

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 6232

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, 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:

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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.

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 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 72 of the Rules

2. Rule 72 of the Rules is hereby amended—
- (a) by the substitution for subrule (2) of the following subrule:
- “(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 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 magistrate may dispense with compliance with this subrule or subrule (1).”; and
- (b) by the substitution for subrule (4) of the following subrule:
- “(4) **[Subject to the provisions of rule 79, the]** 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.”.

Amendment of rule 78 of the Rules

3. The following rule is hereby substituted for rule 78 of the Rules:
- “Unless the parties agree otherwise, **[liability for]** the fees of a mediator shall be borne equally by the parties participating in mediation.”

Repeal of rule 79 of the Rules

4. Rule 79 of the Rules is hereby repealed.

Commencement

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

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

**UKUCHITSHIYELWA KWEMITHETHO ELAWULA UKUZIPHATHA KWEZINQUBO
ZEZINKANTOLO ZOMANTSHI ZASENINGIZIMU AFRIKA**

Ibhodi Lemithetho Yezinkantolo Zomthetho, ngokwesahluko sesi-6 soMthetho Webhodi Lemithetho Yezinkantolo Zomthetho wonyaka we-1985 (uMthetho we-107 wonyaka we-1985), ngemvume kaNgqongqoshe Wezobulungiswa Nokuthuthukiswa Komthethosisekelo, lenze imithetho ekuSheduli.

ISHEDULI

INCAZELO EJWAYELEKILE:

- [] Amagama noma ukuzethula okubhalwe ngokugqamile kubakaki abayisikwele abonisa okushiye emithethweni ekhona.
- _____ Amagama noma ukuzethula okudwetshelwe ngomugqa oqinile akhombisa okufakiwe emithethweni ekhona.
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Incazelo

1. Kule Sheduli “iMithetho” isho iMithetho Elawula Ukuqhutshwa Kwezinqubo Zezinkantolo Zomantshi ZaseNingizimu Afrika eshicilelwe kwiSaziso Sikahulumeni esingunombolo R. 740 somhla zi-23 Agasti 2010, njengoba sishicilelwe iZaziso zikahulumeni ezilandelayo: R1222 somhla zi-30 Disemba wezi-2010, R.611 somhla zi-29 Julayi 2011, R. 1085 somhla zi-30 Disemba wezi-2011, R. 685 somhla zi-Agasti 2012, R. 115 somhla zi-15 Febhuwari 2013, R. 263 somhla zi-12 Ephreli 2013, R. 760 somhla zi-11 Okkhoba 2013, R. 183 somhla zi-18 Mashi 2014, R. 215 somhla zi-28 Mashi 2014, R. 507 somhla zi-27 Juni 2014, R. 571 somhla zi-18 Julayi 2014, R. 5 somhla zi- 9 Januwari 2015, R. 32 somhla zi-23 Januwari 2015, R. 33 somhla zi-23 Januwari 2015, R. 318 somhla zi-17 Ephreli 2015, R. 318 somhla zi-17 Ephreli 2015, R.545 somhla zi-Juni 2015, R. 2 somhla zi-19 Febhuwari 2016, R. 1055 somhla zi-29 Septhema 2017, R. 1272 somhla zi-17 Novemba 2017, R. 632 somhla zi-22 Juni 2018, R. 1318 somhla zi-30 Novemba 2018, R. 842 somhla zi-31 Meyi 2019, R1343 somhla zi-18 Okkhoba 2019, 31, R 107 somhla zi-7 Febhuwari 2020, R. 858 somhla zi-7 Agasti 2020, R. 1156 somhla zi-30 Okkhoba 2020, R. 1602 somhla zi-17 Disemba 2021, R. 2134 somhla zi-3 Juni 2022, R. 2298 somhla zi-22 Julayi 2022. R. 2298 somhla zi-22 Julayi 2022, R. 2414 somhla zi-26 Agasti 2022, R. 2434 somhla zi-2 Septhema 2022, R. 3371 somhla zi-5 Meyi 2023, R. 3399 somahla zi-12 Meyi 2023, R. 4476 somhla zi-8 Mashi 2024, R. 5127 somhla zi-16 Agasti 2024 kanye no- R. 5559 somhla zi-22 Novemba 2024.

Ukushicilelwa komthetho wama-72 weMithetho

2. UMthetho wama-72 weMithetho uyachitshiyelwa—

(a) ngokufaka esikhundleni somthethwana wesi-(2) lomtheshwana olandelayo:

“(2) Ummangalelwa noma ophedulayo ufanele, lapho eletha isaziso senhloso yokuvikela noma isaziso senhloso yokuphikisa, noma nganoma isiphi isikhathi ngemuva kwalokho, kodwa kungakedluli ukulethwa kwesicelo noma kwencwadi efungelwe yokuphendula, anikeze ummangali ngamunye noma umfakisicelo noma abameli bommangali noma bomfakisicelo, isaziso esibonisa ukuthi ummangalelwa noma ophedulayo onjengalona uyavuma moa uphikisa ukudluliselwa kokushayisana kumlamuli: Ngaphandle ezicelweni eziphuthumayo, inkantolo noma imantshi ingachitha ukuthotshelwa kwalesi sigatshana somthetho noma kwesigatshana somthetho soku-(1); futhi

(b) ngokufaka esikhundleni sesigatshana somthetho sesi-(4) lesi sigatshana somthetho esilandelayo:

“(4) [Kuya ngemibandela yomthetho wama-79,] Izaziso okukhulunywe ngazo kulo mthetho ziyoba ngezingenakuchema futhi ngeke zifakwe kumabhalane noma kunobhala wenkantolo.”.

Ukushicilelwa komthetho wama-78 weMithetho

3. Umthetho olandelayo lapha ufakwa esikhundleni somthetho wama-78 weMithetho:

"Ngaphandle kwalapho izingxenywe zivumelana ngenye indlela, [isikweletu] izimali zomlamuli zizothwalwa ngokulinganayo izingxenywe ebambe iqhaza ekulanyulweni."

Ukushicilelwa komthetho wama-79 weMithetho

4. UMthetho wama-72 weMithetho uyachithwa.

Ukuqala

5. Le Mithetho iqala ukusebenza mhla zi 4 ku-Ntulikazi 2025.