

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 2134

3 June 2022

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), and with the approval for the Minister for Justice and Correctional Services, made the rules in the Schedule.

SCHEDULE

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

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

Definition

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, and R. 1602 of 17 December 2021.

Amendment of rule 5 of the Rules

2. Rule 5 of the Rules is hereby amended by the substitution for sub-rule (1) of the following sub-rule:

"(1) Every person making a claim against any other person may, through the office of the registrar or clerk of the court, sue out a simple summons or a combined summons addressed to the sheriff directing the sheriff to inform the defendant among other things that, if the defendant disputes the claim and wishes to defend, the defendant shall-

- (a) within the time stated in the summons, give notice of intention to defend; and
- (b) after complying with paragraph (a), if the summons is a combined summons, within 20 days after giving such notice, deliver a plea (with or without a claim in reconvention), or an exception, or an application to strike out: Provided that an exception or application to strike out shall be in the manner and within the timeframes provided for in rule 19."

Amendment of rule 43 of the Rules

3. Rule 43 of the Rules is hereby amended by—

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

"(b) A warrant of execution against immovable property shall contain—

- (i) a full description of the nature, magisterial district and physical address of the immovable property to enable it to be traced and identified by the sheriff; and
- (ii) sufficient information to enable the sheriff to give effect to sub-rule (3) hereof, including the title deed number, the erf number or sectional title unit number and exclusive use area to enable the Registrar of Deeds to identify the immovable property and record the attachment as an interdict against the immovable property."; and

(b) the substitution in sub-rule (11) for paragraph (b) of the following paragraph:

"(b) Any loss sustained by reason of the purchaser's default may, on the application of any aggrieved creditor [whose name appears on the sheriff's distribution account] referred to in paragraph (14)(c), be recovered from the purchaser under judgment of a magistrate given on a written report by the sheriff, after notice in writing has been given to the purchaser that the report will be laid before a magistrate for the aforesaid purpose."

Amendment of rule 67 of the Rules

4. Rule 67 of the Rules is hereby amended by—

(a) the substitution in sub-rule (2)(b) for sub-paragraph (ii) of the following sub-paragraph:

"(ii) be sent by electronic means, and if not possible by registered post."; and

(b) the substitution in sub-rule (5A) for paragraph (a) of the following paragraph:

"(a)(i) A person contemplated in the first proviso of section 309(1)(a) of the Criminal Procedure Act, 1977, who wishes to appeal against his or her conviction or sentence or order, shall do so in writing to the registrar or clerk of the court within 10 days after the passing of the sentence or order following on the conviction and shall also send a copy of such notice of appeal to the director of public prosecutions concerned or in a case in which the prosecution was not at the public instance, to the prosecutor concerned.

(ii) In the event of the appeal being struck-off or removed from the roll for any reason, the appeal shall then be re-enrolled within 10 days of the date of such striking-off or removal, failing compliance therewith the appeal shall lapse."

Amendment of Annexure 1 to the Rules

5. Annexure 1 to the Rules is hereby amended by the substitution for Forms 2B and 2C of the Forms contained in the Annexure hereto.

Amendment of Annexure 2 to the rules

6. Annexure 2 to the rules is hereby amended—

(a) by the substitution for Tables A and B of the following Tables, respectively:

**"TABLE A
COSTS**

**PART I
GENERAL PROVISIONS**

1. When the amount in dispute is less than or equal to the amount of R7 000, costs shall be taxed on Scale A; when the amount in dispute exceeds the amount of R7 000, but is less than or equal to R50 000, costs shall be taxed on Scale B; when the amount in dispute exceeds R50 000, but is less than or equal to the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts, costs shall be taxed on Scale C; when the amount in dispute exceeds the maximum jurisdictional amount so determined by the Minister in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division or when the matter is in respect of a cause of action in terms of section 29(1B)(a) of the Act, costs shall be taxed on Scale D.

2. (a) For the purpose of computing costs, the expression 'amount in dispute' means, where costs are awarded to the plaintiff, the amount or value of the judgment and 'amount or value of the judgment' means, where more than one claim is involved in the action, the total of the amounts involved in the judgment. Where costs are awarded to the defendant, the expression 'amount in dispute' means, the amount or value of the claim, and 'amount or value of the claim' means, where more than one claim is involved in the action, the total of the amounts of all the claims. The amount or value of the judgment or claim shall be inclusive of interest but exclusive of costs. If a matter is settled at any time the costs shall be taxed on the scale laid down in the agreement of settlement.

(b) Where the amount in dispute is not apparent on the face of the proceedings and—

(i) the matter is instituted in the Magistrates' Court for a District, costs shall be computed on Scale C; or

(ii) the matter is instituted in the Regional Court for a Regional Division, costs shall be computed on Scale D,

unless the court orders otherwise.

3. Costs taxable in terms of rule 33(19) shall be deemed to have been awarded under a judgment for the amount offered or a judgment in the terms of the settlement, as the case may be.

4. Claims for ejectment shall be computed at two months' rent of the premises.

5. The rate at which costs are computed shall not be increased by reason of any claim for confirmation of any interdict or interlocutory order.

- 6(i) Fees to advocates referred to in section 34(2)(a)(i) of the Legal Practice Act, 2014 (Act No. 28 of 2014) shall be allowed on taxation only in cases falling within Scale B, C or D or where the court has made an order in terms of rule 33(8).
- (ii) Fees to advocates referred to in section 34(2)(a)(ii) of the Legal Practice Act, 2014 (Act No. 28 of 2014) shall be allowed on taxation for Scale A, B, C or D or where the court has made an order in terms of rule 33(8).
7. Where the amount allowed for an item is specified, the amount shall be inclusive of all necessary attendances and services (other than services by the sheriff for the magistrate's court) in connection therewith save that for the necessary filing of documents at court a charge shall be allowed at **[R30,00]** R33,00 per document.
8. Where the amount allowed for an item is left blank—
- (a) the drawing of documents (not pleadings) shall be allowed at **[R30,00]** R33,00 for each folio;
- (b) copies for filing, service and an attorney's copy to retain shall also be allowed;
- (c) **[R30,00]** R33,00 shall be allowed for each necessary service;
- (d) **[R30,00]** R33,00 shall be allowed per document for the necessary filing of documents at court.
9. (a) Where any document appears to the court to be unnecessary prolix, the court may disallow the whole or any part of the fee therefor.
- (b) Where printed forms of documents to be copied are available, the fees for copying shall be limited to the necessary particulars inserted in such printed forms.
10. (a) A folio shall consist of 100 written or printed words or figures or part thereof.
- (b) Four figures shall be reckoned as one word.
11. (a) Unless otherwise provided, a charge for perusal shall be allowed at **[R11,50]** R12,50 per folio in respect of any document or pleading necessarily perused.
- (b) For necessary copies, including photocopies, of any document or papers not already provided for in this tariff, per A4 size page **[R4,50]** R5,00.
12. Where there are more defendants than one **[R19,00]** R21,00 shall be added in respect of each additional defendant for each of items 2 and 3 of Part II and items 2 and 7 of Part III.
13. Where the judgment debt is payable in instalments in terms of the judgment or an agreement, a fee of 10% on each instalment collected in redemption of the capital, costs and interest shall be allowed, subject to a maximum of **[R459,00]** R499,00 on each instalment. No additional fee shall be charged for any attendance in connection with the receipt or payment of any instalment.
14. The clerk or registrar of the court shall on taxation disallow any charge unnecessarily incurred.
15. Where the fee under any item is calculated on a time basis, the total time spent on any one day shall be calculated and the fee for that day calculated on such total.

16. Any amount necessarily and actually disbursed in tracing the debtor shall be allowed in addition to the fees laid down in this tariff.

17. Item 10A and 14A of Part III in the tariff to Table A are also applicable to Part IV of the tariff to Table A.

18. Fees to advocates referred to in section 34(2)(a)(i) of the Legal Practice Act, 2014 (Act No. 28 of 2014) shall be allowed on taxation only for items 21 to 26 of Part IV.

**PART II
UNDEFENDED ACTIONS**

	R
Item 1 - Registered letter of demand in terms of section 56 of the Act	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts	[R45,00] <u>R49,00</u>
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division	[R61,00] <u>R67,00</u>
Item 2 - Summons, inclusive of a letter of demand other than the letter of demand referred to in item 1:	
(a) Claim or claims where the aggregate amount of the claim or claims does not exceed R7 000,00	[R151,50] <u>R165,00</u>
(b) Claim or claims where the aggregate amount of the claim or claims exceeds R7 000,00 but does not exceed R50 000	[R502,50] <u>R547,00</u>
(c) Claim or claims where the aggregate of the claim or claims exceeds R50 000 but does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts	[R743,00] <u>R808,00</u>
(d) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division or when the matter is in respect of a cause of action in terms of section 29(1B)(a) of the Act	R969,50 <u>R1055,00</u>
Item 3 - Judgment:	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the amount in 2(a)	[R151,50] <u>R165,00</u>
(b) Claim or claims where the aggregate of the claim or claims exceeds the amount in 2(b) but is not more than R50 000	[R383,50] <u>R418,00</u>

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(c) Claim or claims where the aggregate of the claim or claims exceeds R50 000 but does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts.	[R627,00] R682,00
(d) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division or when the matter is in respect of a cause of action in terms of section 29(1B)(a) of the Act	[R815,00] R886,00
Item 4 - Notice in terms of rule 12(2)	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts.	[R71,50] R78,00
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division or when the matter is in respect of a cause of action in terms of section 29(1B)(a) of the Act.	[R93,00] R101,00
Item 5 - Notice in terms of rule 54(1)	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts.	[R71,50] R78,00
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division.	[R93,00] R101,00
Item 6 - Affidavit or certificate	-
Item 7 - Attending court at the request of the magistrate when claim is referred to court for judgment or to obtain provisional sentence when claim is undefended	as allowed under item 15 on the scale for defended actions.
Item 8 - For each registered letter forwarded to the debtor in terms of section 57(1) or (3) or section 58(2), of the Act by the creditor or his or her attorney, including copies	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts.	[R46,50] R51,00
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in	[R62,50] R68,00

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respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division.	
Item 9 - Admission of liability and undertaking to pay debt in instalments or otherwise (section 57 of the Act)	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts.	[R121,50] R132,00
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division.	[R157,00] R170,00
Item 10 - Consent to judgment or to judgment and an order for the payment of judgment debt in instalments (section 58 of the Act)	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts.	[R121,50] R132,00
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division.	[R157,00] R170,00

Note: The amount of fees allowable under items 4, 5, 6, 7, 8, 9 and 10 shall be included without taxation in the amount of the costs for which judgment is entered

**PART III
DEFENDED ACTIONS (AND INTERPLEADER PROCEEDINGS)**

Item	Scale A R	Scale B R	Scale C R	Scale D R
1 Instructions to sue or defend or to counterclaim or defend a counterclaim, perusal of all documentation and consideration of merits and all necessary consultations to issue summons	[R606,00] R659,00	[R804,50] R875,00	[R968,50] R1095,00	[R1258,00] R1369,00
2 Summons	[R304,50] R331,50	[R423,00] R460,00	[R506,50] R551,00	[R656,00] R713,00
2A Particulars of Claim or Declaration	[R304,50] R331,50	[R423,00] R460,00	[R506,50] R551,00	[R656,00] R713,00
3 Appearance	[R50,50] R55,00	[R50,50] R55,00	[R63,00] R69,00	[R81,00] R89,00

Item	Scale A R	Scale B R	Scale C R	Scale D R
4 Notice under rules 12(2) and 21B(2)	[R50,50] <u>R55,00</u>	[R50,50] <u>R55,00</u>	[R63,00] <u>R69,00</u>	[R81,00] <u>R89,00</u>
5 Plea	[R304,50] <u>R331,50</u>	[R423,00] <u>R460,00</u>	[R506,50] <u>R551,00</u>	[R656,00] <u>R713,00</u>
6 Claim in reconviction	[R304,50] <u>R331,50</u>	[R423,00] <u>R460,00</u>	[R506,50] <u>R551,00</u>	[R656,00] <u>R713,00</u>
7 Reply, if necessary	[R304,50] <u>R331,50</u>	[R423,00] <u>R460,00</u>	[R506,50] <u>R551,00</u>	[R656,00] <u>R713,00</u>
8 Drawing up of all documents not specifically mentioned, including request for further particulars, schedule of documents, all affidavits, subpoenas, any notice not otherwise provided for and drawing up of statements by witnesses	-	-	-	-
9 Production of documents for inspection, or inspecting documents, per quarter of an hour or part thereof of the time spent	[R180,50] <u>R196,00</u>	[R180,50] <u>R196,00</u>	[R226,50] <u>R246,00</u>	[R292,00] <u>R318,00</u>
10. ...				
10A Pagination and indexing of pleadings per quarter of an hour or part thereof :	[R121,00] <u>R132,00</u>	[R121,00] <u>R132,00</u>	[R147,50] <u>R161,00</u>	[R191,00] <u>R208,00</u>
11 The recording of statements by witnesses, per quarter of an hour or part thereof	[R180,50] <u>R196,00</u>	[R180,50] <u>R196,00</u>	[R226,50] <u>R246,00</u>	[R292,00] <u>R318,00</u>
12 Notice of trial or reinstatement	[R50,50] <u>R55,00</u>	[R50,50] <u>R55,00</u>	[R63,00] <u>R69,00</u>	[R81,00] <u>R89,00</u>
13 Preparing for trial (if counsel not employed)	[R1007,00] <u>R1095,00</u>	[R1370,00] <u>R1490,00</u>	[R1643,00] <u>R1788,00</u>	[R2136,00] <u>R2323,00</u>
14 Attendance at settlement negotiations, for each quarter of an hour or part thereof actually spent in such negotiations	[R180,50] <u>R196,00</u>	[R180,50] <u>R196,00</u>	[R226,50] <u>R246,00</u>	[R292,00] <u>R318,00</u>
14A Drawing up heads of argument per quarter of an hour or part thereof:	[R180,50] <u>R196,00</u>	[R180,50] <u>R196,00</u>	[R226,50] <u>R246,00</u>	[R292,00] <u>R318,00</u>
15 Attending court during trial, or at an on-the-spot inspection, or at postponement or examination on commission, for each quarter of				

Item	Scale A R	Scale B R	Scale C R	Scale D R
an hour or part thereof spent in court while the case is actually being heard-				
(a) if an advocate is not employed	[R180,50] R196,00	[R180,50] R196,00	[R226,50] R246,00	[R292,00] R318,00
(b) if an advocate is employed	Nil	[R71,50] R78,00	[R88,00] R96,00	[R113,00] R123,00
16 Attending pre-trial conference, for each quarter of an hour or part thereof actually spent in such conference	[R180,50] R196,00	[R180,50] R196,00	[R226,50] R246,00	[R292,00] R318,00
17 Attending court to hear reserved judgment, per quarter of an hour or part thereof	[R37,00] R40,00	[R37,00] R40,00	[R44,50] R49,00	[R57,50] R63,00
18 Correspondence-				
(a) for each necessary letter or telegram, per folio	[R28,50] R31,00	[R28,50] R31,00	[R37,00] R40,00	[R46,50] R50,00
(b) for each letter or telegram received, provided that a fee for perusal shall not be allowed in addition to the fee herein provided for	[R19,50] R21,50	[R28,50] R31,00	[R37,00] R40,00	[R46,50] R50,00
19 Attendances: For each necessary attendance not otherwise provided for, per attendance	[R19,50] R21,50	[R28,50] R31,00	[R37,00] R40,00	[R46,50] R50,00
20 Necessary formal telephone calls, per call	[R19,50] R21,50	[R28,50] R31,00	[R37,00] R40,00	[R46,50] R50,00
21 Telephone consultations: For every 5 minutes or part thereof, subject to a maximum fee per consultation of [R174,50] R190,00 for Scales A to C and [R225,50] R246,00 for Scale D	[R50,50] R55,00	[R50,50] R55,00	[R63,00] R69,00	[R81,00] R89,00
22 Each necessary consultation, per quarter of an hour or part thereof	[R180,50] R196,00	[R180,50] R196,00	[R226,50] R246,00	[R292,00] R318,00
23 The court may, on request made at the hearing, allow in addition to the fee prescribed in item 13 above a refresher fee in postponed or partly heard trials	[R627,00] R682,00	[R887,00] R965,00	[R1063,00] R1157,00	[R1381,00] R1503,00

Item	Scale A R	Scale B R	Scale C R	Scale D R
24 Time spent waiting at court (owing to no court being available) per quarter of an hour or part thereof	[R121,00] R132,00	[R121,00] R132,00	[R147,50] R161,00	[R191,00] R208,00
25 Travelling time [subject to the provisions of rule 33(9)] per quarter of an hour or part thereof	[R121,00] R132,00	[R121,00] R132,00	[R147,50] R161,00	[R191,00] R208,00
26 Subsistence and travelling expenses as laid down in rule 33(9)	The actual reasonable subsistence and travelling expenses as laid down in rule 33(9)			

**PART IV
OTHER MATTERS**

Exceptions, applications to strike out, applications for summary judgment, appearance to obtain provisional sentence when claim is defended, interlocutory applications, arrest, interdict, applications under rule 27(9), applications to review judgment, order or taxation, applications for liquidation of close corporations and applications in terms of section 65J of the Act, applications under rule 58 and any other applications.

ITEM	Scale A R	Scale B R	Scale C R	Scale D R
1. (a) Instructions to make application or to oppose or to show cause (the court may on request allow a higher amount)	[R152,00] R165,00	[R304,50] R331,00	[R361,50] R394,00	[R470,00] R512,00
(b) Instructions to make application for liquidation of close corporation, perusal of all documentation and consideration of merits, and all necessary consultations	[R743,00] R808,00	[R743,00] R808,00	[R890,50] R969,00	[R1158,00] R1260,00
2. Drawing up of all documents, affidavits, applications and notices, orders, etc	-	-	-	-
3. Attending court on hearing:				
(a) If unopposed or opposed (if an advocate is not employed), for each quarter of an hour or part thereof actually spent in court	[R180,50] R196,00	[R180,50] R196,00	[R226,50] R246,00	[R292,00] R318,00
(b) If opposed (if an advocate is employed), for each quarter of an hour actually spent in court or part thereof	Nil	[R71,50] R78,00	[R88,50] R96,00	[R113,00] R123,00
4. (a) Fee for preparation for argument when opposed	[R627,00] R682,00	[R739,00] R804,00	[R890,50] R969,00	[R1158,00] R1260,00
(b) Fee for preparation for trial where proceedings are referred to trial or oral evidence	[R627,00] R682,00	[R739,00] R804,00	[R890,00] R969,00	[R1158,00] R1260,00

ITEM	Scale A R	Scale B R	Scale C R	Scale D R
5. Consultations and settlement negotiations – when opposed, per quarter of an hour or part thereof	[R180,50] R196,00	[R180,50] R196,00	[R226,50] R246,00	[R292,00] R318,00

ITEM	Scale
TAXATION OF COSTS In connection with a bill of costs for services rendered by an attorney, the attorney shall be entitled to charge :	R
6. For drawing the bill of costs, making the necessary copies and attending settlement, 11 percent of the attorney's fees, either as charged in the bill, if not taxed, or as allowed on taxation.	
7. In addition to the fees charged under item 6, if recourse is had to taxation for arranging and attending taxation, and obtaining consent to taxation, 11 percent on the first R10 000,00 or portion thereof, 6 percent on the next R10 000,00 or portion thereof and 3 percent on the balance of the total amount of the bill.	
8. Attending on review of taxation, for each quarter of an hour or part thereof in court while review is actually being heard	[R180,50] R196,00
9. Notice of application for review of taxation and service	-
10. Affidavit, where necessary	-

EXECUTION	
11. (a) Issue of warrant of execution, ejectment, and delivery up of possession	[R121,50] R132,00
(b) For each reissue thereof	[R50,50] R55,00
12. Inclusive fee for work done in connection with releasing of immovable property attached	[R151,50] R165,00
13. Inclusive fee for work done in connection with sale in execution of immovable property only (excluding work in respect of which fees are already provided for elsewhere and the drawing up of the conditions of sale)	[R384,00] R418,00
14. (a) Drawing up of notice of sale in terms of rule 41(8) or rule 43[(6)], (7)(b)(i), or conditions of sale in terms of rule 43[(7)] (8)(a)(i)	-
(b) For all other work done and papers and documents supplied to the sheriff of the magistrate's court in connection with a sale in execution of movable property, an inclusive fee of	[R262,00] R285,00
15. Security for restitution, where necessary	[R99,50]

	R109,50
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WHERE AN ADVOCATE IS EMPLOYED	
16. Instructions for exception or application, where allowed	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts	[R180,50] R196,00
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division	[R234,50] R255,00
17. Instructions on trial	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts	[R230,50] R251,00
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division	[R290,00] R315,00
18. Drawing brief on exception or application, where allowed	-
19. Drawing brief on trial	-
20. Attending each necessary consultation with an advocate, per quarter of an hour or part thereof	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts	[R75,00] R82,00
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division	[R94,00] R103,00

FEES TO ADVOCATES	
21. With brief to argue exception or application	[R887,00] R964,00
22. With trial brief for the first day, not exceeding	[R2514

FEES TO ADVOCATES	
	,50] <u>R2736,00</u>
23. In any court held more than 30 km from the nearest town where a provincial or local division (other than a Circuit Court) of the High Court sits, a travelling allowance (in addition to the fee on brief) may be allowed by special order of the court at	[R6,00] <u>R6,50</u> per km
24. Each necessary consultation, per quarter of an hour	[R180,50] <u>R196,00</u>
25. For every day exceeding one on which evidence is taken or arguments heard, a refresher not exceeding	[R1511,50] <u>R1644,00</u>
26. Drawing up pleadings	[R404,50] <u>R441,00</u>
<i>Notes:</i>	
(a) In regard to items 22 and 25 a fee in lieu of the fee for the first day's hearing shall be allowed as follows when the case is settled or withdrawn or postponed at the instance of any party on or before the date of hearing:	
(i) not more than two days prior to the date of hearing: The fee otherwise allowable on taxation for the first day's hearing;	
(ii) not less than three days and not more than seven days prior to the date of hearing: Two thirds of the fee under (i); and	
(iii) not less than eight days and not more than 21 days prior to the date of hearing: Half of the fee under (i).	
(b) The court may on request allow a higher fee for an advocate in regard to items 22, 24, 25 and 26.	
(c) A fee for travelling time by an advocate shall be allowed at the same rate as for attorneys under rule 33(9).	
MISCELLANEOUS	
27. Obtaining certified copy of judgment	[R91,00] <u>R99,00</u>
28. Obtaining payment in terms of rule 18(4)	[R63,00] <u>R69,00</u>
29. Request for security in terms of rule 62(1)	-
30. Furnishing security in terms of rule 62(1)	-

**TABLE B
COSTS**

PART I

**GENERAL PROVISIONS IN RESPECT OF PROCEEDINGS IN TERMS OF SECTIONS 65
AND 65A TO 65M OF THE ACT**

1. Subject to the provisions of paragraph 3, no fees other than those in the Tariff to this Part shall be allowed.
2. Subject to the provisions of section 65K of the Act, the fees laid down in items (a), (b) or (c) of the Tariff to this Part, as the case may be, shall be payable for the drawing up of the notice referred to in section 65A(1), including appearance at the inquiry into the judgment debtor's financial position referred to in section 65D, or any appearance at subsequent suspension, amendment or rescission proceedings, and shall, with the exception of the fee allowed under item (m) of the tariff, be chargeable only once for the drawing up, issue and all reissues of the notice and all postponements of the inquiry, irrespective of the number of days on which the proceedings are heard in court: Provided that where the debtor leaves the area of jurisdiction of the court after issue of the notice referred to in section 65A(1) and the notice is reissued in any other district, the aforesaid fee may also be charged in such other district if the court so orders.
3. The following shall be allowed in addition to the fees laid down in the Tariff to this Part:
 - (a) All necessary disbursements incurred in connection with the proceedings.
 - (b) A fee of 10% on each instalment collected in redemption of the capital and costs of the action, subject to a maximum amount of **[R459,00]** R499,00 on every instalment. Where the amount is payable in instalments the collection fees shall be recoverable only on payment of every instalment. Such fees shall be in substitution for and not in addition to the collection fees prescribed in paragraph 13 of Part 1 of Table A.
 - (c) All necessary disbursements incurred in connection with any prior abortive proceedings under section 72, if the court has so ordered.
 - (d) Any amount necessarily and actually disbursed in tracing the judgment debtor, where the capital amount of the debt at the time the tracing agent was employed was not less than **[R502,00]** R546,00. The total amount to be allowed for each tracing shall not exceed **[R383,50]** R417,00.
4. For the purpose of the Tariff to this Part the amount of the claim shall, subject to the provisions of paragraph 3(d), be the total of the capital amount and costs outstanding at the date of the first institution of proceedings under section 65A(1) of the Act.
5. Items 1 to 5 of Part IV of Table A of Annexure 2 are applicable in terms of section 65J of the Act.

TARIFF		R
(a)	Where the claim does not exceed the amount of R1 000,00	[R253,00] R276,00
(b)	Where the claim exceeds the amount of R1 000,00 but is not more than 000,00	R2 [R383,50] R417,00
(c)	Where the claim exceeds the amount of R2 000,00	[R452,00] R492,00
(d)	Warrant of arrest (Form 40A)	[R99,50] R109,00
(e)	(i) Emoluments attachment order (Form 38)	[R202,00] R218,00
	(ii) Reissue (Certificates included)	[R161,00] R175,00
(f)	Application for costs on notice (including appearance in court)	[R99,50] R109,00
(g)	Obtaining a certified copy of a judgment	[R99,50] R109,00
(h)	Affidavit or certificate by the judgment creditor or his or her attorney	[R71,00] R77,00
(i)	For each registered letter forwarded to the debtor in terms of sections 65A(2), 65E(6) or 65J(2) of the Act by the creditor or his or her attorney	[R46,00] R50,00
(j)	Affidavit or affirmation by debtor Rule 45(7)	[R121,00] R131,00
(k)	Request for an order under section 65 of the Act	[R71,00] R77,00
(l)	Attending postponed proceedings in terms of section 65E(3) of the Act or attending proceedings at court pursuant to the arrest of a judgment debtor, director or officer or pursuant to a notice referred to in 65A(8)(b)	[R99,50] R109,00
(m)	Subpoena:	
	(i) Drawing up of subpoena, per folio	[R28,50] R31,00
	(ii) Every necessary attendance, per attendance	[R19,00] R21,00
(n)	(i) Correspondence: For every necessary letter or telegram written or received, including copy to retain, provided that a fee for perusal shall not be allowed in addition to the fee herein provided for, per folio	[R28,50] R31,00
	(ii) Attendances: For each necessary attendance not otherwise provided for, per attendance	[R28,50] R31,00
	(iii) Necessary formal telephone calls, per call	[R28,50] R31,00

**PART II
GENERAL PROVISIONS IN RESPECT OF PROCEEDINGS IN TERMS OF SECTION 72
OF THE ACT**

1. Subject to the provisions of paragraphs 2 and 3 no fees other than those laid down in the Tariff to this Part shall be allowed.
2. Paragraph 3(a), (b) and (d) of the general provisions under Part 1 of this Table shall apply *mutatis mutandis* to this Part.
3. All necessary disbursements incurred in connection with any prior abortive proceedings under section 65 shall be allowed if the court has so ordered.
4. For the purpose of the Tariff to this Part the amount of the claim shall, subject to the provisions of paragraph 3(d) of the general provisions under Part 1 of this Table, be the total of the capital amount outstanding at the date of the first institution of proceedings in terms of section 72 of the Act.

TARIFF	
(a) Where the claim does not exceed R200.00	[R152,00] R165,00
(b) Where the claim exceeds R200.00	[R323,00] R352,00
(c) Obtaining certified copy of a judgment	[R91,00] R99,00
(d) Application for an order of execution against the garnishee	[R91,00] R99,00
(e) Garnishee order (Form 39)	[R121,00] R131,00

**PART III
GENERAL PROVISIONS IN RESPECT OF PROCEEDINGS IN TERMS OF SECTION 74
OF THE ACT**

1. The following fees shall be allowed in addition to those laid down in the Tariff to this Part:
 - (a) All necessary disbursements incurred in connection with the proceedings.
 - (b) In addition to the fees stated below, the administrator shall be entitled to a fee of 10% on each instalment collected for the redemption of capital and costs, which amount is included in the 12,5 % in terms of section 74L(2) of the Act.
2. For the purposes of items 4 and 5 of the Tariff to this Part, a folio shall consist of 100 written or printed words or figures and four figures shall be reckoned as one word.

TARIFF			
Item	One to ten creditors	Eleven to twenty creditors	Twenty-one or more creditors
	R	R	R
1. Instructions to apply for administration order, including the necessary perusal of summonses, demands, etc, and ascertaining the amount of assets and liabilities, including all attendances and correspondence necessary in connection therewith	[R180,50] <u>R196,00</u>	[R252,50] <u>R275,00</u>	[R403,00] <u>R439,00</u>
2. Instructions on application under section 74Q(1) or to oppose such application or the granting of administration order	[R142,00] <u>R156,00</u>	[R142,00] <u>R156,00</u>	[R142,00] <u>R156,00</u>
3. Drawing up application for administration order or review thereof and affidavit, including all annexures thereto and all attendances, excluding attendance in court	[R252,00] <u>R274,00</u>	[R252,00] <u>R274,00</u>	[R252,00] <u>R274,00</u>
4. Making copies of application, affidavit and annexures for creditors, per page	[R4,50] <u>R5,00</u>	[R4,50] <u>R5,00</u>	[R4,50] <u>R5,00</u>
5. Perusal of application and other documents served, if any, per folio. Note: The fees under this item are only claimed by the attorney or an opposing party.	[R11,00] <u>R12,00</u>	[R11,00] <u>R12,00</u>	[R11,00] <u>R12,00</u>
6. Attending court:			
(a) On postponement or setting aside, if not occasioned by the attorney or his or her client;	[R68,00] <u>R74,00</u>	[R68,00] <u>R74,00</u>	[R68,00] <u>R74,00</u>
(b) On any other hearing	[R142,00] <u>R156,00</u>	[R271,00] <u>R295,00</u>	[R271,00] <u>R295,00</u>
7. For furnishing to a creditor by the administrator of the information referred to in section 74 m(a) of the Act, per application	[R19,00] <u>R21,00</u>	[R19,00] <u>R21,00</u>	[R19,00] <u>R21,00</u>
8. For furnishing of a copy of the debtor's statement of affairs referred to in sections 74 and 74A(1) of the Act by the administrator in terms of section 74M(b) or of a list or account referred to in section 74G(1) or 74J of the Act or of the debtor's statement of affairs referred to in section 65I(2) of the Act, per page	[R4,50] <u>R5,00</u>	[R4,50] <u>R5,00</u>	[R4,50] <u>R5,00</u>
9. Correspondence and attendances	[R29,00] <u>R32,00</u>	[R29,00] <u>R32,00</u>	[R29,00] <u>R32,00"</u>

(b) by the substitution for Part II of Table C of the following Part:

**"PART II
SHERIFFS WHO ARE NOT OFFICERS OF THE PUBLIC SERVICE**

1A. For registration of any document for service or execution upon receipt thereof: **[R11,00]** R12,00

1B. (a) For the service of a summons, subpoena, notice, order or other document not being a document mentioned in item 2, the journey to and from the place of service of any of the above-mentioned documents—

(i) within a distance of 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R44,00]** R48,00;

(ii) within a distance of 12 kilometres, but further than 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R52,00]** R57,50;

(iii) within a distance of 20 kilometres, but further than 12 kilometres from the court-house of the district for which the sheriff is appointed: **[R71,00]** R77,00;

(b) For the attempted service of the documents mentioned in paragraph (a), the journey to and from the place of attempted service of any of the above-mentioned documents—

(i) within a distance of 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R37,50]** R41,50;

(ii) within a distance of 12 kilometres but further than 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R44,00]** R48,00;

(iii) within a distance of 20 kilometres but further than 12 kilometres from the court-house of the district for which the sheriff is appointed: **[R63,00]** R69,00;

(c) (i) Where a document must be served together with a process of the court and is mentioned in such process or is an annexure thereto, no additional fees shall be charged for service of the document, otherwise **[R11,00]** R12,00 may be charged for every separate document served;

(ii) No fees shall be charged for a separate document when process in criminal matters is served;

(iii) The service of a notice referred to in rule 54(1) simultaneously with the summons shall not be regarded as a separate service

(iv) Where a mandator instructs the sheriff, in writing, to serve or execute a document referred to in item 1B(a) or (2)(a) on an urgent basis or after hours, the sheriff shall charge an additional fee of **[R235,00]** R256,00 for such service irrespective of whether the service or execution was successful, which additional fee shall be paid by the mandator, save where the court orders otherwise;

(v) For the purpose of sub-paragraph (iv)—

(aa) "urgent" means on the same day or within twenty four hours of the written instruction; and

(bb) "after hours" means any time—

(aaa) before 7h00 or after 19h00 on Mondays to Fridays; or

(bbb) on a Saturday, Sunday or public holiday.

2. (a) For the execution of a warrant (other than against immovable property), interdict, garnishee order or emoluments attachment order, the journey to and from the place of execution of the above-mentioned documents—
- (i) within a distance of 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R63,00]** R69,00;
 - (ii) within a distance of 12 kilometres, but further than 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R71,00]** R77,00;
 - (iii) within a distance of 20 kilometres, but further than 12 kilometres from the court-house of the district for which the sheriff is appointed: **[R88,00]** R96,00;
- (b) For the attempted execution of the documents mentioned in paragraph (a), the journey to and from the place of attempted execution of the above-mentioned documents —
- (i) within a distance of 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R52,00]** R57,50;
 - (ii) within a distance of 12 kilometres, but further than 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R63,00]** R69,00;
 - (iii) within a distance of 20 kilometres, but further than 12 kilometres from the court-house of the district for which the sheriff is appointed: **[R78,50]** R86,00;
- (c) (i) For the ejectment of a defendant from the premises referred to in the warrant of ejectment: **[R37,50]** R41,00 per half hour or part thereof (except extraordinary expenses necessarily incurred)
- (ii) A further fee of **[R24,50]** R27,00 shall be paid after execution for every person over and above the person named or referred to in the process of ejectment, in fact ejected from separate premises: Provided that where service on any person other than the judgment debtor, respondent or garnishee is necessary in order to complete the execution, the fee laid down in item 1B(a) may be charged in respect of each such service.
- (d) for the execution of any writ against immovable property—
- (i) for execution, including service of notice of attachment upon the owner of the immovable property and upon the registrar of deeds or other office charged with the registration of such property, and if the property is in occupation of some other person other than the owner, also upon such occupier: **[R208,50]** R227,00;
 - (ii) for notice of attachment to a single lessee or occupier: **[R19,00]** R21,00;
 - (iii) identical notices where there are several lessees, occupiers or owners, for each after the first: **[R6,50]** R7,50;
 - (iv) for making valuation report for purposes of sale, per half hour or part thereof: **[R52,50]** R57,50;
 - (v) when a sheriff has been authorised to sell property and the property is not sold by reason of the fact that the attachment is withdrawn or stayed, all the necessary notice for the withdrawal or stay of the attachment: **[R208,00]** R227,00; Upliftment of judicial attachment on immovable property: **[R208,00]** R227,00;
 - (vi) for ascertaining and recording what bonds or other encumbrances are registered against the property, together with the names and addresses of the persons in whose favour such bonds and encumbrances are so registered including any correspondence in connection therewith (in addition to reasonable expenses necessarily incurred): **[R104,50]** R114,00;
 - (vii) for notifying the execution creditor of such bonds or other encumbrances and of the names and addresses of the persons in whose favour such bonds or other encumbrances are registered: **[R19,00]** R21,00;

(viii) for consideration of proof that a preferent creditor has complied with the requirements of rule 43(5)(a): **[R11,00]** R12,00;

(ix) for notice referred to in rule 43(6): **[R19,00]** R21,00;

(x) for considering of notice of sale prepared by the execution creditor in consultation with the sheriff; and

for verifying that notice of sale has been published in the newspapers indicated and in the *Gazette*, inclusive fee for such consideration and verification: **[R104,50]** R114,00.

(xi) for forwarding a copy of the notice of sale to every judgment creditor who had caused the immovable property to be attached and to every mortgagee thereof whose address is known, for each copy: **[R19,00]** R21,00;

(xii) for affixing a copy of the notice of sale to the notice board of the magistrates' court referred to in rule 43(7)(e) and at or as near as may be to the place where the sale is actually to take place, an inclusive fee of **[R45,00]** R49,00 and travelling costs referred to in item 4(a);

(xiii) for considering the conditions of sale prepared by execution creditor; for considering further or amended conditions of sale submitted by interested party; settling of conditions of sale: **[R104,50]** R114,00 for each attendance;

(xiv) for all necessary attendances prescribed by any law related to auctions, in particular the Consumer Protection Act, 2008 (Act No. 68 of 2008): **[R315,00]** R343,00;

(xv) for the conducting of an auction, save that this fee may not be charged if commission is claimed in terms of items 2(d)(xvi) and (xvii): **[R208,00]** R227,00;

(xvi) On the sale of immovable property by the sheriff as auctioneer, 6 per cent on the first R100 000,00, 3.5 per cent on R100 001,00 to R400 000,00 and 1.5 per cent on the balance of the proceeds of the sale, subject to a maximum commission of R40 000,00, in total, and a minimum of R3 000,00 (inclusive in all instances of the sheriff's bank charges and other expenses incurred in paying the proceeds into his or her trust account), which commission shall be paid by the purchaser;

(xvii) If an auctioneer is employed as provided in rule 43(10), 3 per cent on the first R100 000,00, 2 per cent on R100 001,00 to R400 000,00 and 1 per cent on the balance thereof, subject to a maximum commission of R22 850,00, in total, and a minimum of R3 000,00 (inclusive in all instances of the sheriff's bank charges and other expenses incurred in paying the proceeds into his or her trust account), which commission shall be paid by the purchaser;

(xviii) for written notice to the purchaser who has failed to comply with the conditions of sale: **[R52,50]** R57,00;

(xix) for any report referred to in rule 43(11): **[R52,50]** R57,00;

(xx) for informing judgment debtor of the cancellation referred to in rule 43(11)(a)(iii): **[R19,00]** R21,00;

(xxi) for giving notice referred to in rule 43(11)(c): **[R19,00]** R21,00;

(xxii) for giving transfer to the purchaser: **[R25,00]** R27,00;

(xxiii) for receipt of certificate referred to in rule 43(14)(a): **[R19,00]** R21,00;

(xxiv) for preparing a plan of distribution of the proceeds (including necessary copies) and for forwarding a copy to the registrar: **[R104,50]** R114,00;

(xxv) for giving notice to all parties who have lodged writs and to the execution debtor that the plan of distribution will lie for inspection, for every notice: **[R19,00]** R21,00;

(xxvi) for the report referred to in rule 43A(9)(d): **[R52,50]** R57,00.

3. Compilation of any return in terms of rule 8, in duplicate: **[R17,50]** R19,50.

4. (a) The Sheriff shall, in addition to the fees mentioned in items 1B(a), 1B(b), 2(a) and 2(b), but subject to item 4(b) and (c), be allowed a travelling allowance of R6,00 per kilometre, or part thereof, for the shortest possible forward and return journey from the office of the Sheriff to the place of service or execution and back.
- (b) The travelling allowance mentioned in items 4(a), 5(a) and 5(c)(i) shall be calculated on the distance reckoned from the office of the sheriff if—
- (i) the sheriff's office is situated within the area of jurisdiction allocated to the sheriff by the Minister; and
- (ii) the distance from the sheriff's office is less than the distance reckoned from the court-house closest to the address for service.
- (c) If the requirement in item 4(b) is not met, then the travelling allowance mentioned in items 4(a), 5(a) and 5(c)(i) shall be calculated on the distance reckoned from the court-house closest to the address for service.
5. (a) In respect of the discharge of any official duty other than those mentioned in items 1 and 2, but subject to item 4(b) and (c), a travelling allowance of R6,00 per kilometre for every kilometre, or part thereof, shall be payable to the sheriff for going and returning.
- (b) A travelling allowance shall include all the expenses incurred in travelling, including train fares.
- (c) A travelling allowance shall be calculated in respect of each separate service, except that—
- (i) where more services than one can be done on the same journey, the distance from the sheriff's office to the first place of service may be taken into account only once, and shall be apportioned equally to the respective services, and the distance from the first place of service to the remaining places of service shall similarly be apportioned equally to the remaining services; and
- (ii) where service of the same process has to be effected by a sheriff on more than one person at the same service address, only one charge for travelling shall be allowed.
- (d) When it is necessary for the sheriff to convey any person under arrest, an allowance of R6,00 per kilometre in respect of that portion of his or her journey on which he or she was necessarily accompanied by such person shall be allowed.
6. (a) Making an inventory, including the making of all necessary copies and time spent on stock-taking: **[R37,50]** R41,00 per half hour or part thereof.
- (b) For assistance, if necessary, with the making of an inventory, **[R37,50]** R41,00 per half hour or part thereof.
7. The perusing, drawing up and completing of a bail bond, deed of suretyship or indemnity bond: **[R11,00]** R12,00.
8. Charge or custody of property (money excluded):
- (a) (i) For each officer necessarily left in possession, a reasonable inclusive amount not exceeding **[R132,00]** R142,00 per day.
- (ii) Travelling allowances, to include board in every case.
- (b) If livestock is attached, only the necessary expenses of herding and preserving the stock shall be allowed.

(c) If the goods are removed and stored, only the cost of removal and storage shall be allowed.

9. (a) 'possession' shall mean actual physical possession by a person employed and paid by the sheriff, whose sole work for the time being is to remain on the premises where the goods have been attached, and who, in fact, remains in possession for the period for which possession is charged.

(b) 'cost of removal' shall mean the amount actually and necessarily disbursed for removal or attempted removal if the goods were removed by a third party or an attempt was made to remove them, if they were removed by the sheriff him- or herself, such amount as would fairly be allowable in the ordinary course of business if the goods were removed by a third party, or an attempt was made to so remove them.

(c) 'cost of storage' shall mean the amount actually and necessarily paid for storage if the goods were stored with a third person or, if the sheriff provided the storage, such amount as would fairly be allowable in the ordinary course of business if the goods were stored with a third person.

10. (a) (i) Where a garnishee order is paid in full or in part, to the sheriff, 9 per cent on the amount paid with a minimum fee of [R70,50] R76,50 and a maximum of [R691,50] R752,50.

(ii) For the execution of any warrant against movable property—

(aa) when a warrant is paid in full or in part on presentation to the sheriff, 9 per cent on the amount so paid with a minimum fee of [R70,50], R76,50 and a maximum of [R691,50] R752,50

(bb) when a warrant is paid in full or in part to the sheriff after attachment but before sale, 9 per cent on the amount so paid with a minimum fee of [R70,50] R76,50 and a maximum of [R691,50] R752,50;

(cc) when moneys are taken in execution, 9 per cent of the amount so taken, but subject to a maximum of [R691,50] R752,50.

(b) Notice of attachment to defendant and to each person to be notified: [R11,00] R12,00

11. (a) Where property is released from attachment in terms of rule [41(7)(f)(i)] 41(18)(a), or the warrant of execution is withdrawn or stayed, or the judgment debtor's estate is sequestered after the attachment, but before the sale, 2,3 per cent of the value of the goods attached, subject to a maximum of [R208,00] R227,00: Provided that if a sale subsequently takes place in consequence of the said attachment, the amount so paid shall be deducted from the commission payable under item 12.

(b) Commission referred to in item 11(a) shall not be chargeable against a judgment debtor on the value of movable property attached and subsequently released pursuant to a claim by a third party, unless notwithstanding a claim by a third party, the removal of such property is done at the express direction of the judgment creditor, in writing, in which event the judgment creditor shall be liable to the sheriff for commission at a rate of 2.3% of the value of the goods and costs."

12. Where the warrant of execution against movables is completed by sale, 9 per cent for the first R15 000,00 or part thereof, and thereafter 6 per cent, with a maximum of **[R9209,50]** R10018,50.
13. For the insurance of attached property, if deemed necessary, and on written instructions of the judgment creditor to the sheriff, in addition to the premium to be paid, an all-inclusive amount of **[R37,50]** R41,00.
14. ...
15. When immovable property has been attached in execution and the attachment lapses, as referred to in section 66(4) of the Act: **[R63,00]** R69,00.
16. ...
17. In addition to the fees allowed by items 10 to 13, both inclusive, there shall be allowed—
- (a) the sum actually and reasonably paid by the sheriff or the auctioneer for printing, advertising and giving publicity to any sale or intended sale in execution.
18. Where the sheriff is in possession under more than one warrant of execution, he or she may charge fees for only one possession, and such possession shall, as far as possible, be apportioned equally to the several warrants issued during the same period: Provided that each execution creditor shall be jointly and severally liable for such possession to an amount not exceeding what would have been due under his or her execution if it had stood alone.
19. Fees payable on the value of goods attached or on the proceeds of the sale of goods in execution shall not be chargeable on such value or proceeds so far as they are in excess of the amount of the warrant.
20. The fees and expenses of the sheriff in execution of a garnishee order shall be added to the amount to be recovered under the order, and shall be chargeable against the judgment debtor.
21. If it is necessary for the sheriff to return a document received by him or her for service or execution to the mandator because—
- (a) the address of service which appears on the process does not fall within his or her jurisdiction; or
- (b) the mandator requested, before an attempted service or execution of the process, that it be returned to him or her,
- an amount of **[R11,00]** R12,00 shall be payable.
22. For the conveyance of any person arrested by the sheriff or committed to his or her custody from the place of custody to the court on a day subsequent to the day of arrest: **[R37,50]** R41,00 per journey and **[R71,00]** R77,00 per hour, or part thereof, for attending at court.

23. For the examination of an indicated newspaper[s and the **Gazette**] in which the notice of sale has been published, as referred to in rule **[41(8)(c)]** 41(19)(c): **[R11,00]** R12,00.
24. ...
25. For affixing a copy of the notice of sale on the notice board or door of the court-house or other public building and at or as near as may be to the place where the said sale is actually to take place referred to in rule **[41(8)(b)]** 41(19)(b): **[R25,50]** R28,00 and travelling costs, referred to in item 5(a).
26. For **[the drawing up preparing and, issuing, signing of interpleader summons]** interpleaders referred to in Magistrates' Courts Rule 44: **[R104,50]** R209,00.
27. In addition to the fees prescribed in this Table, the sheriff shall be entitled to the amount actually disbursed for postage and telephone calls.
28. For the writing of each necessary letter, facsimile or electronic mail, excluding formal letters accompanying process or returns: **[R19,00]** R21,00.
29. Each necessary attendance by telephone: **[R18,00]** R20,00.
30. Sending and receiving of each necessary facsimile or electronic mail per page (in addition to telephone charges): **[R6,50]** R7,50.
31. ...
32. For the making of all necessary copies of documents: **[R5,00]** R5,50, per A4 size page
33. (a) A request to tax an account of a sheriff shall be **[done]** made in writing within **[90]** 20 days after the date on which the account of which the fees are disputed, has been rendered.
- (b) For the drawing up of the bill for taxation and attendance of the taxation by the sheriff: **[R71,00]** R77,00.
34. Bank charges: Actual costs incurred relating to bank charges and cheque forms.
35. (a) Drafting of notice to the judgment debtor in terms of section 65A(8)(b) of the Act: **[R19,00]** R21,00.
- (b) Service of the notice referred to in paragraph (a): Tariff as prescribed in item 1B(a).
- (c) Attempted service of the notice referred to in paragraph (a): Tariff as prescribed in item 1B(b).
- (d) The tariff, as prescribed in item 4, shall apply to paragraphs (b) and (c).
36. (a) For the arrest or attempted arrest of a judgment debtor in terms of section 65A(6) of the Act:
- (i) The tariff as prescribed in item 2(a) or item 2(b), as the case may be.
- (ii) The tariff, as prescribed in item 4, shall apply to this item.

(b) For the handing over of the judgment debtor to the South African Police Service, prisoners' friend or clerk of the court or other lawful place of detention:

(i) The tariff, as prescribed in item 2(a).

(ii) Travelling costs from place of arrest to place of handing over to the relevant authority, referred to in paragraph (b), per kilometre or part thereof: R6,00.

(iii) Waiting time in regard to handing over the judgment debtor to the relevant authority, referred to in paragraph (b): ~~[R37,50]~~ R41,00, per half hour or part thereof, with a maximum of ~~[R139,00]~~ R151,00."

Commencement

7. These rules and forms come into operation on **08 July 2022**.

ANNEXURE

"No. 2B – Combined Summons

* For use in the District Court

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF

HELD AT.....

Case No.....of 20.....

In the matter between:

..... Plaintiff

and

..... Defendant

To the sheriff or his/her deputy:

INFORM A.B., of (state residence or place of business and if known, gender, occupation and place of employment)(hereinafter called the defendant), that C.D., (state gender and occupation), of (state residence or place of business) (hereinafter called the plaintiff), hereby institutes action against him or her in which action the plaintiff claims the relief and on the grounds set out in the particulars annexed hereto.

INFORM the defendant further that if he or she disputes the claim and wishes to defend the action he or she shall—

(i) within days of the service upon him or her of this summons file with the clerk of this court at..... (set out the physical address and electronic mail address of the clerk of the court) notice of his or her intention to defend and serve a copy thereof on the plaintiff or plaintiff's attorney, which notice shall give an address referred to in rule 13(3) for the service upon the defendant of all notices and documents in the action;

(ii) thereafter, and within 20 days after filing and serving notice of intention to defend as aforesaid, file with the clerk of the court and serve upon the plaintiff or plaintiff's attorney a plea (with or without a counter-claim), or an exception or application to strike out in the manner and within the timeframes provided for in rule 19 [, exception, notice to strike out, with or without a counter-claim].

INFORM the defendant further that if defendant fails to file and serve notice as aforesaid judgment as claimed may be given against him or her without further notice to him or her, or if, having filed and served such notice, defendant fails to plead, except, make application to

strike out or counter-claim, judgment may be given against him or her. And immediately thereafter serve on the defendant a copy of this summons and return the same to the clerk of the court with whatsoever you have done thereupon.

DATED atthisday of20.....

Clerk of the Court

* Consent to judgment.

I admit that I am liable to the plaintiff as claimed in this summons (or in the amount of R..... and costs to date) and I consent to judgment accordingly.

Dated at this day of, 20.....,

.....

Defendant

WITNESSES:

1. (full names)....., (signature).....
(address).....

2. (full names)....., (signature).....
(address).....

OR

* Notice of intention to defend.

To the Clerk of the Court.

Kindly take notice that the defendant hereby notifies his or her intention to defend this action.

Dated at this day of, 20.....,

.....

Defendant/Defendant's attorney

15 km physical address from the court-house for acceptance of service of process or documents

.....

Postal address

.....

Facsimile (fax) number (where available).....

Electronic mail (e-mail) address (where available).....

(Give full address for acceptance of service of process or documents within fifteen kilometres from the court-house and also the postal address.)

* The original notice must be filed with the clerk of the court and a copy thereof served on the plaintiff or plaintiff's attorney.

Costs if the action is undefended will be as follows:

Summons.....R
 Judgment.....R
 Attorney's charges.....R
 Sheriff's fees.....R
 Sheriff's fees on re-issue.....R
 Total:.....R

ANNEXURE

Particulars of Plaintiff's Claim

.....
 Dated at.....this.....day of.....20.....

Plaintiff/Plaintiff's Attorney

Address of Plaintiff/Plaintiff's Attorney

.....

Plaintiff's Advocate (if any)

No. 2B – Combined Summons

*** For use in the Regional Court**

IN THE REGIONAL COURT FOR THE REGIONAL DIVISION OF.....

HELD AT..... Case No.....of 20.....

In the matter between:

.....Plaintiff

and

.....Defendant

To the sheriff or his/her deputy:

INFORM A.B., of (state residence or place of business and if known, gender, occupation and place of employment)(hereinafter called the defendant), that C.D. (state gender and occupation), of (residence or place of business) (hereinafter called the plaintiff), hereby institutes action against him or her in which action the plaintiff claims the relief and on the grounds set out in the particulars annexed hereto.

INFORM the defendant further that if he or she disputes the claim and wishes to defend the action he or she shall—

(i) within days of the service upon him or her of this summons file with the registrar of this court at (set out the physical address and electronic mail address of the registrar of the court) notice of his or her intention to defend and serve a copy thereof on the plaintiff or plaintiff's attorney, which notice shall give an address referred to in rule 13(3) for the service upon the defendant of all notices and documents in the action;

(ii) thereafter, and within 20 days after filing and serving notice of intention to defend as aforesaid, file with the registrar of the court and serve upon the plaintiff or plaintiff's attorney a plea, exception (with or without a counter-claim), or an exception or application to strike out in the manner and within the timeframes provided for in rule 19 [, **exception, notice to strike out, with or without a counter-claim**].

INFORM the defendant further that if defendant fails to file and serve notice as aforesaid judgment as claimed may be given against him or her without further notice to him or her, or if, having filed and served such notice, defendant fails to plead, except, make application to strike out or counter-claim, judgment may be given against him or her. And immediately thereafter serve on the defendant a copy of this summons and return the same to the registrar of the court with whatsoever you have done thereupon.

DATED atthisday of20.....

Registrar

* Consent to judgment.

I admit that I am liable to the plaintiff as claimed in this summons (or in the amount of R..... and costs to date) and I consent to judgment accordingly.

Dated at this day of, 20.....

Defendant

WITNESSES:

1. (full names)....., (signature).....
(address).....

2. (full names)....., (signature).....
(address).....

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OR

* Notice of intention to defend.

To the Registrar.

Kindly take notice that the defendant hereby notifies his or her intention to defend this action.

Dated at this day of, 20.....

.....

Defendant/Defendant's attorney

15 km physical address from the court-house for acceptance of service of process or documents

.....

Postal address

.....

Facsimile (fax) number (where available).....

Electronic mail (e-mail) address (where available).....

(Give full address for acceptance of service of process or documents within fifteen kilometres from the court-house and also the postal address.)

* The original notice must be filed with the registrar of the court and a copy thereof served on the plaintiff or plaintiff's attorney.

Costs if the action is undefended will be as follows:

Summons.....R

Judgment.....R

Attorney's charges.....R

Sheriff's fees.....R

Sheriff's fees on re-issue.....R

Total:.....R

ANNEXURE

Particulars of Plaintiff's Claim

.....

Dated at this day of..... 20.....

.....

Plaintiff/Plaintiff's Attorney

Address of Plaintiff/Plaintiff's Attorney

.....

.....

Plaintiff's Advocate (if any)

No. 2C – COMBINED SUMMONS (DIVORCE MATTERS)*** For use only in the Regional Court**

IN THE REGIONAL COURT FOR THE REGIONAL DIVISION OF _____

HELD AT _____ CASE NUMBER: _____

IN THE MATTER BETWEEN:—

PLAINTIFF

Identity Number:

AND

DEFENDANT

Identity Number:

TO THE SHERIFF OR HIS/HER DEPUTY: _____

INFORM (Full names of the Defendant): _____

A MAJOR MALE/FEMALE BY OCCUPATION: _____

OF (Address):

(Hereinafter referred to as the defendant),

THAT (full names of the Plaintiff): _____

A MAJOR MALE/FEMALE BY OCCUPATION: _____

OF (Address):

(Hereinafter referred to as the Plaintiff),

HEREBY institutes action against him/her in which action the Plaintiff claims the relief on the grounds set out in the particulars of claim attached hereto;

INFORM the defendant further that if defendant disputes the claim and wishes to defend the action he/she shall within 10 (Ten) days of the service upon him or her of this summons file with the registrar of this court at _____ (here set out the physical address and electronic mail address of the assistant registrar's office) notice of his/her intention to defend and serve a copy thereof on the plaintiff or plaintiff's attorney, which notice shall give an address referred to in rule 13(3) for the service upon the defendant of all notices and documents in the action;

thereafter, and within 20 (Twenty) days after filing and serving notice of intention to defend as aforesaid, file with the assistant registrar and serve upon the plaintiff or plaintiff's attorney a plea (with or without a counter-claim), or an exception or application to strike out in the manner

and within the timeframes provided for in rule 19 [, exception, notice to strike out, with or without a counter-claim].

INFORM the defendant further that if he/she fails to file and serve notice as aforesaid, judgment as claimed may be given against him/her without further notice to him/her, or if, having filed and served such notice, he/she fails to plead, except or to counterclaim, judgment may be given against him/her.

INFORM the defendant also that if he/she does not intend to defend the action, he/she may give written notice to that effect to the plaintiff and the registrar and the action may then, at the written request of the plaintiff, be forthwith set down by the registrar for hearing without further notice to defendant.

And immediately thereafter serve on the defendant a copy of this summons and return the same to the registrar or assistant registrar with whatsoever you have done thereupon.

DATED AT _____ ON THIS _____ DAY OF _____ 20_____

REGISTRAR/ASSISTANT REGISTRAR

REGIONAL COURT

REGIONAL DIVISION OF _____

PLAINTIFF/PLAINTIFF'S ATTORNEY

Address

Postal address

Facsimile (fax) number (where available)

.....

Electronic mail (e-mail) address (where available)

.....

(Give full address for acceptance of service of process or documents within 15 kilometres from the court-house and also the postal address.)

The plaintiff is prepared to accept all subsequent documents and notices at the electronic mail address stated herein.**

(1) Notice of intention not to Defend

To the Registrar

Kindly take notice that the defendant hereby gives notice that he/she does not intend to defend the action.

Dated at..... this day of 20,

Defendant/Defendant's attorney

OR

(2) Notice of intention to Defend*

To the Registrar

Kindly take notice that the defendant hereby notifies his or her intention to defend this action.

Dated at this day of 20,

.....

Defendant/Defendant's attorney

Address

.....

Postal address

.....

Facsimile (fax) number (where available)

.....

Electronic mail (e-mail) address (where available)

.....

(Give full address for acceptance of service of process or documents within 15 kilometres from the court-house and also the postal address.)

Costs if the action is undefended will be as follows:

Summons.....	R
Judgment.....	R
Attorney's charges.....	R
Sheriff's fees.....	R
Sheriff's fees on re-issue.....	R
Total:	R

*The original notice must be filed with the registrar and a copy thereof served on the plaintiff or plaintiff's attorney.

** Delete if not applicable"

DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

NO. R. 2134

3 Junie 2022

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

WYSIGING VAN DIE REËLS WAARBY DIE VOER VAN 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 vir Justisie en Korrektiewe Dienste, die reëls in die Bylae gemaak.

BYLAE

ALGEMENE VERDUIDELIKENDE NOTA:

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

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

Woordomskrywing

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 Goewermentskennisgewing No. R. 740 van 23 Augustus 2010, soos gewysig deur Goewermentskennisgewing 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 en R. 1602 van 17 Desember 2021.

Wysiging van reël 5 van die Reëls

2. Reël 5 van die Reëls word hierby gewysig deur subreël (1) deur die volgende subreël te vervang:

"(1) Iedereen wat 'n eis teen iemand anders instel, kan deur die kantoor van die griffier 'n dagvaarding of 'n gekombineerde dagvaarding uitreik, gerig aan die balju, waarin die balju gelas word om die verweerder onder andere mee te deel dat as die verweerder die eis betwis en wil verdedig, die verweerder—

(a) binne die tyd in die dagvaarding gestel, kennis van voorneme om te verdedig, moet gee; en

(b) na voldoening aan paragraaf (a), indien die dagvaarding 'n gekombineerde dagvaarding is, binne 20 dae daarna 'n pleit (met of sonder teeneis), 'n eksepsie of 'n aansoek om deурhaling moet aflewer: Met dien verstande dat 'n uitsondering of aansoek om deурhaling op die wyse en binne die tydsbestekke waarvoor in reël 19 voorsiening gemaak word, moet geskied."

Wysiging van reël 43 van die Reëls

3. Reël 43 van die Reëls word hierby in Afrikaans vertaal, met die wysigings ingesluit:

43. Eksekusie teen onroerende goed

(1) (a) Behoudens die bepalings van reël 43A, word geen lasbrief vir eksekusie teen die onroerende goed van enige vonnisskuldenaar uitgeneem nie tensy—

(i) relaas gemaak is teen enige lasbrief uitgereik teen die roerende goed van die vonnisskuldenaar en waaruit dit voorkom dat sodanige persoon onvoldoende roerende goed besit om die lasbrief na te kom; of

(ii) sodanige onroerende goed spesiaal as vatbaar vir eksekusie deur die hof verklaar is, met inbegrip van die transportaktenommer, die erfnummer of deeltiteleenheidsnummer en area van uitsluitlike gebruik, om die registrateur van aktes in staat te stel om die onroerende goed te identifiseer en die beslaglegging aan te teken as 'n interdik teen die onroerende goed.

- (b) 'n Lasbrief vir eksekusie teen onroerende goed—
- (i) moet 'n volledige beskrywing bevat van die aard, landdrostdistrikte en fisieke adres van die goed om die balju in staat te stel om dit op te spoor en te identifiseer; en
 - (ii) moet voldoende inligting bevat om die balju in staat te stel om aan subreël (3) uitvoering te gee.
- (2) Beslaglegging op die onroerende goed moet uitgevoer word deur 'n balju van die distrik waarin die goed geleë is, kragtens 'n lasbrief wesenlik bewoord soos Vorm 32 van Aanhangsel 1.
- (3) (a) Kennisgewing van die beslagleggings, wesenlik bewoord soos Vorm 33 van Aanhangsel 1, moet deur die balju aan die eienaar van die goed en aan die registrateur van aktes of ander beampptes belas met die registrasie van sodanige goed beteken word, en indien die goed deur iemand anders as die eienaar geokkupeer word, ook aan sodanige okkupant.
- (b) Enige kennisgewing in paragraaf (a) bedoel, moet—
- (i) die aandag op die bepalings van subreël (8)(a)(iii) vestig; en
 - (ii) beteken word behoudens reël 9, behalwe dat betekening aan die registrateur van aktes of ander beamppte belas met die registrasie van onroerende goed uitgevoer kan word deur die balju deur middel van 'n geregistreerde brief, behoorlik vooruitbetaal en gepos, geadresseer aan die beamppte aan wie beoog word om dit te beteken.
- (4) (a) By die uitvoer van die beslaglegging, kan die balju geboue of strukture op die onroerende goed betree ten einde vas te stel watter verbeteringe aan die onroerende goed aangebring is, asook die toestand van sodanige verbeteringe: Met dien verstande dat waar die balju na redelike pogings nie toegang tot die onroerende goed of tot enige gebou of struktuur kan kry nie omdat die goed, gebou of struktuur gesluit is, kan die balju 'n slotmaker gebruik om toegang te verkry.
- (b) Na beslaglegging, vind enige verkoping in eksekusie plaas in die distrik waar die inbeslaggenome onroerende goed geleë is, en moet waargeneem word deur die balju van die distrik wat eerste op die goed beslag gelê het: Met dien verstande dat die balju in die eerste instansie en behoudens paragraaf (d) van subreël (8), by aanvoering van goeie redes die verkoping elders en deur 'n ander balju kan magtig.
- (c) By ontvangs van skriftelike opdragte van die vonnisskuldeiser om met die verkoping voort te gaan, moet die balju vasstel en aanteken watter verbande of ander beswarings teen die inbeslaggenome onroerende eiendom geregistreer is, asook die name en adresse van die persone in wie se guns dit geregistreer is en die vonnisskuldeiser dienoooreenkomstig in kennis stel.

(5) Behoudens reël 43A en enige bevel deur die hof gegee, word onroerende goed wat onderworpe is aan 'n eis wat voorkeur geniet bo dié van die vonnisskuldeiser nie ter eksekusie verkoop nie tensy—

(a) die vonnisskuldeiser kennisgewing van die voorgenome verkoping, wat wesenlik dieselfde bewoord is as Vorm 34 van aanhangsel 1, aan—

(i) preferente krediteure persoonlik;

(ii) die plaaslike owerheid, indien die eiendom belas is; en

(iii) die regs persoon, as die eiendom 'n deeltiteleenheid is,

laat beteken het waarby 'n beroep op die bogenoemde entiteite gedoen word om binne 10 dae na 'n bepaalde datum 'n redelike reserweprys vas te stel of skriftelik toe te stem tot 'n verkoping sonder reserwe; en aan die balju bewys gelewer het dat daardie entiteite aldus vasgestel of toegestem het, of

(b) die balju oortuig is dat, behoudens die bepaling van artikel 66(2)(b) van die Wet, dit onmoontlik is om enige preferente skuldeiser ingevolge hierdie reël van die voorgenome verkoping kennis te gee of so 'n skuldeiser, nadat kennis aan om of haar gegee is, versuim of nagelaat het om 'n reserweprys vas te stel of skriftelik toe te stem tot 'n verkoping sonder reserwe soos in paragraaf (a) bedoel in dieselfde tyd wat in daardie kennisgewing gestel is.

(6) Die balju kan by kennisgewing aan enige persoon beteken, vereis dat sodanige persoon alle dokumente in sodanige persoon se besit of beheer betreffende die skuldenaar se titel in daardie goed, onverwyld aan die balju verstrek.

(7) (a) Die balju wat die verkoping hou bepaal 'n dag en plek vir die verkoping van die inbeslaggenome onroerende eiendom, maar behalwe met spesiale verlof van 'n landdros, nie minder as 45 dae na betekening van die kennisgewing van beslaglegging nie en stel onverwyld al die ander balju's wat in die distrik aangestel is van die dag en die plek in kennis.

(b) (i) Die vonnisskuldeiser moet in oorleg met die balju 'n kennisgewing van verkoping opstel wat 'n kort beskrywing van die inbeslaggenome onroerende goed bevat, die verbeterings daaraan gedoen, die landdrosdistrik en fisieke adres daarvan, die tyd en plek van die verkoping en die feit dat die voorwaardes by die kantoor van die balju wat die verkoping hou, ingesien kan word.

(ii) Die vonnisskuldeiser moet soveel eksemplare van die kennisgewing van verkoping soos die balju vereis, aan die balju verskaf.

(c) Die vonnisskuldeiser moet—

(i) die kennisgewing een keer in 'n koerant plaas wat daagliks of weekliks sirkuleer in die distrik waar die inbeslaggenome onroerende goed geleë is en in die *Staatskoerant* minstens vyf dae en hoogstens 15 dae voor die datum van die verkoping; en

(ii) aan die balju wat die verkoping hou een bevredigende fotokopie van elk van die kennisgewings wat onderskeidelik in die koerant en die Staatskoerant verskyn het, per hand, of per faksimilee of elektroniese pos verskaf.

(d) Minstens 10 dae voor die datum van die verkoping moet die balju wat die verkoping hou 'n eksemplaar van die kennisgewing van verkoping in paragraaf (b) bedoel, stuur aan elke vonnisskuldeiser wat op die onroerende goed beslag laat lê het en aan elke verbandhouer wie se adres bekend is en moet tegelyk daarmee 'n afskrif van die kennisgewing van verkoping aan al die ander balju's aangestel in daardie distrik stuur.

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

- (i) een eksemplaar van die kennisgewing op die kennisgewingbord van die landdroshof van die distrik waarin die inbeslaggenome onroerende goed geleë is, aanbring, of as die goed geleë is in die distrik waar die hof waar die lasbrief uitgereik is, geleë is, dan op die kennisgewingbord van daardie hof; en
- (ii) een eksemplaar op of so na moontlik aan die plek waar die verkoping werklik sal plaasvind, aanbring.

(8) (a) (i) Die vonnisskuldeiser moet minstens 35 dae voor die datum van die verkoping die verkoopsvoorwaardes opstel, wesenlik bewoord soos Vorm 33A in die Aanhangsel 1, waarop die inbeslaggenome eiendom verkoop moet word en dit aan die balju wat die verkoping hou vir die doeleindes van vasstelling voorlê.

(ii) Benewens enige ander terme, sluit die verkoopsvoorwaardes enige voorwaardes deur die hof beveel, in.

(iii) Enige belanghebbende party kan, minstens 25 dae voor die datum van die verkoping, verdere of gewysigde verkoopsvoorwaardes skriftelik aan die balju voorlê.

(iv) Die balju moet, minstens 20 dae voor die datum van die verkoping, die verkoopsvoorwaardes vasstel.

(v) Die uitwinningsverkoping en die verkoopsvoorwaardes moet voldoen aan die bepalings van enige wet wat verband hou met veilings, in die besonder die 'Consumer Protection Act, 2008' (Wet No. 68 van 2008), en die Regulasies daarkragtens uitgevaardig.

(b) (i) Die vonnisskuldeiser moet daarna aan genoemde balju drie eksemplare van die verkoopsvoorwaardes gee, waarvan een in die kantoor van die balju ter insae van belanghebbende partye moet lê vir 15 dae voor die datum van die verkoping.

(ii) Die balju wat die verkoping hou, moet onverwyld 'n afskrif van die verkoopsvoorwaardes verskaf aan alle ander balju's wat in die distrik aangestel is.

(c) Die balju moet, minstens 15 dae voor die datum van die verkoping, een eksemplaar van die verkoopsvoorwaardes aan die vonnisskuldenaar beteken.

(d) Minstens 10 dae voor die datum van die verkoping kan enige belanghebbende party, behoudens reël 43A en enige bevel deur die hof kragtens die bepalings daarvan gegee en met 24-uurkennisgewing aan alle bekende geraakte partye by die landdros van die distrik waarin die inbeslaggenome onroerende goed verkoop sal word, daarom aansoek doen en die landdros kan daarop 'n bevel gee, insluitend 'n gepaste bevel betreffende koste.

(9) Die vonnisskuldeiser moet 'n aktebesorger aanstel om die transport van die inbeslaggenome onroerende eiendom te doen wanneer dit in eksekusie verkoop is: Met dien verstande dat die balju die reg het om 'n nuwe aktebesorger aan te stel sou die aktebesorger deur die vonnisskuldeiser aangestel nie betyds of bevredigend met die transport voortgang maak nie.

(10) (a) Onroerende goed waarop vir eksekusie beslag gelê is, moet deur die balju of 'n private afslaer wat ingevolge paragraaf (b) aangestel is, op 'n openbare veiling verkoop word.

(b) Die vonnisskuldeiser of enige persoon met 'n belang in die behoorlike verwesenliking van die inbeslaggenome onroerende goed kan, by kennisgewing aan die balju binne 15 na beslaglegging, maar behoudens die bepalings wat hierop volg, vereis dat sodanige goed deur 'n afslaer verkoop word in die gewone loop van sake en kan in sodanige kennisgewing die afslaer wat gebruik moet word, benoem.

(c) (i) Waar 'n kennisgewing ingevolge paragraaf (b) gegee word deur enige persoon behalwe die vonnisskuldeiser, moet sodanige kennis vergesel gaan van die deposito van 'n bedrag voldoende om die bykomende uitgawe van verkoping deur afslaer in die gewone loop van sake, te dek, en by gebrek van sodanige deposito sal sodanige kennisgewing van nul en gener waarde wees.

(ii) 'n Kennisgewing ingevolge paragraaf (b) verstryk indien die dienste van 'n afslaer nie verkry kan word nie.

(iii) Indien daar surplus opbrengs van die verkoping van die onroerende goed is nadat aan die eis van die vonnisskuldeiser voldoen is en alle lasbriewe vir eksekusie wat by die balju ingedien is op of voor die dag net voor die datum van die verkoping en alle koste gedek is, moet die deposito aan die deponeerder terugbetaal word: Met dien verstande dat indien daar geen surplus is nie, die deposito vir sover nodig mag wees, gebruik word om die afslaer se gelde en uitgawes te betaal.

(d) Indien twee of meer kennisgewings ingevolge paragraaf (b) gegee word, geniet die eerste voorkeur.

(11) (a) (i) As die koper versuim om enige verpligtinge deur die koper verskuldig ingevolge die verkoopsvoorwaardes na te kom, kan die koop summier deur 'n regter op grond van 'n verslag van die balju wat die verkoping hou en na behoorlike kennisgewing aan die koper, gekanselleer word en die inbeslaggenome onroerende goed kan weer te koop aangebied word.

(ii) Die verslag moet vergesel gaan van 'n kennisgewing wat wesenlik bewoord is soos vorm 33B van Aanhangsel 1.

(iii) Indien die verkoping gekanselleer word, moet die balju die vonnisskuldenaar van die kansellasie verwittig.

(b) Enige verliese gely vanweë die koper se versuim kan op aansoek van 'n benadeelde skuldeiser in paragraaf (14)(c) bedoel, van die koper verhaal word kragtens vonnis van 'n regter wat op grond van 'n skriftelike verslag van genoemde balju gegee word nadat die koper skriftelik in kennis gestel is dat die verslag vir die genoemde doel voor 'n regter gelê sal word.

(c) As die koper reeds in besit van die onroerende goed is, kan genoemde balju met kennisgewing aan geraakte persone by 'n regter 'n uitsettingsbevel kry teen die koper of teen iemand wat voorgee die goed deur die koper te okkupeer of die goed andersins okkupeer.

(12) Behoudens die bepalings van reël 43A en subreël (5) hiervan—

(a) geskied die verkoping op die voorwaardes ingevolge subreël (8) bepaal; en

(b) word die onroerende goed aan die hoogste bieder verkoop.

(13) (a) Alle gelde ten opsigte van die koopprijs van die onroerende eiendom in uitwinning verkoop, word aan die balju betaal en die balju hou daardie gelde in die balju se trustrekening totdat transport aan die koper gegee is.

(b) Die balju wat die verkoping hou gee transport aan die koper teen betaling van die koopsom en vervulling van die verkoopsvoorwaardes. Hy kan vir daardie doel al die nodige doen en enigiets aldus deur hom of haar gedaan is ewe geldig asof hy of sy die eienaar was.

(c) Geen bedrag van die koopprijs word uitbetaal totdat aan die bepalings van subreël (14) voldoen is nie.

(14) (a) Na die afsluiting van die verkoping, maar voor voorbereiding deur die balju van 'n distribusieplan, moet die vonnisskuldeiser of sy of haar prokureur die balju voorsien van 'n sertifikaat van alle geld deur die vonnisskuldenaar of sy of haar prokureur betaal na die uitreiking van die lasbrief vir eksekusie.

(b) (i) Binne 10 dae na die registrasiedatum van die transport, moet die balju 'n distribusieplan van die opbrengs voorberei hê in rangorde van voorkeur, en moet 'n eksemplaar van daardie plan aan die griffier en aan al die ander balju's in daardie distrik aangestel, stuur.

- (ii) Onmiddellik daarna moet die genoemde balju kennis gee aan alle partye wat lasbriewe ingedien het en aan die vonnisskuldenaar dat die distribusieplan vir insae by sy of haar kantoor en die kantoor van die griffier sal lê vir 15 dae vanaf 'n genoemde datum en tensy sodanige partye hul instemming tot die plan skriftelik aandui, sal daardie plan aldus vir insae lê.
- (c) Na aftrekking van uitwinningskoste word die opbrengs in die volgende rangorde van voorkeur verdeel:
- (i) Eise van preferente skuldeisers in die volgorde van hul geregtelike voorkeur; en daarna
- (ii) Eise van ander skuldeisers wie se lasbriewe by die balju ingedien is, in die rangorde van voorkeur soos vasgelê in artikels 96, en 98A tot en met 103 van die Insolvensiewet, 1936 (Wet No. 24 van 1936).
- (d) 'n Belanghebbende persoon wat teen so 'n plan beswaar het—
- (i) moet voor die verstryking van die tydperk in paragraaf (b)(ii) bedoel, skriftelik aan die balju en alle ander belanghebbende persone skriftelik kennis gee van die besonderhede van die beswaar; en
- (ii) binne 10 dae na die verstryking van die tydperk in paragraaf (b)(ii) bedoel, sodanige beswaar voor 'n landdros bring vir hersiening met 10 dae kennisgewing aan die balju en die genoemde persone.
- (e) Die landdros wat die hersiening doen, moet die geskilpunt aanhoor en beslis en hy kan die distribusieplan wysig of bekragtig of na goeë dunks 'n bevel gee, ook betreffende koste.
- (f) Indien—
- (i) geen beswaar teen so 'n plan ingedien word nie; of
- (ii) die belanghebbende partye te kenne gee dat hulle daarmee saamstem; of
- (iii) die plan by hersiening bekragtig of gewysig word, moet die balju na voorlegging van 'n sertifikaat van die aktebesorger dat transport aan die koper gegee is, uitbetaal ooreenkomstig die distribusieplan.
- (15) Nóg 'n balju nóg iemand namens die balju koop by enige verkoping in eksekusie hetsy vir sigself of vir enige ander persoon enige onroerende goed wat te koop aangebied word.

Wysiging van reël 67 van die Reëls

4. Reël 67 van die Reëls word hierby in Afrikaans vertaal, met die jongste wysigings ingesluit:

67. Strafappèlle

(1) (a) 'n Appellant, anders as 'n persoon wat mondeling aansoek doen om toestemming om te appelleer onmiddellik nadat die vonnis of bevel gegee is soos in artikel 309B(3)(b) van die Strafproseswet, 1977, bedoel, wat om toestemming om te appelleer wil aansoek doen ingevolge artikel 309B(1) van daardie Wet, moet dit skriftelik doen by die griffier of klerk van die hof en moet ook 'n afskrif van die aansoek stuur aan die betrokke direkteur van openbare vervolging, of, in 'n geval waar die vervolging nie van staatsweë was nie, aan die betrokke aanklaer.

(b) 'n Appellant wat om kondonering wil aansoek doen soos in artikel 309B(1)(b)(ii) van die Strafproseswet, 1977, bedoel, of 'n appellant wat wil aansoek doen om toestemming om verdere getuienis aan te bied soos in artikel 309B(5)(a) van daardie Wet bedoel, moet dit skriftelik by die griffier of klerk van die hof doen en moet ook 'n afskrif van die aansoek na die direkteur van openbare vervolgings stuur, of, in 'n geval waar die vervolging nie van Staatsweë, aan die betrokke aanklaer.

(2) (a) Waar 'n aansoek om verlof tot appèl skriftelik gedoen word, moet kennis ingevolge artikel 309B(2)(b) van die Strafproseswet deur die griffier of klerk van die hof gegee word ten minste 10 dae voor die datum wat vir die aanhoor van die versoek om verlof om te appelleer vasgestel is, tensy die appellant of sy of haar regsverteenvoordiger en die direkteur van openbare vervolgings of enige persoon deur hom of haar in 'n saak aangewys waarvan die vervolging nie van Staatsweë is nie, die ander betrokke aanklaer op 'n korter tydperk ooreengekom het, en moet wesenlik dieselfde bewoord wees as Vorm 57 van Aanhangsel 1.

(b) Die kennisgewing in paragraaf (a) bedoel—

(i) moet aan die appellant of sy of haar regsverteenvoordiger en die direkteur van openbare vervolgings of 'n persoon deur hom of haar aangewys of ander betrokke aanklaer oorhandig word en bewys van ontvangs van sodanige kennisgewing moet op 'n afskrif van die kennisgewing aangedui word, wat deur die griffier of klerk van die hof gehou moet word.; of

(ii) moet per elektroniese middele gestuur word en indien dit nie moontlik is nie, per geregistreerde pos.

(3) (a) 'n Regsverteenvoordiger wat namens 'n appellant verskyn, moet gelyktydig met die indiening van die aansoek om verlof om te appelleer, 'n volmag indien waarin hy of sy gemagtig word om namens die appellant op te tree, of as 'n regsverteenvoordiger in diens geneem word nadat 'n aansoek om verlof om te appelleer ingedien is, na sodanige aanstelling.

(b) 'n Appellant moet in die aansoek om verlof om te appelleer in subreël (1) bedoel, 'n posadres verstrek waar enige kennisgewing per geregistreerde pos aan hom of haar beteken kan word as hy of sy nie regsverteenvoordiging het nie of as hy of sy nie langer regsverteenvoordiging het nie.

(4) Indien die appellant weens ongeletterdheid of fisieke gebrek, nie 'n aansoek om verlof om te appelleer of kennisgewing van appèl kan uitskryf nie, moet die klerk van die hof dit op sy of haar versoek doen.

(5) Wanneer 'n aansoek om verlof tot appèl goedgekeur word, moet die griffier of klerk van die hof 'n afskrif van die oorkonde van die saak voorberei, insluitend 'n transkripsie daarvan indien dit opgeneem is ooreenkomstig die bepalings van reël 66(1), en sodanige afskrif voor die regterlike beampte plaas wat binne 15 dae daarna 'n verklaring aan die griffier of klerk van die hof moet verstrek waarin—

- (a) die feite wat hy of sy bevind dit bewys te wees;
- (b) sy of haar redes vir enige feitebevinding wat in die appellant se verklaring van gronde vir appèl gespesifiseer is; en
- (c) sy of haar redes vir enige bevinding oor enige regspraak of oor die toelating of verworping van getuienis aldus gespesifiseer as teen geappelleer, uiteengesit word.

(5A) (a) (i) 'n Persoon in die eerste bepaling van artikel 309(1)(a) van die Strafproseswet, 1977, beoog, wat teen sy of haar skuldigbevinding of vonnis of bevel wil appelleer, moet dit skriftelik doen aan die griffier of klerk van die hof binne 10 dae sedert die oplegging van die vonnis of bevel na die skuldigbevinding en moet ook 'n eksemplaar van sodanige kennisgewing van appèl aan die betrokke direkteur van openbare vervolgings of in 'n saak waarin die vervolging van Staatsweë is, aan die betrokke aanklaer, beteken.

(ii) Indien die appèl om enige rede van die rol deurgehaal of verwyder word, sal die appèl weer op die rol geplaas word binne 10 dae sedert die datum van sodanige deuring of verwydering, versuim om daaraan te voldoen sal lei tot die verstryking van die appèl.

(b) Die kennisgewing van appèl in paragraaf (a) beoog, moet die gronde waarop sodanige persoon wil appèl aanteken, duidelik en spesifiek uiteensit.

(c) Die bepalings van subreëls (3) tot (8) en (14) en (15) is verder van toepassing met enige veranderinge deur die samehang vereis.

(6) Die griffier of klerk van die hof moet by ontvangs van die regterlike beampte se verklaring in subreël (5) beoog, die appellant onverwyld inlig dat die verklaring verstrek is.

(7) Binne 15 dae nadat die appellant ingevolge subreël (6) ingelig is, kan hy of sy by kennisgewing aan die griffier of klerk van die hof, sy of haar verklaring van gronde van appèl by kennisgewing aan die griffier of klerk van die hof wysig en die regterlike beampte kan, na sy of haar goeddunke, binne 10 dae daarna, 'n verdere of gewysigde verklaring van sy of haar feitebevindinge en redes vir uitspraak aan die griffier of klerk van die hof verstrek.

(8) Wanneer 'n appèl aangeteken word in 'n saak waarin die vervolging nie van Staatsweë, moet enige gewysigde verklaring waarvoor in subreël (7) voorsiening gemaak word, deur die appellant ook aan die aanklaer beteken word.

(9) 'n Direkteur van openbare vervolgings of ander aanklaer wat kragtens artikel 310 van die Strafproseswet, 1977, wil appèl aanteken teen die afwys van 'n dagvaarding of aanklag moet, binne 20 dae na sodanige afwysing, 'n kennis van appèl aflewer.

(10) By die aantekening van 'n appèl soos in subreël (9) bepaal, moet die griffier of klerk van die hof 'n afskrif van die oorkonde van die saak, met inbegrip van 'n transkripsie daarvan as dit ooreenkomstig die bepalings van reël 66(1) aangeteken is, en dan die rekord voor die regsbeampte plaas wat binne 15 dae daarna 'n skriftelike verklaring van sy of haar redes vir die afwys van die dagvaarding of aanklag, aan die griffier of klerk van die hof moet verstrek.

(11) 'n Direkteur van openbare vervolgings of ander aanklaer wat 'n appèl kragtens artikel 310 van die Strafproseswet, 1977, oorweeg, moet binne 20 dae na die afhandeling van die strafverrigtinge, 'n skriftelike versoek aan die regterlike beampte rig om 'n saak te stel.

(12) (a) By ontvangs van die versoek in subreël (11) bedoel, moet die griffier of klerk van die hof 'n afskrif van die oorkonde van die saak voorberei, met inbegrip van 'n transkripsie daarvan indien dit ooreenkomstig die bepalings van reël 66(1) opgeneem is, en dan die oorkonde voor die regterlike beampte plaas wat binne 15 dae daarna 'n gestelde saak aan die griffier of klerk van die hof moet voorlê, wat 'n afskrif daarvan aan die direkteur van openbare vervolgings, of ander aanklaer, na gelang van die geval, sal oordra.

(b) Die gestelde saak in paragraaf (a) beoog, moet in paragrawe verdeel wees en opeenvolgend genommer is en wat in die volgende volgorde georden wees:

- (i) Die regterlike beampte se feitebevindings vir sover dit wesentlik is tot die regsvrae waarop 'n beslissing ten gunste van die appellant gegee is;
- (ii) regsvrae; en
- (iii) die regterlike beampte se besluit oor sodanige vrae en sy of haar redes daarvoor.

(13) Die direkteur van openbare vervolgings of ander aanklaer kan, binne 15 dae na ontvangs deur hom of haar van die gestelde saak, kennis van appèl teen die beslissing oor die regsvrae, aflewer.

(14) Elke kennisgewing van appèl, verklaring van gronde vir appèl, regterlike beampte se verklaring en gestelde saak wat in die rekord ingedien is of aan die griffier of klerk van die hof verstrek is kragtens hierdie reël, word deel van die oorkonde.

(15) (a) Die griffier of klerk van die hof moet binne 10 dae na ontvangs deur hom of haar van die verklaring in subreël (7) of (10) bedoel of van die kennisgewing van appèl afgelewer ingevolge subreël (13), na gelang van die geval, aan die griffier van die appèlhof

die oorkonde van die strafverrigtinge of die gemelde saak, saam met drie eksemplare daarvan, oordra.

(b) Wanneer die vervolging van staatsweë is, moet hy of sy ook een sodanige eksemplaar aan die direkteur van openbare vervolgings oordra: Met dien verstande dat indien die appellant nie sy of haar verklaring of gronde vir appèl soos in subreël (7) bedoel, gewysig het nie, moet die griffier of klerk van die hof ook die oorkonde sonder oponthoud oordra nadat die tydperk wat vir 'n wysiging van verklaring van gronde vir appèl toegelaat word, verstryk het.

Wysiging van Aangangsel 1 tot die Reëls

5. Vorms 2B en 2C van Aangangsel 1 tot die Reëls is in die Aangangsel hierby in Afrikaans vertaal, met die jongste wysigings ingesluit.

6. Wysiging van Aangangsel 2 tot die reëls

Aangangsel 2 tot die reëls word hierby gewysig—

(a) deur Tabela A en C onderskeidelik deur die volgende Tabela te vervang:

"TABEL A KOSTE

DEEL I ALGEMENE BEPALINGS

1. Wanneer die bedrag in geskil minder as of gelyk aan R7 000 is, word koste op Skaal A getakseer, wanneer die bedrag in geskil meer as R7 000 is, maar minder of gelyk aan R50 000, word koste op Skaal B getakseer; wanneer die bedrag in geskil R50 000 oorskry, maar minder as of gelyk is aan die maksimum jurisdiksiebedrag van tyd tot tyd deur die Minister ten opsigte van landdroshowe vir distrikte vasgestel, word koste op Skaal C getakseer; wanneer die bedrag in geskil die maksimum jurisdiksiebedrag aldus deur die Minister bepaal ten opsigte van landdroshowe vir distrikte oorskry en die prosesstuk word uit 'n landdroshof vir 'n streeksafdeling uitgereik of wanneer die aangeleentheid handel oor 'n skuldoorsaak ingevolge artikel 29(1B)(a) van die Wet, word die koste op Skaal D getakseer.

2. (a) Vir die doeleindes van berekening van koste, beteken die uitdrukking 'bedrag in geskil', waar koste aan die eiser toegeken word, die bedrag of waarde van die vonnis en 'bedrag of waarde van die vonnis' beteken, waar meer as een eis in die aksie betrokke is, die totaal van die bedrae in die vonnis betrokke. Waar koste aan die verweerder toegestaan word, beteken die uitdrukking 'bedrag in geskil', waar meer as een eis in die aksie betrokke is, die totaal van die bedrae van al die eise. Die bedrag of waarde van die vonnis of eis sluit rente in

maar sluit koste uit. Indien 'n aangeleentheid te eniger tyd geskik word, word koste getakseer op die skaal in die skikking voorgeskryf.

- (b) Waar die bedrag in geskil nie uit verrigtinge ooglopend is nie en—
- (i) die aangeleentheid word in die landdroshof vir 'n distrik ingestel, word die koste op Skaal C bereken; of
 - (ii) die aangeleentheid word in die streekhof vir 'n streeksafdeling ingestel, word die koste op Skaal D bereken,

tensy die hof anders gelas.

3. Koste takseerbaar ingevolge reël 33(19) word geag kragtens 'n vonnis vir die bedrag aangebied of 'n vonnis ingevolge die skikking, na gelang van die geval, toegestaan te wees.

4. Eise vir uitsetting word bereken teen twee maande huur van die perseel.

5. Die koers waarteen koste bereken word, word nie verhoog weens enige eis vir bevestiging van enige interdik of tussentydse bevel nie.

6. Gelde vir advokate word by taksasie toegeken slegs in gevalle wat onder skaal B, C of D val of waar die hof 'n bevel ingevolge reël 33(8) gegee het.

7. Waar die bedrag wat vir 'n item toegelaat word gespesifiseer is, sluit die bedrag alle nodige bywonings en betekenings (behalwe betekenings deur die balju vir die Landdroshof) in verband daarmee in, behalwe dat 'n heffing van **[R30,00]** R33,00 per dokument toegelaat sal word vir die indiening van dokumente by die hof.

8. Waar die bedrag vir 'n item toegelaat oningevul gelaat word—

- (a) word die opstel van dokumente (nie pleitstukke nie) toegelaat teen **[R30,00]** R33,00 vir elke folio;
- (b) afskrifte vir liassering, betekening en 'n prokureur se afskrif om te hou word ook toegelaat;
- (c) **[R30,00]** R33,00 word toegelaat vir elke nodige betekening;
- (d) **[R30,00]** R33,00 per dokument word toegelaat vir die nodige indiening van dokumente by die hof.

9. (a) Waar enige dokument vir die hof blyk onnodig omslagtig te wees, kan die hof die geheel of enige deel van die gelde daarvoor weier.

(b) Waar gedrukte vorms van dokumente waarvan afskrifte gemaak moet word, beskikbaar is, word die gelde vir afskrifte beperk tot die nodige besonderhede in daardie gedrukte vorms ingevoeg.

10. (a) 'n Folio bestaan uit 100 skriftelike of gedrukte woorde of syfers of deel daarvan.

(b) Vier syfers word as een woord gereken.

11. (a) Tensy anders bepaal, word 'n heffing vir sorgvuldige deurlesing toegelaat teen **[R11,50]** R12,50 per folio ten opsigte van enige dokument of pleitstuk wat noodsaaklikerwys sorgvuldig deurgelees is.

(b) Vir die nodige afskrifte, met inbegrip van fotostate, van enige dokument of stukke waarvoor nie reeds in hierdie tarief voorsiening gemaak word nie, per A4-grootte folio **[R4,50]** R5,00.

12. Waar daar meer as een verweerder is, word **[R19,00]** R21,00 bygevoeg ten opsigte van elke bykomende verweerder vir elk van items 2 en 3 van Deel I en items 2 en 7 van Deel III.

13. Waar die vonnisskuld ingevolge die vonnis of 'n ooreenkoms in paaiement betaalbaar is, word 10% op elke paaiement ingevorder ter delging van die kapitaal, koste en rente, toegeken, behoudens 'n maksimum van **[R459,00]** R499,00 op elke paaiement. Geen bykomende geld word gehef vir enige bywoning in verband met die ontvangs of betaling van enige paaiement nie.

14. Die klerk of griffier van die hof keur by taksasie enige heffing wat onnodig aangegaan is, af.

15. Waar die gelde kragtens enige item op grond van tyd bereken word, word die totale tyd op enige een dag spandeer bereken en die gelde vir daardie dag word op daardie totaal bereken.

16. Enige bedrag noodsaaklikerwys en werklik in die opspoor van die skuldenaar uitgegee, word benewens die gelde in hierdie tarief uiteengesit, toegeken.

17. Item 10A en 14A van Deel III in die tarief tot Tabel A is ook van toepassing op Deel IV van die tarief by Tabel A.

18. Gelde aan advokate bedoel in artikel 34(2)(a)(i) van die Regspraktykwet, 2014 (Wet No. 28 van 2014), word op taksasie slegs vir items 21 tot 26 van Deel IV toegelaat.

DEEL II ONVERDEDIGDE AKSIES

	R
Item 1 Geregistreerde aanskrywe ingevolge artikel 56 van die Wet	
(a) Eis of eise waar die totaal van die eis of eise nie die maksimum juridiksiebedrag van tyd tot tyd ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry nie en die prosesstuk is uit 'n landdroshof vir 'n streeksafdeling uitgereik.	[R45,00] <u>R49,00</u>
(b) Eis of eise waar die totaal van die eis of eise die maksimum juridiksiebedrag van tyd tot tyd ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry	[R61,00] <u>R67,00</u>
Item 2 Dagvaarding, met inbegrip van 'n aanskrywing buiten die aanskrywing in item 1 bedoel:	
(a) Eis of eise waar die totale bedrag van die eise nie R7 000,00 oorskry nie	[R151,50] <u>R165,00</u>
(b) Eis of eise waar die totale bedrag van die eis of eise R7 000,00 oorskry, maar nie R50 000 oorskry nie	[R502,50] <u>R547,00</u>

(c) Eis of eise waar die totale bedrag van die eis of eise R50 000 oorskry, maar nie die maksimum jurisdiksiebedrag van tyd tot tyd ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry nie	[R743,00] R808,00
(d) Eis of eise waar die totaal van die eis of eise die maksimum jurisdiksiebedrag van tyd tot tyd ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry en die prosesstuk uit 'n landdroshof vir 'n streeksafdeling uitgereik word of wanneer die aangeleentheid ten opsigte van 'n skuldoorsaak ingevolge artikel 29(1B)(a) van die Wet is	[R969,50] R1055,00
Item 3 Vonnis:	
(a) Eis of eise waar die totaal van die eis of eise nie die bedrag in 2(a) oorskry nie	[R151,50] R165,00
(b) Eis of eise waar die totaal van die eis of eise die bedrag in 2(b) oorskry, maar nie meer as R50 000 is nie	[R383,50] R418,00
(c) Eis of eise waar die totaal van die eis of eise R50 000 oorskry, maar nie die maksimum jurisdiksiebedrag van tyd tot tyd ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry nie	[R627,00] R682,00
(d) Eis of eise waar die totaal van die eis of eise die maksimum jurisdiksiebedrag van tyd tot tyd ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry en die prosesstuk word uit 'n landdroshof vir 'n streeksafdeling uitgereik of waar die aangeleentheid handel oor 'n skuldoorsaak ingevolge artikel 29(1B)(a) van die Wet	[R815,00] R886,00
Item 4 Kennisgewing ingevolge reël 12(2)	
(a) Eis of eise waar die totaal van die eis of eise nie die maksimum jurisdiksiebedrag van tyd tot tyd ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry nie	[R71,50] R78,00
(b) Eis of eise waar die totaal van die eis of eise die maksimum jurisdiksiebedrag van tyd tot ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry en die prosesstuk word uit 'n landdroshof vir 'n streeksafdeling uitgereik of wanneer die aangeleentheid handel oor 'n skuldoorsaak ingevolge artikel 29(1B)(a) van die Wet	[R93,00] R101,00
Item 5 Kennisgewing ingevolge reël 54(1)	
(a) Eis of eise waar die totaal van die eis of eise nie die maksimum jurisdiksiebedrag van tyd tot tyd ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry nie	[R71,50] R78,50
(b) Eis of eise waar die totaal van die eis of eise die maksimum jurisdiksiebedrag van tyd tot ten opsigte van landdroshowe vir distrikte deur die minister vasgestel, oorskry en die prosesstuk word uit 'n landdroshof vir 'n streeksafdeling uitgereik	[R93,00] R101,00
Item 6 Beëdigde verklaring of sertifikaat	
Item 7 – Bywoning van hof op versoek van die landdros wanneer eis na die hofsoos verwys word vir vonnis of om voorlopige vonnis te kry wanneer die eis onverdedig is	toegelaat kragtens item 15 op

	die tarief vir verdedigde aksies.
Item 8 Vir elke geregistreerde brief wat ingevolge artikel 57(1) of (3) of artikel 58(2) van die Wet deur die krediteur of sy of haar prokureur, met inbegrip van afskrifte, aan die skuldenaar gestuur word	
(a) Eis of eise waar die totaal van die eis of eise nie die maksimum jurisdiksiebedrag van tyd tot tyd ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry nie.	[R46,50] R51,00
(b) Eis of eise waar die totaal van die eis of eise die maksimum jurisdiksiebedrag van tyd tot ten opsigte van landdroshowe vir distrikte deur die minister vasgestel, oorskry en die prosesstuk word uit 'n landdroshof vir 'n streeksafdeling uitgereik	[R62,50] R68,00
Item 9 Skulderkenning en onderneming om skuld in paaiemente of andersins te betaal (artikel 57 van die Wet)	
(a) Eis of eise waar die totaal van die eis of eise nie die maksimum jurisdiksiebedrag van tyd tot tyd ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry nie	[R121,50] R132,50
(b) Eis of eise waar die totaal van die eis of eise die maksimum jurisdiksiebedrag van tyd tot ten opsigte van landdroshowe vir distrikte deur die minister vasgestel, oorskry en die prosesstuk word uit 'n landdroshof vir 'n streeksafdeling uitgereik	[R157,00] R170,00

Item 10 Instemming tot vonnis of tot vonnis en 'n bevel vir die betaling van vonnisskuld in paaiemente (artikel 58 van die Wet)	
(a) Eis of eise waar die totaal van die eis of eise nie die maksimum jurisdiksiebedrag van tyd tot tyd ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry nie	[R121,50] R132,00
(b) Eis of eise waar die totaal van die eis of eise die maksimum jurisdiksiebedrag van tyd tot ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry en die prosesstuk word uit 'n landdroshof vir 'n streeksafdeling uitgereik	[R157,00] R170,00

Let wel: Die bedrag van gelde toelaatbaar kragtens items 4, 5, 6, 7, 8, 9 en 10 word sonder taksasie ingesluit in die bedrag van die koste waarvoor die vonnis ingedien word

DEEL III VERDEDIGDE AKSIES (EN TUSSENPLEITVERRIGTINGE)

Item	Tarief A R	Tarief B R	Tarief C R	Tarief D R
1. Instruksies om te dagvaar of verdedig of van teeneis of van verdediging van	[R606,00] R659,00	[R804,50] R875,00	[R968,50] R1095,00	[R1258,00] R1369,00

teeneis, bestudering van alle dokumentasie en meriete en alle nodige konsultasies om dagvaarding uit te reik				
2. Dagvaarding	[R304,50]	[R423,00]	[R506,50]	[R656,00]
2A. Besonderhede van eis of deklarasie	R331,50	R460,00	R551,00	R713,00
	[R304,50]	[R423,00]	[R506,50]	[R656,00]
	R331,50	R460,00	R551,00	R713,00
3. Bywoning	[R50,50]	[R50,50]	[R63,00]	[R81,00]
	R55,00	R55,00	R69,00	R89,00
4. Kennisgewing kragtens reëls 12(2) en 21B(2)	[R50,50]	[R50,50]	[R63,00]	[R81,00]
	R55,00	R55,00	R69,00	R89,00
5. Pleit	[R304,50]	[R423,00]	[R506,50]	[R656,00]
	R331,50	R460,00	R551,00	R713,00
6. Eis in rekonvensie	[R304,50]	[R423,00]	[R506,50]	[R656,00]
	R331,50	R460,00	R551,00	R713,00
7. Antwoord, indien nodig	[R304,50]	[R423,00]	[R506,50]	[R656,00]
	R331,50	R460,00	R551,00	R713,00
8. Opstel van alle dokumente wat nie spesifiek genoem word nie, met inbegrip van versoek vir verdere besonderhede, bylae van dokumente, alle beëdigde verklarings, dagvaardings, enige kennisgewing waarvoor nie andersins voorsiening gemaak is nie en opstel van verklarings deur getuies		-	-	-
9. Produksie van dokumente vir inspeksie, of inspeksie van dokumente, per kwartier of per gedeelte daarvan van die tyd wat spandeer is	[R180,50]	[R180,50]	[R226,50]	[R292,00]
	R196,00	R196,00	R246,00	R318,00
10. ...				
10A. Paginerings en indeksering van pleitstukke per kwartier of gedeelte daarvan:	[R121,00]	[R121,00]	[R147,50]	[R191,00]
	R132,00	R132,00	R161,50	R208,00
11. Die afneem van verklarings deur getuies, per kwartier of gedeelte daarvan	[R180,50]	[R180,50]	[R226,50]	[R292,00]
	R196,00	R196,00	R246,00	R318,00
12. Kennisgewing van verhoor of herinstelling	[R50,50]	[R50,50]	[R63,00]	[R81,00]
	R55,00	R55,00	R69,00	R89,00
13. Voorbereiding vir verhoor (indien 'n advokaat nie gebruik word nie)	[R1007,00]	[R1370,00]	[R1643,00]	[R2136,00]
	R1095,00	R1490,00	R1788,00	R2323,00

14. Bywoning by skikkingsonderhandelinge, vir elke kwartier of gedeelte daarvan werklik in sodanige onderhandelinge deurgebring	[R180,50] R196,00	[R180,50] R196,00	[R226,50] R246,00	[R292,00] R318,00
14A. Opstel van betooghooftede per kwartier of gedeelte daarvan:	[R180,50] R196,00	[R180,50] R196,00	[R226,50] R246,00	[R292,00] R318,00
15. Bywoning van hof tydens verhoor, of by 'n uitstel of ondersoek by kommissie, vir elke kwartier of deel daarvan in die hof deurgebring terwyl die saak werklik aangehoor word-				
(a) indien 'n advokaat nie aangestel is nie	[R180,50] R196,50	[R180,50] R196,50	[R226,50] R246,00	[R292,00] R318,00
(b) indien 'n advokaat aangestel is	Nul	[R71,50] R78,00	[R88,00] R96,00	[R113,00] R123,00
16. Bywoning van voorverhoorkonferensie, vir elke kwartier of deel daarvan wat werklik in daardie konferensie deurgebring is	[R180,50] R196,00	[R180,50] R196,00	[R226,50] R246,00	[R292,00] R318,00
17. Bywoning van hof om gereserveerde vonnis of gedeelte daarvan aan te hoor	[R37,00] R40,00	[R37,00] R40,00	[R44,50] R49,00	[R57,50] R63,00
18. Korrespondensie—				
(a) vir elke nodige brief of telegram, per folio	[R28,50] R31,00	[R28,50] R31,00	[R37,00] R40,00	[R46,50] R50,00
(b) vir elke brief of telegram ontvang, met dien verstande dat gelde vir bestudering nie toegelaat word saam met die gelde hierin voor voorsiening gemaak nie	[R19,50] R21,50	[R28,50] R31,00	[R37,00] R40,00	[R46,50] R50,00
19. Bywonings: Vir elke nodige bywoning waarvoor nie andersins voorsiening gemaak is nie, per bywoning	[R19,50] R21,50	[R28,50] R31,00	[R37,00] R40,00	[R46,50] R50,00
20. Nodige formele telefoonoproep, per oproep	[R19,50] R21,50	[R28,50] R31,00	[R37,00] R40,00	[R46,50] R50,00
21. Telefoonkonsultasies: Vir elke 5 minute of deel daarvan, behoudens 'n maksimum tarief per konsultasie van [R174,50] R190,00 vir Tariewe A tot C en [R225,50] R246,00 vir Skaal D	[R50,50] R55,00	[R50,50] R55,00	[R63,00] R69,00	[R81,00] R89,00
22. Elke nodige konsultasie, per kwartier of gedeelte daarvan	[R180,50] R196,00	[R180,50] R196,00	[R226,50] R246,00	[R292,00] R318,00

23. Die hof kan, op versoek by die verhoor gedoen, saam met die gelde in item 13 hierbo voorgeskryf, hernuwingsgelde in uitgestelde of gedeeltelik aangehoorde verhore, toeken	[R627,00] R682,00	[R887,00] R965,00	[R1063,00] R1157,00	[R1381,00] R1503,00
24. Tyd by die hof gewag (omdat hof nie beskikbaar is nie) per kwartier of deel daarvan	[R121,00] R132,00	R121,00 R132,00	[R147,50] R161,00	[R191,00] R208,00
25. Reistyd [onderworpe aan die bepaling van reël 33(9)] per kwartier of deel daarvan	[R121,00] R132,00	[R121,00] R132,00	[R147,50] R161,00	[R191,00] R208,00
26. Bestaans- en reisuittgawes soos in reël 33(9) gestel	Die werklike redelike bestaans- en reisuittgawes soos in reël 33(9) gestel			

DEEL IV ANDER AANGELEENTHEDE

Eksepsies, aansoeke om deurhaling, aansoeke om summiere vonnis, verskyning om voorlopige vonnis te verkry wanneer eis verdedig word, tussenaansoeke, arres, interdik, aansoeke kragtens reël 27(9), aansoeke om vonnis, bevel of taksasie te hersien, aansoeke om likwidasie van beslote korporasies en aansoeke ingevolge artikel 65J van die Wet, aansoeke kragtens reël 58 en enige ander aansoeke.

ITEM	Tarief A R	Tarief B R	Tarief C R	Tarief D R
1. (a) Instruksies om aansoek te doen of om te verdedig of om gronde aan te voer (die hof kan op versoek 'n hoër bedrag toelaat)	[R152,00] R165,00	[R304,50] R331,00	[R361,50] R394,00	[R470,00] R512,00
(b) Instruksies om aansoek te doen om likwidasie van beslote korporasie, bestudering van alle dokumentasie en oorweging van meriete, en alle nodige konsultasies	[R743,00] R808,00	[R743,00] R808,00	[R890,50] R969,00	[R1158,00] R1260,00
2. Opstel van alle dokumente, beëdigde-verklarings en kennisgewings, bevele, ens.				
3. Bywoning van hof by verhoor:				
(a) Indien onverdedig of verdedig (indien advokaat nie aangestel is nie), vir elke kwartier of deel daarvan werklik in die hof deurgebring	[R180,50] R196,00	[R180,50] R196,00	[R226,50] R246,00	[R292,00] R318,00
(b) Indien verdedig (indien advokaat aangestel is), vir elke kwartier werklik in die hof deurgebring of deel daarvan	Nul	[R71,50] R78,00	[R88,50] R96,00	[R113,00] R123,00

4. (a) Gelde vir voorbereiding vir betoog wanneer verdedig	[R627,00] R682,00	[R739,00] R804,00	[R890,50] R969,00	[R1158,00] R1260,00
(b) Gelde vir voorbereiding vir verhoor waar verrigtinge na verhoor verwys word of mondelinge getuienis	[R627,00] R682,00	[R739,00] R804,00	[R890,50] R969,00	[R1158,00] R1260,00
5 Konsultasies en skikkingsonderhandelinge – wanneer verdedig, per kwartier of deel daarvan	[R180,50] R196,00	[R180,50] R196,00	[R226,50] R246,00	[R292,00] R318,00

ITEM	Tarief
TAKSASIE VAN KOSTE In verband met 'n kosterekening vir dienste deur 'n prokureur gelewer, het die prokureur die reg om te hef:	R
6. Vir opstel van die kosterekening, maak van die nodige afskrifte en bywoning van skikking, 11 persent van die prokureursgelde, hetsy soos in die rekening gehef, indien nie getakseer nie, of soos by taksasie toegestaan	
7. Benewens die gelde kragtens item 6 gehef, indien van taksasie gebruik gemaak word, vir reëling en bywoning van taksasie, en vir verkryging van toestemming vir taksasie, 11 persent op die eerste R10 000,00 of gedeelte daarvan, 6 persent op die volgende R10 000,00 of gedeelte daarvan en 3 persent op die balans van die totale bedrag van die rekening	
8. Bywoning by hersiening van taksasie, vir elke kwartier of deel daarvan in die hof terwyl hersiening werklik aangehoor word	[R180,00] R196,00
9. Kennisgewing van aansoek om hersiening van taksasie en betekening	-
10. Beëdigde verklaring, waar nodig	-

UITWINNING	
11. (a) Uitreiking van 'n uitwinningslasbrief, uitsettingslasbrief, en lasbrief vir lewering van besit	[R121,50] R132,00
(b) Vir elke heruitreiking daarvan	[R50,50] R55,00
12. Insluitend gelde vir werk gedoen in verband met vrystelling van inbeslaggenome onroerende eiendom	[R151,50] R165,00

13. Insluitend gelde vir werk gedoen in verband met uitwinningsverkoop van slegs onroerende goed (uitsluitend werk ten opsigte waarvan gelde reeds elders voor voorsiening gemaak word en die opstel van die verkoopsvoorwaardes)	[R384,00] R418,00
14. (a) Opstel van verkopingskennisgewing ingevolge reël 41(8) of reël 43[(6)-(7)(b)(i), of verkoopsvoorwaardes ingevolge reël 43[(7) (8)(a)(i)]	-
(b) Vir alle ander werk gedoen en papiere en dokumente aan die balju van die landdroshof voorsien in verband met 'n uitwinningsverkoop van roerende goed, 'n allesinsluitende bedrag van	[R262,00] R285,00
15. Sekerheidstelling vir herstel, waar nodig	[R99,50] R109,50

WAAR ADVOKAAT AANGESTEL IS

16. Instruksies vir eksepsie of aansoek, waar toegelaat	
(a) Eis of eise waar die totaal van die eis of eise nie die maksimum juridiksiebedrag van tyd tot tyd ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry nie	[R180,50] R196,00
(b) Eis of eise waar die totaal van die eis of eise die maksimum juridiksiebedrag van tyd tot tyd ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry en die prosesstuk word uit 'n landdroshof vir 'n streeksafdeling uitgereik	[R234,50] R255,00
17. Instruksies vir verhoor	
(a) Eis of eise waar die totaal van die eis of eise nie die maksimum juridiksiebedrag van tyd tot tyd ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry nie	[R230,50] R251,00
(b) Eis of eise waar die totaal van die eis of eise die maksimum juridiksiebedrag van tyd tot tyd ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry en die prosesstuk word uit 'n landdroshof vir 'n streeksafdeling uitgereik	[R290,00] R315,00
18. Opstel van opdrag by eksepsie of aansoek, waar toegelaat	-
19. Opstel van opdrag vir verhoor	-
20. Bywoning van nodige konsultasie met advokaat, per kwartier of deel daarvan	
(a) Eis of eise waar die totaal van die eis of eise nie die maksimum juridiksiebedrag van tyd tot tyd ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry nie	[R75,00] R82,00
(b) Eis of eise waar die totaal van die eis of eise die maksimum juridiksiebedrag van tyd tot tyd ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry en die prosesstuk word uit 'n landdroshof vir 'n streeksafdeling uitgereik	[R94,00] R103,00

GELDE VIR ADVOKATE	
21. Met opdrag om eksepsie of aansoek te betoog	[R887,00] <u>R964,00</u>
Let wel:	
22. Met verhooropdrag vir die eerste dag, hoogstens	[R2514,50] <u>R2736,00</u>
23. In enige hof meer as 30 km van die naaste dorp waar 'n provinsiale of plaaslike afdeling (behalwe 'n rondgaande hof) van die Hooggeregshof gesetel is, gehou, 'n reistoelae (benewens die opdraggeld) wat by spesiale bevel deur die hof toegelaat kan word, teen	[R6,00] <u>R6,50</u> per km
24. Elke nodige konsultasie, per kwartier	[R180,50] <u>R196,00</u>
25. Vir elke dag meer as een waarop getuienis aangehoor of betooghoofde aangehoor word, 'n verfrisser van hoogstens	[R1511,50] <u>R1644,00</u>
26. Opstel van pleitstukke	[R404,50] <u>R441,00</u>

Notas:	
(a) Omtrent items 22 en 25, 'n bedrag in plek van die bedrag vir die eerste dag se verhoor, word soos volg toegelaat wanneer die saak op of voor die verhoordatum deur enige party geskik of teruggetrek word:	
(i) hoogstens twee dae voor die verhoordatum: Die gelde andersins toelaatbaar by taksasie vir die eerste dag se verhoor;	
(ii) minstens drie dae en hoogstens sewe dae voor die verhoordatum: Twee derdes van die gelde kragtens (i); en	
(iii) minstens agt dae en hoogstens 21 dae voor die verhoordatum: Helfte van die geld kragtens (i).	
(b) Die hof kan op versoek hoër gelde vir 'n advokaat ten opsigte van items 22, 24, 25 en 26 toeken.	
(c) 'n Bedrag vir reistyd deur advokaat word toegelaat teen dieselfde tarief as vir prokureurs kragtens reël 33(9).	

DIVERSE	
27. Verkry gesertifiseerde afskrif van vonnis	[R91,00] R99,00
28. Verkry betaling ingevolge reël 18(4)	[R63,00] R69,00
29. Versoek vir sekerheidstelling ingevolge reël 62(1)	-
30. Voorsien sekerheidstelling ingevolge reël 62(1)	-

**TABEL B
KOSTE
DEEL I**

**ALGEMENE BEPALINGS TEN OPSIGTE VAN VERRIGTINGE INGEVOLGE ARTIKELS
65 EN 65a TOT 65M VAN DIE WET**

1. Behoudens die bepalings van paragraaf 3, word geen gelde behalwe dié in die Tarief by hierdie Deel toegelaat nie.
2. Behoudens die bepalings van artikel 65K van die Wet, is die gelde uiteengesit in items (a), (b) of (c) van die Tarief by hierdie Deel, na gelang van die geval, betaalbaar vir die opstel van die kennisgewing in artikel 65A(1) bedoel, met inbegrip van verskyning by die ondersoek na die vonnisskuldenaar se finansiële posisie in artikel 65D bedoel, of enige verskyning by daaropvolgende opskortings-, wysigings- of opheffingsverrigtinge, en kan, met uitsondering van die gelde kragtens item (m) van die tarief toegelaat, slegs een keer gehef word vir die opstel, uitreiking en alle heruitreikings van die kennisgewing en alle uitstelle van die ondersoek, ongeag die getal dae waarop die verrigtinge in die hof aangehoor word: Met dien verstande dat waar die skuldenaar die regsgebied van die hof verlaat nadat die kennisgewing in artikel 65A(1) bedoel, uitgereik is en die kennisgewing in enige ander distrik heruitgereik word, kan die voormelde gelde ook in die ander distrik gehef word indien die hof dit gelas.
3. Die volgende word toegelaat benewens die gelde in die Tarief tot hierdie Deel uiteengesit:
 - (a) Alle nodige uitbetalings in verband met die verrigtinge aangegaan.
 - (b) 'n Bedrag van 10% op elke paalement ter delging van die kapitaal en koste van die aksie, onderworpe aan 'n maksimum bedrag van [R459,00] R499,00 op elke paalement. Waar die bedrag in paalemente betaalbaar is, is die insamelingsgelde slegs verhaalbaar by betaling van elke paalement. Sodanige gelde is ter vervanging van en nie bykomstig tot die insamelingsgelde in paragraaf 13 van Deel 1 van Tabel A voorgeskryf nie.
 - (c) Alle nodige uitbetalings gedoen in verband met enige vorige vrugtelose verrigtinge kragtens artikel 72, as die hof aldus beveel het.
 - (d) Enige bedrag noodsaaklikerwys en werklik uitbetaal in die opspoor van die vonnisskuldenaar, waar die kapitaalbedrag van die skuld nie minder was nie as [R502,00] R546,00 toe die opsporingsagent in diens geneem is. Die totale bedrag wat werk elke opsporing toegeken word mag nie meer as [R383,50] R417,00 wees nie. ,

4. Vir die doeleindes van die Tarief tot hierdie Deel, is die bedrag van die eis, behoudens die bepalings van paragraaf 3(d), die totaal van die kapitaalbedrag en koste uitstaande op die datum van die eerste instelling van verrigtinge kragtens artikel 65A(1) van die Wet.

5. Items 1 tot 5 van Deel IV van Tabel A van Aangangsel 2 is van toepassing ingevolge artikel 65J van die Wet.

TARIEF		
		R
(a)	Waar die eis nie meer as die bedrag van R1 000,00 is nie	[R253,00] R276,00
(b)	Waar die eis meer is as R1 000,00, maar nie meer as R2 000,00 is nie	[R383,50] R417,00
(c)	Waar die eis meer as R2 000,00 is	[R452,00] R492,00
(d)	Lasbrief vir arres (Vorm 40A)	[R99,50] R109,00
(e)	<input type="checkbox"/> (i) Besoldigingsbeslagbevel (Vorm 38)	[R202,00] R218,00
	<input type="checkbox"/> (ii) Heruitreiking (Sertifikate ingesluit)	[R161,00] R175,00
(f)	Aansoek om koste by kennisgewing (met inbegrip van verskyning voor hof)	[R99,50] R109,00
(g)	Verkryging van gesertifiseerde afskrif van 'n vonnis	[R99,50] R109,00
(h)	Beëdigde verklaring of sertifikaat deur die vonnisskuldeiser of sy of haar prokureur	[R71,00] R77,00
(i)	Vir elke geregistreerde brief aangestuur aan die skuldenaar ingevolge artikels 65A(2), 65E(6) of 65J(2) van die Wet deur die krediteur of sy of haar prokureur	[R46,00] R50,00
(j)	Beëdigde verklaring of bevestiging deur skuldenaar [Reël 45(7)]	[R121,00] R131,00
(k)	Versoek om 'n bevel kragtens artikel 65 van die Wet	[R71,00] R77,00
(l)	Bywoning van uitgestelde verrigtinge ingevolge artikel 65E(3) van die Wet of bywoning van verrigtinge by die of in navolging van die inhegtenisneming van 'n vonnisskuldenaar, direkteur of beamppte in navolging van 'n kennisgewing in 65A(8)(b) bedoel	[R99,50] R109,00

(m)	Dagvaarding:	
	(i) Opstel van dagvaarding, per folio	[R28,50] R31,00
	(ii) Elke nodige bywoning, per bywoning	[R19,00] R21,00
(n)	(i) Korrespondensie: Vir elke nodige brief of telegram geskryf of ontvang, met inbegrip van afskrif om te hou, met dien verstande dat gelde vir bestudering nie toegestaan sal word saam met die gelde hierin voor voorsiening gemaak nie, per folio	[R28,50] R31,50
	(ii) Bywonings: Vir elke nodige bywoning nie andersins voor voorsiening gemaak nie, per bywoning	[R28,50] R31,00
	<input type="checkbox"/> (iii) Nodige formele telefoonoproepe, per oproep	[R28,50] R31,00

DEEL II

ALGEMENE BEPALINGS TEN OPSIGTE VAN VERRIGTINGE INGEVOLGE ARTIKEL 72 VAN DIE WET

- Behoudens die bepalings van paragrawe 2 en 3, word geen gelde behalwe dié in die Tarief by hierdie Deel uiteengesit, toegelaat nie.
- Paragraaf 3(a), (b) en (d) van die algemene bepalings kragtens Deel 1 van hierdie Tabel is *mutatis mutandis* van toepassing op hierdie Deel.
- Alle nodige uitbetalings aangegaan in verband met enige vorige onsuksesvolle verrigtinge kragtens artikel 65, moet toegelaat word indien die hof aldus gelas het.
- Vir die doeleindes van die Tarief van hierdie Deel, is die bedrag van die eis, onderworpe aan die bepalings van paragraaf 3(d) van die algemene bepalings kragtens Deel 1 van hierdie Tabel, die totaal van die kapitaalbedrag uitstaande op die datum van die eerste instelling van verrigtinge ingevolge artikel 72 van die Wet.

TARIEF	
	R
(a) Waar die eis nie meer as R200,00 is nie	[R152,00] R165,00
(b) Waar die eis meer as R200,00 is	[R323,00] R352,00
(c) Verkryging van 'n gesertifiseerde afskrif van 'n vonnis	[R91,00] R99,00
(d) Aansoek om 'n uitwinningsbevel teen die beslagskuldenaar	[R91,00] R99,00
(e) Loonbeslagorder (Vorm 39)	[R121,00] R131,00

DEEL III
ALGEMENE BEPALINGS TEN OPSIGTE VAN VERRIGTINGE INGEVOLGE ARTIKEL 74
VAN DIE WET

1. Die volgende gelde word toegestaan benewens die gelde uiteengesit in die Tarief by hierdie Deel:
- (a) Alle nodige uitbetalings in verband met die verrigtinge aangegaan.
- (b) Benewens die gelde hieronder gestel, is die administrateur geregtig op 'n bedrag van 10% op elke paaiement ingesamel vir die kapitaal en koste, welke bedrag ingesluit is in die 12.5% ingevolge artikel 74L(2) van die Wet.
2. By die toepassing van items 4 en 5 van die Tarief tot hierdie Deel, bestaan 'n folio uit 100 geskrewe of gedrukte woorde of syfers en vier syfers word as een word beskou.

TARIEF			
Item	Een tot tien krediteure	Elf tot twintig krediteure	Een-en- twintig of meer krediteure
	R	R	R
1. Instruksies om om 'n administrasiebevel aansoek te doen, met inbegrip van die nodige deurlesing van dagvaardings, eise, ens., en vasstelling van die bedrag van bates en laste, met inbegrip van alle bywonings en korrespondensie wat in verband daarmee nodig is.	[R180,50] R196,00	[R252,50] R275,00	[R403,50] R439,00
2. Instruksies by aansoek kragtens artikel 74Q(1) of om daardie aansoek of die toestaan van administrasiebevel, teen te staan.	[R142,00] R156,00	[R142,00] R156,00	[R142,00] R156,00
3. Opstel van aansoek om administrasiebevel of hersiening daarvan en beëdigde verklaring, met inbegrip van alle aanhangsels daarby en alle bywonings, bywoning in die hof uitgesluit.	[R252,00] R274,00	[R252,00] R274,00	[R252,00] R274,00
4. Maak van afskrifte van aansoek, beëdigde verklaring en aanhangsels vir krediteure, per bladsy	[R4,50] R5,00	[R4,50] R5,00	[R4,50] R5,00
5. Noukeurige deurlesing van aansoek en ander dokumente beteken, indien enige, per folio. Let wel: Die gelde onder hierdie item word slegs deur die prokureur of 'n teenparty geëis.	[R11,00] R12,00	[R11,00] R12,00	[R11,00] R12,00
6. Bywoning van hof:			
(a) By uitstel of tersydestelling, indien nie deur die prokureur of sy of haar kliënt veroorsaak nie;	[R68,00] R74,00	[R68,00] R74,00	[R68,00] R74,00
(b) By enige ander verhoor	[R142,00] R156,00	[R271,00] R295,00	[R271,00] R295,00

7. Vir voorsiening aan 'n krediteur deur die administrateur van die inligting in artikel 74M(a) van die Wet bedoel, per aansoek	[R19,00] R21,00	[R19,00] R21,00	[R19,00] R21,00
8. Vir voorsiening van 'n afskrif van die skuldenaar se vermoëstaat bedoel in artikel 74 en 74A(1) van die Wet deur die administrateur ingevolge artikel 74M(b) of van 'n lys of rekening bedoel in artikel 74G(1) of 74J van die Wet of die skuldenaar se vermoëstaat bedoel in artikel 65(2) van die Wet, per folio.	[R4,50] R5,00	[R4,50] R5,00	[R4,50] R5,00
9. Korrespondensie en bywonings	[R29,00] R32,00	[R29,00] R32,00	[R29,00] R32,00"

(b) deur Deel II van Tabel C deur die volgende Deel te vervang:

"DEEL II

BALJU'S WAT NIE STAATSAMPTENARE IS NIE

- 1A. Vir registrasie van enige dokument vir betekening of uitwinning by ontvangs daarvan: **[R11,00]** R12,00
- 1B. (a) By die betekening van 'n dagvaarding, subpoena, kennisgewing, bevel of ander dokument wat nie in item 2 genoem word nie, die reis na en van die plek van betekening van enige van die bogenoemde dokumente—
- (i) binne 'n afstand van 6 kilometer van die hofgebou van die distrik waarin die balju aangestel is: **[R44,00]** R48,00;
 - (ii) binne 'n afstand van 12 kilometer, maar verder as 6 kilometer van die hofgebou van die distrik waarvoor die balju aangestel is: **[R52,00]** R 57,50;
 - (iii) binne 'n afstand van 20 kilometer, maar verder as 12 kilometer van die hofgebou van die distrik waarvoor die balju aangestel is: **[R71,00]** R77,00;

(b) Vir die poging om die dokumente in paragraaf (a) genoem, te beteken, die reis na en van die plek van gepoogde betekening van enige van die bogenoemde dokumente

- (i) binne 'n afstand van 6 kilometer vanaf die hofgebou van die distrik waarvoor die balju aangestel is: **[R37,50]** R41,50;
- (ii) binne 'n afstand van 12 kilometer maar verder as 6 kilometer vanaf die hofgebou van die distrik waarvoor die balju aangestel is: **[R44,00]** R48,00;
- (iii) binne 'n afstand van 20 kilometer maar verder as 12 kilometer van die hofgebou van die distrik waarvoor die balju aangestel is: **[R63,00]** R69,00;

- (c) (i) Waar 'n dokument beteken moet word saam met 'n prosesstuk van die hof en in die prosesstuk of 'n aanhangsel daarby vermeld word, word geen bykomende gelde gehef vir betekening van die dokument nie, andersins kan **[R11,00]** R12,00 gehef word vir elke aparte dokument wat beteken word.
- (ii) Geen gelde word vir 'n aparte dokument gehef wanneer prosesstukke in strafregtelike aangeleenthede beteken word nie.
 - (iii) Die betekening van 'n kennisgewing in reël 54(1) bedoel, gelyktydig met die dagvaarding, word nie as 'n aparte betekening beskou nie.

- (iv) Waar 'n lasgewing die balju skriftelik opdrag gee om 'n dokument in item 1B(a) of (2)(a) dringend te beteken of uit te win, hef die balju bykomende gelde van **[R235,00]** R256,00 vir sodanige betekening, ongeag hetsy die betekening of uitwinning suksesvol was, welke bykomende gelde deur die opdraggewer betaal word, tensy die hof anders gelas.
- (v) By die toepassing van subparagraaf (iv) beteken—
- (aa) 'dringend' op dieselfde dag of binne 24 uur sedert die skriftelike opdrag; en
- (bb) 'na-ure' enige tyd—
- (aaa) voor 7h00 of na 19h00 op Maandae tot Vrydae; of
- (bbb) op 'n Saterdag, Sondag of openbare vakansiedag.
- (2) (a) By die uitvoering van 'n lasbrief (wat nie teen onroerende goed is nie), interdik, loonbeslagorder of besoldigingsbeslagbevel, die reis na en van die plek van tenuitvoerlegging van die bogenoemde dokumente-
- (i) binne 6 kilometer van die hofgebou van die distrik waarvoor die balju aangestel is: **[R63,00]** R69,00;
- (ii) binne 12 kilometer, maar verder as 6 kilometer van die hofgebou van die distrik waarvoor die balju aangestel is: **[R71,00]** R77,00;
- (iii) binne 20 kilometer, maar verder as 12 kilometer van die hofgebou van die distrik waarvoor die balju aangestel is: **[R88,00]** R96,00;
- (b) Vir die gepoogde tenuitvoerlegging van die dokumente in paragraaf (a) bedoel, die reis na en van die plek van gepoogde betekening van die bogenoemde dokumente-
- (i) binne 6 kilometer van die hofgebou van die distrik waarvoor die balju aangestel is: **[R52,00]** R57,50;
- (ii) binne 12 kilometer, maar verder as 6 kilometer van die hofgebou van die distrik waarvoor die balju aangestel is: **[R63,00]** R69,00;
- (iii) binne 20 kilometer, maar verder as 12 kilometer van die hofgebou van die distrik waarvoor die balju aangestel is: **[R78,50]** R86,00;
- (c) (i) Vir die uitsetting van 'n verweerder van die perseel in die uitsettingslasbrief bedoel: **[R37,50]** R41,00;
- (ii) Verdere gelde van **[R24,50]** R27,00 word na tenuitvoerlegging betaal vir elke persoon benewens die persoon genoem of na verwys in die uitsettingsprosesstuk, in werklikheid van 'n aparte perseel uitgeset: Met dien verstande dat waar betekening aan enige persoon behalwe die vonnisskuldenaar nodig is ten einde die tenuitvoerlegging te voltooi, kan die gelde in item 1B(a) vasgestel, ten opsigte van elke sodanige betekening gehef word.
- (d) vir die tenuitvoerlegging van enige lasbrief teen onroerende goed -
- (i) vir uitwinning, met inbegrip van betekening van kennisgewing van beslaglegging aan die eienaar van die onroerende goed en aan die akteregistrateur of ander kantoor belas met die registrasie van sodanige eiendom, en indien die eiendom deur iemand anders as die eienaar geokkupeer word, ook aan daardie okkupant: **[R208,50]** R227,00;
- (ii) vir kennisgewing van beslaglegging aan 'n enkele huurder of okkupant: **[R19,00]** R21,00;
- (iii) identiese kennisgewings waar daar verskeie huurders, okkupante of eienaars is, vir elkeen na die eerste: **[R6,50]** R7,50;
- (iv) vir 'n waardasieverslag vir verkoopdoeleindes, per halfuur of deel daarvan: **[R52,50]** R57,50;

- (v) wanneer 'n balju gemagtig is om eiendom te verkoop en die eiendom word nie verkoop nie omdat die beslaglegging ingetrek of opgeskort is, al die nodige kennisgewing vir die intrekking of opskorting van die beslaglegging: **[R208,00]** R227,00; Opheffing van regterlike beslaglegging op onroerende goed: **[R208,00]** R227,00
- (vi) vir seker maak en aanteken watter lenings of ander beswarings teen die eiendom geregistreer is, saam met die name en adresse van die persone in wie se guns daardie lenings en beswarings aldus geregistreer is, met inbegrip van enige korrespondensie daarby (saam met redelike uitgawes wat noodsaaklikerwys aangegaan is): **[R104,50]** R114,00;
- (vii) vir kennis aan die vonnisskuldeiser van daardie lenings of ander beswarings en van die name en adresse van die persone in wie se guns daardie lenings of ander beswarings geregistreer is: **[R19,00]** R21,00;
- (viii) vir oorweging van bewys dat 'n voorkeurskuldeiser aan die vereistes van reël 43(5)(a) voldoen het: **[R11,00]** R12,00;
- (ix) vir kennisgewing bedoel in reël 43(6): **[R19,00]** R21,00;
- (x) vir oorweging van verkopingskennisgewing deur die vonnisskuldeiser voorberei in oorleg met die balju; en
vir verifiëring dat die verkopingskennisgewing in die aangewese koerante en in die *Staatskoerant* gepubliseer is, insluitend gelde vir daardie oorweging en verifiëring: **[R104,50]** R114,00;
- (xi) vir die aanstuur van 'n afskrif van die verkopingskennisgewing aan elke vonnisskuldeiser wat die onroerende goed in beslag laat neem het en aan elke verbandhouer daarvan wie se adres bekend is, vir elke afskrif: **[R19,00]** R21,00;
- (xii) vir die aanheg van 'n afskrif van die verkopingskennisgewing aan die kennisgewingsbord van die landdroshof bedoel in reël 43(7)(e) en by of so naby moontlik aan die plek waar die verkoping werklik gaan plaasvind, 'n inklusiewe bedrag van **[R45,00]** R49,00 en reiskoste soos in item 4(a) bedoel;
- (xiii) vir oorweging van die verkoopsvoorwaardes deur die vonnisskuldeiser voorberei; vir verdere oorweging of gewysigde verkoopsvoorwaardes deur belangstellende party ingedien: **[R104,50]** R114,00 vir elke bywoning;
- (xiv) vir alle nodige bywonings voorgeskryf by enige wetsbepalings wat met veilings verband hou, in die besonder die 'Consumer Protection Act', 2008 (Wet No. 68 van 2008): **[R315,00]** R343,00;
- (xv) vir die hou van 'n veiling, behalwe dat hierdie gelde nie gehêf kan word nie indien kommissie ingevolge items 2(d)(xvi) en (xvii) geëis word nie: **[R208,00]** R227,00;
- (xvi) by die verkoop van onroerende goed deur die balju as afslaer, 6 persent op die eerste R100 000.00, 3.5 persent op R100 001.00 tot R400 000.00 en 1.5 persent op die saldo van die opbrengs van die verkoping, behoudens 'n maksimum van R3 000.00 (insluitend alle gevalle van die balju se bankkoste en ander uitgawes aangegaan in die betaling van die opbrengs in sy of haar trustrekening), welke kommissie deur die koper betaal sal word;
- (xvii) indien 'n afslaer gebruik word soos in reël 43(10) voor voorsiening gemaak, 3 persent op die eerste R100 000.00, 2 persent op R100 001.00 tot R400 000.00 en 1 persent op die balans daarvan, behoudens 'n maksimum kommissie van R22 850.00, in totaal, en 'n minimum van R3 000,00 (insluitend alle gevalle van die balju se bankkoste en ander uitgawes aangegaan in die betaal van die opbrengs in sy of haar trustrekening), welke kommissie deur die koper betaal sal word;

- (xviii) vir skriftelike kennisgewing aan die koper wat versuim het om aan die verkoopsvoorwaardes te voldoen: **[R52,50]** R57,00;
- (xix) vir enige verslag in reël 43(11) bedoel: **[R52,50]** R57,00;
- (xx) vir verwittiging van vonnisskuldenaar van die kansellasië in reël 43(11)(a)(iii): **[R19,00]** R21,00;
- (xxi) vir gee van kennis bedoel in reël 43(11)(c): **[R19,00]** R21,00;
- (xxii) vir gee van oordrag aan die koper **[R25,00]** R27,00;
- (xxiii) vir ontvangs van sertifikaat bedoel in reël 43(14)(a): **[19,00]** R21,00;
- (xxiv) vir voorbereiding van 'n plan vir die verspreiding van die opbrengs (met inbegrip van nodige afskrifte) en vir die aanstuur van 'n afskrif aan die registrateur: **[R104,50]** R114,00;
- (xxv) vir kennisgewing aan alle partye wat lasbriewe ingedien het en aan die vonnisskuldenaar dat die distribusieplan ter insae sal lê, vir elke kennisgewing: **[R19,00]** R21,00;
- (xxvi) vir die verslag in reël 43A(9)(d) bedoel: **[R52,50]** R57,00.

3. Opstel van enige opgawe ingevolge reël 8, in duplikaat: **[R17,50]** R19,50.

4. (a) Die balju word, benewens die gelde in items 1B(a), 1B(b), 2(a) en 2(b), bedoel, maar onderworpe aan item 4(b) en (c), 'n reistoelaag gegee van R6,00 per kilometer, of deel daarvan, vir die kortste moontlike heen- en terugreis van die kantoor van die balju na die plek van betekening of tenuitvoerlegging en terug.

(b) Die reistoelaag in items 4(a), 5(a) en 5(c)(i) genoem, word bereken op die afstand gereken van die kantoor van die balju af indien-

(i) die balju se kantoor binne die regsgebied deur die Minister aan die balju toegewys, geleë is; en

(ii) die afstand van die balju se kantoor minder is as die afstand bereken van die hofgebou naaste aan die adres vir betekening.

(c) Indien nie aan die vereiste in item 4(b) voldoen word nie, word die reistoelaag genoem in items 4(a), 5(a) en 5(c)(i) bereken op die afstand gereken van die hofgebou naaste aan die adres vir betekening.

5. (a) Ten opsigte van die verrigting van enige ander amptelike plig as dié in items 1 en 2 vermeld, maar onderworpe aan item 4(b) en (c), is 'n reistoelaag van R6,00 per kilometer vir elke kilometer, of deel daarvan, aan die balju betaalbaar vir die heen- en terugreis.

(b) 'n Reistoelaag sluit die uitgawes aangegaan om te reis in, met inbegrip van treinkaartjies.

(c) 'n Reistoelaag word bereken ten opsigte van elke onderskeie betekening, behalwe dat—

(i) waar meer as een betekening in die loop van dieselfde reis gedoen kan word, kan die afstand van die balju se kantoor na die eerste plek van betekening slegs een keer in berekening geneem word, en word gelyk toegeken aan die onderskeie betekeninge, en die afstand vanaf die eerste plek van betekening na die oorblywende plekke van betekening word insgelyks gelyk toegeken aan die oorblywende betekeninge; en

(ii) waar betekening van dieselfde prosesstuk deur 'n balju aan meer as een persoon by dieselfde adres van betekening gedoen moet word, word slegs een heffing vir reis toegelaat.

(d) Wanneer die balju enigiemand onder arrestasie moet vervoer, word 'n toelaag van R6,00 per kilometer ten opsigte van daardie deel van sy of haar reis waarop hy of sy noodsaaklikerwys deur daardie persoon vergesel is, toegelaat.

(6)(a) Maak van 'n inventaris, met inbegrip van die maak van alle nodige afdrukke en tyd op voorraadopname spandeer: **[R37,50]** R41,00.

(b) Vir bystand, indien nodig, met die maak van 'n inventaris, [R37,50] R41,00 per halfuur of deel daarvan.

7. Die bestudering, opstel en invul van 'n borgakte, 'n borgstellingsakte of skadeloosstellingsakte: [R11,00] R12,00.

8. Beheer of bewaring van eiendom (geld uitgesluit):

(a) (i) Vir elke beampte noodsaaklikerwys in besit gelaat, 'n redelike allesinsluitende bedrag van hoogstens [R132,00] R142,00 per dag.

(ii) Reistoelaes, om losies elke keer in te sluit.

(b) Indien op lewende hawe beslag gelê word, word slegs die noodsaaklike uitgawes om die lewende hawe op te pas en te preserveer, toegelaat.

(c) Indien die goedere verwyder en gestoor word, word slegs die koste van verwydering en stoor toegelaat.

9. (a) **'besit'** beteken werklike fisieke besit deur 'n persoon in diens van en betaal deur die balju, wie se enigste werk vir die tyd en wyl is om op die perseel te bly waar die goedere op beslag gelê gelê is, en wat, in werklikheid, in besit bly vir die tydperk waarvoor besit gehou word.

(b) **'koste van verwydering'** beteken die bedrag werklik en noodsaaklikerwys uitbetaal vir verwydering of gepoogde verwydering as die goedere deur 'n derde party verwyder is of 'n poging aangewend is om hulle te verwyder, indien dit deur die balju self verwyder is, sodanige bedrag wat billik toelaatbaar sal wees in die gewone loop van sake indien die goedere deur 'n derde party verwyder is, of 'n poging aangewend is om dit aldus te verwyder.

(c) **'koste van berging'** die bedrag werklik en noodsaaklikerwys betaal vir berging indien die goedere deur 'n derde persoon geberg is of, indien die balju die berging voorsien het, sodanige bedrag wat billik toelaatbaar sal wees in die gewone loop van sake indien die goedere by 'n derde persoon geberg is.

10. (a) (i) Waar 'n beslagleggingsorder ten volle, of gedeeltelik, aan die balju betaal word, 9 persent op die bedrag aldus betaal, met minimum gelde van [R63,00] R70,50 en 'n maksimum van [R614,00] R691,50.

(ii) Vir die tenuitvoerlegging van enige lasbrief teen roerende goed—

(aa) wanneer 'n lasbrief ten volle of gedeeltelik betaal word by voorlegging aan die balju, 9 persent op die aldus betaalde bedrag met minimum gelde van [R70,50] R76,50, en 'n maksimum van [R691,50] R752,50;

(bb) wanneer 'n lasbrief ten volle of gedeeltelik aan die balju betaal word ná beslaglegging of voor verkoping, 9 persent op die aldus betaalde bedrag met minimum gelde van [R70,50] R76,50 en 'n maksimum van [R691,50] R752,50; of

(cc) wanneer gelde in uitwinning geneem word, 9 persent van die aldus betaalde bedrag, maar onderworpe aan 'n maksimum van [R691,50] R752,50.

(b) Kennisgewing van beslaglegging aan die verweerder en aan elke persoon wat in kennis gestel moet word: [R11,00] R12,00

11. (a) Waar eiendom van beslaglegging vrygestel word ingevolge reël [41(7)(f)(i)] 41(18)(a), of die uitwinningslasbrief word ingetrek of opgeskort, of die vonnisskuldenaar se boedel word na die beslaglegging gesekwestreer, maar voor die verkoping, 2,3 persent van die waarde van die goedere waarop beslag gelê is, behoudens 'n maksimum van [R208,00] R227,00; Met dien verstande dat indien 'n verkoping daarna plaasvind na aanleiding van die voormelde beslaglegging, word die aldus betaalde bedrag afgetrek van die kommissie kragtens item 12 betaalbaar.

(b) Kommissie in item 11(a) bedoel is nie hefbaar teen 'n vonnisskuldenaar op die waarde van roerende goed waarop beslag gelê is en wat daarna vrygestel is in navolging van 'n eis deur 'n derde party nie, tensy ondanks 'n eis deur 'n derde party, die verwydering van sodanige goed volgens uitdruklike, skriftelike opdrag van die vonnisskuldeiser gedoen word, in welke geval die vonnisskuldeiser aan die balju aanspreeklik sal wees vir kommissie teen 'n koers van 2.3% van die waarde van die goedere en koste.

12. Waar die uitwinninglasbrief teen roerende goed by verkoping afgehandel word, 9 persent van die eerste R15 000.00 of deel daarvan, en daarna 6 persent, met 'n maksimum van **[R9 209,50]** R10 018,50.

13. Vir die versekering van eiendom waarop beslag gelê is, en by skriftelike opdrag van die vonnisskuldeiser aan die balju, benewens die premie wat betaal moet word, 'n allesinsluitende bedrag van **[R37,50]** R41,00

14.....

15. Wanneer vir uitwinning op onroerende goed beslag gelê word en die beslaglegging verstryk, soos in artikel 66(4) van die Wet bedoel: **[R63,00]** R69,00.

16.

17. Benewens die gelde deur items 10 tot 13 toegelaat, beide ingesluit, word toegeken—

(a) die bedrag werklik en redelik deur die balju of die afslaer betaal vir die druk, adverteer en gee van publisiteit aan enige verkoping of voorgenome verkoping in uitwinning.

18. Waar die balju kragtens meer as een uitwinninglasbrief in besit is, kan hy of sy gelde vra vir slegs een besit, en sodanige besit word, sover moontlik, gelyk toegedeel aan die verskillende lasbriewe in dieselfde tydperk uitgereik; Met dien verstande dat elke uitwinningsskuldeiser gesamentlik en apart aanspreeklik is vir sodanige besit tot 'n bedrag van nie meer nie as wat kragtens sy of haar uitwinning betaalbaar sou wees indien dit alleen gestaan het.

19. Gelde betaalbaar op die waarde van die goedere waarop beslag gelê is of op die opbrengs van die verkoping van goedere in uitwinning is nie hefbaar op sodanige waarde of opbrengs vir sover dit die bedrag van die lasbrief oorskry.

20. Die gelde en uitgawes van die balju in uitwinning van 'n beslagleggingsorder word bygevoeg by die bedrag wat kragtens die order verhaal staan te word, en is hefbaar teen die vonnisskuldenaar.

21. Indien dit vir die balju nodig is om 'n dokument wat deur hom of haar ontvang is vir betekening of uitwinning na die opdraggewer terug te stuur omdat—

(a) die adres van betekening wat op die prosesstuk verskyn nie in sy of haar regsgebied is nie; of

(b) die opdraggewer versoek het, voor 'n gepoogde betekening of tenuitvoerlegging van die prosesstuk, dat dit aan hom of haar terugbesorg word, is 'n bedrag van **[R11,00]** R12,00 betaalbaar.

22. Vir die vervoer van enige persoon deur die balju in hegtenis geneem of in sy of haar bewaring geplaas van die plek van bewaring aan die hof op 'n dag wat volg op die dag van inhegtenisname: **[R37,50]** R41,00 per reis en **[R71,00]** R77,00, of deel daarvan, vir bywoning van die hof.

23. Vir die bestudering van 'n aangeduide **[koerante en die Staatskoerant]** koerant waarin die verkopingskennisgewing gepubliseer is, soos bedoel in reël **[41(8)(c)]** 41(19)(c): **[R11,00]** R12,00.

24....

25. Vir die aanheg van 'n afskrif van die verkopingskennisgewing op die kennisgewingbord

of deur van die hofgebou of ander openbare gebou en by of so naby as moontlik aan die plek waar die genoemde verkoping werklik gaan plaasvind bedoel in reël **[41(8)(b)]** 41(19)(b): **[R25,50]** R28,00 en reiskoste, in item 5(a) bedoel.

26. Vir **[die opstel en uitreiking van 'n tussenpleitdagvaarding]** tussenpleitstukke in Landdroshofreël 44 bedoel: **[R104,50]** R209,00
27. Benewens die gelde in hierdie Tabel voorgeskryf, is die balju geregtig op die bedrag werklik uitbetaal vir posgeld en telefoonoproepe.
28. Vir die skryf van elke nodige brief, faks of e-pos, met uitsondering van formele briewe wat prosesstukke of relase vergesel: **[R19,00]** R21,00.
29. Elke nodige bywoning per telefoon: **[R18,00]** R20,00.
30. Stuur en ontvangs van elke nodige faks of e-pos per bladsy (benewens telefoonkoste): **[R6,50]** R7,50.
31.
32. Vir die maak van alle nodige afskrifte van dokumente: **[R5,00]** R5,50, per A4-grootte bladsy.
33. (a) **[’n Versoek om ’n rekening van ’n balju te takseer, moet binne 90 dae na die datum waarop die rekening waarvan die gelde betwis word, gelewer is, gedoen word]** ’n Versoek aan ’n balju om ’n rekening te takseer of word skriftelik gedoen binne 20 dae ná die rekening waarvan die gelde in geskil is, gelewer is.
- (b) Vir die opstel van die rekening vir taksasie en bywoning van die taksasie deur die balju: **[R71,00]** R77,00.
34. Bankkoste: Werklike koste aangegaan in verband met bankkoste en tjekvorms.
35. (a) Opstel van kennisgewing aan die vonnisskuldenaar ingevolge artikel 65A(8)(b) van die Wet: **[R19,00]** R21,00.
- (b) Betekening van die kennisgewing in paragraaf (a) bedoel: Tarief soos in item 1B(a) voorgeskryf.
- (c) Gepoogde betekening van die kennisgewing in paragraaf (a) bedoel: Tarief soos in item 1B(b) bedoel.
- (d) Die tarief, soos in item 4 voorgeskryf, is op paragrawe (b) en (c) van toepassing.
36. (a) Vir die inhegtenisname of gepoogde inhegtenisname van ’n vonnisskuldenaar ingevolge artikel 65A(6) van die Wet:
- (i) Die tarief soos in item 2(a) of item 2(b), na gelang van die geval, voorgeskryf.
- (ii) Die tarief, soos in item 4 voorgeskryf, is op hierdie item van toepassing.
- (b) Vir die oorhandiging van die vonnisskuldenaar aan die Suid-Afrikaanse Polisie diens, gevangenevriend of hofklerk of ander wettige plek van aanhouding:
- (i) Die tarief, soos in item 2(a) voorgeskryf.
- (ii) Reiskoste van plek van arres na plek van oorhandiging aan die tersaaklike owerheid, in paragraaf (b) bedoel, per kilometer of deel daarvan: R6,00.
- (iii) Wagtyd rakende oorhandiging van die vonnisskuldenaar aan die tersaaklike owerheid, in paragraaf (b) bedoel: **[R37,50]** R41,00, per halfuur of deel daarvan, met ’n maksimum van **[R124,00]** R151,00."

Inwerkingtreding

7. Hierdie reëls en vorms tree in werking op **08 Julie 2022**.

AANHANGSEL

"No. 2B – Gekombineerde dagvaarding*** Vir gebruik in die Distrikshof**

IN DIE LANDDROSHOF VIR DIE DISTRIK VAN.....

GEHOU TE..... Saakno.van 20.....

In die aangeleentheid tussen:

..... Eiser

en

..... Verweerder

Aan die balju en sy/haar adjunk:

VERWITTIG A.B., van (vermeld woning of sakeplek en indien bekend, geslag, beroep en werksplek)(hierna die verweerder genoem), dat C.D., (vermeld geslag en beroep), van (vermeld woning of sakeplek) (hierna die eiser genoem), hierby aksie instel teen hom of haar in welke aksie die eiser die regshulp eis op die gronde uiteengesit in die besonderhede hierby aangeheg.

VERWITTIG die verweerder verder dat indien hy of sy die eis betwis en die aksie wil verdedig, hy of sy—

(i) binne dae sedert die betekening aan hom of haar van hierdie dagvaardingleër aan die klerk van hierdie hof by..... (verstrek die fisieke adres en e-posadres van die klerk van die hof) kennis moet gee van sy of haar voorneme om te verdedig en 'n afskrif daarvan aan die eiser of eiser se prokureur moet beteken, welke kennisgewing 'n adres bedoel in reël 13(3) moet verstrek vir die betekening aan die verweerder van alle kennisgewings en dokumente in die aksie;

(ii) daarna, en binne 20 dae nadat die kennisgewing van voorneme om te verdedig ingedien en beteken is soos hierbo vermeld, 'n eis (met of sonder 'n teeneis), of 'n uitsondering of aansoek om deur te haal op die wyse en binne die tydsbestekke in reël 19 bepaal, by die klerk van die hof moet indien en aan die eiser of eiser se prokureur moet beteken.

VERWITTIG die verweerder verder dat indien die verweerder versuim om die kennisgewing soos hierbo genoem in te dien en te beteken, vonnis soos geëis teen hom haar gelewer kan word sonder verdere kennisgewing aan hom of haar, of indien die verweerder, nadat hy of sy sodanige kennisgewing ingedien en beteken het, versuim om te verdedig, eksepsie te gee, aansoek te doen om deурhaling of 'n teeneis in te dien, kan vonnis teen hom of haar gegee word. Beteken onmiddellik daarna 'n afskrif van hierdie dagvaarding aan die verweerder en besorg dit terug aan die klerk van die hof met wat u ook al vervolgens gedoen het.

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

Klerk van die Hof

* Toestemming tot vonnis.

Ek erken dat ek teenoor die eiser aanspreeklik is soos in hierdie dagvaarding geëis (of tot die bedrag van R..... en koste tot op datum) en ek stem toe tot dienoorkomstige vonnis.

Gedateer te op hede die dag van 20.....,

Verweerder

GETUIES:

1. (volle name)....., (handtekening).....
(adres).....

2. (volle name)....., (handtekening).....
(adres).....

OF

* Kennisgewing van voorneme om te verdedig.

Aan die Klerk van die Hof.

Geliewe kennis te neem dat die verweerder hierby kennis gee van sy of haar voorneme om hierdie aksie te verdedig.

Gedateer te op hede die dag van 20.....,

Verweerder/Verweerder se prokureur

15 km fisieke adres van die hofgebou vir aanvaarding van betekening van prosesstukke of dokumente

CONTINUES ON PAGE 130 OF BOOK 2

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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), and with the approval for the Minister for Justice and Correctional Services, made the rules in the Schedule.

SCHEDULE**GENERAL EXPLANATORY NOTE:**

[] Words in bold type in square brackets indicate omissions from existing enactments.

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

Definition

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, and R. 1602 of 17 December 2021.

Amendment of rule 5 of the Rules

2. Rule 5 of the Rules is hereby amended by the substitution for sub-rule (1) of the following sub-rule:

"(1) Every person making a claim against any other person may, through the office of the registrar or clerk of the court, sue out a simple summons or a combined summons addressed to the sheriff directing the sheriff to inform the defendant among other things that, if the defendant disputes the claim and wishes to defend, the defendant shall-

- (a) within the time stated in the summons, give notice of intention to defend; and
- (b) after complying with paragraph (a), if the summons is a combined summons, within 20 days after giving such notice, deliver a plea (with or without a claim in reconvention), or an exception, or an application to strike out: Provided that an exception or application to strike out shall be in the manner and within the timeframes provided for in rule 19."

Amendment of rule 43 of the Rules

3. Rule 43 of the Rules is hereby amended by—

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

"(b) A warrant of execution against immovable property shall contain—

- (i) a full description of the nature, magisterial district and physical address of the immovable property to enable it to be traced and identified by the sheriff; and
- (ii) sufficient information to enable the sheriff to give effect to sub-rule (3) hereof, including the title deed number, the erf number or sectional title unit number and exclusive use area to enable the Registrar of Deeds to identify the immovable property and record the attachment as an interdict against the immovable property."; and

(b) the substitution in sub-rule (11) for paragraph (b) of the following paragraph:

"(b) Any loss sustained by reason of the purchaser's default may, on the application of any aggrieved creditor [whose name appears on the sheriff's distribution account] referred to in paragraph (14)(c), be recovered from the purchaser under judgment of a magistrate given on a written report by the sheriff, after notice in writing has been given to the purchaser that the report will be laid before a magistrate for the aforesaid purpose."

Amendment of rule 67 of the Rules

4. Rule 67 of the Rules is hereby amended by—

(a) the substitution in sub-rule (2)(b) for sub-paragraph (ii) of the following sub-paragraph:

"(ii) be sent by electronic means, and if not possible by registered post."; and

(b) the substitution in sub-rule (5A) for paragraph (a) of the following paragraph:

"(a)(i) A person contemplated in the first proviso of section 309(1)(a) of the Criminal Procedure Act, 1977, who wishes to appeal against his or her conviction or sentence or order, shall do so in writing to the registrar or clerk of the court within 10 days after the passing of the sentence or order following on the conviction and shall also send a copy of such notice of appeal to the director of public prosecutions concerned or in a case in which the prosecution was not at the public instance, to the prosecutor concerned.

(ii) In the event of the appeal being struck-off or removed from the roll for any reason, the appeal shall then be re-enrolled within 10 days of the date of such striking-off or removal, failing compliance therewith the appeal shall lapse."

Amendment of Annexure 1 to the Rules

5. Annexure 1 to the Rules is hereby amended by the substitution for Forms 2B and 2C of the Forms contained in the Annexure hereto.

Amendment of Annexure 2 to the rules

6. Annexure 2 to the rules is hereby amended—

(a) by the substitution for Tables A and B of the following Tables, respectively:

**"TABLE A
COSTS**

**PART I
GENERAL PROVISIONS**

1. When the amount in dispute is less than or equal to the amount of R7 000, costs shall be taxed on Scale A; when the amount in dispute exceeds the amount of R7 000, but is less than or equal to R50 000, costs shall be taxed on Scale B; when the amount in dispute exceeds R50 000, but is less than or equal to the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts, costs shall be taxed on Scale C; when the amount in dispute exceeds the maximum jurisdictional amount so determined by the Minister in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division or when the matter is in respect of a cause of action in terms of section 29(1B)(a) of the Act, costs shall be taxed on Scale D.

2. (a) For the purpose of computing costs, the expression 'amount in dispute' means, where costs are awarded to the plaintiff, the amount or value of the judgment and 'amount or value of the judgment' means, where more than one claim is involved in the action, the total of the amounts involved in the judgment. Where costs are awarded to the defendant, the expression 'amount in dispute' means, the amount or value of the claim, and 'amount or value of the claim' means, where more than one claim is involved in the action, the total of the amounts of all the claims. The amount or value of the judgment or claim shall be inclusive of interest but exclusive of costs. If a matter is settled at any time the costs shall be taxed on the scale laid down in the agreement of settlement.

(b) Where the amount in dispute is not apparent on the face of the proceedings and—

(i) the matter is instituted in the Magistrates' Court for a District, costs shall be computed on Scale C; or

(ii) the matter is instituted in the Regional Court for a Regional Division, costs shall be computed on Scale D,

unless the court orders otherwise.

3. Costs taxable in terms of rule 33(19) shall be deemed to have been awarded under a judgment for the amount offered or a judgment in the terms of the settlement, as the case may be.

4. Claims for ejectment shall be computed at two months' rent of the premises.

5. The rate at which costs are computed shall not be increased by reason of any claim for confirmation of any interdict or interlocutory order.

- 6(i) Fees to advocates referred to in section 34(2)(a)(i) of the Legal Practice Act, 2014 (Act No. 28 of 2014) shall be allowed on taxation only in cases falling within Scale B, C or D or where the court has made an order in terms of rule 33(8).
- (ii) Fees to advocates referred to in section 34(2)(a)(ii) of the Legal Practice Act, 2014 (Act No. 28 of 2014) shall be allowed on taxation for Scale A, B, C or D or where the court has made an order in terms of rule 33(8).
7. Where the amount allowed for an item is specified, the amount shall be inclusive of all necessary attendances and services (other than services by the sheriff for the magistrate's court) in connection therewith save that for the necessary filing of documents at court a charge shall be allowed at ~~[R30,00]~~ R33,00 per document.
8. Where the amount allowed for an item is left blank—
- (a) the drawing of documents (not pleadings) shall be allowed at ~~[R30,00]~~ R33,00 for each folio;
- (b) copies for filing, service and an attorney's copy to retain shall also be allowed;
- (c) ~~[R30,00]~~ R33,00 shall be allowed for each necessary service;
- (d) ~~[R30,00]~~ R33,00 shall be allowed per document for the necessary filing of documents at court.
9. (a) Where any document appears to the court to be unnecessary prolix, the court may disallow the whole or any part of the fee therefor.
- (b) Where printed forms of documents to be copied are available, the fees for copying shall be limited to the necessary particulars inserted in such printed forms.
10. (a) A folio shall consist of 100 written or printed words or figures or part thereof.
- (b) Four figures shall be reckoned as one word.
11. (a) Unless otherwise provided, a charge for perusal shall be allowed at ~~[R11,50]~~ R12,50 per folio in respect of any document or pleading necessarily perused.
- (b) For necessary copies, including photocopies, of any document or papers not already provided for in this tariff, per A4 size page ~~[R4,50]~~ R5,00.
12. Where there are more defendants than one ~~[R19,00]~~ R21,00 shall be added in respect of each additional defendant for each of items 2 and 3 of Part II and items 2 and 7 of Part III.
13. Where the judgment debt is payable in instalments in terms of the judgment or an agreement, a fee of 10% on each instalment collected in redemption of the capital, costs and interest shall be allowed, subject to a maximum of ~~[R459,00]~~ R499,00 on each instalment. No additional fee shall be charged for any attendance in connection with the receipt or payment of any instalment.
14. The clerk or registrar of the court shall on taxation disallow any charge unnecessarily incurred.
15. Where the fee under any item is calculated on a time basis, the total time spent on any one day shall be calculated and the fee for that day calculated on such total.

16. Any amount necessarily and actually disbursed in tracing the debtor shall be allowed in addition to the fees laid down in this tariff.

17. Item 10A and 14A of Part III in the tariff to Table A are also applicable to Part IV of the tariff to Table A.

18. Fees to advocates referred to in section 34(2)(a)(i) of the Legal Practice Act, 2014 (Act No. 28 of 2014) shall be allowed on taxation only for items 21 to 26 of Part IV.

**PART II
UNDEFENDED ACTIONS**

	R
Item 1 - Registered letter of demand in terms of section 56 of the Act	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts	[R45,00] <u>R49,00</u>
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division	[R61,00] <u>R67,00</u>
Item 2 - Summons, inclusive of a letter of demand other than the letter of demand referred to in item 1:	
(a) Claim or claims where the aggregate amount of the claim or claims does not exceed R7 000,00	[R151,50] <u>R165,00</u>
(b) Claim or claims where the aggregate amount of the claim or claims exceeds R7 000,00 but does not exceed R50 000	[R502,50] <u>R547,00</u>
(c) Claim or claims where the aggregate of the claim or claims exceeds R50 000 but does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts	[R743,00] <u>R808,00</u>
(d) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division or when the matter is in respect of a cause of action in terms of section 29(1B)(a) of the Act	R969,50 <u>R1055,00</u>
Item 3 - Judgment:	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the amount in 2(a)	[R151,50] <u>R165,00</u>
(b) Claim or claims where the aggregate of the claim or claims exceeds the amount in 2(b) but is not more than R50 000	[R383,50] <u>R418,00</u>

	R
(c) Claim or claims where the aggregate of the claim or claims exceeds R50 000 but does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts.	[R627,00] R682,00
(d) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division or when the matter is in respect of a cause of action in terms of section 29(1B)(a) of the Act	[R815,00] R886,00
Item 4 - Notice in terms of rule 12(2)	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts.	[R71,50] R78,00
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division or when the matter is in respect of a cause of action in terms of section 29(1B)(a) of the Act.	[R93,00] R101,00
Item 5 - Notice in terms of rule 54(1)	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts.	[R71,50] R78,00
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division.	[R93,00] R101,00
Item 6 - Affidavit or certificate	-
Item 7 - Attending court at the request of the magistrate when claim is referred to court for judgment or to obtain provisional sentence when claim is undefended	as allowed under item 15 on the scale for defended actions.
Item 8 - For each registered letter forwarded to the debtor in terms of section 57(1) or (3) or section 58(2), of the Act by the creditor or his or her attorney, including copies	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts.	[R46,50] R51,00
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in	[R62,50] R68,00

	R
respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division.	
Item 9 - Admission of liability and undertaking to pay debt in instalments or otherwise (section 57 of the Act)	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts.	[R121,50] R132,00
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division.	[R157,00] R170,00
Item 10 - Consent to judgment or to judgment and an order for the payment of judgment debt in instalments (section 58 of the Act)	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts.	[R121,50] R132,00
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division.	[R157,00] R170,00

Note: The amount of fees allowable under items 4, 5, 6, 7, 8, 9 and 10 shall be included without taxation in the amount of the costs for which judgment is entered

**PART III
DEFENDED ACTIONS (AND INTERPLEADER PROCEEDINGS)**

Item	Scale A R	Scale B R	Scale C R	Scale D R
1 Instructions to sue or defend or to counterclaim or defend a counterclaim, perusal of all documentation and consideration of merits and all necessary consultations to issue summons	[R606,00] R659,00	[R804,50] R875,00	[R968,50] R1095,00	[R1258,00] R1369,00
2 Summons	[R304,50] R331,50	[R423,00] R460,00	[R506,50] R551,00	[R656,00] R713,00
2A Particulars of Claim or Declaration	[R304,50] R331,50	[R423,00] R460,00	[R506,50] R551,00	[R656,00] R713,00
3 Appearance	[R50,50] R55,00	[R50,50] R55,00	[R63,00] R69,00	[R81,00] R89,00

Item	Scale A R	Scale B R	Scale C R	Scale D R
4 Notice under rules 12(2) and 21B(2)	[R50,50] <u>R55,00</u>	[R50,50] <u>R55,00</u>	[R63,00] <u>R69,00</u>	[R81,00] <u>R89,00</u>
5 Plea	[R304,50] <u>R331,50</u>	[R423,00] <u>R460,00</u>	[R506,50] <u>R551,00</u>	[R656,00] <u>R713,00</u>
6 Claim in reconviction	[R304,50] <u>R331,50</u>	[R423,00] <u>R460,00</u>	[R506,50] <u>R551,00</u>	[R656,00] <u>R713,00</u>
7 Reply, if necessary	[R304,50] <u>R331,50</u>	[R423,00] <u>R460,00</u>	[R506,50] <u>R551,00</u>	[R656,00] <u>R713,00</u>
8 Drawing up of all documents not specifically mentioned, including request for further particulars, schedule of documents, all affidavits, subpoenas, any notice not otherwise provided for and drawing up of statements by witnesses	-	-	-	-
9 Production of documents for inspection, or inspecting documents, per quarter of an hour or part thereof of the time spent	[R180,50] <u>R196,00</u>	[R180,50] <u>R196,00</u>	[R226,50] <u>R246,00</u>	[R292,00] <u>R318,00</u>
10. ...				
10A Pagination and indexing of pleadings per quarter of an hour or part thereof :	[R121,00] <u>R132,00</u>	[R121,00] <u>R132,00</u>	[R147,50] <u>R161,00</u>	[R191,00] <u>R208,00</u>
11 The recording of statements by witnesses, per quarter of an hour or part thereof	[R180,50] <u>R196,00</u>	[R180,50] <u>R196,00</u>	[R226,50] <u>R246,00</u>	[R292,00] <u>R318,00</u>
12 Notice of trial or reinstatement	[R50,50] <u>R55,00</u>	[R50,50] <u>R55,00</u>	[R63,00] <u>R69,00</u>	[R81,00] <u>R89,00</u>
13 Preparing for trial (if counsel not employed)	[R1007,00] <u>R1095,00</u>	[R1370,00] <u>R1490,00</u>	[R1643,00] <u>R1788,00</u>	[R2136,00] <u>R2323,00</u>
14 Attendance at settlement negotiations, for each quarter of an hour or part thereof actually spent in such negotiations	[R180,50] <u>R196,00</u>	[R180,50] <u>R196,00</u>	[R226,50] <u>R246,00</u>	[R292,00] <u>R318,00</u>
14A Drawing up heads of argument per quarter of an hour or part thereof:	[R180,50] <u>R196,00</u>	[R180,50] <u>R196,00</u>	[R226,50] <u>R246,00</u>	[R292,00] <u>R318,00</u>
15 Attending court during trial, or at an on-the-spot inspection, or at postponement or examination on commission, for each quarter of				

Item	Scale A R	Scale B R	Scale C R	Scale D R
an hour or part thereof spent in court while the case is actually being heard-				
(a) if an advocate is not employed	[R180,50] R196,00	[R180,50] R196,00	[R226,50] R246,00	[R292,00] R318,00
(b) if an advocate is employed	Nil -	[R71,50] R78,00	[R88,00] R96,00	[R113,00] R123,00
16 Attending pre-trial conference, for each quarter of an hour or part thereof actually spent in such conference	[R180,50] R196,00	[R180,50] R196,00	[R226,50] R246,00	[R292,00] R318,00
17 Attending court to hear reserved judgment, per quarter of an hour or part thereof	[R37,00] R40,00	[R37,00] R40,00	[R44,50] R49,00	[R57,50] R63,00
18 Correspondence-				
(a) for each necessary letter or telegram, per folio	[R28,50] R31,00	[R28,50] R31,00	[R37,00] R40,00	[R46,50] R50,00
(b) for each letter or telegram received, provided that a fee for perusal shall not be allowed in addition to the fee herein provided for	[R19,50] R21,50	[R28,50] R31,00	[R37,00] R40,00	[R46,50] R50,00
19 Attendances: For each necessary attendance not otherwise provided for, per attendance	[R19,50] R21,50	[R28,50] R31,00	[R37,00] R40,00	[R46,50] R50,00
20 Necessary formal telephone calls, per call	[R19,50] R21,50	[R28,50] R31,00	[R37,00] R40,00	[R46,50] R50,00
21 Telephone consultations: For every 5 minutes or part thereof, subject to a maximum fee per consultation of [R174,50] R190,00 for Scales A to C and [R225,50] R246,00 for Scale D	[R50,50] R55,00	[R50,50] R55,00	[R63,00] R69,00	[R81,00] R89,00
22 Each necessary consultation, per quarter of an hour or part thereof	[R180,50] R196,00	[R180,50] R196,00	[R226,50] R246,00	[R292,00] R318,00
23 The court may, on request made at the hearing, allow in addition to the fee prescribed in item 13 above a refresher fee in postponed or partly heard trials	[R627,00] R682,00	[R887,00] R965,00	[R1063,00] R1157,00	[R1381,00] R1503,00

Item	Scale A R	Scale B R	Scale C R	Scale D R
24 Time spent waiting at court (owing to no court being available) per quarter of an hour or part thereof	[R121,00] R132,00	[R121,00] R132,00	[R147,50] R161,00	[R191,00] R208,00
25 Travelling time [subject to the provisions of rule 33(9)] per quarter of an hour or part thereof	[R121,00] R132,00	[R121,00] R132,00	[R147,50] R161,00	[R191,00] R208,00
26 Subsistence and travelling expenses as laid down in rule 33(9)	The actual reasonable subsistence and travelling expenses as laid down in rule 33(9)			

**PART IV
OTHER MATTERS**

Exceptions, applications to strike out, applications for summary judgment, appearance to obtain provisional sentence when claim is defended, interlocutory applications, arrest, interdict, applications under rule 27(9), applications to review judgment, order or taxation, applications for liquidation of close corporations and applications in terms of section 65J of the Act, applications under rule 58 and any other applications.

ITEM	Scale A R	Scale B R	Scale C R	Scale D R
1. (a) Instructions to make application or to oppose or to show cause (the court may on request allow a higher amount)	[R152,00] R165,00	[R304,50] R331,00	[R361,50] R394,00	[R470,00] R512,00
(b) Instructions to make application for liquidation of close corporation, perusal of all documentation and consideration of merits, and all necessary consultations	[R743,00] R808,00	[R743,00] R808,00	[R890,50] R969,00	[R1158,00] R1260,00
2. Drawing up of all documents, affidavits, applications and notices, orders, etc	-	-	-	-
3. Attending court on hearing:				
(a) If unopposed or opposed (if an advocate is not employed), for each quarter of an hour or part thereof actually spent in court	[R180,50] R196,00	[R180,50] R196,00	[R226,50] R246,00	[R292,00] R318,00
(b) If opposed (if an advocate is employed), for each quarter of an hour actually spent in court or part thereof	Nil	[R71,50] R78,00	[R88,50] R96,00	[R113,00] R123,00
4. (a) Fee for preparation for argument when opposed	[R627,00] R682,00	[R739,00] R804,00	[R890,50] R969,00	[R1158,00] R1260,00
(b) Fee for preparation for trial where proceedings are referred to trial or oral evidence	[R627,00] R682,00	[R739,00] R804,00	[R890,00] R969,00	[R1158,00] R1260,00

ITEM	Scale A R	Scale B R	Scale C R	Scale D R
5. Consultations and settlement negotiations – when opposed, per quarter of an hour or part thereof	[R180,50] R196,00	[R180,50] R196,00	[R226,50] R246,00	[R292,00] R318,00

ITEM	Scale
TAXATION OF COSTS In connection with a bill of costs for services rendered by an attorney, the attorney shall be entitled to charge :	R
6. For drawing the bill of costs, making the necessary copies and attending settlement, 11 percent of the attorney's fees, either as charged in the bill, if not taxed, or as allowed on taxation.	
7. In addition to the fees charged under item 6, if recourse is had to taxation for arranging and attending taxation, and obtaining consent to taxation, 11 percent on the first R10 000,00 or portion thereof, 6 percent on the next R10 000,00 or portion thereof and 3 percent on the balance of the total amount of the bill.	
8. Attending on review of taxation, for each quarter of an hour or part thereof in court while review is actually being heard	[R180,50] R196,00
9. Notice of application for review of taxation and service	-
10. Affidavit, where necessary	-

EXECUTION	
11. (a) Issue of warrant of execution, ejectment, and delivery up of possession	[R121,50] R132,00
(b) For each reissue thereof	[R50,50] R55,00
12. Inclusive fee for work done in connection with releasing of immovable property attached	[R151,50] R165,00
13. Inclusive fee for work done in connection with sale in execution of immovable property only (excluding work in respect of which fees are already provided for elsewhere and the drawing up of the conditions of sale)	[R384,00] R418,00
14. (a) Drawing up of notice of sale in terms of rule 41(8) or rule 43[(6)], (7)(b)(i), or conditions of sale in terms of rule 43[(7)] (8)(a)(i)	-
(b) For all other work done and papers and documents supplied to the sheriff of the magistrate's court in connection with a sale in execution of movable property, an inclusive fee of	[R262,00] R285,00
15. Security for restitution, where necessary	[R99,50]

	R109,50
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WHERE AN ADVOCATE IS EMPLOYED	
16. Instructions for exception or application, where allowed	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts	[R180,50] R196,00
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division	[R234,50] R255,00
17. Instructions on trial	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts	[R230,50] R251,00
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division	[R290,00] R315,00
18. Drawing brief on exception or application, where allowed	-
19. Drawing brief on trial	-
20. Attending each necessary consultation with an advocate, per quarter of an hour or part thereof	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts	[R75,00] R82,00
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division	[R94,00] R103,00

FEES TO ADVOCATES	
21. With brief to argue exception or application	[R887,00] R964,00
22. With trial brief for the first day, not exceeding	[R2514

FEES TO ADVOCATES	
	,50] <u>R2736,00</u>
23. In any court held more than 30 km from the nearest town where a provincial or local division (other than a Circuit Court) of the High Court sits, a travelling allowance (in addition to the fee on brief) may be allowed by special order of the court at	[R6,00] <u>R6,50</u> per km
24. Each necessary consultation, per quarter of an hour	[R180,50] <u>R196,00</u>
25. For every day exceeding one on which evidence is taken or arguments heard, a refresher not exceeding	[R1511,50] <u>R1644,00</u>
26. Drawing up pleadings	[R404,50] <u>R441,00</u>
<i>Notes:</i>	
(a) In regard to items 22 and 25 a fee in lieu of the fee for the first day's hearing shall be allowed as follows when the case is settled or withdrawn or postponed at the instance of any party on or before the date of hearing:	
(i) not more than two days prior to the date of hearing: The fee otherwise allowable on taxation for the first day's hearing;	
(ii) not less than three days and not more than seven days prior to the date of hearing: Two thirds of the fee under (i); and	
(iii) not less than eight days and not more than 21 days prior to the date of hearing: Half of the fee under (i).	
(b) The court may on request allow a higher fee for an advocate in regard to items 22, 24, 25 and 26.	
(c) A fee for travelling time by an advocate shall be allowed at the same rate as for attorneys under rule 33(9).	
MISCELLANEOUS	
27. Obtaining certified copy of judgment	[R91,00] <u>R99,00</u>
28. Obtaining payment in terms of rule 18(4)	[R63,00] <u>R69,00</u>
29. Request for security in terms of rule 62(1)	-
30. Furnishing security in terms of rule 62(1)	-

**TABLE B
COSTS**

PART I

**GENERAL PROVISIONS IN RESPECT OF PROCEEDINGS IN TERMS OF SECTIONS 65
AND 65A TO 65M OF THE ACT**

1. Subject to the provisions of paragraph 3, no fees other than those in the Tariff to this Part shall be allowed.
2. Subject to the provisions of section 65K of the Act, the fees laid down in items (a), (b) or (c) of the Tariff to this Part, as the case may be, shall be payable for the drawing up of the notice referred to in section 65A(1), including appearance at the inquiry into the judgment debtor's financial position referred to in section 65D, or any appearance at subsequent suspension, amendment or rescission proceedings, and shall, with the exception of the fee allowed under item (m) of the tariff, be chargeable only once for the drawing up, issue and all reissues of the notice and all postponements of the inquiry, irrespective of the number of days on which the proceedings are heard in court: Provided that where the debtor leaves the area of jurisdiction of the court after issue of the notice referred to in section 65A(1) and the notice is reissued in any other district, the aforesaid fee may also be charged in such other district if the court so orders.
3. The following shall be allowed in addition to the fees laid down in the Tariff to this Part:
 - (a) All necessary disbursements incurred in connection with the proceedings.
 - (b) A fee of 10% on each instalment collected in redemption of the capital and costs of the action, subject to a maximum amount of **[R459,00]** R499,00 on every instalment. Where the amount is payable in instalments the collection fees shall be recoverable only on payment of every instalment. Such fees shall be in substitution for and not in addition to the collection fees prescribed in paragraph 13 of Part 1 of Table A.
 - (c) All necessary disbursements incurred in connection with any prior abortive proceedings under section 72, if the court has so ordered.
 - (d) Any amount necessarily and actually disbursed in tracing the judgment debtor, where the capital amount of the debt at the time the tracing agent was employed was not less than **[R502,00]** R546,00. The total amount to be allowed for each tracing shall not exceed **[R383,50]** R417,00.
4. For the purpose of the Tariff to this Part the amount of the claim shall, subject to the provisions of paragraph 3(d), be the total of the capital amount and costs outstanding at the date of the first institution of proceedings under section 65A(1) of the Act.
5. Items 1 to 5 of Part IV of Table A of Annexure 2 are applicable in terms of section 65J of the Act.

TARIFF		R
(a)	Where the claim does not exceed the amount of R1 000,00	[R253,00] R276,00
(b)	Where the claim exceeds the amount of R1 000,00 but is not more than 000,00	R2 [R383,50] R417,00
(c)	Where the claim exceeds the amount of R2 000,00	[R452,00] R492,00
(d)	Warrant of arrest (Form 40A)	[R99,50] R109,00
(e)	(i) Emoluments attachment order (Form 38)	[R202,00] R218,00
	(ii) Reissue (Certificates included)	[R161,00] R175,00
(f)	Application for costs on notice (including appearance in court)	[R99,50] R109,00
(g)	Obtaining a certified copy of a judgment	[R99,50] R109,00
(h)	Affidavit or certificate by the judgment creditor or his or her attorney	[R71,00] R77,00
(i)	For each registered letter forwarded to the debtor in terms of sections 65A(2), 65E(6) or 65J(2) of the Act by the creditor or his or her attorney	[R46,00] R50,00
(j)	Affidavit or affirmation by debtor Rule 45(7)	[R121,00] R131,00
(k)	Request for an order under section 65 of the Act	[R71,00] R77,00
(l)	Attending postponed proceedings in terms of section 65E(3) of the Act or attending proceedings at court pursuant to the arrest of a judgment debtor, director or officer or pursuant to a notice referred to in 65A(8)(b)	[R99,50] R109,00
(m)	Subpoena:	
	(i) Drawing up of subpoena, per folio	[R28,50] R31,00
	(ii) Every necessary attendance, per attendance	[R19,00] R21,00
(n)	(i) Correspondence: For every necessary letter or telegram written or received, including copy to retain, provided that a fee for perusal shall not be allowed in addition to the fee herein provided for, per folio	[R28,50] R31,00
	(ii) Attendances: For each necessary attendance not otherwise provided for, per attendance	[R28,50] R31,00
	(iii) Necessary formal telephone calls, per call	[R28,50] R31,00

PART II
GENERAL PROVISIONS IN RESPECT OF PROCEEDINGS IN TERMS OF SECTION 72
OF THE ACT

1. Subject to the provisions of paragraphs 2 and 3 no fees other than those laid down in the Tariff to this Part shall be allowed.
2. Paragraph 3(a), (b) and (d) of the general provisions under Part 1 of this Table shall apply *mutatis mutandis* to this Part.
3. All necessary disbursements incurred in connection with any prior abortive proceedings under section 65 shall be allowed if the court has so ordered.
4. For the purpose of the Tariff to this Part the amount of the claim shall, subject to the provisions of paragraph 3(d) of the general provisions under Part 1 of this Table, be the total of the capital amount outstanding at the date of the first institution of proceedings in terms of section 72 of the Act.

TARIFF	
(a) Where the claim does not exceed R200.00	[R152,00] R165,00
(b) Where the claim exceeds R200.00	[R323,00] R352,00
(c) Obtaining certified copy of a judgment	[R91,00] R99,00
(d) Application for an order of execution against the garnishee	[R91,00] R99,00
(e) Garnishee order (Form 39)	[R121,00] R131,00

PART III
GENERAL PROVISIONS IN RESPECT OF PROCEEDINGS IN TERMS OF SECTION 74
OF THE ACT

1. The following fees shall be allowed in addition to those laid down in the Tariff to this Part:
 - (a) All necessary disbursements incurred in connection with the proceedings.
 - (b) In addition to the fees stated below, the administrator shall be entitled to a fee of 10% on each instalment collected for the redemption of capital and costs, which amount is included in the 12,5 % in terms of section 74L(2) of the Act.
2. For the purposes of items 4 and 5 of the Tariff to this Part, a folio shall consist of 100 written or printed words or figures and four figures shall be reckoned as one word.

TARIFF			
Item	One to ten creditors	Eleven to twenty creditors	Twenty-one or more creditors
	R	R	R
1. Instructions to apply for administration order, including the necessary perusal of summonses, demands, etc, and ascertaining the amount of assets and liabilities, including all attendances and correspondence necessary in connection therewith	[R180,50] <u>R196,00</u>	[R252,50] <u>R275,00</u>	[R403,00] <u>R439,00</u>
2. Instructions on application under section 74Q(1) or to oppose such application or the granting of administration order	[R142,00] <u>R156,00</u>	[R142,00] <u>R156,00</u>	[R142,00] <u>R156,00</u>
3. Drawing up application for administration order or review thereof and affidavit, including all annexures thereto and all attendances, excluding attendance in court	[R252,00] <u>R274,00</u>	[R252,00] <u>R274,00</u>	[R252,00] <u>R274,00</u>
4. Making copies of application, affidavit and annexures for creditors, per page	[R4,50] <u>R5,00</u>	[R4,50] <u>R5,00</u>	[R4,50] <u>R5,00</u>
5. Perusal of application and other documents served, if any, per folio. Note: The fees under this item are only claimed by the attorney or an opposing party.	[R11,00] <u>R12,00</u>	[R11,00] <u>R12,00</u>	[R11,00] <u>R12,00</u>
6. Attending court:			
(a) On postponement or setting aside, if not occasioned by the attorney or his or her client;	[R68,00] <u>R74,00</u>	[R68,00] <u>R74,00</u>	[R68,00] <u>R74,00</u>
(b) On any other hearing	[R142,00] <u>R156,00</u>	[R271,00] <u>R295,00</u>	[R271,00] <u>R295,00</u>
7. For furnishing to a creditor by the administrator of the information referred to in section 74 m(a) of the Act, per application	[R19,00] <u>R21,00</u>	[R19,00] <u>R21,00</u>	[R19,00] <u>R21,00</u>
8. For furnishing of a copy of the debtor's statement of affairs referred to in sections 74 and 74A(1) of the Act by the administrator in terms of section 74M(b) or of a list or account referred to in section 74G(1) or 74J of the Act or of the debtor's statement of affairs referred to in section 65I(2) of the Act, per page	[R4,50] <u>R5,00</u>	[R4,50] <u>R5,00</u>	[R4,50] <u>R5,00</u>
9. Correspondence and attendances	[R29,00] <u>R32,00</u>	[R29,00] <u>R32,00</u>	[R29,00] <u>R32,00"</u>

(b) by the substitution for Part II of Table C of the following Part:

**"PART II
SHERIFFS WHO ARE NOT OFFICERS OF THE PUBLIC SERVICE**

1A. For registration of any document for service or execution upon receipt thereof: **[R11,00]** R12,00

1B. (a) For the service of a summons, subpoena, notice, order or other document not being a document mentioned in item 2, the journey to and from the place of service of any of the above-mentioned documents—

(i) within a distance of 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R44,00]** R48,00;

(ii) within a distance of 12 kilometres, but further than 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R52,00]** R57,50;

(iii) within a distance of 20 kilometres, but further than 12 kilometres from the court-house of the district for which the sheriff is appointed: **[R71,00]** R77,00;

(b) For the attempted service of the documents mentioned in paragraph (a), the journey to and from the place of attempted service of any of the above-mentioned documents—

(i) within a distance of 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R37,50]** R41,50;

(ii) within a distance of 12 kilometres but further than 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R44,00]** R48,00;

(iii) within a distance of 20 kilometres but further than 12 kilometres from the court-house of the district for which the sheriff is appointed: **[R63,00]** R69,00;

(c) (i) Where a document must be served together with a process of the court and is mentioned in such process or is an annexure thereto, no additional fees shall be charged for service of the document, otherwise **[R11,00]** R12,00 may be charged for every separate document served;

(ii) No fees shall be charged for a separate document when process in criminal matters is served;

(iii) The service of a notice referred to in rule 54(1) simultaneously with the summons shall not be regarded as a separate service

(iv) Where a mandator instructs the sheriff, in writing, to serve or execute a document referred to in item 1B(a) or (2)(a) on an urgent basis or after hours, the sheriff shall charge an additional fee of **[R235,00]** R256,00 for such service irrespective of whether the service or execution was successful, which additional fee shall be paid by the mandator, save where the court orders otherwise;

(v) For the purpose of sub-paragraph (iv)—

(aa) "urgent" means on the same day or within twenty four hours of the written instruction; and

(bb) "after hours" means any time—

(aaa) before 7h00 or after 19h00 on Mondays to Fridays; or

(bbb) on a Saturday, Sunday or public holiday.

2. (a) For the execution of a warrant (other than against immovable property), interdict, garnishee order or emoluments attachment order, the journey to and from the place of execution of the above-mentioned documents—
- (i) within a distance of 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R63,00]** R69,00;
 - (ii) within a distance of 12 kilometres, but further than 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R71,00]** R77,00;
 - (iii) within a distance of 20 kilometres, but further than 12 kilometres from the court-house of the district for which the sheriff is appointed: **[R88,00]** R96,00;
- (b) For the attempted execution of the documents mentioned in paragraph (a), the journey to and from the place of attempted execution of the above-mentioned documents —
- (i) within a distance of 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R52,00]** R57,50;
 - (ii) within a distance of 12 kilometres, but further than 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R63,00]** R69,00;
 - (iii) within a distance of 20 kilometres, but further than 12 kilometres from the court-house of the district for which the sheriff is appointed: **[R78,50]** R86,00;
- (c) (i) For the ejectment of a defendant from the premises referred to in the warrant of ejectment: **[R37,50]** R41,00 per half hour or part thereof (except extraordinary expenses necessarily incurred)
- (ii) A further fee of **[R24,50]** R27,00 shall be paid after execution for every person over and above the person named or referred to in the process of ejectment, in fact ejected from separate premises: Provided that where service on any person other than the judgment debtor, respondent or garnishee is necessary in order to complete the execution, the fee laid down in item 1B(a) may be charged in respect of each such service.
- (d) for the execution of any writ against immovable property—
- (i) for execution, including service of notice of attachment upon the owner of the immovable property and upon the registrar of deeds or other office charged with the registration of such property, and if the property is in occupation of some other person other than the owner, also upon such occupier: **[R208,50]** R227,00;
 - (ii) for notice of attachment to a single lessee or occupier: **[R19,00]** R21,00;
 - (iii) identical notices where there are several lessees, occupiers or owners, for each after the first: **[R6,50]** R7,50;
 - (iv) for making valuation report for purposes of sale, per half hour or part thereof: **[R52,50]** R57,50;
 - (v) when a sheriff has been authorised to sell property and the property is not sold by reason of the fact that the attachment is withdrawn or stayed, all the necessary notice for the withdrawal or stay of the attachment: **[R208,00]** R227,00; Upliftment of judicial attachment on immovable property: **[R208,00]** R227,00;
 - (vi) for ascertaining and recording what bonds or other encumbrances are registered against the property, together with the names and addresses of the persons in whose favour such bonds and encumbrances are so registered including any correspondence in connection therewith (in addition to reasonable expenses necessarily incurred): **[R104,50]** R114,00;
 - (vii) for notifying the execution creditor of such bonds or other encumbrances and of the names and addresses of the persons in whose favour such bonds or other encumbrances are registered: **[R19,00]** R21,00;

(viii) for consideration of proof that a preferent creditor has complied with the requirements of rule 43(5)(a): **[R11,00]** R12,00;

(ix) for notice referred to in rule 43(6): **[R19,00]** R21,00;

(x) for considering of notice of sale prepared by the execution creditor in consultation with the sheriff; and

for verifying that notice of sale has been published in the newspapers indicated and in the *Gazette*, inclusive fee for such consideration and verification: **[R104,50]** R114,00.

(xi) for forwarding a copy of the notice of sale to every judgment creditor who had caused the immovable property to be attached and to every mortgagee thereof whose address is known, for each copy: **[R19,00]** R21,00;

(xii) for affixing a copy of the notice of sale to the notice board of the magistrates' court referred to in rule 43(7)(e) and at or as near as may be to the place where the sale is actually to take place, an inclusive fee of **[R45,00]** R49,00 and travelling costs referred to in item 4(a);

(xiii) for considering the conditions of sale prepared by execution creditor; for considering further or amended conditions of sale submitted by interested party; settling of conditions of sale: **[R104,50]** R114,00 for each attendance;

(xiv) for all necessary attendances prescribed by any law related to auctions, in particular the Consumer Protection Act, 2008 (Act No. 68 of 2008): **[R315,00]** R343,00;

(xv) for the conducting of an auction, save that this fee may not be charged if commission is claimed in terms of items 2(d)(xvi) and (xvii): **[R208,00]** R227,00;

(xvi) On the sale of immovable property by the sheriff as auctioneer, 6 per cent on the first R100 000,00, 3.5 per cent on R100 001,00 to R400 000,00 and 1.5 per cent on the balance of the proceeds of the sale, subject to a maximum commission of R40 000,00, in total, and a minimum of R3 000,00 (inclusive in all instances of the sheriff's bank charges and other expenses incurred in paying the proceeds into his or her trust account), which commission shall be paid by the purchaser;

(xvii) If an auctioneer is employed as provided in rule 43(10), 3 per cent on the first R100 000,00, 2 per cent on R100 001,00 to R400 000,00 and 1 per cent on the balance thereof, subject to a maximum commission of R22 850,00, in total, and a minimum of R3 000,00 (inclusive in all instances of the sheriff's bank charges and other expenses incurred in paying the proceeds into his or her trust account), which commission shall be paid by the purchaser;

(xviii) for written notice to the purchaser who has failed to comply with the conditions of sale: **[R52,50]** R57,00;

(xix) for any report referred to in rule 43(11): **[R52,50]** R57,00;

(xx) for informing judgment debtor of the cancellation referred to in rule 43(11)(a)(iii): **[R19,00]** R21,00;

(xxi) for giving notice referred to in rule 43(11)(c): **[R19,00]** R21,00;

(xxii) for giving transfer to the purchaser: **[R25,00]** R27,00;

(xxiii) for receipt of certificate referred to in rule 43(14)(a): **[R19,00]** R21,00;

(xxiv) for preparing a plan of distribution of the proceeds (including necessary copies) and for forwarding a copy to the registrar: **[R104,50]** R114,00;

(xxv) for giving notice to all parties who have lodged writs and to the execution debtor that the plan of distribution will lie for inspection, for every notice: **[R19,00]** R21,00;

(xxvi) for the report referred to in rule 43A(9)(d): **[R52,50]** R57,00.

3. Compilation of any return in terms of rule 8, in duplicate: **[R17,50]** R19,50.

4. (a) The Sheriff shall, in addition to the fees mentioned in items 1B(a), 1B(b), 2(a) and 2(b), but subject to item 4(b) and (c), be allowed a travelling allowance of R6,00 per kilometre, or part thereof, for the shortest possible forward and return journey from the office of the Sheriff to the place of service or execution and back.
- (b) The travelling allowance mentioned in items 4(a), 5(a) and 5(c)(i) shall be calculated on the distance reckoned from the office of the sheriff if—
- (i) the sheriff's office is situated within the area of jurisdiction allocated to the sheriff by the Minister; and
- (ii) the distance from the sheriff's office is less than the distance reckoned from the court-house closest to the address for service.
- (c) If the requirement in item 4(b) is not met, then the travelling allowance mentioned in items 4(a), 5(a) and 5(c)(i) shall be calculated on the distance reckoned from the court-house closest to the address for service.
5. (a) In respect of the discharge of any official duty other than those mentioned in items 1 and 2, but subject to item 4(b) and (c), a travelling allowance of R6,00 per kilometre for every kilometre, or part thereof, shall be payable to the sheriff for going and returning.
- (b) A travelling allowance shall include all the expenses incurred in travelling, including train fares.
- (c) A travelling allowance shall be calculated in respect of each separate service, except that—
- (i) where more services than one can be done on the same journey, the distance from the sheriff's office to the first place of service may be taken into account only once, and shall be apportioned equally to the respective services, and the distance from the first place of service to the remaining places of service shall similarly be apportioned equally to the remaining services; and
- (ii) where service of the same process has to be effected by a sheriff on more than one person at the same service address, only one charge for travelling shall be allowed.
- (d) When it is necessary for the sheriff to convey any person under arrest, an allowance of R6,00 per kilometre in respect of that portion of his or her journey on which he or she was necessarily accompanied by such person shall be allowed.
6. (a) Making an inventory, including the making of all necessary copies and time spent on stock-taking: **[R37,50]** R41,00 per half hour or part thereof.
- (b) For assistance, if necessary, with the making of an inventory, **[R37,50]** R41,00 per half hour or part thereof.
7. The perusing, drawing up and completing of a bail bond, deed of suretyship or indemnity bond: **[R11,00]** R12,00.
8. Charge or custody of property (money excluded):
- (a) (i) For each officer necessarily left in possession, a reasonable inclusive amount not exceeding **[R132,00]** R142,00 per day.
- (ii) Travelling allowances, to include board in every case.
- (b) If livestock is attached, only the necessary expenses of herding and preserving the stock shall be allowed.

(c) If the goods are removed and stored, only the cost of removal and storage shall be allowed.

9. (a) **'possession'** shall mean actual physical possession by a person employed and paid by the sheriff, whose sole work for the time being is to remain on the premises where the goods have been attached, and who, in fact, remains in possession for the period for which possession is charged.

(b) **'cost of removal'** shall mean the amount actually and necessarily disbursed for removal or attempted removal if the goods were removed by a third party or an attempt was made to remove them, if they were removed by the sheriff him- or herself, such amount as would fairly be allowable in the ordinary course of business if the goods were removed by a third party, or an attempt was made to so remove them.

(c) **'cost of storage'** shall mean the amount actually and necessarily paid for storage if the goods were stored with a third person or, if the sheriff provided the storage, such amount as would fairly be allowable in the ordinary course of business if the goods were stored with a third person.

10. (a) (i) Where a garnishee order is paid in full or in part, to the sheriff, 9 per cent on the amount paid with a minimum fee of **[R70,50]** R76,50 and a maximum of **[R691,50]** R752,50.

(ii) For the execution of any warrant against movable property—

(aa) when a warrant is paid in full or in part on presentation to the sheriff, 9 per cent on the amount so paid with a minimum fee of **[R70,50]**, R76,50 and a maximum of **[R691,50]** R752,50

(bb) when a warrant is paid in full or in part to the sheriff after attachment but before sale, 9 per cent on the amount so paid with a minimum fee of **[R70,50]** R76,50 and a maximum of **[R691,50]** R752,50;

(cc) when moneys are taken in execution, 9 per cent of the amount so taken, but subject to a maximum of **[R691,50]** R752,50.

(b) Notice of attachment to defendant and to each person to be notified: **[R11,00]** R12,00

11. (a) Where property is released from attachment in terms of rule **[41(7)(f)(i)]** 41(18)(a), or the warrant of execution is withdrawn or stayed, or the judgment debtor's estate is sequestered after the attachment, but before the sale, 2,3 per cent of the value of the goods attached, subject to a maximum of **[R208,00]** R227,00: Provided that if a sale subsequently takes place in consequence of the said attachment, the amount so paid shall be deducted from the commission payable under item 12.

(b) Commission referred to in item 11(a) shall not be chargeable against a judgment debtor on the value of movable property attached and subsequently released pursuant to a claim by a third party, unless notwithstanding a claim by a third party, the removal of such property is done at the express direction of the judgment creditor, in writing, in which event the judgment creditor shall be liable to the sheriff for commission at a rate of 2.3% of the value of the goods and costs.

12. Where the warrant of execution against movables is completed by sale, 9 per cent for the first R15 000,00 or part thereof, and thereafter 6 per cent, with a maximum of **[R9209,50]** R10018,50.
13. For the insurance of attached property, if deemed necessary, and on written instructions of the judgment creditor to the sheriff, in addition to the premium to be paid, an all-inclusive amount of **[R37,50]** R41,00.
14. ...
15. When immovable property has been attached in execution and the attachment lapses, as referred to in section 66(4) of the Act: **[R63,00]** R69,00.
16. ...
17. In addition to the fees allowed by items 10 to 13, both inclusive, there shall be allowed—
- (a) the sum actually and reasonably paid by the sheriff or the auctioneer for printing, advertising and giving publicity to any sale or intended sale in execution.
18. Where the sheriff is in possession under more than one warrant of execution, he or she may charge fees for only one possession, and such possession shall, as far as possible, be apportioned equally to the several warrants issued during the same period: Provided that each execution creditor shall be jointly and severally liable for such possession to an amount not exceeding what would have been due under his or her execution if it had stood alone.
19. Fees payable on the value of goods attached or on the proceeds of the sale of goods in execution shall not be chargeable on such value or proceeds so far as they are in excess of the amount of the warrant.
20. The fees and expenses of the sheriff in execution of a garnishee order shall be added to the amount to be recovered under the order, and shall be chargeable against the judgment debtor.
21. If it is necessary for the sheriff to return a document received by him or her for service or execution to the mandator because—
- (a) the address of service which appears on the process does not fall within his or her jurisdiction; or
- (b) the mandator requested, before an attempted service or execution of the process, that it be returned to him or her,
- an amount of **[R11,00]** R12,00 shall be payable.
22. For the conveyance of any person arrested by the sheriff or committed to his or her custody from the place of custody to the court on a day subsequent to the day of arrest: **[R37,50]** R41,00 per journey and **[R71,00]** R77,00 per hour, or part thereof, for attending at court.

23. For the examination of an indicated newspaper[s and the **Gazette**] in which the notice of sale has been published, as referred to in rule **[41(8)(c)]** 41(19)(c): **[R11,00]** R12,00.
24. ...
25. For affixing a copy of the notice of sale on the notice board or door of the court-house or other public building and at or as near as may be to the place where the said sale is actually to take place referred to in rule **[41(8)(b)]** 41(19)(b): **[R25,50]** R28,00 and travelling costs, referred to in item 5(a).
26. For **[the drawing up preparing and, issuing, signing of interpleader summons]** interpleaders referred to in Magistrates' Courts Rule 44: **[R104,50]** R209,00.
27. In addition to the fees prescribed in this Table, the sheriff shall be entitled to the amount actually disbursed for postage and telephone calls.
28. For the writing of each necessary letter, facsimile or electronic mail, excluding formal letters accompanying process or returns: **[R19,00]** R21,00.
29. Each necessary attendance by telephone: **[R18,00]** R20,00.
30. Sending and receiving of each necessary facsimile or electronic mail per page (in addition to telephone charges): **[R6,50]** R7,50.
31. ...
32. For the making of all necessary copies of documents: **[R5,00]** R5,50, per A4 size page
33. (a) A request to tax an account of a sheriff shall be **[done]** made in writing within **[90]** 20 days after the date on which the account of which the fees are disputed, has been rendered.
- (b) For the drawing up of the bill for taxation and attendance of the taxation by the sheriff: **[R71,00]** R77,00.
34. Bank charges: Actual costs incurred relating to bank charges and cheque forms.
35. (a) Drafting of notice to the judgment debtor in terms of section 65A(8)(b) of the Act: **[R19,00]** R21,00.
- (b) Service of the notice referred to in paragraph (a): Tariff as prescribed in item 1B(a).
- (c) Attempted service of the notice referred to in paragraph (a): Tariff as prescribed in item 1B(b).
- (d) The tariff, as prescribed in item 4, shall apply to paragraphs (b) and (c).
36. (a) For the arrest or attempted arrest of a judgment debtor in terms of section 65A(6) of the Act:
- (i) The tariff as prescribed in item 2(a) or item 2(b), as the case may be.
- (ii) The tariff, as prescribed in item 4, shall apply to this item.

(b) For the handing over of the judgment debtor to the South African Police Service, prisoners' friend or clerk of the court or other lawful place of detention:

(i) The tariff, as prescribed in item 2(a).

(ii) Travelling costs from place of arrest to place of handing over to the relevant authority, referred to in paragraph (b), per kilometre or part thereof: R6,00.

(iii) Waiting time in regard to handing over the judgment debtor to the relevant authority, referred to in paragraph (b): ~~[R37,50]~~ R41,00, per half hour or part thereof, with a maximum of ~~[R139,00]~~ R151,00."

Commencement

7. These rules and forms come into operation on **08 July 2022**.

ANNEXURE

"No. 2B – Combined Summons

* For use in the District Court

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF

HELD AT.....

Case No.....of 20.....

In the matter between:

..... Plaintiff

and

..... Defendant

To the sheriff or his/her deputy:

INFORM A.B., of (state residence or place of business and if known, gender, occupation and place of employment)(hereinafter called the defendant), that C.D., (state gender and occupation), of (state residence or place of business) (hereinafter called the plaintiff), hereby institutes action against him or her in which action the plaintiff claims the relief and on the grounds set out in the particulars annexed hereto.

INFORM the defendant further that if he or she disputes the claim and wishes to defend the action he or she shall—

(i) within days of the service upon him or her of this summons file with the clerk of this court at..... (set out the physical address and electronic mail address of the clerk of the court) notice of his or her intention to defend and serve a copy thereof on the plaintiff or plaintiff's attorney, which notice shall give an address referred to in rule 13(3) for the service upon the defendant of all notices and documents in the action;

(ii) thereafter, and within 20 days after filing and serving notice of intention to defend as aforesaid, file with the clerk of the court and serve upon the plaintiff or plaintiff's attorney a plea (with or without a counter-claim), or an exception or application to strike out in the manner and within the timeframes provided for in rule 19 [, exception, notice to strike out, with or without a counter-claim].

INFORM the defendant further that if defendant fails to file and serve notice as aforesaid judgment as claimed may be given against him or her without further notice to him or her, or if, having filed and served such notice, defendant fails to plead, except, make application to

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strike out or counter-claim, judgment may be given against him or her. And immediately thereafter serve on the defendant a copy of this summons and return the same to the clerk of the court with whatsoever you have done thereupon.

DATED at this day of 20.....

.....
Clerk of the Court

* Consent to judgment.

I admit that I am liable to the plaintiff as claimed in this summons (or in the amount of R..... and costs to date) and I consent to judgment accordingly.

Dated at this day of 20.....

.....

Defendant

WITNESSES:

1. (full names)....., (signature).....
(address).....

2. (full names)....., (signature).....
(address).....

OR

* Notice of intention to defend.

To the Clerk of the Court.

Kindly take notice that the defendant hereby notifies his or her intention to defend this action.

Dated at this day of 20.....

.....

Defendant/Defendant's attorney

15 km physical address from the court-house for acceptance of service of process or documents

.....

Postal address

.....

Facsimile (fax) number (where available).....

Electronic mail (e-mail) address (where available).....

(Give full address for acceptance of service of process or documents within fifteen kilometres from the court-house and also the postal address.)

* The original notice must be filed with the clerk of the court and a copy thereof served on the plaintiff or plaintiff's attorney.

Costs if the action is undefended will be as follows:

- Summons.....R
- Judgment.....R
- Attorney's charges.....R
- Sheriff's fees.....R
- Sheriff's fees on re-issue.....R
- Total:.....R

ANNEXURE

Particulars of Plaintiff's Claim

.....
 Dated at.....this.....day of.....20.....

Plaintiff/Plaintiff's Attorney

Address of Plaintiff/Plaintiff's Attorney

.....

Plaintiff's Advocate (if any)

No. 2B – Combined Summons

* For use in the Regional Court

IN THE REGIONAL COURT FOR THE REGIONAL DIVISION OF.....

HELD AT..... Case No.....of 20.....

In the matter between:

.....Plaintiff

and

.....Defendant

To the sheriff or his/her deputy:

INFORM A.B., of (state residence or place of business and if known, gender, occupation and place of employment)(hereinafter called the defendant), that C.D. (state gender and occupation), of (residence or place of business) (hereinafter called the plaintiff), hereby institutes action against him or her in which action the plaintiff claims the relief and on the grounds set out in the particulars annexed hereto.

INFORM the defendant further that if he or she disputes the claim and wishes to defend the action he or she shall—

(i) within days of the service upon him or her of this summons file with the registrar of this court at (set out the physical address and electronic mail address of the registrar of the court) notice of his or her intention to defend and serve a copy thereof on the plaintiff or plaintiff's attorney, which notice shall give an address referred to in rule 13(3) for the service upon the defendant of all notices and documents in the action;

(ii) thereafter, and within 20 days after filing and serving notice of intention to defend as aforesaid, file with the registrar of the court and serve upon the plaintiff or plaintiff's attorney a plea, exception (with or without a counter-claim), or an exception or application to strike out in the manner and within the timeframes provided for in rule 19 [, **exception, notice to strike out, with or without a counter-claim**].

INFORM the defendant further that if defendant fails to file and serve notice as aforesaid judgment as claimed may be given against him or her without further notice to him or her, or if, having filed and served such notice, defendant fails to plead, except, make application to strike out or counter-claim, judgment may be given against him or her. And immediately thereafter serve on the defendant a copy of this summons and return the same to the registrar of the court with whatsoever you have done thereupon.

DATED atthisday of20.....

Registrar

* Consent to judgment.

I admit that I am liable to the plaintiff as claimed in this summons (or in the amount of R..... and costs to date) and I consent to judgment accordingly.

Dated at this day of, 20.....

Defendant

WITNESSES:

1. (full names)....., (signature).....
(address).....
2. (full names)....., (signature).....
(address).....

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OR

* Notice of intention to defend.

To the Registrar.

Kindly take notice that the defendant hereby notifies his or her intention to defend this action.

Dated at this day of, 20.....

.....
Defendant/Defendant's attorney

15 km physical address from the court-house for acceptance of service of process or documents

.....
Postal address

.....
Facsimile (fax) number (where available).....

Electronic mail (e-mail) address (where available).....
(Give full address for acceptance of service of process or documents within fifteen kilometres from the court-house and also the postal address.)

* The original notice must be filed with the registrar of the court and a copy thereof served on the plaintiff or plaintiff's attorney.

Costs if the action is undefended will be as follows:

- Summons.....R
- Judgment.....R
- Attorney's charges.....R
- Sheriff's fees.....R
- Sheriff's fees on re-issue.....R
- Total:.....R

ANNEXURE

Particulars of Plaintiff's Claim

.....
Dated at this day of..... 20.....

.....
Plaintiff/Plaintiff's Attorney

Address of Plaintiff/Plaintiff's Attorney

.....
Plaintiff's Advocate (if any)

No. 2C – COMBINED SUMMONS (DIVORCE MATTERS)*** For use only in the Regional Court**

IN THE REGIONAL COURT FOR THE REGIONAL DIVISION OF _____

HELD AT _____ CASE NUMBER: _____

IN THE MATTER BETWEEN:—

PLAINTIFF

Identity Number:

AND

DEFENDANT

Identity Number:

TO THE SHERIFF OR HIS/HER DEPUTY: _____

INFORM (Full names of the Defendant): _____

A MAJOR MALE/FEMALE BY OCCUPATION: _____

OF (Address):

(Hereinafter referred to as the defendant),

THAT (full names of the Plaintiff): _____

A MAJOR MALE/FEMALE BY OCCUPATION: _____

OF (Address):

(Hereinafter referred to as the Plaintiff),

HEREBY institutes action against him/her in which action the Plaintiff claims the relief on the grounds set out in the particulars of claim attached hereto;

INFORM the defendant further that if defendant disputes the claim and wishes to defend the action he/she shall within 10 (Ten) days of the service upon him or her of this summons file with the registrar of this court at _____ (here set out the physical address and electronic mail address of the assistant registrar's office) notice of his/her intention to defend and serve a copy thereof on the plaintiff or plaintiff's attorney, which notice shall give an address referred to in rule 13(3) for the service upon the defendant of all notices and documents in the action;

thereafter, and within 20 (Twenty) days after filing and serving notice of intention to defend as aforesaid, file with the assistant registrar and serve upon the plaintiff or plaintiff's attorney a plea (with or without a counter-claim), or an exception or application to strike out in the manner

and within the timeframes provided for in rule 19 [, exception, notice to strike out, with or without a counter-claim].

INFORM the defendant further that if he/she fails to file and serve notice as aforesaid, judgment as claimed may be given against him/her without further notice to him/her, or if, having filed and served such notice, he/she fails to plead, except or to counterclaim, judgment may be given against him/her.

INFORM the defendant also that if he/she does not intend to defend the action, he/she may give written notice to that effect to the plaintiff and the registrar and the action may then, at the written request of the plaintiff, be forthwith set down by the registrar for hearing without further notice to defendant.

And immediately thereafter serve on the defendant a copy of this summons and return the same to the registrar or assistant registrar with whatsoever you have done thereupon.

DATED AT _____ ON THIS _____ DAY OF _____ 20_____

REGISTRAR/ASSISTANT REGISTRAR

REGIONAL COURT

REGIONAL DIVISION OF _____

PLAINTIFF/PLAINTIFF'S ATTORNEY

Address

Postal address

Facsimile (fax) number (where available)

.....

Electronic mail (e-mail) address (where available)

.....

(Give full address for acceptance of service of process or documents within 15 kilometres from the court-house and also the postal address.)

The plaintiff is prepared to accept all subsequent documents and notices at the electronic mail address stated herein.**

(1) Notice of intention not to Defend

To the Registrar

Kindly take notice that the defendant hereby gives notice that he/she does not intend to defend the action.

Dated at..... this day of 20,

Defendant/Defendant's attorney

OR

(2) Notice of intention to Defend*

To the Registrar

Kindly take notice that the defendant hereby notifies his or her intention to defend this action.

Dated at this day of 20,

.....
Defendant/Defendant's attorney

Address

.....
Postal address

.....
Facsimile (fax) number (where available)

.....
Electronic mail (e-mail) address (where available)

.....
(Give full address for acceptance of service of process or documents within 15 kilometres from the court-house and also the postal address.)

Costs if the action is undefended will be as follows:

Summons.....	R
Judgment.....	R
Attorney's charges.....	R
Sheriff's fees.....	R
Sheriff's fees on re-issue.....	R
Total:	R

*The original notice must be filed with the registrar and a copy thereof served on the plaintiff or plaintiff's attorney.

** Delete if not applicable"