

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 3371

5 May 2023

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 in bold type in square brackets indicate omissions from the existing enactments.

_____ Words underlined with a solid line indicate insertions into the 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, R. 1602 of 17 December 2021 and R. 2434 of 2 September 2022.

Amendment of Chapter 2 of Rules

2. Chapter 2 of the Rules is hereby amended—

(a) by the substitution for rules 70, 71, 72, 73, 74, 75, 76, 77, 78 and 79, respectively, of the following rules:

70. Purpose of rules

The purpose of the rules in this Chapter is—

- (a) to provide for the parties to litigation the opportunity to submit the dispute to mediation, either of their own accord or upon enquiry by the court;
- (b) to regulate the referral to mediation where parties agree to submit the dispute to mediation; and
- (c) to regulate the further conduct of litigation where the dispute is referred to mediation.

71. Definitions

For the purposes of this Chapter—

‘action’ means litigation commenced by the issue of summons;

‘application’ means litigation commenced by notice of motion;

‘dispute’ means the subject matter of litigation between parties, or an aspect thereof;

‘litigation’ means court proceedings commenced by action or application proceedings;

‘mediation’ means a voluntary process entered into by agreement between the parties to a dispute, in which an impartial and independent person, the mediator, assists the parties to either resolve the dispute between them, or identify issues upon which agreement can be reached, or explore areas of compromise, or generate options to resolve the dispute, or clarify priorities, by facilitating discussions between the parties and assisting them in their negotiations to resolve the dispute.

72. Notice agreeing to or opposing mediation

(1) In every new action or application, the plaintiff or applicant shall, together with the summons or combined summons or notice of motion, serve on each defendant or respondent a notice indicating whether such plaintiff or applicant agrees to or opposes referral of the dispute to mediation.

(2) A defendant or respondent shall, when delivering a notice of intention to defend or a notice of intention to oppose, or at any time thereafter, but not later than the delivery of a plea o

answering affidavit, serve on each plaintiff or applicant or the plaintiff's or applicant's attorneys, a notice indicating whether such defendant or respondent agrees to or opposes referral of the dispute to mediation.

(3) The notices referred to in subrules (1) and (2) shall be substantially in accordance with Form 60A and Form 60B of Annexure 1 and shall clearly and concisely indicate the reasons for such party's belief that the dispute is or is not capable of being mediated.

(4) Subject to the provisions of rule 79, the notices referred to in this rule shall be of a without prejudice nature and shall not be filed with the clerk or registrar of the court.

73. Referral to mediation

(1) Notwithstanding the provisions of rule 72, the parties may, at any stage before judgment, agree to refer the dispute between them to mediation: Provided that where the trial or opposed application has commenced, the parties shall first obtain the leave of the court.

(2) A judicial officer or the court may at any stage before judgment enquire into and allow the parties to consider mediation, whereupon the parties may, if they agree, refer the dispute to mediation.

(3) Where the parties agree to refer the dispute to mediation, either upon delivery of the notices referred to in rule 72, or in terms of this rule, the parties shall—

- (a) deliver a joint signed minute recording their election to refer the dispute to mediation; and
- (b) enter into an agreement to mediate, prior to the commencement of mediator proceedings.

74. Time limits

(1) The time limits prescribed by the rules in Chapter 1 for the delivery of pleadings and notices and the filing of affidavits or the taking of any step shall be suspended for every party to the litigation, from the date of signature of the minute referred to in rule 73(3)(a), to the time of conclusion of mediation: Provided that any party to the litigation who considers that the suspension of the prescribed time limits is being abused, may apply to the court for the upliftment of the suspension of the prescribed time limits.

(2) The process of mediation shall be concluded within 30 days from the date of signature of the minute referred to in rule 73(3)(a): Provided that a judicial officer or the court may, on good cause shown by the parties, extend such time period for completion of the mediation process.

75. Multiple parties and issues

(1) Where there are multiple parties to the litigation, some of whom are agreeable to mediation and some of whom are not, parties who are agreeable to mediation may proceed to mediation notwithstanding any other party's refusal to mediate.

(2) The time limits prescribed for the delivery of pleadings and notices and the filing of affidavits or the taking of any step, as prescribed by the Rules in Chapter 1, shall be suspended for every party, from the date of signature of the minute referred to in rule 74(1) to the time of conclusion of mediation by the parties who have elected to mediate: Provided that any party to the litigation who considers that such suspension of time limits is being abused, may apply to the court for the upliftment of such suspension.

(3) In any matter where there are multiple issues, the parties may agree that some issues be referred to mediation and that the issues remaining in dispute may proceed to litigation.

(4) If any issue remains in dispute after mediation, the parties may proceed to litigation on such issue in dispute.

76. Confidentiality and admissibility

Except as provided by law or discoverable in terms of the rules in Chapter 1 or as agreed between the parties, all communications and disclosures, whether oral or written, made at mediator proceedings, shall be confidential and inadmissible in evidence.

77. Conclusion of mediation

(1) Upon conclusion of mediation, the parties who engaged in mediation shall, by notice inform the clerk or registrar of the court and all other parties that mediation has been completed.

(2) Notwithstanding the failure of parties who have engaged in mediation to deliver the notice referred to in subrule (1), the suspension of the time limits referred to in rule 74(1) shall lapse, unless a judicial officer or a court, upon application, extends any time limit and notice thereof has been given to all parties to the litigation within five days of the grant of such extension.

(3) Subject to rule 74(2), mediation shall be deemed to be completed within 30 days from the date of signature of the joint minute referred to in rule 73(3)(a), from which date the suspension of the time limits prescribed for the delivery of pleadings and notices and the filing of affidavits or the taking of any step referred to in rule 74(1) shall lapse: Provided that where mediation is completed before the aforesaid period of 30 days, the parties who engaged in mediation shall deliver a notice, contemplated in subrule (1), indicating that mediation has been completed.

(4) The parties who engaged in mediation and the mediator who conducted the mediation shall, within five days of the conclusion of mediation, issue a joint minute indicating—

(a) whether full or partial settlement was reached or whether mediation was not successful; and

(b) the issues upon which agreement was reached and which do not require hearing by the court.

(5) It shall be the joint responsibility of the parties who engaged in mediation to file with the clerk or registrar of the court, the minute referred to in subrule (4).

(6) No offer or tender made without prejudice in terms of this rule shall be disclosed to the court at any time before judgment has been given.

(7) Where the parties have reached settlement at mediation proceedings, the provisions of rule 27 in Chapter 1 shall apply *mutatis mutandis*.

78. Fees of mediator

Unless the parties agree otherwise, liability for the fees of mediator shall be borne equally by the parties participating in mediation.

79. Costs

When an order for costs of the action or application is considered, the court may have regard to the notices referred to in rules 72(1) and 72(2) or to any offer or tender referred to in rule 77(6) and any party shall be entitled to bring such notices or offer or tender to the attention of the court."
and

(b) by the repeal of rules 80, 81, 82, 83, 84, 85, 87 and 88.

Amendment of Annexure 1 to Rules

3. Annexure 1 to the Rules is hereby amended by the insertion after Form No. 59 of the forms contained in the Annexure hereto.

Repeal of Annexure 3 to Rules

4. Annexure 3 to the Rules is hereby repealed.

Commencement

5. These rules come into operation on **9 June 2023**.

ANNEXURE

“No. 60A – NOTICE OF AGREEMENT OR OPPOSITION TO MEDIATION IN TERMS OF RULE 72(3)

*** For use in the District Court**

IN THE MAGISTRATES’S COURT FOR THE DISTRICT OF.....

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

In the matter between:

.....Plaintiff/Applicant

.....Defendant/Respondent

Please take notice that the Plaintiff/Applicant/Defendant/Respondent agrees to/opposes to the referral of this matter to mediation

Plaintiff/Applicant/Defendant/Respondent does so for the following reasons:

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

Dated at on this day of 20

.....
Plaintiff/Applicant/Attorney

Defendant/Respondent/Attorney

Address:

“Without prejudice and not to be filed in court”

No. 60B – NOTICE OF AGREEMENT OR OPPOSITION TO MEDIATION IN TERMS OF RULE 72(3)

*** 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/Applicant

.....Defendant/Respondent

Please take notice that the Plaintiff/Applicant/Defendant/Respondent agrees to/opposes to the referral of this matter to mediation

Plaintiff/Applicant/Defendant/Respondent does so for the following reasons:

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

Dated at on this day of 20

.....
Plaintiff/Applicant/Attorney
Defendant/Respondent/Attorney
Address:

“Without prejudice and not to be filed in court” .



**ISAZISO SIKAHULUMENI
UMNYANGO WEZOBULUNGISWA NOKUTHUTHUKISWA KOMTHETHOSISEKELO**

No. R.....

.....2023

**IBHODI LEMITHETHO LOMTHETHO WEZINKANTOLO ZOMTHETHO, WE-1985
(UMTHETHO 107 WE-1985)**

**UKUCHIBITSHIYELWA KWEMITHETHO ELAWULA UKUQHUTSHWA KOKUQULWA
KWAMACALA KWEZINKANTOLO ZIKAMANTSHI ZASENINGIZIMU AFRIKA**

Ibhodi Lemithetho Yezinkantolo Zomthetho, ngaphansi kwesigaba sesi-6 soMthetho Webhodi Lemithetho Yezinkantolo Zomthetho, we-1985 (uMthetho 107 we-1985), futhi ngemvume kaNgqongqoshe Wezobulungiswa kanye Nokuhlunyeleliswa Kwezimilo, lenze imithetho kwiSheduli.

ISHEDULI

AMANOTHI ACHAZAYO AJWAYELEKILE:

[] Amagama akubakaki abayisikwele abagqamile amele okukhishiwe emthethweni osebenzayo.

_____ Amagama adwetshelwe ngomugqa amele okufakiwe emthethweni osebenzayo.

Incazelo

1. Kule Sheduli "Imithetho" ichaza Imithetho elawula Ukuqhutshwa kokuqulwa kwamacala kwezinkantolo zikaMantshi zaseNingizimu Afrika, eshicilelwe ngaphansi Kwesaziso sikaHulumeni No.R.740 sangomhlaka-23 kuNcwaba 2010, njengoba ichitshiyelwe Isaziso sikaHulumeni No.R.1222 sangomhlaka-24 kuZibandlela 2010, R. 61 1 sangomhlaka- 29 kuNtulikazi 2011, R. 1085 sangomhlaka- 30 kuZibandlela 2011, R. 685 sangomhlaka-31

kuNcwaba 2012, R. 115 sangomhlaka-15 kuNhlolanja 2013, R. 263 sangomhlaka-12 kuNdasa 2013, R. 760 sangomhlaka-11 kuMfumfu 2013, R. 183 sangomhlaka-18 kuNdasa 2014, R. 215 sangomhlaka-28 kuNdasa 2014, R. 507 sangomhlaka- 27 kuNhlanguvana 2014, 571 sangomhlaka- 18 kuNtulikazi 2014, R. 5 sangomhlaka- 9 kuMasingana 2015, R. 32 sangomhlaka 23 kuMasingana 2015, R. 33 sangomhlaka- 23 kuMasingana 2015, R. 318 Sangomhlaka-17 kuMbaso 2015, R. 545 sangomhlaka-30 kuNhlanguvana 2015, R. 2 sangomhlaka 19 kuNhlolanja 2016, R. 1055 sangomhlaka- 29 September 2017, R. 1272 sangomhlaka- 17 kuLwezi 2017, R. 632 sangomhlaka- 22 kuNhlanguvana 2018, R. 1318 sangomhlaka- 30 November 2018, R. 842 sangomhlaka-31 kuNhlaba 2019, R. 1343 sangomhlaka- 18 kuMfumfu 2019, R. 107 sangomhlaka-7 kuNhlolanja 2020, R. 858 sangomhlaka- 7 kuNcwaba 2020, R. 1156 sangomhlaka-30 kuMfumfu 2020, R. 1602 sangomhlaka-17 kuZibandlela 2021 kanye nesaziso R. 2434 sangomhlaka-2 kuMandulo 2022.

Ukuchitshiyelwa kweSahluko sesi-2 Semithetho.

2. Isahluko sesi-2 seMithetho sichitshiyelwe—

(a) ngokufaka esikhundleni semithetho 70, 71, 72, 73, 74, 75, 76, 77, 78 kanye no 79, ngokulandelana, kwalemithetho elandelayo:

"70. Inhloso yemithetho

- Inhloso yemithetho kulesi Sahluko —
- (a) ukuhlinzekela abathintekayo ekuqulweni kwecala ithuba lokuhambisa ingxabano ukuba ilanyulwe, lokhu kungenzeka ngokuthanda kwabo noma ngokucelwa inkantolo:
- (b) ukulawula ukudluliswa kwamacala ukuba ayolanyulwa, lapho abathintekayo bevumelana nalokho kanye
- (c) nokuphinda kuqhutshekwe nokulawula ukuqulwa kwecala lapho ingxabano idluliselwa ukuyolanyulwa.

71. Izincazelo

Ngezinhloso zalesi Sahluko—

'isinyathelo' kusho ukuqulwa kwecala okuqalwa ngokukhipha amasamanisi:

'isicelo' kusho ukuqulwa kwecala okuqalwa ngesaziso sesiphakamiso:

'ingxabano' kushiwo indaba yokumangalelana phakathi kwezinhlangothi, noma ingxenye yalokho:

'icala lombango' kusho ukuqulwa kwecala enkantolo okuqalwe ngenxa yesinyathelo noma ngenxa yesicelo:

'ukulamula' kusho inqubo yokuzithandela okungenwa kuyo ngokuvemelana phakathi kwabathintekayo engxabanweni, lapho umuntu ongachemi futhi ozimele, umxazululi, esiza abathintekayo ekuxazululeni ingxabano phakathi kwabo, noma ukubona izindaba okungavunyelwana ngazo, noma abheke la bengathobelana khona, noma alethe izindlela ezahlukene zokuxazulula ingxabano, noma ukucacisa okubalulekile, ngokuqondisa izingxoxo phakathi kwezinhlangothi kanye nokubasiza ezingxoxweni zabo ukuxazulula ingxabano.

[1] Kuso sonke isinyathelo esisha noma isicelo, ummangali noma umfakisicelo kufanele, kanye namasamanisi noma amasamanisi ahlanganisiwe noma isaziso sesiphakamiso, anikeze ummangalelwa ngamunye noma umphenduli isaziso esibonisa ukuthi lowommangali noma umfakisicelo uyavumelana noma uyaphikisana nokudluliselwa kwengxabano kumlamuli.

(2) Ummangalelwa noma umphenduli kufanele, lapho eletha isaziso senhloso yokuzivikela noma isaziso senhloso yokuphikisa, noma nganoma isiphi isikhathi ngemva kwalokho, kodwa kungakapheli ukulethwa kwesicelo noma incwadi efungelwe yokuphendula, anikeze ummangali ngamunye noma umfakisicelo noma abameli bommangali noma bomfakisicelo, isaziso esibonisa ukuthi lowo mmangalelwa noma umphenduli uyavumelana noma uyaphikisana nokudluliselwa kwengxabano kumlamuli.

(3) Izaziso okukhulunywe ngazo ezigatshaneni zomthetho woku-(1) nowesi-(2) ziyohambisana kakhulu neFomu 60A kanye neFomu 60B lesiThasiselo 1 futhi zizokhombisa ngokucacile nangokufingqiwe izizathu zenkolelo yalolo hlangothi lokuthi ingxabano izokwazi noma ngeke ikwazi ukuxazululeka.

(4) Ngokuya ngemihlinzeko yomthetho wama-79, izaziso okukhulunywe ngazo kulo mthetho ziyoba ngezohlobo olungachemi futhi angeke zifakwe kumabhalane noma kunobhala wenkantolo.

73. Ukudluliselwa ukuyoxazululwa

(1) Ngaphandle kwemihlinzeko yomthetho wama-72, abathintekayo, nganoma yisiphi isikhathi ngaphambi kokuqulwa kwecala, bangavuma ukudlulisela ingxabano yabo kumlamuli: Kuncike ekutheni lapho ukuqulwa kwecala noma isicelo esisiphikiswayo sesiqalile, abathintekayo bayoqala bathole invume enkantolo.

(2) Isikhulu sezomthetho noma inkantolo kunoma yisiphi isigaba ngaphambi kwesinqumo singaphenya futhi sivumele izinhlangothi ukuthi zikucabange ukulamula, lapho okungathi uma izinhlangothi zivumelana, ziyidlulisele ingxabano yazo kumlamuli.

(3) Lapho izinhlangothi zivuma ukudlulisela ingxabano kumlamuli, noma ngemva kokulethwa kwezaziso okukhulunywe ngazo kumthetho wama-72, noma ngokwalo mthetho, izinhlangothi kufanele—

(a) balethe iminithi abalisayine ndawonye eliveza isinqumo sabo sokudlulisela ingxabano kumlamuli: kanye

(b) bangene esivumelwaneni sokulamula, ngaphambi kokuqala kwezinqubo zokulamula.

74. Imikhawulo yesikhathi

(1) Imikhawulo yesikhathi ebekwe yimithetho eSahlukweni soku-1 yokulethwa kwezicelo nezaziso kanye nokufakwa kwezincwadi ezifungelwe noma ukuthatha isinyathelo kwanoma yisiphi isinyathelo kuzo zonke izinhlangothi ekuqulweni kwecala, kusukela ngosuku lokusayinwa kweminithi okukhulunywe ngalo emthethweni wama-73(3)(a), kuze kuphothulwe ukulamula: Kuncike ekutheni noma yiliphi uhlangothi ecaleni elibona ukuthi ukumiswa kwemikhawulo yesikhathi enqunyiwe kusetshenziswe kabi, lingafaka isicelo enkantolo sokuthi kuphakanyiswe ukumiswa imikhawulo yesikhathi enqunyiwe.

(2) Inqubo yokulamula iyophothulwa zingakapheli izinsuku ezingama-30 kusukela osukwini okwasayinwa ngalo iminithi okukhulunywe ngalo kumthetho wama-73(3)(a): Kuncike ekutheni isikhulu sezomthetho noma inkantolo, ngesizathu esiphusile esikhonjiswe yizinhlangothi, ingaselula isikhathi sokuphothulwa kwenqubo yokulamula.

75. Izinhlangothi eziningi nezinkinga

(1) Lapho kukhona izinhlangothi eziningi ecaleni, ezinye zazo zivumelana nokulamula udaba kanti ezinye ziphikisana nalokho, izinhlangothi ezivumayo ukulamula zingaqhubekela phambili nokulamula naphezu kokwenqaba kwanoma yiluphi olunye uhlangothi.

(2) Imikhawulo yesikhathi enqunyelwe ukulethwa kwezikhalazo kanye nezaziso kanye nokufakwa kwezincwadi ezifungelwe noma ukuthathwa kwanoma yisiphi isinyathelo, njengoba kungunywe yiMithetho eSahlukweni soku-1, iyomiswa kuwo wonke amaqembu, kusukela ngosuku lokusayinwa kweminithi okukhulunywe ngakho kumthetho wama-74(1) ngesikhathi sokuphothulwa kokulamula yizinhlangano

ezikhethe ukulamula udaba lwazo: Kuncike ekutheni noma yiliphi uhlangothi ecaleni elibona ukuthi lokho kumiswa kwemikhawulo yesikhathi kusetshenziswe kabi, lingafaka isicelo enkantolo sokuthi kuphakanyiswe ukumiswa imikhawulo yesikhathi enqunyiwe okunjalo.

(3) Kunoma iluphi udaba lapho kunezindaba eziningi, izinhlangothi zingavumelana ukuthi ezinye izindaba ziyiswe kumlamuli nokuthi izindaba ezisele zingaxazululiwe zingaqhubekela enkantolo.

(4) Uma noma yiluphi udaba luhlala luyingxabano ngemva kokulamula, abathintekayo bangaqhubeka nokumangalelana ngalolo daba abaxabana ngalo.

76. Ubumfihlo nokwemukelwa

Ngaphandle kokuthi kuhlinzekwe ngumthetho noma okutholakala ngokwemithetho eseSahlukweni soku-1 noma njengoba kuvunyelwene phakathi kwezinhlangothi, konke ukuxhumana nokudalula, noma ngomlomo noma ngokubhaliwe, okwenziwa ezinqubweni zokulamula, kuyoba kuyimfihlo futhi kungamukeleki ebufakazini.

77. Ukuphothula ukulamula

(1) Ngemva kokuphothula ukulamula, izinhlangothi ezibambe iqhaza ekulamuleni kufanele, ngesaziso, zazise umabhalane noma unobhala wenkantolo kanye nazo zonke ezinye izinhlangothi ukuthi ukulamula sekuphothuliwe.

(2) Naphezu kokwehluleka kwezinhlangothi ezibambe iqhaza ekulamuleni ukuhambisa isaziso okukhulunywe ngaso esigatshaneni somthetho soku-(1), ukumiswa kwemikhawulo yesikhathi okukhulunywe ngayo kumthetho wama-74(1) kuyophelelwa yisikhathi, ngaphandle uma isikhulu sezomthetho noma inkantolo, ngemuva kwesicelo, selula noma yisiphi isikhathi esinqunyiwe futhi isaziso salokho sinikezwe bonke abathintekayo ecaleni zingakapheli izinsuku ezinhlanu kusukela ngaleso sikhathi seluliwe.

(3) Ngokuncika kwisigatshana somthetho wama-74(2), ukulamula kuyothathwa ngokuthi kuqediwe zingakapheli izinsuku ezingama-30 kusukela osukwini lokusayinwa kweminithi elihlanganyelwe okukhulunywe ngalo kumthetho wama-73(3) (a), okusukela ngalo usuku ukumiswa kwemikhawulo yesikhathi enqunyelwe ukulethwa kwezicelo nezaziso kanye nokufakwa kwezincwadi ezifungelwe noma ukuthathwa kwanoma yisiphi isinyathelo okukhulunywe ngaso kumthetho wama-74(1) kuzophelelwa yisikhathi: Kuncike ekutheni lapho ukulamula sekuphothuliwe ngaphambi kwesikhathi esishiwo ngenhla esiyizinsuku ezingama-30, izinhlangothi ezibambe iqhaza ekulamuleni zizoletsa isaziso, esihlongozwe kwisigatshana somthetho woku-(1), esibonisa ukuthi ukulamula sekuphothuliwe.

(4) Izinhlangothi ezibambe iqhaza ekulamulweni kanye nomlamuli olamulile kufanele, zingakapheli izinsuku ezinhlanu kuphothulwe ukulamula, bakhiphe iminithi elihlanyanyelwe elivezayo—

(a) Ukuthi ingabe kufinyelelwe esivumelwaneni esigcwele noma ingxenye noma ukulamula akuphumelelanga' futhi

(b) izindaba okwavunyelwana ngazo futhi ezingadingi ukudingidwa enkantolo.

(5) Kuyoba umsebenzi wezinhlangothi zonke ebeziyinxenye yokuxazululwa ukunika umabhalane noma unobhala wenkantolo iminithi okukhulunywe ngalo esigatshaneni somthetho sesi-(4).

(6) Akukho mnikelo noma ithenda elenziwe ngaphandle kokuchema ngokwalo mthetho elizodalulwa enkantolo ngesikhathi esimisiwe ngaphambi kokuba kukhishwe isinqumo.

(7) Lapho izinhlangothi sezifinyelele esivumelwaneni ezinqubeni zokulamula, imihlinzeko yomthetho wama-27 eSahlukweni soku-1 izosebenza ngokufanele ngokuhambisana nezinguquko.

78. Izindleko zomlamuli

Ngaphandle uma izinhlangothi zivumelana ngenye indlela, isikweletu semali yomlamuli sizothwalwa ngokulinganayo izinhlangothi zonke ezibambe iqhaza ekulamuleni.

79. Izindleko

Lapho umyalelo wezindleko zesinyathelo noma isicelo ucutshungulwa, inkantolo inganikeza izaziso okukhulunywe ngazo emithethweni wama-72(1) kanye nowama-72(2) noma kunoma yisiphi isithembiso noma ithenda okukhulunywe ngalo kumthetho wama-77(6), futhi noma yiluphi uhlangothi liyoba nelungelo lokuveza lezo zaziso noma i-offer noma ithenda enkantolo."; futhi

(b) ngokuchithwa kwemithetho 80, 81, 82, 83, 84, 85, 87 and 88.

Ukuchitshiyelwa kweSithasiselo 1 seMithetho

3. Ngakho-ke isithasiselo 1 seMithetho siyachitshiyelwa ngokushutheka ngemuva kweFomu 59 lamafomu aqukethwe eSithasiselweni lapha.

Ukuchithwa kweSithasiselo 3 seMithetho

4. Isithasiselo 3 seMithetho ngalokhu sichithiwe.

Ukuqala

5. LeMithetho iqala ukusebenza ngo **9 uNhlangulana 2023**.

ISITHASISELO**"INOMBOLO 60A - ISAZISO SESIVUMELWANO NOMA UKUPHIKISANA NOKULAMULA NGOKOMTHETHO WAMA-72(3)***** Kuzosetshenziswa eNkantolo Yesifunda**

ENKANTOLO YEZIMANTSHI ESIFUNDENI SASE-

IBANJELWE E-

Inombolo yecala. yango-20

Odabeni oluphakathi kwa:

.....Ummangali/Umfakisicelo

.....Ummangalelwa/Umphenduli

Sicela uqaphele ukuthi ummangali/umfakisicelo/ummangalelwa/umphenduli uyavumelana/uyaphikisana nokudluliselwa kwalolu daba ukuyolanyulwa

Ummangali/Umfakisicelo/Ummangalelwa/Umphenduli wenza njalo ngenxa yalezi zizathu ezilandelayo:

Ifakwe usuku e _____ mhlaka _____ enyangeni ka _____, 20 _____

 Ummangali/Umfakisicelo/Ummeli
 Ummangalelwa/Umphenduli/Ummeli
 Ikheli:

"Ngaphandle kokuchema futhi akufanele ifakwe enkantolo"

**INOMBOLO 60B - ISAZISO SESIVUMELWANO NOMA UKUPHIKISANA NOKULAMULA
 NGOKOMTHETHO WAMA-72(3)**

*** Kuzosetshenziswa eNkantolo Yesifunda**

ENKANTOLO YESIFUNDA OPHIKWENI LWESIFUNDA SE-

IBANJELWE E. _____ ...Inombolo yecala. _____ . yango-20

Odabeni phakathi kwa:

.....Ummangali/Umfakisicelo

.....Ummangalelwa/Umphenduli

Sicela uqaphele ukuthi ummangali/umfakisicelo/ummangalelwa/umphenduli
 uyavumelana/uyaphikisana nokudluliselwa kwalolu daba ukuyolanyulwa

Ummangali/Umfakisicelo/Ummangalelwa/Umphenduli wenza njalo ngenxa yalezi zizathu
 ezilandelayo:

Ifakwe usuku e _____ mhlaka _____ enyangeni ka _____, 20 _____

Ummangali/Umfakisicelo/Ummeli
Ummangalelwa/Umphenduli/Ummeli
Ikheli:

"Ngaphandle kokuchema futhi akufanele ifakwe enkantolo"