

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 7531

29 May 2026

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, 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 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 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. 1967 of 17 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. 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, R. 6230 of 30 May 2025, R. 6504 of 15 August 2025, R. 6753 of 24 October 2025 and R. 6975 of 24 December 2025.

Substitution of rule 54 of the Rules

2. The following rule is hereby substituted for rule 54 of the Rules:

“54. Criminal proceedings - [Provincial and Local Divisions] High Court

(1) The process for summoning an accused to answer any indictment shall be by writ sued out **[by the chief clerk to the Attorney-General]** by the Director of Public Prosecutions who presents the indictment, or in the case of a private prosecution by the prosecutor or such prosecutor’s legal representative **[his attorney,]** and shall be directed to the sheriff. **[:]**

[Provided that in the case of the Witwatersrand Local Division the writ may be sued out of the office of the registrar of that Division by the Deputy Attorney-General, Johannesburg.]

(2) When any person committed for sentence under the provisions of section 121 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), is indicted before a **[superior court] High Court**, **[he]** such person may be brought up for sentence at any sitting for criminal business of the court before which **[he]** such person is indicted.

(3) The **[Attorney-General]** Director of Public Prosecutions or other prosecutor or **[his]** such prosecutor’s legal representative **[attorney]** shall endorse on, or annex to, every indictment and every copy of any indictment delivered to the sheriff for service thereof, a notice of trial, which notice shall specify the court before which, and the

particular session and time when, **[he]** such prosecutor will bring the accused to trial on the said indictment.

(4) The **[Attorney-General]** Director of Public Prosecutions or other prosecutor or **[his]** such prosecutor's legal representative [attorney] shall deliver to the sheriff for service the writ, a copy of the indictment and notice of trial or, if there are more than one accused, as many writs and copies of the indictment and notice of trial as there are accused. In case of a private prosecution the prosecutor or **[his]** such prosecutor's legal representative [attorney] shall at the same time hand to the sheriff **[his]** such prosecutor's lawful costs and charges for serving the same.

(5)(a) The subpoena or process for procuring the attendance of any person before a **[superior court]** High Court (other than a Circuit Court) to give evidence in any criminal case or to produce any books, documents or things, shall be sued out of the office of the registrar of that court **[, by the chief clerk to the Attorney-General]** by the Director of Public Prosecutions, (or where the prosecution is at the instance of a private party, by **[himself]** such party or **[his]** such party's legal representative [attorney]); and the same shall be delivered to the sheriff, at **[his]** such sheriff's office, for service thereof, together with so many copies of the subpoena or process as there are persons to be served. **[In the case of the Witwatersrand Local Division, the process may also be sued out by the Deputy Attorney-General, Johannesburg, and delivered to the sheriff concerned.]**

(b) The subpoena contemplated in paragraph (a) shall correspond substantially with Form 16B of the First Schedule.

(6) **[The subpoena shall be served upon the witness (a) personally, or (b) at his residence or place of business or employment by delivering it to some person thereat who is apparently not less than sixteen years of age and apparently residing or employed thereat.]**

The subpoena shall be served upon the witness—

(a) personally; or

(b) at such witness's residence or place of business or employment by delivering it to some person thereat who is apparently not less than 16 years of age and apparently residing or employed thereat.

(7) The person serving the subpoena shall, if required by the person upon whom it was served, exhibit to **[him]** such person the original.

(8)(a)(i) If the person to be served with a subpoena keeps **[his]** the residence or place of business closed so as to prevent the service of the subpoena it shall be sufficient

service to affix **[a copy thereof]** the subpoena to the outer or principal door of such residence or place of business.

(ii) Service of the subpoena shall be effected as near as possible between the hours of 7:00 and 19:00.

(b) The person serving a subpoena shall issue a return of service specifying the manner in which the subpoena was served, and shall file the return of service and the original subpoena in the case docket or with the registrar of the court out of whose office it was issued.

(c) If the subpoena was served in terms of subrule (6)(a) or (b) or paragraph (a)(i), the return of service must contain the details and the circumstances under which such service was effected.

(d) The subpoena must contain the following information:

- (i) The unique court allocated reference number and the case number;
- (ii) the date and time of appearance, the physical address of the court and the court room number in which the witness is to testify;
- (iii) the provisions of section 158 of the Criminal Procedure Act, 1977;
- (iv) the contact details of the person with whom the witness is to arrange for audio-visual testimony, where the court has authorised the giving of evidence by means of close-circuit television or similar electronic media;
- (v) the name and contact details of the Director of Public Prosecutions; and
- (vi) the consequences of not complying with the subpoena.

(e) Where the court has authorised the giving of evidence by means of close-circuit television or similar electronic media—

- (i) the link for remote audio-visual testimony must be sent to the witness; and
- (ii) proof of the link and any response to the electronic hearing link, must be submitted to the court.

(9)(a) When a court imposes upon any person whatsoever a fine for contempt of court for default in appearance or otherwise, and such fine is not duly paid, the registrar of the court shall furnish the sheriff with particulars of such fine and deliver to **[him]** such person a completed warrant.

(b) The sheriff shall, immediately on such warrant being delivered to **[him]** such person, **[shall]** execute it.

(10) An application under section 149 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), to change the place of trial in criminal proceedings may be made to the

court, upon notice, by or on behalf of the **[Attorney-General]** Director of Public Prosecutions or the accused, whereupon **[. The]** the court may **[thereupon]** make such order **[thereon]** as **[to it seems meet]** it deems appropriate.".

Insertion of Form 16B

3. The following form is hereby inserted in the First Schedule of the Rules after Form 16A:

"FORM 16B
SUBPOENA IN CRIMINAL PROCEEDINGS

IN THE HIGH COURT OF SOUTH AFRICA
 (.....DIVISION)

Case No.

Held at

Court Room Number:

Date of Trial: Time:

Physical Address of Court:

URN:

Police Station: CAS Number:

1. To the Sheriff or Deputy

You are hereby commanded in the name of the State to—

- (a) serve in any of the following manners a true copy of this subpoena on the person whose particulars appear below:
- (i) personally; or
 - (ii) at their residence, or place of business or employment by delivering it to a person who is apparently not less than 16 years of age and apparently residing or employed thereat; or
 - (iii) by affixing it on the principal or outer door of such person's residence or place of business;
- (b) subpoena such person to appear before the above-mentioned court on the stated date, time and place to testify in this case and to declare all that such person knows concerning the charge(s) described below; and
- (c) report to this court what you have done therewith.

Name of Accused:

Offence charged with:

Name of Witness:

Age of Witness:

Name of Guardian / Appropriate Adult (*where witness is a child*):

.....

Witness's Residential or Work / Business Address:

.....

Witness's Cell-Phone Number:

Witness's E-Mail Address:

2. To the person who is hereby subpoenaed as witness.

- (a) You are hereby subpoenaed to appear in person before the above-mentioned court on the above-mentioned date, time and place as well as to remain in attendance to testify in this case and declare all you know concerning the charge(s) described above.
- (b) The court has ordered that you may testify through audio-visual facility on the above-mentioned date and time. You must therefore—
- (i) contact the Registrar prior to the hearing date, to arrange to testify virtually through a remote audio-visual facility;
 - (ii) remain in attendance to testify in this case; and
 - (iii) declare all you know concerning the charge(s) described above.
- (c) In terms of section 158 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), you may apply to the court to testify through the use of close-circuit television or similar electronic media at court if available, including the use of an audio-visual facility, regardless of whether you are inside or outside of the country, if such mode of testimony will prevent delays, or be convenient, or save costs, or be in the interest of justice or prevent the likelihood of prejudice or harm to you. You can contact the State Advocate mentioned below to discuss your options.

****Delete which is not applicable.***

Name of the State Advocate:

Telephone / Cell-phone Number of the State Advocate:

E-mail address of the State Advocate:

Name of the Court Manager:

Telephone / Cell-phone Number of the Court Manager:

E-mail address of the Court Manager:

3. You are also required to produce the following books, papers, documents or objects namely:

.....
.....
.....

**Delete if not applicable*

4. Kindly note:

- (a) Any person who attends criminal proceedings as a witness is entitled to witness fees as prescribed. Further information can be obtained from the Court Manager.
- (b) Should any change in your addresses or contact details take place before the proceedings are finally disposed of or before you are officially advised that you are no longer required as a witness, you must inform the **investigation officer** of the change and provide updated address and/or contact details:

Investigating Officer:
 Telephone Number of the Investigating Officer:
 E-mail address of Investigating Officer:

- (c) You are required, in terms of section 183 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), to inform the investigating officer of any changes to your address or contact details. Failure to do so is an offence that could render you liable to:
 - (i) a fine; or
 - (ii) term of imprisonment not exceeding three months.
- (d) You are required to attend and remain in attendance as a witness at criminal proceedings until excused by the Court as required by sections 187 and 188, read with section 170(2), of the Criminal Procedure Act, 1977 (Act No. 51 of 1977). Failure to do so:
 - (i) could lead to a warrant for your arrest being issued; and
 - (ii) can render you liable to a fine or a term of imprisonment not exceeding three months.

5. The nature and exigency of this subpoena was explained to the recipient thereof.

<u>Yes</u>	<u>No</u>
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Time Day Month Year
 Place.....

Signature of authorised officer **Full Names** **Capacity**
 Contact information: cell-phone number: e-mail address:

Signature of recipient **Full Names**..... **Capacity**
 Contact information: cell-phone number: e-mail address:

(See back.)

[Print on back, provisions of section 158 of the Act]

FOR OFFICIAL PURPOSES ONLY

(1)	I, the undersigned, certify that I have served this subpoena upon the within-named person by —
*(a)	Delivering a true copy PERSONALLY on (date & time) at (place)
*(b)	As witness could not be found, by: (i) Delivering a true copy to (name) at (address) on (date & time) being a person apparently over the age of 16 years and apparently residing or employed at the witness's place of *RESIDENCE / *EMPLOYMENT / *BUSINESS as..... (relationship / position / post) (ii) Affixing on the principal or outer door of the place of RESIDENCE / BUSSINESS at (address) on (date & time) because (provide reason/s) I had previously attempted to deliver this subpoena to the witness on (date/s) at..... (address/es) and was not successful because (reason)
*(c)	As agreed to by the witness, by transmitting a scanned true copy by e-mail to(e-mail address) on(date and time) <i>See attached e-mail delivery notice receipt.</i>

*(d)	As agreed to by the witness, by transmitting a scanned true copy through cell phone to(cell phone number) on(date and time) <i>See screenshot of such communication attached hereto.</i>
(2)	I, the undersigned, certify that the link for the audio-visual testimony was sent in the following manner: <i>See attached proof that the link was sent as well as any response received.</i>

Commencement

- 4. These Rules come into operation on 03 July 2026.

DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

NO. R. 7531

29 Mei 2026

WET OP DIE REËLSRAAD VIR GEREESHOWE, 1985 (WET NO. 107 VAN 1985)**WYSIGING VAN DIE REËLS WAARBY DIE VOER VAN DIE VERRIGTINGE VAN DIE
PROVINSIALE EN PLAASLIKE AFDELINGS VAN DIE HOOGGEREGSHOF VAN SUID-
AFRIKA GEREËL WORD**

Die Reëlsraad vir Gereeshowe het ingevolge 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 uitdrukings in vetdruk in vierkantige hakies dui op weglatings uit die bestaande reëls.
- _____ Woorde of uitdrukings met 'n volstreep daaronder dui op invoegings in die bestaande reëls.

Omskrywing

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 No. 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. 1967 van 17 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. 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, R. 6230 van 30 Mei 2025, R. 6504 van 15 Augustus 2025, R. 6753 van 24 Oktober 2025 en R. 6975 van 24 Desember 2025.

Vervanging van reël 54 van die Reëls

2. Reël 54 van die reëls word hierby deur die volgende reël vervang:

"54. Strafregtelike verrigtinge - [Provinsiale en Plaaslike Afdelings] Hooggeregshof

(1) Die prosesstuk waarby 'n beskuldigde opgeroep word om op 'n akte van beskuldiging te antwoord, is 'n lasbrief uitgeneem **[deur die hoofklerk van die prokureur-generaal]** deur die direkteur van openbare vervolging wat die akte van beskuldiging voorlê, of in die geval van 'n private vervolging, deur die aanklaer of sodanige aanklaer se regsverteenvoerder [sy prokureur], en dit word aan die balju gerig. [:]

[Met dien verstande dat in die geval van die, Witwatersrandse Plaaslike Afdeling die lasbrief by die kantoor van die griffier van daardie Afdeling uitgeneem kan word deur die Adjunk-prokureur-generaal, Johannesburg.]

(2) Wanneer iemand wat kragtens artikel 121 van die Strafproseswet, 1977 (Wet No. 51 van 1977), vir vonnis verwys is, voor 'n **[hoër hof] hooggeregshof** aangekla word, kan **[hy]** sodanige persoon vir vonnis voorgebring word by enige strafsitting van die hof waarin **[hy]** sodanige persoon aangekla word.

(3) Die **[prokureur-generaal]** direkteur van openbare vervolging of ander aanklaer of **[sy]** sodanige aanklaer se regsverteenvoerder [prokureur] moet op elke akte van beskuldiging en elke afskrif daarvan wat aan die balju vir betekening afgelewer word, 'n kennisgewing van verhoor endosseer of dit daaraan heg, waarin die hof waarin

en die besondere sitting en tyd wanneer die beskuldigde moet verskyn, aangegee word.

(4) Die **[prokureur-generaal]** direkteur van openbare vervolging of ander aanklaer of **[sy]** sodanige aanklaer se regsverteenwoordiger [prokureur] moet aan die balju die lasbrief, 'n afskrif van die akte van beskuldiging en die kennisgewing van verhoor vir betekening aflewer, een van elk vir elke beskuldigde. In die geval van 'n private vervolging moet die aanklaer of **[sy]** sodanige aanklaer se regsverteenwoordiger [prokureur] terselfdertyd aan die balju die koste betaal wat regtens gevorder kan word vir die betekening.

(5)(a) Die getuiedagvaarding of prosesstuk vir die verkryging van die aanwesigheid van iemand voor 'n **[hoër hof]** hooggeregshof (nie synde 'n rondgaande hof nie) om getuienis in 'n strafsak af te lê of om boeke, dokumente of voorwerpe in te lewer, word by die griffierskantoor van daardie hof **[deur die hoofklerk van die prokureur-generaal]** deur die direkteur van openbare vervolging uitgeneem (of waar die vervolging deur 'n private party ingestel word, deur **[homself]** sodanige party of [sy] sodanige party se regsverteenwoordiger [prokureur]). Dit word aan die balju by **[sy]** sodanige balju se kantoor afgelewer vir betekening, teame met 'n afskrif vir elk van die persone aan wie die betekening moet gesied. **[In die geval van die Witwatersrandse Plaaslike Afdeling kan die prosesstukke ook deur die Adjunk-prokureur-generaal Johannesburg, uitgeneem en aan die betrokke adjunk-balju gelewer word.]**

(b) Die getuiedagvaarding bedoel in paragraaf (a) moet wesenlik dieselfde bewoord wees as Vorm 16B van die Eerste Bylae.

(6) **[Die getuiedagvaarding moet aan die getuie (a) persoonlik beteken word of (b) by sy woon-, besigheids-, of werksplek deur dit af te lewer aan iemand aldaar wat skynbaar minstens sestien jaar oud is en skynbaar daar woon of werk.]**

Die getuiedagvaarding moet aan die getuie—

(c) persoonlik; of

(d) by sodanige getuie se woon-, besigheids-, of werksplek deur dit af te lewer aan iemand aldaar wat skynbaar minstens 16 jaar oud is en skynbaar daar woon of werk.

(7) Die betekenaar moet desgewens aan die betrokke persoon die oorspronklike van die getuiedagvaarding toon.

(8)(a)(i) As die persoon aan wie 'n getuiedagvaarding beteken moet word, **[sy]** die woon- of besigheidsplek gesluit hou ten einde die betekening te verhinder, is dit

voldoende om **[’n afskrif daarvan]** die getuiedagvaarding aan die buite- of hoofdeur van die woon- of besigheidsplek te heg.

(ii) Betekening van die getuiedagvaarding moet so na as moontlik tussen die ure van 07:00 en 19:00 bewerkstellig word.

(b) Die betekenaar moet ’n relaas van betekening uitreik wat die wyse van betekening spesifiseer, en moet die relaas van betekening en die oorspronklike getuiedagvaarding in die saak dossier of by die griffier van die hof waaruit dit uitgereik is, liasseer.

(c) Indien die getuiedagvaarding ingevolge subreël (6)(a) of (b) of paragraaf (a)(i) beteken is, moet die relaas van betekening die besonderhede en die omstandighede waaronder sodanige betekening bewerkstellig is, bevat.

(d) Die dagvaarding moet die volgende inligting bevat:

(i) Die unieke verwysingsnommer deur die hof toegeken en die saaknommer;

(ii) die datum en tyd van verskyning, die fisiese adres van die hof en die hofsaalnommer waarin die getuie moet gaan getuig;

(iii) die bepaling van artikel 158 van die Strafproseswet, 1977;

(iv) die kontakbesonderhede van die persoon met wie die getuie reëlings vir oudiovisuele getuienis moet tref, waar die hof gemagtig het dat getuienis deur middel van geslotekringtelevisie of soortgelyke elektroniese media gegee kan word;

(v) die naam en kontakbesonderhede van die direkteur van openbare vervolging; en

(vi) die gevolge van nienakoming van die dagvaarding.

(e) Waar die hof gemagtig het dat getuienis deur middel van geslotekringtelevisie of soortgelyke elektroniese media gegee kan word—

(iii) moet die skakel vir afgeleë oudiovisuele getuienis aan die getuie gestuur word; en

(iv) bewys van die skakel en enige antwoord op die elektroniese verhoorskakel, moet aan die hof ingedien word.

(9)(a) Wanneer ’n hof iemand weens minagting van die hof beboet vanweë sy versuim om te verskyn of iets anders, en die boete word nie behoorlik betaal nie, moet die griffier aan die balju besonderhede van die boete gee en ’n voltooide lasbrief aan **[hom]** sodanige persoon aflewer.

(b) Die balju moet dadelik op ontvangs van sodanige lasbrief dit ten uitvoer lê.

(10) 'n Aansoek kragtens artikel 149 van die Strafproseswet, 1977 (Wet No. 51 van 1977), om verandering van die plek van verhoor, kan by kennisgewing deur of namens die **[prokureur-generaal]** direkteur van openbare vervolging of deur die beskuldigde by die hof gedoen word en die hof kan **[daarop]** na goeddunke 'n bevel gee."

Invoeging van Vorm 16B

3. Die volgende vorm word hierby in die Eerste Bylae van die Reëls na Vorm 16A ingevoeg:

"VORM 16B
DAGVAARDING IN STRAFREGTELIKE VERRIGTINGE

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA

(..... AFDELING)

Saakno.

Gehou te

Hofsaalnommer:

Datum van verhoor:..... Tyd:

Fisiese adres van die hof:

URN:

Polisiestasie: CAS Nummer:

1. Aan die balju of adjunk:

Jy word hierby, in die naam van die Staat, beveel om—

- (a) om in die volgende wyse 'n ware afskrif van hierdie dagvaarding, op die persoon wie se besonderhede hieronder verskyn, te beteken—
- (iv) persoonlik; of
 - (v) by hul woon-, besigheids-, of werksplek deur dit af te lewer aan 'n persoon aldaar skynbaar minstens 16 jaar is en skynbaar daar woon of werk.
 - (vi) deur dit op die hoof- of buitedeur van sodanige persoon se woonplek of besigheidsplek aan te bring;
- (b) sodanige persoon dagvaar om voor die bogenoemde hof op die vermelde datum, tyd en plek te verskyn om in hierdie saak te getuig en om te verklaar dat sodanige persoon bewus is van die klagte(s) hieronder genoem; en
- (c) aan hierdie hof vermeld wat jy daarmee gedoen het.

Naam van die beskuldigde:

Misdryf waarmee ten laste gelê word:

Naam van getuie:

Ouderdom van getuie:

Naam van voog/ paslike volwassene (waar die getuie 'n kind is):

.....

Getuie se woon- of werksadres:

.....

Getuie se selfoonnommer:

Getuie se e-posadres:

2. Aan die persoon wat hierby as getuie gedagvaar word:

- (a) Jy word hierby as getuie gedagvaar om in persoon op die bogenoemde datum, tyd en plek die hofverrigtinge by te woon en om voor die hof te verskyn, om in hierdie saak te getuig deur alles wat jy weet rakende die klagte(s) hierbo genoem, te verklaar.
- (b) Die hof het bepaal dat jy deur oudiovisuele fasiliteite mag getuig op die bogenoemde datum en tyd. Jy moet dus—
- (iv) die griffier kontak voor die verhoordatum, om reëlings te tref om deur oudiovisuele fasiliteite te getuig;
 - (v) teenwoordig bly om in hierdie saak te getuig; en
 - (vi) alles wat jy weet rakende die klagte(s) hierbo genoem, verklaar.
- (c) Kragtens artikel 158 van die Strafproseswet, 1977 (Wet No. 51 van 1997), mag jy tot die hof aansoek doen om deur die gebruik van geslotekringtelevisie of soortgelyke elektroniese media by die hof te getuig, indien beskikbaar, met inbegrip van die gebruik van oudiovisuele fasiliteite, ongeag of jy binne of buite die land is, indien sodanige getuigmetode verdragings sal voorkom, of gerieflik is, kostes spaar, of in die belang van geregtigheid is of die waarskynlikheid vir veroordeling of skade aan jou te voorkom. Jy kan die staatsadvokaat hieronder genoem kontak om jou opsies te bespreek.

***Skrap wat nie van toepassing is nie.**

Naam van die staatsadvokaat:

Telefoon/ selfoonnommer van die staatsadvokaat:

E-posadres van die staatsadvokaat:

Naam van die hofbestuurder:

Telefoon/ selfoonnommer van die hofbestuurder:

E-posadres van die hofbestuurder:

3. Daar word ook van jou verlang om die volgende boeke, papiere, dokumente of voorwerpe, beskikbaar te stel:

.....

***Skrap wat nie van toepassing is nie.**

4. Let wel:

- (a) Enige persoon wat strafregtelike verrigtinge as getuie bywoon, is geregtig op getuiegelde soos voorgeskryf. Verdere inligting kan by die hofbestuurder verkry word.
- (b) Indien jou adresse of kontakbesonderhede verander voor die verrigtinge finaal afgehandel is of voor jy amptelik in kennis gestel is dat jy nie meer as getuie benodig word nie, moet jy die ondersoekbeampte in kennis stel van die verandering en die opgedateerde adres en/ of kontakbesonderhede verskaf:

Ondersoekbeampte:

Telefoonnommer van die ondersoekbeampte:

E-posadres van die ondersoekbeampte:

- (c) Daar word kragtens artikel 183 van die Strafproseswet, 1977 (Wet No. 51 van 1977), van jou verlang om die ondersoekbeampte in kennis te stel van enige verandering in jou adres of kontak besonderhede. Jy kan, indien jy nalaat om dit te doen, aanspreeklik gehou word vir die volgende:

(iii) 'n boete, of

(iv) 'n periode van gevangenisstraf nie langer as drie maande nie.

- (d) Daar word van jou verlang om die hof by te woon en om teenwoordig te bly as getuie by die strafregtelike verrigtinge todat die hof verdaag soos vereis word deur artikel 187 en 188 saamgelees met artikel 170(2) van die Strafproseswet, 1977 (Wet No. 51 van 1977). Indien jy nalaat om dit te doen:

(iii) kan dit lei tot die uitreiking van 'n lasbrief tot jou arres; en

(iv) kan dit jou aanspreeklik hou tot 'n boete of gevangenisstraf vir 'n periode nie langer as drie maande nie.

5. Die aard en dringendheid van hierdie dagvaarding is aan die ontvanger daarvan verduidelik.

<u>Ja</u>	<u>Nee</u>
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Tyd: Dag Maand Jaar
 Plek

Handtekening van gemagtigde amptenaar **Volle name**
Hoedanigheid
 Kontakbesonderhede: selfoonnommer: E-posadres:

Hantekening van ontvanger **Volle name**
Hoedanigheid
 Kontakbesonderhede: selfoonnommer: E-posadres:.....

(Sien rugkant.)

[Druk op rugkant, bepalings van artikel 158 van die Wet]

SLEGS VIR AMPTELIKE GEBRUIK:

(1)	Ek, die ondergetekende, verklaar hiermee dat ek hierdie dagvaarding aan die persoon hierin genoem beteken het deur—
*(a)	'n Ware afskrif PERSOONLIK afgelewer het op (datum & tyd) te (plek)
*(b)	Aangesien die getuie nie gevind kon word nie deur: (i) Aflewering van 'n ware afskrif aan (naam) te (adres) op (datum & tyd) wat skynbaar 'n persoon van minstens 16 jaar is en skynbaar by die getuie se *woonplek, *werksplek of *sakeplek woon of werk as(verhouding/ posisie/ amp)
	(ii) Op die hoof- of buitedeur van die *woon- of *besigheidsplek aanbring by (adres) op (datum & tyd) omdat (verskaf rede/s) Ek het voorheen gepoog om hierdie dagvaarding aan die getuie af te lewer op.....(datum/s) by..... (adres/se) en was onsuksesvol omdat (rede)

*(c)	Soos die getuie ingestem het, deur 'n geskandeerde ware afskrif deur e-pos te stuur na(e-posadres) op.....(dag en tyd) <i><u>Sien aangeheg die e-pos afleweringkennisgewing.</u></i>
*(d)	Soos die getuie ingestem het, deur 'n geskandeerde ware afskrif per selfoon te stuur na (selfoonnommer) op.....(dag en tyd) <i><u>Sien skermgreep van sodanige kommunikasie hierby aangeheg.</u></i>
(2)	Ek, die ondergetekende, verklaar hiermee dat die skakel vir die oudiovisuele getuienis in die volgende wyse gestuur is: <i><u>Sien aangeheg die bewys dat die skakel gestuur is sowel as enige antwoord wat ontvang is.</u></i>

Inwerkingtreeding

4. Hierdie Reëls tree in werking op 03 Julie 2026.