

## DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 6231

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 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 Constitutional Development, 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, 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

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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, R. 2134 of 3 June 2022, R. 2298 of 22 July 2022, R. 2414 of 26 August 2022, R. 2434 of 2 September 2022, R. 3371 of 5 May 2023, R. 3399 of 12 May 2023, R. 4476 of 8 March 2024, R. 5127 of 16 August 2024 and R. 5559 of 22 November 2024.

#### **Amendment of rule 24 of the Rules**

2. Rule 24 of the Rules is hereby amended by the substitution for sub-rule (9) of the following sub-rule:

“(9)(a) No person shall, save with the leave of the court or the consent of all parties to the suit, be entitled to call as a witness any person to give evidence as an expert **[on] upon** any matter **[upon]** which the evidence of expert witnesses may be received, unless—

**[(a)] (i)** where the plaintiff intends to call an expert, the plaintiff shall not more than 15 days after the close of pleadings, or where the defendant intends to call the expert, the defendant shall not more than 30 days after the close of pleadings, have delivered notice of intention to call such expert; and

**[(b)] (ii)** in the case of the plaintiff, not more than 45 days after the close of pleadings, or in the case of the defendant not more than 60 days after the close of pleadings, such plaintiff or defendant shall have delivered a summary compiled by such expert of the expert's opinion**[s]** and the reasons therefor:

(aa) Provided that in divorce and related matters, the notice of intention to call an expert and the summary of the expert's opinion and the reasons thereof must also be filed with the Family Advocate at the same time it is delivered to the other party; and **[:]**

(bb) Provided further that where applicable, the notice and summary shall be delivered as directed by the judicial officer at any pre-trial conference convened in terms of section 54 of the Act.

(b) The summary of the expert's opinion and reasons therefor referred to in sub-paragraph (a)(ii) shall be compiled by the expert personally and shall contain a statement confirming that the report is—

- (i) in such expert's own words;
- (ii) for the assistance of the court; and
- (iii) a statement of truth.”

### **Amendment of rule 55 of the Rules**

3. Rule 55 of the Rules is hereby amended by the substitution in sub-rule (3) for paragraph (b) of the following paragraph:

**"(b) [The notice of motion in every application brought ex parte must correspond substantially with Form 1 of Annexure 1.]**

Every application brought ex parte must:

- (i) be upon notice of motion corresponding substantially with Form 1 of Annexure 1 supported by an affidavit, and addressed to the registrar or clerk of the court;
- (ii) be filed with the registrar or clerk of the court and set down, before noon on the court day but one preceding the day upon which it is to be heard; and
- (iii) set forth the form of order sought, specify the affidavit filed in support thereof, and request the registrar or clerk of the court to place the matter on the roll for hearing;

Provided that where an ex parte application is brought as an urgent application—

- (aa) the applicant shall indicate the basis on which the application is deemed to be urgent including,

- where applicable, the provisions of any law upon which the applicant relies;
- (bb) the application may be brought before a magistrate in chambers; and
- (cc) the provisions of sub-rule (5) may be applied in so far as is necessary.”

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

4. Part I of Table A of Annexure 2 to the Rules is hereby amended by—

(a) the substitution for subparagraph (b) of paragraph 11 of the following subparagraph:

“(b) 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 only R7.00.”; and

(b) the addition to paragraph 11 of the following subparagraph:

“(d) For uploading documents onto an online court portal: an inclusive tariff – checking, verifying and description thereof, per page: R2.00.”

#### **Amendment of Table E of Annexure 2 to the Rules**

5. Table E of Annexure 2 to the Rules is hereby amended-

(a) by the substitution for item 1(a) of the following item:

“(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]** R175,00 per hour or part thereof, subject to a maximum of **[R1 200,00]** R1 400,00 per day; or

- (ii) for appearing, including time spent in a Regional Court of a Regional Division: ~~[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 item 2 of the following item:

**“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 court manager or registrar or clerk of the court, 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 51A(3) of the Act.”

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

“(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 claim such 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 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.”; and
- (d) by the substitution for item 3(b) of the following item:

“(a) 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.”

#### **Commencement**

- 6.** These rules come into operation on **4 July 2025**.

## DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

NO. R. 6231

30 Mei 2025

## 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 met die goedkeuring van die Minister van Justisie en Staatkundige Ontwikkeling, die reëls in die Bylae gemaak.

## BYLAE

## ALGEMENE VERDUIDELIKENDE NOTA:

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

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

## Woordomskrywing

1.       In hierdie Bylae beteken die "reëls" die Reëls waarby die voer van die verrigtinge van die Landdroshowe van Suid-Afrika gereël word, gepubliseer kragtens 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, R. 507 van 27 Junie 2014, R. 571 van 18 Julie 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. 1602 van 17 Desember 2021, R. 2134 van 3 Junie 2022, R. 2298 van 22 Julie 2022, R. 2414 van 26 Augustus 2022, R. 2434 van 2 September 2022, R. 3371 van 5 Mei 2023, R. 3399 van 12 Mei 2023, R. 4476 van 8 Maart 2024, R. 5127 van 16 Augustus 2024 en R. 5559 van 22 November 2024.

### **Wysiging van reël 24 van die Reëls**

2. Reël 24 van die Reëls word hierby gewysig deur subreël (9) deur die volgende subreël te vervang:

"(9) (a) Geen persoon, behalwe met die toestemming van die hof of die toestemming van alle partye tot die saak, het die reg om enige persoon as getuie te roep om getuienis as 'n kundige te gee oor enige aangeleentheid waaroor die getuienis van deskundige getuies ontvang kan word nie, tensy—

[(a)] (i) waar die eiser voornemens is om 'n deskundige te roep, moet die eiser nie later nie as 15 dae nadat die pleitstukke gesluit het, of waar die verweerder voornemens is om die deskundige te roep, moes die verweerder hoogstens 30 dae nadat die pleitstukke gesluit het, kennis van die voorneme om sodanige deskundige te roep, gegee het; en

[(b)] (ii) in die geval van die eiser hoogstens 45 dae nadat die pleitstukke gesluit het, of in die geval van die verweerder hoogstens 60 dae nadat die pleitstukke gesluit het, moes die eiser of verweerder 'n opsomming deur sodanige deskundige saamgestel van die deskundige se opinie[s] en die redes daarvoor afgelewer het:

(aa) Met dien verstande dat in egskeiding en verwante aangeleenthede, moet die kennisgewing van voornemens om 'n deskundige te roep en die opsomming van die



deskundige se opinie en die redes daarvoor ook by die Gesinsadvokaat afgelewer word terselfdertyd as wat dit by die ander party afgelewer word; en [:]

(bb) Met dien verstande verder dat waar van toepassing, die kennisgewing en opsomming afgelewer word soos deur die regterlike beampte gelas by enige voor-verhooronderhoud ingevolge artikel 54 van die Wet saamgeroep.

(b) Die opsomming van die deskundige se opinie en die redes daarvoor in subparagraaf (a)(ii) bedoel, word persoonlik deur die deskundige saamgestel en moet 'n verklaring bevat wat bevestig dat die verslag—

- (i) in sodanige deskundige se eie woorde is;
- (ii) vir die bystand van die hof is; en
- (iii) 'n verklaring van waarheid is."

### **Wysiging van reël 55 van die Reëls**

3. Reël 55 van die Reëls word hierby gewysig deur in subreël (3) paragraaf (b) deur die volgende paragraaf te vervang:

**"(b) [Die kennisgewing van mosie in elke aansoek wat *ex parte* gedoen word, moet wesenlik ooreenstem met Vorm 1 van Aanhangel 1.]**

Elke aansoek wat *ex parte* gedoen word, moet:

- (i) by kennisgewing van mosie wees wat wesenlik ooreenstem met Vorm 1 van Aanhangel 1, gesteun deur 'n beëdigde verklaring en aan die griffier of klerk van die hof gerig word;
- (ii) voor middag van die tweede hofdag voor die dag waarop dit aangehoor moet word by die griffier of klerk van die hof

ingedien en ter rolle geplaas word; en

- (iii) die vorm van die bevel wat aangevra word, bevat en die beëdigde verklaring waarop gesteun word noem, en die griffier of klerk van die hof moet daarin gevra word om die saak vir beregting ter rolle te plaas:

Met dien verstande dat waar 'n ex parte-aansoek as 'n dringende aansoek gebring word—

- (aa) die aansoek die grondslag moet aandui waarop die aansoek as dringend beskou word, met inbegrip van, waar van toepassing, die bepalings van enige wet waarop die applikant staatmaak;

- (bb) die aansoek kan voor 'n landdros in kamers gebring word; en

- (cc) die bepalings van subreël (5) kan sover nodig toegepas word."

#### **Wysiging van Deel I van Tabel A van Bylae 2 van die Reëls**

4. Deel I van Tabel A van Bylae 2 van die Reëls word hierby gewysig—

- (a) deur subparagraaf (b) van paragraaf 11 deur die volgende subparagraaf te vervang:

"(b) Vir die nodige afskrifte, met inbegrip van fotostate en skandering, van enige dokument of stukke waarvoor nie reeds in hierdie tarief voorsiening gemaak word nie, per A4-grootte bladsy: Met dien verstande dat die tariefgelde vir skandering slegs toegelaat moet word waar die dokument slegs in papiervorm bestaan R7,00."; en

- (b) deur die volgende subparagraaf by paragraaf 11 by te voeg:

"(d) Vir die laai van dokumente op 'n aanlyn hofportaal: 'n allesinsluitende tarief vir die

nasien, verifiëring en beskrywing daarvan, per bladsy: R2,00."

### **Wysiging van Tabel E van Bylaag 2 aan die Reëls**

5. Tabel E van Bylaag 2 aan die Reëls word hiermee gewysig—

(a) Deur item 1(a) te vervang met die volgende:

“(a) ‘n Tussenganger wat aangestel is om ‘n getuienis met verrigtinge, anders as strafregtelike verrigtinge, te help sal vir tyd in die hof gespandeer, sowel as die bywoning van hofverrigtinge, geregtig wees op:

- (i) vir bywoning, insluitend tyd gespandeer in ‘n Distrikshof: **[R150,00]** R175,00 per uur, of deel daarvan, onderhewig aan ‘n maksimum van **[R1 200,00]** R1 400,00 per dag; of
- (ii) vir bywoning, insluitend tyd gespandeer in ‘n Streekhof van ‘n Streeksafdeling: **[R180,00]** R210,00 per uur, of deel daarvan, of onderhewig aan ‘n maksimum van **[R1440,00]** R1 680,00 per dag.”

(b) Deur item 2 met die volgende te vervang:

### **“2 Vervoer, reis en parkering, of tolgeld toelae**

‘n Tussenganger wat aangestel is om ‘n getuienis met verrigtinge, anders as strafregtelike verrigtinge, te help sal geregtig wees op—

- (a) die volgende vervoer en reis uitgawes vir elke nodige reis wat werklik geneem is tussen die hof en **[sy of haar]** sodanige tussenganger se woning of plek van besigheid:
  - (i) vir die gebruik van openbare vervoer, ‘n bedrag gelyk aan die fooi van die goedkoopste vervoer langs die kortste roete; of
  - (ii) vir die gebruik van privaat vervoer, ‘n toelaag soos voorgeskryf vir Openbare Dienslewering: Voorsienende dat die maksimum bedrag toelaatbaar nie dit wat toelaatbaar vir ‘n 1151-1750 cc petrol of diesel masjienkapasiteit is, oorskry nie; en
- (b) wanneer voldoende bewyse aan die hofbestuurder of registrateur van die hof of klerk van die hof voortgebring is, vir die vergoeding van **[sy of haar]** sodanige tussenganger se redelike, werklike uitgawes aangegaan met betrekking tot parkering en tolgelde:

Voorsienende dat, vir 'n tussenganger wie op verskillende fisiese adresse woon en besigheid voer, die vervoer of reis toelaag vanaf die woning of die plek van besigheid, uitgewerk sal word, afhangende van watter nader aan die hof is, of sodanige ander plek waarheen die tussenganger ontbied word, soos die hof voorskryf in terme van artikel 37A(3).”

(c) Deur item 3(a) te vervang met die volgende:

“(a) Onderhewig aan paragrawe (b), (c) en (d), 'n tussenganger wie, vir die doel om dienste aan 'n getuienis te lewer, afwesig van **[sy of haar]** sodanige tussenganger se woning is en-

- (i) verplig is om afwesig te wees van **[sy of haar]** sodanige woning vir 24 uur of langer, sal geregtig wees op die toelae soos voorgeskryf vir Openbare Dienslewering; of
- (ii) verplig is om afwesig van **[sy of haar]** sodanige woning vir minder as 24 uur te wees, sal geregtig wees op die redelike, werklike, uitgawes aangegaan:

Voorsienende dat die eis met die nodige bevestigende dokumente vergesel word om die uitgawes te ondersteun, soos voorgeskryf vir Openbare Dienslewering, of na die goedkeuring van die hofbestuurder, of registrateur, of klerk van die hof.”; en

(d) Deur item 3(b) met die volgende te vervang:

“(a) Die toelae wat in paragraaf (a) voorsien is, is betaalbaar vir die volle periode waarvoor die tussenganger van **[sy of haar]** sodanige tussenganger se woning afwesig is vir die doel om in die hof te verskyn.”

### **Inwerkingtreding**

**6.** Hierdie reëls tree in werking op **4 Julie 2025**.