
GOVERNMENT NOTICE
GOEWERMENTSKENNISGEWING

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT
DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

No. R. 5

9 January 2015

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

**AMENDMENT OF RULES REGULATING THE CONDUCT OF THE
PROCEEDINGS OF THE MAGISTRATES' COURTS 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 Correctional Services, made the rules in the Schedule.

SCHEDULE

GENERAL EXPLANATORY NOTE:

[] Words or expressions in bold typed in square brackets indicate omissions from existing rules.

_____ Words or expressions underlined with a solid line indicate insertions in 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 Notice Nos. R. 1222 of 24 December 2010, R. 611 of 29 July 2011, R. 1085 of 30 December 2011, R. 685 of 31 August 2012, R. 115 of 15 February 2013, R. 263 of 12 April 2013, R. 760 of 11 October 2013, R. 183 of 18 March 2014, R. 215 of 28 March 2014 and R. 507 of 27 June 2014.

Amendment of rule 27 of the Rules

2. Rule 27 of the Rules is hereby amended by the substitution for sub-rules (5), (6), (7) and (8) of the following sub-rules:

“(5) If in any proceedings a settlement or an agreement to postpone or withdraw is reached, the attorney for the plaintiff or applicant shall inform the registrar or clerk of the court and other parties **[to the action]** thereto by delivering a notice accordingly.

(6)(a) Application may be made to the court by any party at any time **[after delivery of notice of intention to defend and]** before judgment to record the terms of any settlement **[of an action]** agreed to by the parties to a proceeding without entry of judgment: Provided that if the terms of settlement so provide, the court may make such settlement an order of court.

(b) Where any party to a settlement agreement is not present at the time when the terms of a settlement agreement are recorded or made an order of court, the presiding Magistrate may call for the verification of the authenticity of any signature of a party to a settlement agreement before recording the terms thereof or recording same as an order of court or granting judgment in terms thereof.

(7) An application referred to in sub-rule (6) shall be on notice, except when the application is made in court during the hearing of any proceeding **[in the action]** at which the other party is represented or when a written waiver (which may be included in the statement of the terms of settlement) by such other party of notice of the application is produced to the court.

(8) At the hearing of an application referred to in sub-rule (6) the applicant shall lodge with the court a statement of the terms of settlement signed by all parties to the **[action] proceeding** and, if no objection thereto be made by any other party, the court shall note that the **[action] proceeding** has been settled on the terms set out in the statement and thereupon all further proceedings **[in the action]** shall, save as provided in sub-rules (9) and (10), be stayed.”

Amendment of rule 55 of the Rules

3. Rule 55 of the Rules is hereby amended by the insertion of the following sub-rule (10):

“(10) Rules 28 and 28A shall apply equally to all applications.”

Commencement

4. These rules shall come into operation on **13 February 2015**.