

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 6504

15 August 2025

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 PROVINCIAL AND LOCAL DIVISIONS OF THE HIGH COURT 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), 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. 858 of 7 August 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, R. 5560 of 22 November 2024 and R. 6230 of 30 May 2025.

Amendment of rule 1 of the Rules

2. Rule 1 of the Rules is hereby amended by the insertion after the definition of “attorney” of the following definition:

“‘class action’ means an action instituted by a representative on behalf of a class of persons, which may include the representative, in respect of whose claims the issues of fact or law involved are substantially similar in respect of all members of the class, and where the members of the class are bound by the outcome of the common issues in the action;”

Insertion of rule 11A in the Rules

3. The following rule is hereby inserted after rule 11 of the Rules:

"11A Certification of class actions

(1) No action shall proceed as a class action unless the court, after considering that it is in the interests of justice, certifies that the action may be conducted as a class action.

(2) An application for certification of an action as a class action shall be on notice of motion supported by an affidavit, in accordance with the provisions of rule 6 of the Rules.

(3) An affidavit in support of the application referred to in subrule (2) must set out—

(a) factors which establish—

- (i) that it is in the interests of justice to certify the action as a class action;
- (ii) that there is a class identifiable or definable by *specified* objective criteria;
- (iii) that there is a cause of action raising a triable issue;
- (iv) that the right to relief depends upon the determination of issues of fact, or law, or both, common to all members of the class;
- (v) whether the relief sought, or damages claimed, flow from the cause of action and are ascertainable and capable of determination;
- (vi) where the claim is for damages, whether there is an appropriate procedure for allocating the damages awarded to the members of the class;
- (vii) whether, given the composition of the class and the nature of the proposed action, a class action is the most appropriate means of determining the claims of class members; and
- (viii) whether the applicant is suitable to be permitted to conduct the action and represent the class; and

(b) any other relevant factor which may have a bearing on the grant or refusal of the application for certification.

(4) In setting out the factors which establish whether the applicant is suitable as envisaged in subrule (3)(a)(viii), the affidavit must indicate—

- (a) the ability of the applicant to adequately represent the best interests of the members of the class;
- (b) whether there is likely to be any conflict or potential conflict of interest between the applicant and the members of the class;
- (c) the ability of the applicant to make satisfactory arrangements with regard to the funding of the class action;
- (d) the ability of the applicant to conduct and manage the class action; and

(e) any other relevant factor.

(5) The affidavit referred to in subrule (3) must stipulate whether the class will be an opt-in or opt-out class or a combination of both and must be accompanied by a draft Particulars of Claim setting out the grounds upon which the plaintiff's action will be based.

(6) (a) The court certifying an action as a class action may give directions with regard to—

- (i) the giving of notice of the action to the members or potential members of the class concerned;
- (ii) the form which such notice should take; and
- (iii) the manner in which such notice is to be communicated to the members of the class.

(b) In considering the nature and form of the notice to be given to the members of the class and what directions are appropriate in respect thereof, the court may take into account—

- (i) the extent to which the members of the class might be prejudiced by being bound by a judgment given in an action which may not have come to their attention;
- (ii) the potential size of the class;
- (iii) the general level of education and development of the members of the class;
- (iv) the ease with which members of the class can be identified;
- (v) the type of relief claimed;
- (vi) where monetary relief is claimed, the amount of the claim of each member of the class;
- (vii) the geographical dispersion of class members;
- (viii) the difficulties likely to be encountered by members of the class in enforcing their actions individually; and
- (ix) any other relevant factor.

(7) The court granting an order for certification may make any other order which it deems appropriate in the interests of justice.

(8) Application for leave to appeal against an order made in certification proceedings of an action as a class action must be made in accordance with the provisions of rule 49 of the Rules."

Amendment of Rule 68 of the Rules

4. Rule 68 of the Rules is hereby amended—

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

"(1) The fees and charges contained in the appended tariff shall be chargeable and allowed to sheriffs: Provided that no fees shall be charged for the service of process **[in forma pauperis]** for a party proceeding[s] as an indigent litigant (but the necessary disbursements for the purpose of such service may be recovered).";

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

"(2) Where there are more ways than one of doing any particular act, the least expensive way shall be adopted unless there is some reasonable objection thereto, or unless the party at whose instance process is executed desires any particular way to be adopted at **[his]** such party's expense.";

- (c) by the substitution for item 4 of the Tariff of the following item:

"4(a) Postage in civil matters, as per postal tariff.

"(b) *Postage in criminal matters, free*

*NOTE: The sheriff may take any postal matter to the registrar of the High Court, or if there is no registrar in **[his or her]** that sheriff's town or city, to the **[magistrate]** clerk of the court, who shall frank the envelope with **[his or her]** the official franking stamp, if available."; and*

- (d) by the substitution for item of Item 5(c)(xiv) of following item:

(xiv) on the sale of immovable property by the sheriff as auctioneer, 6 per cent on the first R100 000,00, 3.5 per cent on R100 001,00 to R400 000,00 and 1.5 per cent on the balance of the proceeds of the sale, subject to a maximum commission of R40 000,00 in total and a minimum of R3 000,00 (inclusive in all instances of the sheriff's bank charges and other expenses incurred in paying the proceeds into [his or her] <u>the sheriff's</u> trust account), which commission shall be paid by the purchaser;	
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Amendment of Rule 70 of the Rules

5. Rule 70 of the Rules is hereby amended—

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

"(1)(a) The taxing master shall be competent to tax any bill of costs for services actually rendered by an attorney in **[his]** that attorney's capacity as such in connection with litigious

work and such bill shall be taxed subject to the provisions of subrule (5), in accordance with the provisions of the appended tariff: Provided that the taxing master shall not tax costs in instances where some other officer is empowered so to do.”;

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

“(2) At the taxation of any bill of costs the taxing master may call for such books, documents, papers or accounts **[as in his opinion are]** which may be necessary to enable **[him]** the taxing master **[properly]** to determine any matter arising from such taxation.”;

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

“(3) With a view to affording the party who has been awarded an order for costs a full indemnity for all costs reasonably incurred by **[him]** such party in relation to **[his]** such party's claim or defence and to ensure that all such costs shall be borne by the party against whom such order has been awarded, the taxing master shall, on every taxation, allow all such costs, charges and expenses as appear to **[him]** the taxing master to have been necessary or proper for the attainment of justice or for defending the rights of any party, but save as against the party who incurred the same, no costs shall be allowed which appear to the taxing master to have been incurred or increased through over-caution, negligence or mistake, or by payment of a special fee to an advocate, or special charges and expenses to witnesses or to other persons or by other unusual expenses.”;

- (d) by the substitution for subrule (3C)(b) of the following subrule:

“(b) where the party liable to pay the costs, has consented in writing to the taxation in **[his or her]** such party's absence; or”;

- (e) by the substitution for subrule (4) of the following subrule:

“(4) The taxing master shall not proceed with the taxation of any bill of costs unless **[he or she]** the taxing master is satisfied that the party liable to pay the costs has received—

- (a) due notice in terms of subrule (3B); and
- (b) not less than 10 days' notice of the date, time and place of such taxation and that **[he or she]** the party liable to pay the costs is entitled to be present thereat: Provided that such notice shall not be necessary—
 - (i) if the party liable to pay the costs has consented in writing to taxation in **[his or her]** such party's absence;

- (ii) if the party liable to pay the costs failed to give notice of intention to oppose in terms of subrule (3B); or
- (iii) for the taxation of writ and post-writ bills:

Provided further that, if any party fails to appear after having given the notice to oppose in terms of subrule (3B)(a)(ii), the taxation may proceed in their absence.”;

- (f) by the substitution for subrule (5A) of the following subrule:

“(5A)(a) The taxing master may grant a party wasted costs occasioned by the failure of the taxing party or **[his or her]** attorney or both to appear at a taxation or by the withdrawal **[by the taxing party]** of **[his or her]** the taxing party’s bill of costs.

(b) The taxing master may order in appropriate circumstances that the wasted costs be paid *de bonis propriis* by the attorney.

(c) In the making of an order in terms of paragraphs (a) or (b), the taxing master shall have regard to all the appropriate facts and circumstances.

(d) Where a party or **[his or her]** such party’s attorney or both misbehave at a taxation, the taxing master may—

- (i) expel the party or attorney or both from the taxation and proceed with and complete the taxation in the absence of such party or attorney or both; or
- (ii) adjourn the taxation and refer it to a judge in chambers for directions with regard to the finalisation of the taxation; or
- (iii) adjourn the taxation and submit a written report to a judge in chambers on the misbehaviour of the party or attorney or both with the view to obtaining directions from the judge as to whether contempt of court proceedings would be appropriate.

- (e) Contempt of court proceedings as contemplated in paragraph (d)(iii) shall be held by a judge in chambers at **[his or her]** such judge’s direction.”;

- (g) by the substitution for subrule (6)(b) of the following subrule:

“(6)(b) **[Fees may be allowed by the taxing master in his discretion as between party and party for the copying of any document which, in his view, was reasonably required for any proceedings.]** “The taxing master may exercise a discretion as to the fees that may be allowed as between party and party for the copying of any document which, in the taxing master’s view, was reasonably required for any proceedings”;

- (h) by the substitution for item 6 of Section A of the Tariff of Fees of Attorneys of the following item:

“6. Any other conference which the taxing **[officer]** master may consider necessary,

per quarter of an hour or part thereof—

- (a) by an attorneyR417,00
 (b) by a candidate attorneyR130,00”;

- (i) by the substitution for item 11 of Section A of the Tariff of Fees of Attorneys of the following item:

11. The rates of remuneration in items 1 to 9 do not include time spent travelling or waiting and the taxing **[officer] master** may, in respect of time necessarily so spent, allow such additional remuneration as **[he or she in his or her]** is considered within the taxing master's discretion [considers] to be fair and reasonable, but not exceeding R417,00 per quarter of an hour or part thereof in the case of an attorney and R130,00 per quarter of an hour or part thereof in the case of a candidate attorney plus a reasonable amount for necessary conveyance.”;

- (j) by the substitution for Note 1 to Section B of the Tariff of Fees of Attorneys of the following Note:

“**NOTE 1:** particulars of dispatched letters including letters electronically transmitted need not be specified in a bill of costs. The number of letters written must be specified, as well as the total amount charged. The opposing party, as well as the taxing **[officer] master**, is entitled to inspect the papers should the correctness of the item be disputed.”;

- (k) by the substitution for the Note to Section C of the Tariff of Fees of Attorneys of the following Note:

“**NOTE:** Particulars of received papers need not be specified in bills of costs. The number of papers and pages received, as well as the total amount charged therefor, must be specified. The opposing party as well as the taxing **[officer] master** is entitled to inspect the papers received if the correctness of the item is disputed.”;

- (l) by the substitution for item (3)(a) of Section E of the Tariff of Fees of Attorneys of the following item:

“(a) Whenever an attorney employs the services of another person to draft **[his or her]** the attorney's bill of costs, a certificate shall accompany that bill of costs in which that attorney certifies that—

- (i) the bill of costs thus drafted was properly perused by **[him or her]** the attorney and found to be correct; and

- (ii) every description in such bill with reference to work, time and figures is consistent with what was necessarily done by **[him or her] the attorney.**”; and
- (m) by the substitution for item (3)(b) of Section E of the Tariff of Fees of Attorneys of the following item:
 - (3)(b) The taxing **[officer] master** may—
 - (i) if **[he or she is]** satisfied that one or more of the requirements referred to in item 3(a) has not been complied with, refuse to tax such bill; or
 - (ii) if **[he or she is]** satisfied that fees are being charged in a party-and-party bill of costs—
 - (aa) for work not done;
 - (bb) for work for which fees are to be charged in an attorney-and-client bill of costs; or
 - (cc) which are excessively high,deny the attorney the remuneration referred to in items 1 and 2 of this section, if more than 20 per cent of the number of items in the bill of costs, including expenses, or of the total amount of the bill of costs, including expenses, is taxed off.”.

Commencement

6. These Rules come into operation on 19 September 2025.

DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

NO. R. 6504

15 August 2025

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

WYSIGING VAN DIE REËLS WAARBY DIE VOER VAN DIE VERRIGTINGE VAN
PROVINSIALE EN PLAASLIKE AFDELINGS VAN DIE HOË HOWE 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 vetskrif binne blokhakies dui op weglatings uit die bestaande reëls.

_____ Woorde of uitdrukkings wat met 'n solide lyn onderstreep is, dui op toevoegings tot die bestaande reëls.

Woordomskrywing

1. In hierdie Bylae beteken "Reëls", die Reëls waarby die verrigtinge van die Provinsiale en Plaaslike Afdelings van die Hoë Hof van Suid-Afrika gereël word soos gepubliseer in Goewermentskennisgewing nr. R. 48 van 12 Januarie 1965, en soos gewysig deur Goewermentskennisgewing No's. R. 235 van 18 Februarie 1966, R. 2004 van 15 Desember 1967, R. 3553 van 17 Oktober 1969, R. 2021 van 5 November 1971, R. 1985 van 3 November 1972, R. 480 van 30 Maart 1973, R. 639 van 4 April 1975, R. 1816 van 8 Oktober 1976, R. 1975 van 29 Oktober 1976, R. 2477 van 17 Desember 1976, R. 2365 van 18 November 1977, R. 1546 van 28 Julie 1978, R. 1577 van 20 Julie 1979, R. 1535 van 25 Julie 1980, R. 2527 van 5 Desember 1980, R. 500 van 12 Maart 1982, R. 773 van 23 April 1982, R. 775 van 23 April 1982, R. 1873

van 3 September 1982, R. 2171 van 6 Oktober 1982, R. 645 van 25 Maart 1983, R. 841 van 22 April 1983, R. 1077 van 20 Mei 1983, R. 1996 van 7 September 1984, R. 2094 van 13 September 1985, R. 810 van 2 Mei 1986, R. 2164 van 2 Oktober 1987, R. 2642 van 27 November 1987, R. 1421 van 15 Julie 1988, R. 210 van 10 Februarie 1989, R. 608 van 31 Maart 1989, R. 2628 van 1 Desember 1989, R. 185 van 2 Februarie 1990, R. 1929 van 10 Augustus 1990, R. 1262 van 30 Mei 1991, R. 2410 van 30 September 1991, R. 2845 van 29 November 1991, R. 406 van 7 Februarie 1992, R. 1883 van 3 Julie 1992, R. 109 van 22 Januarie 1993, R. 960 van 28 Mei 1993, R. 974 van 1 Junie 1993, R. 1356 van 30 Julie 1993, R. 1843 van 1 Oktober 1993, R. 2365 van 10 Desember 1993, R. 2529 van 31 Desember 1993, R. 181 van 28 Januarie 1994, R. 411 van 11 Maart 1994, R. 873 van 31 Mei 1996, R. 1063 van 28 Junie 1996, R. 1557 van 20 September 1996, R. 1746 van 25 Oktober 1996, R. 2047 van 13 Desember 1996, R. 417 van 14 Maart 1997, R. 491 van 27 Maart 1997, R. 700 van 16 Mei 1997, R. 798 van 13 Junie 1997, R. 1352 van 10 Oktober 1997, R. 785 van 5 Junie 1998, R. 881 van 26 Junie 1998, R. 1024 van 7 Augustus 1998, R. 1723 van 30 Desember 1998, R. 315 van 12 Maart 1999, R. 568 van 30 April 1999, R. 1084 van 10 September 1999, R. 1299 van 29 Oktober 1999, R. 502 van 19 Mei 2000, R. 849 van 25 Augustus 2000, R. 373 van 30 April 2001, R. 1088 van 26 Oktober 2001, R. 1755 van 5 Desember 2003, R. 229 van 20 Februarie 2004, R. 1343 van 12 Desember 2008, R. 1345 van 12 Desember 2008, R. 516 van 8 Mei 2009, R. 518 van 8 Mei 2009, R. 86 van 12 Februarie 2010, R. 87 van 12 Februarie 2010, R. 88 van 12 Februarie 2010, R. 89 van 12 Februarie 2010, R. 90 van 12 Februarie 2010, R. 500 van 11 Junie 2010, R. 591 van 09 Julie 2010, R. 980 van 19 November 2010, R. 981 van 19 November 2010, R. 464 van 22 Junie 2012, R. 992 van 7 Desember 2012, R. 114 van 15 Februarie 2013, R. 262 van 12 April 2013, R. 471 van 12 Julie 2013, R. 472 van 12 Julie 2013, R. 759 van 11 Oktober 2013, R. 212 van 28 Maart 2014, R. 213 van 28 Maart 2014, R. 214 van 28 Maart 2014, R. 30 van 23 Januarie 2015, R. 31 van 23 Januarie 2015, R. 317 van 17 April 2015, R. 781 van 31 Augustus 2015, R. 3 van 19 Februarie 2016, R. 678 van 3 Junie 2016, R. 1055 van 29 September 2017, R. 1272 van 17 November 2017, R. 1318 van 30 November 2018, R. 61 van 25 Januarie 2019, 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. 1157 van 30 Oktober 2020, R. 1603 van 17 Desember 2021, R. 2133 van 3 Junie 2022, R. 2413 van 26 Augustus 2022, R. 3397 van 12 Mei 2023, R. 4477 van 8 Maart 2024, R. 5124 van 16 Augustus 2024, R. 5560 van 22 November 2024 en R. 6230 van 30 Mei 2025.

Wysiging van Reël 1 van die Reëls

2. Reël 1 word hierby gewysig deur die volgende omskrywing na die woordskrywing van "prokureur" in te voeg:

"'klas-aksie' beteken 'n aksie ingestel deur 'n verteenwoordiger namens 'n klas persone, wat die verteenwoordiger mag insluit, te aansien van wie aanspraak maak op die betrokke

feitelike- of regs kwessies wat wesenlik soortgelyk is te aansien van alle klas-lede, en waar die klas-lede gebind is deur die uitkoms van die gemene kwessies in die aksie;"

Invoeging van reël 11A in die Reëls

3. Die volgende reël word hierby na reël 11 van die Reëls ingevoeg:

"11A Sertifisering van klas-aksies

(1) Geen aksie sal as 'n klas-aksie voortgaan nie tensy die hof, na oorweging dat dit in die belang van geregtigheid is, sertifiseer dat die aksie as 'n klas-aksie gelei mag word.

(2) 'n Aansoek vir die sertifisering van 'n aksie as 'n klas-aksie moet op kennisgewing van mosie deur 'n beëdigde verklaring ondersteun word, in ooreenoms met die bepalings van reël 6 van die Reëls.

(3) 'n Beëdigde verklaring in ondersteuning van die aansoek met betrekking tot subreël (2) moet

(a) faktore uiteensit wat vasstel—

(i) dat dit in die belang van geregtigheid is om die aksie as 'n klas-aksie te sertifiseer;

(ii) dat daar 'n identifiseerbare of omskryfbare klas, soos aangewys in objektiewe kriteria, is;

(iii) dat daar 'n skuldoorsaak, wat 'n bregbare kwessie opper, is;

(iv) dat die reg tot regshulp daarvan afhang of feitelike geskille, regs kwessies, of beide, wat gemeen aan alle klas-lede is, vasgestel kan word;

(v) of die regshulp wat verlang word, of skadevergoeding wat geëis word, uit die skuldoorsaak vloei en bepaalbaar en vatbaar vir beslissing is;

(vi) waar die eis vir skadevergoeding is, of daar 'n gepaste prosedure vir die toekening van skadevergoeding aan die klas-lede is;

(vii) of, gegewe die samestelling van die klas en die aard van die voorgestelde aksie, 'n klas-aksie die mees gepaste manier is om die eise van die klas-lede te bepaal; en

(viii) of die aansoeker geskik is om toegelaat te word om die aksie te lei en die klas te verteenwoordig; en

(b) enige ander toepaslike faktore wat betrekking het op die erkenning of weiering van die aansoek vir die sertifisering.

(4) In die uiteensetting van faktore wat staaf dat die aansoeker soos beoog in subreël (3)(a)(viii) gepas is, moet die beëdigde verklaring aantoon dat—

(a) die aansoeker die vermoë het om die klas-lede se belange voldoende te

verteenwoordig;

- (b) of daar 'n waarskynlikheid is vir enige botsing of potensiële botsing van belange tussen die aansoeker en die klas-lede;
- (c) die aansoeker die vermoë het om voldoende reëlins ten aansien van die befondsing van die klas-aksie te maak;
- (d) die aansoeker die vermoë het om die klas-aksie te bestuur en te lei; en
- (e) enige ander toepaslike faktor.

(5) Die beëdigde verklaring met betrekking tot subreël (3) moet vasstel of die klas 'n inteken of uitteken klas of 'n kombinasie van beide sal wees en moet deur 'n konsep Besonderhede van Eis vergesel word wat die gronde waarop die eiser se aksie gebaser gaan word, uiteensit.

(6) (a) Die hof wat 'n aksie as 'n klas-aksie sertifiseer mag lasgewings gee met betrekking tot—

- (i) kennisgewing van die aksie aan die lede of potensiële lede van die betrokke klas;
- (ii) die vorm wat sodanige kennisgewing moet aanneem; en
- (iii) die wyse waarop sodanige kennisgewing aan die klas-lede gekommunikeer moet word.

(b) By die oorweging van die aard en die vorm van die kennisgewing wat aan die klas-lede gegee is en watter lasgewings toepaslik is te aansien daarvan, mag die hof in aanmerking neem—

- (i) tot watter mate die klas-lede benadeel mag word weens 'n uitspraak wat aan 'n aksie toegestaan is wat nie onder hul aandag gebring was nie;
- (ii) die potensiële grootte van die klas;
- (iii) die algemene onderwys- en ontwikkelingsvlak van die klas-lede;
- (iv) die gemak waarmee die klas-lede geïdentifiseer kan word;
- (v) die tipe vergoeding wat geëis word;
- (vi) waar daar geldelike vergoeding geëis word, die bedrag van elke klas-lid se eis;
- (vii) die geografiese verspreiding van die klas-lede;
- (viii) die probleme wat klas-lede sal teëkom indien hulle, hul aksies individueel sal toepas;
- (ix) enige ander toepaslike faktor.

(7) Indien die hof 'n bevel vir die sertifisering gun, mag dit enige ander bevel maak wat dit as toepaslik in die belang van geregtigheid ag.

(8) Aansoeke vir verlof tot appèl teen 'n bevel, wat gemaak is in die sertifisering verrigtinge van 'n aksie as 'n klas-aksie, moet in ooreenkoms met die bepalings van reël 49 van die Reëls gemaak word."

Wysiging van reël 68 van die Reëls**4. Reël 68 word hiermee gewysig—****(a) Die volgende subreël vervang subreël (1):**

“(1) Die gelde in die tarief hierby mag deur balju’s gehef word: Met dien verstande dat geen gelde gehef moet word vir die voorlegging van die proses **[in forma pauperis]** vir ‘n party wat as ‘n behoefdig regsgedingende party optree nie (maar die nodige uitbetalings vir die sodanige diens mag verhaal word).”;

(b) Die volgende subreël vervang subreël (2):

“(2) Waar daar meer as een metode is om ‘n sekere taak te verrig, moet die goedkoopste metode gebruik word tensy daar redelike beswaar daarteen is, of indien die party wie die proses aanvra daarop aandrang om ‘n sekere proses aan te neem, dit op **[sy]** sodanige party se onkoste sal wees.

(c) die volgende item vervang item 4 van die Tarief:

“4(a) *Posgeld in siviele belange, soos per die posttarief.*

“4(b) *Posgeld in strafsake sake, gratis*

NOTA: Die balju mag enige posstuk na die griffier van die Hoë Hof, of as daar geen griffier in **[sy of haar]** die balju se dorp of stad is nie, na die [landdros] klerk van die hof, wie die koevert met [sy of haar] die amptelike frankeerstempel moet merk, indien beskikbaar.”; en

(d) die volgende vervang Item 5(c)(xiv):

(xiv) by die verkoop van onroerende goed deur die balju as afslaer, 6 persent op die eerste R100 000.00, en 3.5 persent op R100 001.00 tot R400 000.00 en 1.5 persent op die balans van die opbrengs van die verkoping, onderhewig aan 'n maksimum kommissie van R40 000.00 in totaal en 'n minimum van R3 000.00 (insluitende in alle gevalle die balju se bankkoste en ander uitgawes aangegaan om die opbrengs in [sy of haar] <u>die balju se</u> trustrekening in te betaal), welke kommissie deur die koper betaalbaar is;	
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Wysiging van Reël 70**5. Reël 70 word hiermee gewysig—****(a) die volgende subreël vervang subreël (1):**

“(1)(a) Die takseermeester is bevoeg om enige rekeningkoste te takseer vir dienste wat deur ‘n prokureur gelewer word in **[sy] die prokureur** se kapasiteit in verbinding met hofwerk en sodanige rekening sal getakseer word volgens die bepalings van subreël (5), ooreenkomstig die bepalings van die aanvullende tarief: Met dien verstande dat die takseermeester nie kostes sal takseer in omstandighede waar ‘n ander amptenaar bekragtig is om so te doen nie.”;

(b) die volgende subreël vervang subreël (2):

“(2) By die taksering van enige kosterekening mag die takseermeester aanvraag doen vir sodanige boeke, dokumente, papiere of rekeninge **[soos in sy opinie] wat benodig sal word om [hom] die takseermeester [behoorlik]** te bemaatig om te bepaal of ander sake sal opduik weens sodanige taksasie.”;

(c) die volgende subreël vervang subreël (3):

“(3) Met die oog daarop om volle vrystelling van die betaalbevel aan ‘n party toe te ken vir alle kostes wat redelik deur **[hom] sodanige party** aangegaan is in verband met **[sy] sodanige party** se eis sal deur die party teen wie so ‘n bevel toegeken is gedra word, die takseermeester sal, op elke taksasie, toelaat dat sodanige kostes en uitgawes aangetoon word soos dit aan **[hom] die takseermeester** nodig of deeglik geag word om geregtigheid te bereik of vir die verdediging van die regte van enige party, maar behalwe die party wat dieselfde aangegaan het, sal geen koste toegelaat word wat aan die takseermeester voorkom dat dit aangegaan is of vermeerder het deur oor-versigtigheid, nalatigheid of fout, of by betaling van ‘n spesiale fooi aan ‘n prokureur of spesiale kostes en uitgawes aan getuïenisse of aan ander persone of by ander buitengewone uitgawes nie.”;

(d) die volgende subreël vervang subreël (3C)(b):

“(b) waar die party wat aanspreeklik is om die kostes te dra, in skrif ingestem het tot die taksasie in **[sy of haar] sodanige party se afwesigheid; of**”;

(e) die volgende subreël vervang subreël (4):

“(4) Die takseermeester sal nie voortgaan met die taksasie van enige onkosterekening tensy **[hy of sy]** die takseermeester tevrede is dat die aanspreeklike party die volgende ontvang het nie—

- (a) deeglike kennisgewing ingevolge subreël (3B); en
- (b) nie minder as 10 dae se kennisgewing van die dag, tyd, en plek van sodanige taksasie en dat **[hy of sy]** die aanspreeklike party geregtig is om daarby teenwoordig te wees: Met dien verstande dat sodanige kennisgewing nie nodig sal wees nie indien—
 - (i) die party wat aanspreeklik is om die kostes te dra, in skrif ingestem het tot die taksasie in **[sy of haar]** sodanige party se afwesigheid;
 - (ii) die aanspreeklike party versuim het om kennis te gee oor die intensie om beswaar te maak ingevolge subreël (3B); of
 - (iii) vir die taksasie van geskrewe en na-geskrewe rekeninge:

Met dien verstande dat, indien enige van die partye versuim om op te daag nadat die kennisgewing om beswaar te maak aan hul voorsien is, ingevolge subreël (3B)(a)(ii), mag die taksasie in hul afwesigheid voortgaan.”;

- (f) die volgende subreël vervang subreël (5A):

“(5A)(a) Die takseermeester mag vermorste kostes aan ‘n party toeken wanneer die belaspligtige of **[sy of haar]** prokureur versuim om op te daag by ‘n taksasie of deur die terugtrekking **[deur die belaspligtige]** of **[sy of haar]** die belaspligtige se rekening van kostes.

(b) Die takseermeester mag in geskikte omstandighede beveel dat die vermorste kostes *de bonis propriis* betaal word deur die prokureur.

(c) Met betrekking tot die skep van ‘n bevel ingevolge paragrawe (a) of (b), sal die takseermeester alle paslike feite en omstandighede in ag neem.

(d) Waar ‘n party, of **[sy of haar]** sodanige party se prokureur, of beide, hul wangedra by taksasie, mag die takseermeester—

- (i) die party, of prokureur, of beide, van die taksasie uitsit en voortgaan met die taksasie en dit voltooi in die afwesigheid van sodanige party of prokureur of beide; of
- (ii) die taksasie verdaag en dit na ‘n regter verwys vir ‘n *in camera* konsultasie in verband met die finalisasie van die taksering; of
- (iii) die taksasie verdaag en ‘n geskrewe verslag inhandig aan ‘n regter *in camera* oor die wangedrag van die party, of prokureur, of beide, met die oog daarop om aanwysings van die regter af te kry indien minagting van die hof verrigtinge paslik sal wees.

- (f) Minagting van die hof verrigtinge soos in die voorgenoemde paragraaf (d)(iii) sal deur ‘n regter *in camera* gehou word deur **[sy of haar]** sodanige regter se aanwysings.”;

- (g) die volgende subreël vervang subreël (6)(b):

“(6)(b) [Gelde mag toegelaat word deur die takseermeester in sy diskresie soos tussen partye vir die afdruk van enige dokumente wat, in sy siening, redelik nodig word vir enige verrigtinge.] “Die takseermeester mag diskresie gebruik rakende die gelde wat toegelaat word tussen partye vir die afdruk van enige dokumente wat, in die takseermeester se siening, redelik nodig word vir enige verrigtinge.”

- (h) die volgende vervang item 6 van Afdeling A van die Tarief vir Gelde van Prokureurs van die volgende:

“6. Enige ander samespreking wat die takseer [amptenaar] meester noodsaaklik mag ag, per kwartier of gedeelte daarvan—Enige ander raadpleging wat die takseer [amptenaar] meester mag nodig ag, per kwartuur, of 'n uur, of deel daarvan—

(a) Deur 'n prokureurR417,00

(b) Deur 'n kandidaatprokureurR130,00”;

- (i) die volgende vervang item 11 van Afdeling A van die Tarief vir Gelde van Prokureurs:

11. Die skale van vergoeding in items 1 tot 9 sluit nie reis- en wagtyd in nie en die takseer [amptenaar] meester kan ten opsigte van tyd noodsaaklikerwys daaraan bestee, na goedgeskonde soveel addisionele vergoeding toestaan as wat [hy of sy] deur die takseermeester billik en redelik geag word, maar hoogstens R417,00 per kwartier of gedeelte daarvan in die geval van 'n prokureur en R130,00 per kwartier of gedeelte daarvan in die geval van 'n kandidaatprokureur, plus 'n redelike bedrag vir noodsaaklike vervoerkoste.”;

- (j) die volgende Nota vervang Nota 1 by Artikel B van die Tarief vir Gelde van Prokureurs:

OPMERKING 1: Besonderhede van briewe wat afgestuur is, hoef nie in 'n kosterekening gespesifiseer te word nie. Die aantal briewe wat geskryf is, moet vermeld word, asook die totale bedrag wat daarvoor gehef word. Die teenparty sowel as die takseer [amptenaar] meester is daarop geregtig om die stukke in te sien, indien die korrektheid van die item betwis word..

- (k) die volgende Nota vervang die Nota by Artikel C van die Tarief vir Gelde van Prokureurs:

OPMERKING: Besonderhede van stukke wat ontvang word, hoef nie in kosterekenings gespesifiseer te word nie. Die aantal stukke en bladsye wat ontvang is, asook die totale bedrag wat daarvoor gehef word, moet vermeld word. Die teenparty sowel as die takseer

[amptenaar] meester is daarop geregtig om die stukke in te sien, indien die korrektheid van die item betwis word. ”;

(l) Die volgende item vervang item (3)(a) van Artikel E van die Tarief vir Gelde van Prokureurs:

“

(a) Wanneer 'n prokureur van die dienste van 'n ander persoon gebruik maak om **[sy of haar] die prokureur se** kosterekening op te stel, moet daardie kosterekening van 'n sertifikaat vergesel gaan waarin daardie prokureur sertifiseer dat—

- (i) die kosterekening aldus opgestel, behoorlik deur **[hom of haar] die prokureur** nagegaan en korrek bevind is; en
- (ii) elke beskrywing in sodanige rekening met betrekking tot werk, tye en syfers in ooreenstemming is met dit wat noodsaaklikerwys deur **[hom of haar] die prokureur** verrig is.

” en

(ii) die volgende item vervang item (3)(b) van Artikel E van die Tarief vir Gelde van Prokureurs:

(3)(b) Die takseer **[amptenaar] meester** kan—

- (i) indien **[hy of sy]** oortuig dat aan een of meer vereistes bedoel in item 3(a) nie voldoen is nie, weier om so 'n rekening te takseer;
- (ii) indien **[hy of sy]** oortuig dat gelde in 'n party-en-partykosterekening gevorder word —
 - (aa) vir werk wat nie gedoen is nie;
 - (bb) vir werk waarvoor gelde in 'n prokureur-en-kliëntekosterekening gevorder moet word; of
 - (cc) wat buitensporig hoog is, die prokureur die vergoeding bedoel in items

1 en 2 van hierdie afdeling ontsê, indien meer as 20 persent van die aantal items in die kosterekening, insluitend uitgawes, of van die totale bedrag van die kosterekening, insluitend uitgawes, afgetakseer word.

”

Inwerkingtreding

6. Hierdie Reëls tree in werking op 19 September 2025.