuldenaar teen wie 'n verstekvonnis gegee is, of enige persoon deur sodanige vonnis geraak word, kan, indien die vonnisskuld, die rente teen die koers in die vonnis gegee en die koste betaal is, by die hof aansoek doen om die tersydestelling van die vonnis, en die hof kan by sodanige aansoek deur die vonnisskuldeiser of ander persoon deur die vonnis geraak, die vonnis tersyde stel.

(c) 'n Aansoek ingevolge paragraaf (b)—

- (i) word op Vorm 2C van die Eerste Bylae gedoen;
- (ii) gaan vergesel van redelike bewyse dat die vonnisskuld, rente en koste, soos in paragraaf (b) bedoel, betaal is; en
- (iii) word aan die vonnisskuldeiser beteken ten minste 10 dae (wat 'n openbare vankansiedag, Saterdag of Sondag uitsluit), voor die aanhoor van die aansoek en die aansoek gaan vergesel van bewys van daardie betekening.

(d) Die aansoek in paragraaf (c) bedoel—

- (i) kan ter rolle geplaas word vir verhoor ten minste 10 dae (wat 'n openbare vakansiedag, Saterdag of Sondag uitsluit) ná betekening van die aansoek aan die vonnisskuldeiser; en
- (ii) kan in kamers deur 'n regter aangehoor word."

Invoeging van Vorms 2B en 2C in Eerste Bylae by Reëls

3. Die volgende Vorms word hierby na Vorm 2A in die Eerste Bylae tot die Reëls ingevoeg:

"Vorm 2B**AANSOEK OM TERSYDESTELLING VAN VONNIS INGEVOLGE REËL 31(6)(a)**

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

Saaknommer/20.....

In die saak tussen

.....Eiser
en

.....Respondent

NEEM KENNIS dat aansoek by die bogenoemde Agbare Hof (in Kamers, deur die kantoor van die Griffier) ingevolge artikel 23A(1) van die Wet op Hoër Howe, 2013 (Wet No. 10 van 2013), soos gewysig, gedoen gaan word, vir 'n bevel luidens die volgende:

1. Dat die vonnis op (*stel datum van vonnis*) teen die vonnisskuldenaar gegee, tersyde gestel word.
2. Koste slegs indien die aansoek geopponeer word.

NEEM VERDER KENNIS dat die skriftelike toestemming van die respondent, as "Aanhangesl A" hierby aangeheg, ter ondersteuning van die aansoek gebruik sal word.

GELIEWE die saak ter rolle te plaas om aangehoor te word.

Gedateer tehierdiedag van
.....20.....

Applikant/ Applikant se prokureur
Adres van applikant/applikant se prokureur

.....
.....
.....

Aan: Die Griffier van die Hooggeregshof

en aan: Respondent/respondent se prokureur

.....
Adres van respondent/respondent se prokureur

.....
.....
.....

(Let wel: Lewer bewys van betekening aan respondent of prokureur)

Vorm 2C

AANSOEK OM TERSYDESTELLING VAN VONNIS INGEVOLGE REËL 31(6)(b)

IN DIE HOOGEREGSHOF VAN SUID-AFRIKA

(.....AFDELING)

Saaknommer. /20.....

In die saak tussen

.....Applikant

en

.....Respondent

Aan: Die Griffier

NEEM KENNIS dat aansoek by die bogenoemde Agbare Hof op
te....., (of voor 'n Regter in kamers, indien aldus gelas) gedoen sal word vir 'n bevel
luidens die volgende:

1. Dat die vonnis op (*verstrek datum van vonnis*) teen die
vonnisskuldenaar gegee, tersyde gestel word.
2. Koste indien van toepassing.

NEE VERDER KENNIS dat die beëdigde verklaring van die aansoeker, hierby aangeheg, ter
ondersteuning van die aansoek gebruik sal word.

GEDATEER tehierdiedag van20....

Applikant/ applikant se prokureur

Adres van applikant /applikant se prokureur

.....
.....
.....

Aan: Die Griffier van die Hooggeregshof

En aan: Respondent/respondent se prokureur

.....

Adres van respondent/respondent se prokureur

.....

.....

.....

(Let wel: Voorsien bewys van betekening van die aansoek aan die respondent of prokureur)

IN DIE HOOGEREGSHOF VAN SUID-AFRIKA

(.....AFDELING)

Saaknommer...../20.....

In die saak tussen

.....Applikant

en

.....Respondent

BEËDIGDE VERKLARING TER ONDERSTEUNING VAN AANSOEK OM TERSYDESTELLING VAN VONNIS

1. Ek, die ondergetekende:

.....

(Stel volle name en van)

Identiteits-/paspoortnommer.

Woonagtig te

lê hierby 'n eed af en verklaar/bevestig plegtig:

1.1 Ek is die applikant in hierdie saak en die vonnisskuldenaar in die hoofsaak.

OF

1.1 Ek is die applikant in hierdie aangeleentheid. Die vonnisskuldenaar is
 (stel die naam van die vonnisskuldenaar). Ek is geraak
 deur vonnis teen die vonnisskuldenaar gegee, weens die volgende redes:

.....

(Skrap watter paragraaf ook al nie van toepassing is nie)

- 1.2 Die respondent is die vonnisskuldeiser in die hoofsaak.
- 1.3 Die feite waaroor hierin getuig word is binne my persoonlike waarneming en is tot die beste van my wete en oortuiging waar en korrek.
2. Hierdie aansoek word ingevolge artikel 23A(2) van die Wet op Hoër Howe, 2013 (Wet No. 10 van 2013), soos gewysig, gemaak.
3. Op *(stel datum)* het die bogenoemde Agbare Hof vonnis by verstek teen die vonnisskuldenaar gegee, ten gunste van die respondent vir *(Verstrek die vonnisbedrag, die rentekoers en koste)* Hierby aangeheg, gemerk as "Aanhangsel A" is 'n afskrif van die hofbevel/verslag van die Kredietburo.
4. Die vonnisskuld, rente en koste is betaal. Hierby aangeheg as "Aanhangsel B" is die bewys van betaling. *(Heg afskrif van kwitansie of ander vorm van betalingsbewys aan)*
5. Die skriftelike toestemming van die respondent is om die volgende redes nie verkry nie:

6. Ek vra nie dat koste teen die respondent toegestaan word nie.

OF

6. Die respondent moet weens die volgende redes die koste van hierdie aansoek betaal:

(Skrap die paragraaf wat nie van toepassing is nie)

WESHALWE vra ek dat die bogenoemde Agbare Hof die bevel in die Kennisgewing van Aansoek toestaan.

.....
(Applikant)

Geteken en beëdig/bevestig teop hierdie dag vannadat die deponent verklaar het dat hy/sy die inhoud van hierdie verklaring ken en begryp, dat hy/sy geen beswaar teen die aflê van die voorgeskrewe eed het nie en dat hy/sy die eed/bevestiging as bindend op sy/haar gewete beskou.

.....
KOMMISSARIS VAN EDE

NAAM.....

HOEDANIGHEID.....

ADRES....."

Inwerkingtreding

4. Hierdie Reëls tree in werking op 11 Maart 2019.