

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 6755

24 October 2025

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

AMENDMENT OF RULES REGULATING MATTERS IN RESPECT OF THE SMALL
CLAIMS COURT

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), read with section 25 of the Small Claims Courts Act, 1984 (Act No. 61 of 1984), 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.

Definition

1. In this Schedule the “Rules” means the Rules Regulating Matters in Respect of the Small Claims Court published under Government Notice No. R. 2573 of 7 October 2022, R. 3058 of 17 February 2023 and R. 5125 of 16 August 2024.

Amendment of Annexure 2 to the Rules

2. Annexure 2 to the Rules is hereby amended by the substitution for Part I of the following Part:

“PART I
Court fees

For a copy of a record made by the clerk of the court—
for every photocopy of an A4 size page or part thereof: **[R2,00]** R3,00.”.

Amendment of Annexure 2 to the Rules

3. Annexure 2 to the Rules is hereby amended by the substitution for Part II of the following Part:

"PART II

Fees and travelling expenses of sheriffs

1. (a) For the service of a summons, including the registration of the summons on receipt thereof for service: **[R75,00]** R79,00.
(b) For the attempted service of a summons, including the registration of the summons on receipt thereof for service: **[R48,00]** R51,00.
2. (a) For the execution of a warrant, including the registration of the warrant on receipt thereof for execution: **[R94,00]** R100,00.
(b) For the attempted execution of the warrant, including the registration of the warrant on receipt thereof for execution: **[R68,00]** R72,00.
(c) Where the warrant is one for ejectment, a further fee of **[R27,00]** R29,00 shall be paid after the execution thereof for each person over and above the person named or referred to in the warrant of ejectment in fact ejected from separate premises: Provided that where service on any person other than the judgment debtor is necessary in order to complete the execution, the fee mentioned in item 1(a) may be charged for each such service.
3. (a) The sheriff shall, in addition to the fees mentioned in items 1(a), 1(b), 2(a) and 2(b) but subject to paragraph (b) and (c), be allowed a travelling allowance of R7,50 per kilometre, or part thereof, for the shortest possible forward and return journey from the office of the sheriff to the place of service or execution and back.
(b) The travelling allowance mentioned in items 3 and 4 shall be calculated on the distance reckoned from the office of the sheriff if—
 - (i) the sheriff's office is situated within the area of jurisdiction allocated to the sheriff by the Minister; and
 - (ii) the distance from the sheriff's office is less than the distance reckoned from the court-house closest to the address for service.
(c) If the requirement in item 3(b) is not met, then the travelling allowance mentioned in items 3(a) and 4(a) shall be calculated on the distance reckoned from the court-house closest to the address for service.
4. (a) In respect of the discharge of any official duty other than those mentioned in items 1 and 2, but subject to item 3(b) and (c), a travelling allowance of R7,50 per kilometre, or part thereof, shall be payable to the sheriff for going and returning.
(b) A travelling allowance shall include all the expenses incurred in travelling, including train fares.
(c) A travelling allowance shall be calculated in respect of each separate service, except that—
 - (i) where more services than one can be done on the same journey, the distance from the sheriff's office to the first place of service may be taken into account

- only once, and shall be apportioned equally to the respective services, and the distance from the first place of service to the remaining places of service shall similarly be apportioned equally to the remaining services; and
- (ii) where service of the same process has to be effected by a sheriff on more than one person at the same service address, only one charge for travelling shall be allowed.
5. For the ejectment of a defendant from the premises mentioned in the warrant of ejectment: **[R24,00]** R25,00 for the first 30 minutes and thereafter **[R72,00]** R76,00 per hour or part thereof.
6. In addition to the fees prescribed, the sheriff shall be entitled to charge the amount paid by him or her for telephone calls.
7. For the writing of a necessary letter, facsimile or electronic mail, excluding formal letters accompanying process or returns to an interested party in the matter: **[R12,00]** R13,00.
8. For the copying of the necessary documents relevant to a process handled by the sheriff: **[R6,00]** R7,00 per A4 size copy.
9. If it is necessary for the sheriff to return to the mandator a process received by him or her for service or execution because—
- (a) the address of service which appears on the process does not fall within his or her jurisdiction;
- (b) the mandator requests, before an attempted service or execution of the process, that it be returned to him or her: an amount of **[R12,00]** R13,00.
10. (a) Sending and receiving of each necessary facsimile or electronic mail: **[R7,00]** R8,00.
- (b) In addition to the fees prescribed, the sheriff shall be entitled to the amount actually disbursed for postage, transmission of facsimiles and sending of electronic communications.”.

Commencement

4. These Rules come into operation on 28 November 2025.

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

**UKUCHITSHIYELWA KWEMITHETHO ELAWULA IZINDABA MAYELANA
NENKANTOLO YEZIMANGALO EZINCANE**

Ibhodi Lemithetho Yezinkantolo Zomthetho, ngaphansi kwesigaba sesi-6 soMthetho Webhodi Lemithetho LoMthetho Wezinkantolo Zomthetho, we-1985 (uMthetho 107 we-1985), ofundwe nesigaba sama-25 soMthetho Wezinkantolo Zezimangalo Ezincane, we-1984 (uMthetho 61 we-1984), kanye nangemvume kaNgqongqoshe Wezobulungiswa Nokuthuthukiswa Komthethosisekelo, lenza imithetho kuSheduli.

ISHEDULI

INCAZELO EFINGQIWE EJWAYELEKILE:

[] Amagama akubakaki abayisikwele abagqamile amele okukhishiwe emithethweni esebenzayo
_____Amagama adwetshelwe ngomugqa ogqamile amele okufakiwe emithethweni esebenzayo.

Izincazelo

1. Kule Sheduli “Imithetho” isho Imithetho Elawula Izindaba Eziphathelelene Nenkantolo Yezimangalo Ezincane eshicilelwe ngaphansi kweSaziso Sikahulumeni R. 2573 somhla ziyisi-7 kuMfumfu wezi-2022, nesaziso-R. 3058 somhla ziyi-17 kuNhlolanja wezi-2023 kanye nesaziso-R. 5125 somhla ziyi-16 kuNcwaba wezi-2024.,

Ukuchitshiyelwa kweSithasiselo 2 seMithetho

2. Ngakho-ke isithasiselo sesi-2 seMithetho siyachitshiyelwa ngokufaka esikhundleni seNgxenye I le ngxenye elandelayo:

**“INGXENYE I
Izimali zenkantolo**

Ngekhophi yerekhodi elenziwe umabhalane wenkantolo —
ngekhophi ngayinye yekhasi elingusayizi we-A4 noma ingxenye yalo: **[R2,00]** R3,00.”.

Ukuchitshiyelwa kweSithasiselo 2 seMithetho

3. Ngakho-ke isithasiselo 2 seMithetho siyachitshiyelwa ngokufaka esikhundleni seNgxenye II le Ngxenye elandelayo:

“INGXENYE II

Izimali kanye nezindleko zokuhamba zosherifu

1. (a) Ukuze kuhanjise amasamanisi, okuhlanganisa nokubhaliswa kwamasamanisi lapho etholwa ukuze ahanjise: **[R75,00]** R79,00.
(b) Ngomzamo wokuhambisa amasamanisi, okuhlanganisa nokubhaliswa kwamasamanisi lapho etholwa ukuze ahanjise: **[R48,00]** R51,00.
2. (a) Ukuze kukhishwe incwadi yemvume, okuhlanganisa nokubhaliswa kwencwadi yemvume lapho itholwa ukuze isetshenziswe: **[R94,00]** R100,00.
(b) Ngomzamo wokusetshenziswa kwencwadi yemvume, okuhlanganisa nokubhaliswa kwencwadi yemvume lapho itholwa ukuze isetshenziswe: **[R68,00]** R72,00.
(c) Lapho incwadi yemvume ingeyokuxosha, enye imali engango **[R27,00]** R29,00 iyokhokhwa ngemva kokusetshenziswa kwayo kumuntu ngamunye ngaphezu kwalowo oshiwo noma okukhulunywe ngaye encwadini egunyaza ukukhishwa ezakhiweni ezihlukene: Kuncike ekutheni lapho isevisi kunoma yimuphi omunye umuntu ngaphandle komkweleti idingekile ukuze kuqedwe umsebenzi wokuxosha, imali eshiwo ephuzwini 1(a) ingakhokhiswa ngesevisi ngayinye enjalo.
3. (a) Usherifu, ngaphezu kwezimali ezishiwo emaphuzwini 1(a), 1(b), 2(a) kanye no 2(b) kodwa ngokuncika endimeni (b) kanye no (c), uzovunyelwa imali yokuhamba engu-R7,50 ikhilomitha ngalinye, noma ingxenye yalokho, ohambweni olufushane olungenzeka lokuya nokubuya esuka ehhovisi likasherifu eya endaweni yesevisi kanye nokubuya.
(b) Imali yokuhamba esibalulwe emaphuzwini 3 no-4 sizobalwa ngebanga elibalwe nehovisi likasherifu uma —
(i) ihhovisi likasherifu lisendaweni engaphansi kwegunya elinikezwe usherifu nguNgqongqoshe; futhi
(ii) ibanga ukusuka ehhovisi likasherifu lingaphansi kwebanga elibalwe ukusuka endlini yenkantolo eseduze nekheli lalapho kufanele kwenziwe khona isevisi.
(c) Uma imfuneko ephuzwini 3(b) ingafinyelelwanga, imali yokuhamba eshiwo emaphuzwini 3(a) kanye no-4(a) izobalwa ngebanga elibalwe ukusuka endlini yenkantolo eseduze nekheli lalapho kufanele kwenziwe khona isevisi.
4. (a) Maqondana nokukhishwa kwanoma yimuphi umsebenzi osemthethweni ngaphandle kwalowo oshiwo emaphuzwini 1 no-2, kodwa kuncike

ephuzwini 3(b) no (c), imali yokuhamba engu-R7,50 ikhilomitha ngalinye, noma ingxenye yayo, iyokhokhwa kusherifu yokuhamba nokubuya.

(b) Imali yokuhamba izobandakanya zonke izindleko ezikhona ekuhambeni, okuhlanganisa nemali yokugibela isitimela.

(c) Imali yokuhamba izobalwa maqondana nesevisi ngayinye ehlukene, ngaphandle—

- (i) kwalapho othola ukuthi ohambweni olulodwa kungenziwa amasevisi angaphezu kweyodwa, ibanga elisuka ehhovisi likasherifu ukuya endaweni yokuqala yesevisi lingabalwa kanye kuphela, futhi lizokwabelwa ngokulinganayo kumasevisi afanele, futhi ibanga elisuka endaweni yokuqala yesevisi liye ezindaweni ezisele zesevisi ngokufanayo liyokwabelwa ngokulinganayo kumasevisi asele; futhi
- (ii) kwalapho okuwukuthi isevisi yenqubo efanayo kufanele yenziwe ngusherifu kubantu abangaphezu koyedwa ekhelini lesevisi elifanayo, yinye kuphela imali yokuhamba eyovunyelwa.

5. Ekukhishweni kommangalelwa ezakhiweni ezishiwo encwadini egunyaza ukuthi akhishwe: **[R24,00]** R25,00 kumizuzu yokuqala engama-30 bese ngemva kwalokho kuyobe sekuba u-**[R72,00]** R76,00 ihora ngalinye noma ingxenye yalo.

6. Ukwengeza ezinkokhelweni ezinqunyiwe, usherifu uzoba nelungelo lokucela ukukhokhelwa imali ayisebenzisile ukushaya izingcingo.

7. Ukubhalwa kwencwadi edingekayo, ifeksi noma i-imeyili, ngaphandle kwezincwadi ezisemthethweni ezihambisana nenqubo noma ubufakazi kumuntu onentshisekelo kulolu daba: **[R12,00]** R13,00.

8. Ukuze kukopishwe imibhalo edingekayo ehambisana nenqubo esingathwa ngusherifu: **[R6,00]** R7,00 ikhophi ngayinye kasayizi we-A4.

9. Uma kudingekile ukuthi usherifu abuyisele kumgunyazi inqubo ayithole ukuze enze isevisi ngoba —

- (a) ikheli lesevisi elivela ohlelweni alingeni ngaphansi kwamandla akhe;
- (b) umgunyazi ucela, ngaphambi kokuzama ukwenza isevisi noma ukwenziwa kwenqubo, ukuthi kubuyiselwe kuye: imali engango- **[R12,00]** R13,00.

10. (a) Ukuthumela nokwamukela ifeksi ngayinye edingekayo noma i-imeyili: **[R7,00]** R8,00.

(b) Ukwengeza ezindlekweni ezinqunyiwe, usherifu uzoba nelungelo lemali ekhishelwe ukuposa, ukuhanjiswa kwamafeksi kanye nokuthunyelwa kwezokuxhumana ngogesi.”.

Ukuqalisa

4. Le Mithetho iqala ukusebenza ngomhla zingama- 28 kuLwezi 2025.