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## GOVERNMENT NOTICES

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### DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

No. R. 685

31 August 2012

#### MAGISTRATES' COURTS: AMENDMENT OF THE RULES OF 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), with the approval of the Minister for Justice and Constitutional Development, made the rules in the Schedule.

#### SCHEDULE

##### GENERAL EXPLANATORY NOTE:

[ ] Expressions in bold type in square brackets indicate omissions from existing rules.

Expressions underlined with a solid line indicate insertions into 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 Notices Nos. R. 1222 of 24 December 2010, R. 611 of 29 July 2011 and R.1085 of 30 December 2011.

##### Amendment of rule 43 of the Rules

2. Rule 43 of the Rules is hereby amended by the substitution for subrule (13) of the following subrule:

"(13) (a) The sheriff shall give transfer of immovable property sold in execution to the purchaser against payment of the purchase money

and upon performance of the conditions of sale and may for that purpose do anything necessary to effect registration of transfer, and anything so done by him or her shall be as valid and effectual as if he or she were the owner of the property.

(b) If the purchaser fails to carry out his or her obligations under the conditions of sale, the sale may be cancelled by a magistrate in chambers on the request and report of the sheriff conducting the sale, after due notice to the purchaser, and the property may again be put up for sale."

### **Commencement**

- 3.** These rules shall come into operation on **5 October 2012**.