

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT**NO. R. 2414****26 August 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 section 1 of the Criminal and Related Matters Amendment Act, 2021 (Act No. 12 of 2021), 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.
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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, R. 1604 of 17 December 2021, R. 2134 of 3 June 2022 and R. 2298 of 22 July 2022.

Insertion of rule 34A in the Rules

2. The following rule is hereby inserted after rule 34 of the Rules:

"Tariff of fees and allowances for intermediaries in proceedings other than criminal proceedings"

34A. The tariff of fees and allowances for intermediaries appointed in terms of section 51A(1) of the Act appearing at proceedings other than criminal proceedings, and who are not in the full-time employment of the State, shall be those set out in Table E of Annexure 2 to the Rules."

Insertion of Table E in Annexure 2 to the Rules

3. The following table is hereby inserted after Table D of Annexure 2 to the Rules:

"TABLE E
TARIFF OF FEES PAYABLE TO INTERMEDIARIES IN PROCEEDINGS OTHER
THAN CRIMINAL PROCEEDINGS

1. Fee for appearing in court:

- (a) An intermediary appointed to render assistance to a witness in proceedings other than criminal proceedings, shall be entitled to the following fees for appearing in court:
- (i) for appearing, including time spent in a District Court: R150,00 per hour or part thereof, subject to a maximum of R1 200,00 per day; or
 - (ii) for appearing, including time spent in a Regional Court of a Regional Division: R180,00 per hour or part thereof, subject to a maximum of R1 440,00 per day.
- (b) The fees contemplated in paragraph (a) shall be calculated from the beginning of the hour at which the intermediary is required to appear in court to the end of the hour at which the intermediary is excused from court.

2. Transport, travelling and parking or toll allowances:

An intermediary appointed to render assistance to a witness in proceedings other than criminal proceedings, shall be entitled—

- (a) to the following transport and travelling expenses for each journey actually and necessarily taken between the court house and his or her residence or place of business:
- (i) For use of public transport, an amount equal to the fare for the least expensive transport along the shortest route; or
 - (ii) For use of private transport, an allowance, as prescribed from time to time for the Public Service: Provided that the maximum amount allowed shall not exceed that permitted for a 1551 - 1750 cc petrol or diesel engine capacity; and
- (b) upon satisfactory proof having been produced to the court manager or registrar or clerk of the court, to the reimbursement for his or her reasonable actual expenses incurred in respect of parking and toll fees:

Provided that, for an intermediary who resides and carries on business at different physical locations, the transport or travelling allowance shall be calculated from the place of residence or place of business, whichever is closer to the court house, or such other place to which the intermediary is summoned, as the court may direct in terms of section 51A(3) of the Act.

3. Subsistence allowance:

(a) Subject to paragraphs (b), (c) and (d), an intermediary who is, for the purpose of rendering intermediary services to a witness, absent from his or her residence and—

(i) is obliged to be absent from his or her residence for 24 hours or longer, shall be entitled to claim such allowances as prescribed from time to time for the Public Service; or

(ii) is obliged to be absent from his or her residence for less than 24 hours, shall be entitled to claim the reasonable actual expenses incurred:

Provided that the claim is accompanied by the necessary corroborative documents to support the expenses, as prescribed from time to time for the Public Service, or to the satisfaction of the court manager or registrar or clerk of the court.

(b) The allowances provided for in paragraph (a) are payable for the full period for which the intermediary is absent from his or her residence for purposes of appearing in court.

(c) In calculating the period of absence for purposes of paragraph (a), an intermediary is allowed 24 hours for each distance of 600 kilometres or part thereof travelled.

(d) The allowance provided for in paragraph (a) is not payable if the fare of an intermediary includes the cost of meals and accommodation.”.

Commencement

4. These rules come into operation on **01 October 2022.**

JUSTISIE EN STAATKUNDIGE ONTWIKKELING, DEPARTEMENT VAN**NO. R. 2414****26 Augustus 2022****WET OP DIE REËLSRAAD VIR GEREESHOWE, 1985 (WET NO. 107 VAN 1985)****WYSIGING VAN DIE REËLS WAARBY DIE VOER VAN DIE VERRIGTINGE VAN DIE
LANDDROSHOWE VAN SUID-AFRIKA GEREËL WORD**

Die Reëlsraad vir Gereeshowe het kragtens artikel 6 van die Wet op die Reëlsraad vir Gereeshowe, 1985 (Wet No. 107 van 1985), en artikel 18 van die Wysigingswet op die Strafbereg en Verwante Aangeleenthede, 2021 (Wet No. 12 van 2021), en met die goedkeuring van die Minister van 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 die bestaande reëls.
- _____ Woorde of uitdrukings met 'n volstreep daaronder dui op invoegings in die 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 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, R. 1604 van 17 Desember 2021, R. 2134 van 3 Junie 2022 en R. 2298 van 22 Julie 2022.

Invoeging van reël 34A in die Reëls

2. Die volgende reël word hierby na reël 34 van die Reëls ingevoeg:

“Tarief van gelde en toelaes vir tussengangers in verrigtinge anders as strafregtelike verrigtinge

34A. Die tarief van gelde en toelaes vir tussengangers ingevolge artikel 51A(1) van die Wet aangestel wat in verrigtinge anders as strafregtelike verrigtinge verskyn, en wat nie heeltyds in diens van die Staat is nie, word uiteengesit in Tabel E van Aanhangsel 2 tot die Reëls.”

Invoeging van Tabel E in Aanhangsel 2 tot die Reëls

3. Die volgende tabel word hierby na Tabel D van Aanhangsel 2 tot die Reëls ingevoeg:

"TABEL E**"TARIEF VAN GELDE BETAALBAAR AAN TUSSENGANGERS IN VERRIGTINGE
ANDERS AS STRAFREGTELIKE VERRIGTINGE****1. Gelde vir verskyning voor die hof:**

- (a) 'n Tussenganger, aangestel om bystand aan 'n getuie te lewer in verrigtinge anders as strafregtelike verrigtinge, is geregtig op die volgende gelde vir verskyning in die hof—
- (i) vir verskyning, met inbegrip van tyd in 'n Distrikshof deurgebring: R150,00 per uur of deel daarvan, onderhewig aan 'n maksimum van R1 200,00 per dag; of
- (ii) vir verskyning, met inbegrip van tyd in 'n Streekhof van 'n Streekafdeling deurgebring: R180,00 per uur of deel daarvan, onderhewig aan 'n maksimum van R1 440,00 per dag.
- (b) Die gelde in paragraaf (a) beoog, word bereken vanaf die begin van die uur wanneer daar van die tussenganger vereis word om in die hof te verskyn tot die einde van die uur wanneer die tussenganger uit die hof verskoon word.

2. Vervoer-, reis- en parkering- of toltoelaes:

'n Tussenganger, aangestel om bystand aan 'n getuie te lewer in verrigtinge anders as strafregtelike verrigtinge, is geregtig op—

- (a) die volgende vervoer- en reistoelaes vir elke reis wat werklik en noodsaaklikerwys onderneem word tussen die hofgebou en sy of haar woning of besigheidsplek:
- (i) Vir gebruik van openbare vervoer, 'n bedrag gelyk aan die tarief vir die goedkoopste vervoer langs die kortste roete; of
- (ii) Vir gebruik van private vervoer, 'n toelaag soos van tyd tot tyd vir die Staatsdiens voorgeskryf: Met dien verstande dat die maksimum bedrag toegelaat nie meer sal wees as die bedrag toegelaat vir 'n 1551 - 1750 cc petrol- of dieselfenjiinkapasiteit nie; en

- (b) terugbetaling van sy of haar redelike of werklike uitgawes aangegaan ten opsigte van parkering en tolgelde, nadat bevredigende bewyse aan die hofbestuurder of griffier van die hof of klerk van die hof voorgelê is:

Met dien verstande dat, vir 'n tussenganger wat by verskillende fisieke liggings woon of besigheid doen, die vervoer- of reistoelaag bereken sal word vanaf die woonplek of besigheidsplek, welke een ook al nader aan die hofgebou is, of sodanige ander plek waarheen die tussenganger gedagvaar word, soos die hof ingevolge artikel 51A(3) van die Wet kan gelas.

3. Bestaanstoelaag:

- (a) Behoudens paragrafe (b), (c) en (d), is 'n tussenganger wat, met die doel om tussengangerdienste aan 'n getuie te voorsien, van sy of haar woonplek afwesig is en—

(i) wat verplig is om vir 24 uur of langer van sy of haar woonplek afwesig te wees, geregtig op die toelaes soos van tyd tot tyd vir die Staatsdiens voorgeskryf; of

(ii) wat verplig is om vir minder as 24 uur van sy of haar woonplek afwesig te wees, geregtig op die redelike werklike uitgawes wat aangegaan is:

Met dien verstande dat die eis vergesel gaan van die nodige stawende dokumente om die uitgawes te ondersteun, soos van tyd tot tyd vir die Staatsdiens voorgeskryf, of tot oortuiging van die hofbestuurder of griffier van die hof of klerk van die hof.

- (b) Die toelaes waarvoor in paragraaf (a) voorsiening gemaak word, is betaalbaar vir die volle tydperk waarvoor die tussenganger van sy of haar woonplek afwesig is met die doel om in die hof te verskyn.
- (c) By die berekening van die tydperk van afwesigheid vir die doeleindes van paragraaf (a), word 'n tussenganger 24 uur gegee vir elke afstand van 600 kilometer of deel daarvan gereis.
- (d) Die toelaag waarvoor in paragraaf (a) voorsiening gemaak word, is nie betaalbaar indien die tarief van 'n tussenganger die koste van maaltye en akkommodasie insluit nie.”.

Inwerkingtreding

4. Hierdie reëls tree in werking op **01 Oktober 2022**.