

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 2298

22 July 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 of the Minister of Justice and Correctional Services, made the rules in the Schedule.

SCHEDULE**GENERAL EXPLANATORY NOTE:**

- [] Words or expressions in bold type in square brackets indicate omissions from the existing rules.
- _____ Words or expressions underlined with a solid line indicate insertions into the existing rules.

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, R. 571 of 18 July 2014, R. 5 of 9 January 2015, R. 32 of 23 January 2015, R. 33 of 23 January 2015, R. 318 of 17 April 2015, R. 545 of 30 June 2015, R. 2 of 19 February 2016, R. 1055 of 29 September 2017, R. 1272 of 17 November 2017, R. 632 of 22 June 2018, R. 1318 of 30 November 2018, R. 842 of 31 May 2019, R. 1343 of 18 October 2019, R. 107 of 7 February 2020, R. 858 of 7 August 2020, R. 1156 of 30 October 2020, R. 1604 of 17 December 2021 and R. 2134 of 3 June 2022.

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

2. Part I of Table A of Annexure 2 to the Rules is hereby amended-
- (a) by the substitution for paragraph 1 of the following paragraph:

"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.";

(b) by the deletion of paragraph 6; and

(c) by the substitution for paragraph 12 of the following paragraph:

"12. Where there are more defendants than one, R21,00 shall be added in respect of each additional defendant for each of items 2, 2A, 2B and 3 of Part II and items 2 and 7 of Part III."

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

3. Part II of Table A of Annexure 2 to the Rules is hereby amended-

(a) by the substitution for item 2 of the following item:

"Item 2 - Summons (simple or combined), inclusive of a letter of demand other than the letter of demand referred to in item 1[:];, where the aggregate amount of the claim or claims does not exceed R10 000,00	R846,00
[(a) Claim or claims where the aggregate amount of the claim or claims does not exceed R7 000,00]	[R165,00]
[(b) Claim or claims where the aggregate amount of the claim or claims exceeds R7 000,00 but does not exceed R50 000]	[R547,00]
[(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]	[R808,00]
[(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]	[R1055,00]"

(b) by the insertion after item 2, of the following items:

"Item 2A - Simple summons, inclusive of a letter of demand other than the	
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letter of demand referred to in item 1:	
(a) Claim or claims where the aggregate amount of the claim or claims exceeds R10 000,00 but does not exceed R50 000,00	R1227,50
(b) 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	R1475,00
(c) 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	R1914,00
Item 2B - Combined 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 exceeds R10 000,00 but does not exceed R50 000,00	R1650,50
(b) 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	R1981,50
(c) 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	R2570,00"

(c) by the substitution for item 3 of the following item:

Item 3 - Judgment:	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the amount in 2[a]	R165,00
(b) Claim or claims where the aggregate of the claim or claims exceeds [the amount in 2(b)] R10 000,00 but is not more than R50 000,00	R418,00
(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.	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	R886,00"

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

4. Part III of Table A of Annexure 2 to the Rules is hereby amended-

(a) by the repeal of Scale A; and

(b) by the substitution for item 21 of the following item:

"21 Telephone consultations: For every 5 minutes or part thereof, subject to a maximum fee per consultation of R190,00 for Scales [A] B to C and R246,00 for Scale D	[R55,00]	R55,00	R69,00	R89,00"
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Amendment of Part IV of Table A of Annexure 2 to the Rules

5. Part IV of Table A of Annexure 2 to the Rules is hereby amended by the repeal of Scale A.

Commencement

6. These rules come into operation on 24 August 2022.

DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING**NO. R. 2298****22 Julie 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 van Justisie en Korrektiewe Dienste, die reëls in die Bylae gemaak.

BYLAE**ALGEMENE VERDUIDELIKENDE NOTA:**

[] Woorde of uitdrukkings in vet druk in vierkantige hakies dui op weglatings uit 4zbestaande reëls.

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

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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 Goewermenskennisgewing No. R. 740 van 23 Augustus 2010, soos gewysig deur Goewermenskennisgewing No's. R. 1222 van 24 Desember 2010, R. 611 van 29 Julie 2011, R. 1085 van 30 Desember 2011, R. 685 van 31 Augustus 2012, R. 115 van 15 Februarie 2013, R. 263 van 12 April 2013, R. 760 van 11 Oktober 2013, R. 183 van 18 Maart 2014, R. 215 van 28 Maart 2014 en R. 507 van 27 Junie 2014, R. 5 van 9 Januarie 2015, R. 32 van 23 Januarie 2015, R. 33 van 23 Januarie 2015, R. 318 van 17 April 2015, R. 545 van 30 Junie 2015, R. 2 van 19 Februarie 2016, R. 1055 van 29 September 2017, R. 1272 van 17 November 2017, R. 632 van 22 Junie 2018, R. 1318 van 30 November 2018, R. 842 van 31 Mei 2019, R. 1343 van 18 Oktober 2019., R. 107 van 7 Februarie 2020, R. 858 van 7 Augustus 2020, R.1156 van 30 Oktober 2020, R. 1604 van 17 Desember 2021 en R. 2134 van 3 Junie 2022.

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

2. Deel I van Tabel A van Aanhangel 2 tot die Reëls word hierby gewysig—
- (a) deur paragraaf 1 deur die volgende paragraaf te vervang:

“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 is, word koste op Tarief 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 Tarief 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 Tarief D getakseer.”;

(b) deur paragraaf 6 te skrap; en

(c) deur paragraaf 12 deur die volgende paragraaf te vervang:

“12. Waar daar meer as een verweerder is, word R21,00 bygevoeg ten opsigte van elke bykomende verweerder van elk van items 2, 2A, 2B en 3 van Deel II en items 2 en 7 van Deel III.”.

Wysiging van Deel II van Tabel A van Aanhangsel 2 tot die Reëls

3. Deel II van Tabel A van Aanhangsel 2 tot die Reëls word hierby gewysig—

(a) deur item 2 deur die volgende item te vervang:

“Item 2 - Dagvaarding (<u>eenvoudig of gekombineer</u>), met inbegrip van 'n aanskrywing buiten die aanskrywing in item 1 bedoel[:], die totale bedrag van die eis nie meer as R10 000,00 is nie	R846,00
[(a) Eis of eise waar die totale bedrag van die eise nie R7 000,00 oorskry nie]	[R165,00]
[(b) Eis of eise waar die totale bedrag van die eis of eise R7 000,00 oorskry, maar nie R50 000 oorskry nie]	[R547,00]
[(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]	[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]	[R1055,00]”

(b) deur die volgende items ná item 2 in te voeg:

<u>Item 2A - Eenvoudige dagvaarding, met inbegrip van 'n aanskrywe anders as die aanskrywe in item 1 bedoel:</u>	
<u>(a) Eis of eise waar die totale bedrag van die eis of eise R10 000,00 oorskry, maar nie R50 000,00 oorskry nie</u>	<u>R1227,50</u>
<u>(b) Eis of eise waar die totaal van die eis of eise R50 000 oorskry, maar nie die maksimum jurisdiksiebedrag wat die Minister van tyd tot tyd vasstel ten opsigte van landdroshowe vir distrikte, oorskry nie</u>	<u>R1475,00</u>
<u>(c) Eis of eise waar die totaal van die eis of eise die maksimum jurisdiksiebedrag oorskry wat die Minister van tyd tot vasstel ten opsigte van landdroshowe vir distrikte en die prosesstuk word uit 'n landdroshof vir 'n streeksafdeling uitgereik of wanneer die aangeleentheid oor 'n skuldoorsaak ingevolge artikel 29(1B)(a) van die Wet handel</u>	<u>R1914,00</u>
<u>Item 2B - Gekombineerde dagvaarding, insluitend 'n aanskrywing anders as die aanskrywing in item 1 bedoel:</u>	
<u>(a) Eis of eise waar die totale bedrag van die eis of eise R10 000,00 oorskry, maar nie R50 000,00 oorskry nie</u>	<u>R1650,50</u>
<u>(b) Eis of eise waar die totaal van die eis of eise R50 000,00 oorskry, maar nie die maksimum jurisdiksiebedrag wat van tyd tot tyd deur die Minister vasgestel word ten opsigte van landdroshowe vir distrikte, oorskry nie</u>	<u>R1981,50</u>
<u>(c) Eis of eise waar die totaal van die eise of eise die maksimum jurisdiksiebedrag van tyd tot tyd deur die Minister vasgestel ten opsigte van landdroshowe vir distrikte en die prosesstuk uit 'n landdroshof vir 'n streekshof uitgereik word wanneer die saak handel oor 'n skuldoorsaak ingevolge artikel 29(1B)(a) van die Wet</u>	<u>R2570,00"</u>

(c) deur item 3 deur die volgende item te vervang:

<u>Item 3 - Vonnis:</u>	
<u>(a) Eis of eise waar die totaal van die eis of eise nie die bedrag in item 2[(a)] oorskry nie</u>	<u>R165,00</u>
<u>(b) Eis of eise waar die totaal van die eis of eise [die bedrag in 2(b)] <u>R10 000,00</u> oorskry, maar nie meer as R50 000,00 is nie</u>	<u>R418,00</u>
<u>(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 .</u>	<u>R682,00</u>
<u>(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</u>	<u>R886,00"</u>

Wysiging van Deel III van Tabel A van Aanhangel 2 van die Reëls

4. Deel II van Tabel A van Aanhangel 2 tot die Reëls word hierby gewysig—

- (a) deur Tarief A te herroep; en
- (b) deur item 21 deur die volgende item te vervang:

"21 Telefoonkonsultasies: Vir elke 5 minute of deel daarvan, behoudens 'n maksimum tarief per konsultasie van R190,00 vir Tariewe [A] B tot C en R246,00 vir [Skaal] Tarief D	[R55,00]	R55,00	R69,00	R89,00"
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Wysiging van Deel IV van Tabel A van Aanhangsel 2 tot die Reëls

5. Deel IV van Tabel A van Aanhangsel 2 tot die Reëls word hierby gewysig deur Tarief A te herroep.

Inwerkingtreeding

6. Hierdie reëls tree in werking op 24 Augustus 2022.