

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 5561

22 November 2024

RULES BOARD FOR COURTS OF LAW ACT, 1985 (ACT NO. 107 OF 1985)

AMENDMENT OF THE RULES REGULATING THE CONDUCT OF THE PROCEEDINGS
OF THE SUPREME COURT OF APPEAL 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 for Justice and Constitutional Development, made the rules in the 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.

SCHEDULE

Definition

1. In this Schedule the “Rules” means the Rules Regulating the Conduct of the Proceedings of the Supreme Court of Appeal of South Africa published under Government Notice No. R. 1523 of 27 November 1998, as amended by Government Notice Nos. R. 979 of 19 November 2010, R. 191 of 11 March 2011, R. 113 of 15 February 2013, R. 1055 of 29 September 2017, R. 1318 of 30 November 2018, R. 842 of 31 May 2019, R. 858 of 7 August 2020, R. 1158 of 30 October 2020, R. 1602 of 17 December 2021, R. 2133 of 3 June 2022, R. 3059 of 17 February 2023, R. 3398 of 12 May 2023 and R. 5126 of 16 August 2024.

Amendment of rule 8 of the Rules

2. Rule 8 of the Rules is hereby amended by the substitution in subrule (6) for paragraph (j) of the following paragraph:

“(j) Unless it is essential for the determination of the appeal and the parties agree thereto in writing, the record shall not contain—

- (i) argument and opening address;
- (ii) formal documents;
- (iii) discovery affidavits and the like;
- (iv) identical duplicates of any document; or
- (v) documents not proved or admitted [;] , **[or] and**
- [(vi) colour photographs, and]**

the registrar shall of own accord disallow the costs, also between attorney and own client, of such documents **[and photographs].**”

Amendment of rule 10 of the Rules

3. Rule 10 of the Rules is hereby amended—
(a) by the substitution in subrule (3) for paragraph (f) of the following paragraph:

“(f) A photocopy, or a printout from an electronic database, of those provisions of any statute, regulation, rule, ordinance or by-law directly at issue, shall accompany the heads of argument in a separate volume [, **where a separate volume is appropriate].**”; and

- (b) by the substitution in subrule (4) for paragraph (b) of the following paragraph:
(b) All annexures to the heads of argument shall be bound separately [**where a separate volume is appropriate**].”

Commencement

4. These Rules come into operation on 27 December 2024.

DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

NO. R. 5561

22 November 2024

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

WYSIGING VAN DIE REËLS WAARBY DIE VOER VAN DIE VERRIGTINGE VAN DIE
HOOGSTE HOF VAN APPÈL 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.

ALGEMENE VERDUIDELIKENDE NOTA:

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

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

BYLAE

Woordomskrywing

1. In hierdie Bylae beteken die "Reëls" die Reëls waarby die verrigtinge van die Hoogste Hof van Appèl van Suid-Afrika gereël word, afgekondig in Goewermentskennissgewing No. R. 1523 van 27 November 1998, soos gewysig deur

Goewermentskennisgewing No's R. 979 van 19 November 2010, R. 191 van 11 Maart 2011, R. 113 van 15 Februarie 2013, R. 1055 van 29 September 2017, R. 1318 van 30 November 2018, R. 842 van 31 Mei 2019, R. 858 van 7 Augustus 2020, R. 1158 van 30 Oktober 2020, R. 1602 van 17 Desember 2021, R. 2133 van 3 Junie 2022, R. 3059 van 17 Februarie 2023, R. 3398 van 12 Mei 2023 en R. 5126 van 16 Augustus 2024.

Wysiging van reël 8 van die Reëls

2. Reël 8 van die Reëls word hierby gewysig deur in subreël (6) paragraaf (j) deur die volgende paragraaf te vervang:

“(j) Tensy dit noodsaaklik vir die beslissing van die appèl is en die partye skriftelik daartoe ooreenkom, bevat die oorkonde nie—

- (i) die betoog en openingsbetoog;
 - (ii) formele dokumente;
 - (iii) blootleggingsverklarings en dies meer;
 - (iv) identiese duplikate van enige dokument; of
 - (v) dokumente wat nie bewys of toegelaat is; **of], en**
- [(vi) kleurfoto's; en]**

nie en die griffier moet uit eie beweging nie koste, ook tussen prokureur en eie kliënt, van sodanige dokumente **[en foto's]** toelaat nie.”.

Wysiging van reël 10 van die Reëls

3. Reël 10 van die Reëls word hierby gewysig—

(a) deur in subreël (3) paragraaf (f) deur die volgende paragraaf te vervang:

“(f) 'n Fotokopie of uitdrukstuk vanaf 'n elektroniese databasis van die bepalings van 'n statuut, regulasie, reël, **[ordinansie]** ordonnansie of verordening wat direk ter sprake is, moet die betoogpunte in 'n afsonderlike volume vergesel, **waar 'n afsonderlike volume gepas is]**.”; en

(b) deur in subreël (4) paragraaf (b) deur die volgende paragraaf te vervang:

(b) Alle aanhangsels tot die betoogpunte moet afsonderlik gebind wees, **waar 'n afsonderlike volume gepas is]**.”.

Inwerkingtreding

4. Hierdie Reëls tree in werking op 27 Desember 2024