

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 6230

30 May 2025

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

AMENDMENT OF RULES REGULATING THE CONDUCT OF THE PROCEEDINGS OF
THE PROVINCIAL AND LOCAL DIVISIONS OF THE HIGH COURT OF SOUTH AFRICA

The Rules Board for Courts of Law has, in terms of section 6 of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985), with the approval of the Minister of Justice and Constitutional Development, made the rules in the Schedule.

SCHEDULE

GENERAL: EXPLANATORY NOTE:

[] Words or expressions in bold type in square brackets represent omissions from the existing rules.

 Words or expressions underlined with a solid line represent insertions into the existing rules.

Definition

1. In this Schedule "the Rules" means the Rules Regulating the Conduct of the Proceedings of the Provincial and Local Divisions of the High Court of South Africa published under Government Notice No. R. 48 of 12 January 1965, as amended by Government Notice Nos. R. 235 of 18 February 1966, R. 2004 of 15 December 1967, R. 3553 of 17 October 1969, R. 2021 of 5 November 1971, R. 1985 of 3 November 1972, R. 480 of 30 March 1973, R. 639 of 4 April 1975, R. 1816 of 8 October 1976, R. 1975 of 29 October 1976, R. 2477 of 17 December 1976, R. 2365 of 18 November 1977, R. 1546 of 28 July 1978, R. 1577 of 20 July 1979, R. 1535 of 25 July 1980, R. 2527 of 5 December 1980, R. 500 of 12 March 1982, R.

773 of 23 April 1982, R. 775 of 23 April 1982, R. 1873 of 3 September 1982, R. 2171 of 6 October 1982, R. 645 of 25 March 1983, R. 841 of 22 April 1983, R. 1077 of 20 May 1983, R. 1996 of 7 September 1984, R. 2094 of 13 September 1985, R. 810 of 2 May 1986, R. 2164 of 2 October 1987, R. 2642 of 27 November 1987, R. 1421 of 15 July 1988, R. 210 of 10 February 1989, R. 608 of 31 March 1989, R. 2628 of 1 December 1989, R. 185 of 2 February 1990, R. 1929 of 10 August 1990, R. 1262 of 30 May 1991, R. 2410 of 30 September 1991, R. 2845 of 29 November 1991, R. 406 of 7 February 1992, R. 1883 of 3 July 1992, R. 109 of 22 January 1993, R. 960 of 28 May 1993, R. 974 of 1 June 1993, R. 1356 of 30 July 1993, R. 1843 of 1 October 1993, R. 2365 of 10 December 1993, R. 2529 of 31 December 1993, R. 181 of 28 January 1994, R. 411 of 11 March 1994, R. 873 of 31 May 1996, R. 1063 of 28 June 1996, R. 1557 of 20 September 1996, R. 1746 of 25 October 1996, R. 2047 of 13 December 1996, R. 417 of 14 March 1997, R. 491 of 27 March 1997, R. 700 of 16 May 1997, R. 798 of 13 June 1997, R. 1352 of 10 October 1997, R. 785 of 5 June 1998, R. 881 of 26 June 1998, R. 1024 of 7 August 1998, R. 1723 of 30 December 1998, R. 315 of 12 March 1999, R. 568 of 30 April 1999, R. 1084 of 10 September 1999, R. 1299 of 29 October 1999, R. 502 of 19 May 2000, R. 849 of 25 August 2000, R. 373 of 30 April 2001, R. 1088 of 26 October 2001, R. 1755 of 5 December 2003, R. 229 of 20 February 2004, R. 1343 of 12 December 2008, R. 1345 of 12 December 2008, R. 516 of 8 May 2009, R. 518 of 8 May 2009, R. 86 of 12 February 2010, R. 87 of 12 February 2010, R. 88 of 12 February 2010, R. 89 of 12 February 2010, R. 90 of 12 February 2010, R. 500 of 11 June 2010, R. 591 of 09 July 2010, R. 980 of 19 November 2010, R. 981 of 19 November 2010, R. 464 of 22 June 2012, R. 992 of 7 December 2012, R. 114 of 15 February 2013, R. 262 of 12 April 2013, R. 471 of 12 July 2013, R. 472 of 12 July 2013, R. 759 of 11 October 2013, R. 212 of 28 March 2014, R. 213 of 28 March 2014, R. 214 of 28 March 2014, R. 30 of 23 January 2015, R. 31 of 23 January 2015, R. 317 of 17 April 2015, R. 781 of 31 August 2015, R. 3 of 19 February 2016, R. 678 of 3 June 2016, R. 1055 of 29 September 2017, R. 1272 of 17 November 2017, R. 1318 of 30 November 2018, R. 61 of 25 January 2019, R. 842 of 31 May 2019, R. 1343 of 18 October 2019, R. 107 of 7 February 2020, R. 1157 of 30 October 2020, R. 1603 of 17 December 2021, R. 2133 of 3 June 2022, R. 2413 of 26 August 2022, R. 3397 of 12 May 2023, R. 4477 of 8 March 2024, R. 5124 of 16 August 2024 and R. 5560 of 22 November 2024.

Amendment of rule 41A of the Rules

2. Rule 41A of the Rules is hereby amended—

- (a) by the substitution in subrule (2) for paragraphs (a), (b) and (d) of the following paragraphs:

“(2)(a) In every new action or application proceeding, 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.

(b) 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 or 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;

Provided that in urgent applications, the court or a judge may dispense with compliance with paragraphs (a) and (b)."

(d) **[Subject to the provisions of subrule 9(b) the]** The notices referred to in this subrule shall be without prejudice and shall not be filed with the registrar.”; and

(b) by the substitution for subrule (9) of the following subrule:

“(9) **[(a)]** Unless the parties agree otherwise, **[liability for]** the fees of a mediator shall be borne equally by the parties participating in mediation.

[(b)] When an order for costs of the action or application is considered, the court may have regard to the notices referred to in subrule (2) or any offer or tender referred to in subrule (8)(d) and any party shall be entitled to bring such notices or offer or tender to the attention of the court.]”.

Amendment of Rule 68A of the Rules

3. Rule 68A of the Rules is hereby amended-

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

“(a) An intermediary appointed to render assistance to a witness in proceedings other than criminal proceedings, shall be entitled, for appearing in court, including time spent in court: **[R180,00]** R210.00 per hour or part thereof, subject to a maximum of **[R1 440,00]** R1 680.00 per day.”

(b) by the substitution for sub-rule (2) of the following sub-rule:

“(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] such intermediary's** 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 Registrar of the Court or Taxing Master, to the reimbursement for **[his or her] such intermediary's** 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 37A(3)."

(c) by the substitution for sub-rule (3)(a) of the following sub-rule:

"(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] such intermediary's** residence and-

- (i) is obliged to be absent from **[his or her] such** residence for 24 hours or longer, shall be entitled to the allowances as prescribed from time to time for the Public Service; or
- (ii) is obliged to be absent from **[his or her] such** residence for less than 24 hours, shall be entitled to 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 Registrar of the Court or Taxing Master."; and

(d) by the substitution for sub-rule (3)(b) of the following sub-rule:

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

Amendment of rule 70 of Rules

4. Rule 70 of the rules is hereby amended—

(a) by the substitution for item 1 of Section B to the Tariff of Fees of Attorneys of the following item:

“1. The drawing up of a formal statement in a matrimonial matter, verifying affidavits, affidavits of service or other formal affidavits, index to brief, short brief, statements of witnesses, powers of attorney to sue or defend, as well as other formal documents and summonses, including all documents such as the prescribed forms in the First Schedule to these Rules, but not the particulars of claim in an annexure to the summons: an inclusive tariff - drawing up, checking, typing, printing, scanning, delivery and filing thereof, per page of the original onlyR168,00”;

(b) by the substitution for item 2 of Section B to the Tariff of Fees of Attorneys of the following item:

“2. The drawing up of other necessary documents, including—

- (a) instructions for an opinion, for an advocate's guidance in preparing pleadings, including further particulars and requests for same, including exceptions;
- (b) instructions to advocate in respect of all classes of pleadings; and
- (c) an exception or affidavit, any notice (except a formal notice), particulars of claim or an annexure to the summons, opinion by an attorney or any other important document not otherwise provided for,

an inclusive tariff - drawing up, checking, typing, printing, scanning, delivery and filing thereof, per page of the original only..... R417,00.”;

(c) by the substitution for item 1 of Section D to the Tariff of Fees of Attorneys of the following item:

"1. For necessary copies, including photocopies and scanning, of any document or papers not already provided for in this tariff, per A4 size page: Provided that the tariff fee for scanning shall only be allowed where the document exists in paper form onlyR7,00."; and

(d) by the addition in Section D to the Tariff of Fees of Attorneys of the following item:

"7. For uploading documents onto an online court portal: an inclusive tariff – checking, verifying and description thereof, per pageR2,00.".

Commencement

5. These Rules come into operation on 4 July 2025.