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AIDS HELPLINE: 0800-0123-22 Prevention is the cure

GOVERNMENT NOTICE

GOEWERMENSKENNISGEWING

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

No. R. 295

5 March 2004

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

Definitions

1. In these rules "the rules" means the rules published under Government Notice No. R. 1108 of 21 June 1968, as amended by Government Notices Nos. R. 3002 of 25 July 1969, R. 490 of 26 March 1970, R. 947 of 2 June 1972, R. 1115 of 28 June 1974, R. 1285 of 19 July 1974, R. 689 of 23 April 1976, R. 261 of 25 February 1977, R. 2221 of 28 October 1977, R. 327 of 24 February 1978, R. 2222 of 10 November 1978, R. 1449 of 29 June 1979, R. 1314 of 27 June 1980, R. 1800 of 28 August 1981, R. 1139 of 11 June 1982, R. 1689 of 29 July 1983, R. 1946 of 9 September 1983, R. 1338 of 29 June 1984, R. 1994 of 7 September 1984, R. 2083 of 21 September 1984, R. 391 of 7 March 1986, R. 2165 of 2 October 1987, R. 1451 of 22 July 1988, R. 1765 of 26 August 1988, R. 211 of 10 February 1989, R. 607 of 31 March 1989, R. 2629 of 1 December 1989, R. 186 of 2 February 1990, R. 1887 of 8 August 1990, R. 1928 of 10 August 1990, R. 1990 of 17 August 1990, R. 1261 of 30 May 1991, R. 2407 of 27 September 1991, R. 2409 of 30 September 1991, R. 405 of 7 February 1992, R. 1510 of 29 May 1992, R. 1882 of 3 July 1992, R. 871 of 21 May 1993, R. 959 of 28 May 1993, R. 1134 of 25 June 1993, R. 1355 of 30 July 1993, R. 1844 of 1 October 1993, R. 2530 of 31 December 1993, R. 150 of 28 January 1994, R. 180 of 28 January 1994, R. 498 of 11 March 1994, R. 625 of 28 March 1994, R. 710 of 12 April 1994, R. 1062 of 28 June 1996, R. 1130 of 5 July 1996, R. 419 of 14 March 1997, R. 492 of 27 March 1997, R. 570 of 18 April 1997, R. 790 of 6 June 1997, R. 797 of 13 June 1997, R. 784 of 5 June 1998, R. 910 of 3 July 1998, R. 1025 of 7 August 1998, R. 1126 of 4 September 1998, R. 569 of 30 April 1999, R. 501 of 19 May 2000, R. 1087 of 26 October 2001, R. 37 of 18 January 2002, R. 38 of 18 January 2002, R. 1299 of 18 October 2002 and R. 228 of 20 February 2004.

GENERAL EXPLANATORY NOTE:

- [] Expressions in bold type in square brackets indicate omissions from existing rules.
- Expressions underlined with a solid line indicate insertions in existing rules.

Amendment of item 1 of Part I of Table A of Annexure 2 to the Rules

2. Item 1 of Part I of Table A of Annexure 2 to the Rules is hereby amended as follows:

"1. When the amount in dispute is less than or equal to the **[jurisdictional limit of the small claims courts]** amount of R3 000, costs shall be taxed on Scale A; when the amount in dispute exceeds the **[jurisdictional limit of the small claims courts]** amount of R3 000, but is less than or equal to R50 000, costs shall be taxed on Scale B; when the amount in dispute exceeds R50 000, costs shall be taxed on Scale C."

Amendment of item 2 of Part II of Table A of Annexure 2 to the Rules

3. Item 2 of Part II of Table A of Annexure 2 to the Rules is hereby amended as follows:

"Item 2 Summons, inclusive of a letter of demand other than the letter of demand referred to in item 1:

- (a) **[Where the claim is less than or equal to the jurisdictional limit of the small claims courts]** Claim or claims where the aggregate of the claim or claims does not exceed R3000..... 56, 00
- (b) **[Where the claim exceeds the jurisdictional limit of the small claims courts but is not more than]** Claim or claims where the aggregate of the claim or claims exceeds R3 000 but does not exceed R5 000..... 187, 00
- (c) **[Where the claim exceeds]** Claim or claims where the aggregate of the claim or claims exceeds R5 000..... 277, 00".

Amendment of item 3 of Part II of Table A of Annexure 2 to the Rules

4. Item 3 of Part II of Table A of Annexure 2 to the Rules is hereby amended as follows:

“Item 3 Judgment:

- | | |
|--|-----------|
| (a) [Where the claim] <u>Claim or claims where the aggregate of the claim or claims does not exceed the amount in 2(a).....</u> | 56, 00 |
| (b) [Where the claim] <u>Claim or claims where the aggregate of the claim or claims exceeds the amount in 2(b) but is not more than R5 000.....</u> | 143, 00 |
| (c) [Where the claim] <u>Claim or claims where the aggregate of the claim or claims exceeds R5 000.....</u> | 233, 00”. |

Commencement

5. These rules shall come into operation on **5 April 2004**.