

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 5124

16 August 2024

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 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 Constitutional Development, made the rules in the Schedule.

SCHEDULE

GENERAL: EXPLANATORY NOTE:

[] Words or expressions in bold type in square brackets represent omissions from the existing rules.

_____ Words or expressions underlined with a solid line represent 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. 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. 315 of 12 March 1999, 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. 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 and R. 4477 of 8 March 2024.

Amendment of rule 6 of the Rules

2. Rule 6 of the Rules is hereby amended—

(a) by the substitution for subrule (1) of the following subrule:

“(1) Every application **[must]** shall be brought on notice of motion supported by an affidavit as to the facts upon which the applicant relies for relief.”

(b) by the substitution for subrule (2) of the following subrule:

“(2) When relief is claimed against any person, or where it is necessary or proper to give any person notice of such application, the notice of motion **[must]** shall be addressed to both the registrar and such person, otherwise it **[must]** shall be addressed to the registrar only.”

(c) by the substitution in subrule (4) for paragraphs (a) and (b), of the following paragraphs, respectively:

“(a) Every application brought *ex parte* shall—

[upon notice to the registrar supported by an affidavit as aforesaid must be filed with the registrar and set down, before noon on the court day but one preceding the day upon which it is to be heard. If brought upon notice to the registrar, such notice must set forth the form of order sought, specify the affidavit filed in support thereof, request the registrar to place the matter on the roll for hearing, and be as near as may be in accordance with Form 2 of the First Schedule.]

(i) be upon notice to the registrar supported by an affidavit referred to in subrule (1);
(ii) be filed with the registrar and set down, before noon on the court day but one preceding the day upon which it is to be heard; and
(iii) set forth the form of order sought, specify the affidavit filed in support thereof, request the registrar to place the matter on the roll for hearing, and be as near as may be in accordance with Form 2 of the First Schedule:

Provided that where an *ex parte* application is brought as an urgent application—

(i) the applicant shall indicate the basis on which the application is deemed to be urgent, including the provisions of any law upon which the applicant relies;

(ii) the application may be brought before a judge in chambers; and

(iii) the provisions of subrule (12) may be applied in so far as is necessary.”; and

“(b)(i) Any person having an interest which may be affected by a decision on an application being brought *ex parte*, may deliver notice of an application for leave to oppose, supported by an affidavit setting forth the nature of such interest and the ground upon which such person desires to be heard, whereupon the registrar **[must]** shall set such application down for hearing at the same time as the initial application.”

(ii) The court hearing the matter may grant or dismiss either or both such applications as the case may require, or may adjourn the same upon such terms as to the filing of further affidavits by either applicant or otherwise as it deems fit.”

(d) by the deletion of paragraph (c) in subrule (4).

(e) by the substitution for subrule (9) of the following subrule:

“(9) A copy of every application to court in connection with the estate of any person deceased, or alleged to be a prodigal, or under any legal disability, mental or otherwise, **[must]** shall, before such application is filed with the registrar, be submitted to the Master for consideration and report, and if any person is to be suggested to the court for appointment as curator to property, such suggestion **[must]** shall likewise be submitted to the Master for report: Provided that the provisions of this subrule do not apply to any application under rule 57 except where that rule otherwise provides.”

(f) by the substitution in subrule (12) for paragraph (b) of the following paragraph:

“(b) In every affidavit filed in support of any application under paragraph (a) of this subrule, the applicant **[must]** shall set forth explicitly the circumstances which it is averred render the matter urgent and the reasons why the applicant claims that applicant could not be afforded substantial redress at a hearing in due course.”; and

(g) by the substitution for subrule (13) of the following subrule:

“(13) In any application against any Minister, Deputy Minister, Member of an Executive Council, officer or servant of the State, in such capacity, the State or the administration of any province, the respective periods referred to in paragraph (b) of subrule (5), or for the return of a rule *nisi*, **[must]** shall be not less than 15 days after the service of the notice of motion, or the rule *nisi*, as the case may be, unless the court has specially authorized a shorter period.”

Insertion of rule 57A in the Rules

3. The following rule is hereby inserted after rule 57 of the Rules:

“57A Appointment and discharge of curators in terms of the Prevention of Organised Crime Act, 1998

(1) An application referred to in sections 28, 30(2) and 47 read with section 42 of the Prevention of Organised Crime Act, 1998 (Act No. 121 of 1998), for—

(a) the appointment of a *curator bonis*;

(b) the variation or rescission of an order appointing a *curator bonis*;

(c) the variation of the terms of appointment of a *curator bonis*; or

(d) the discharge of a *curator bonis*;

shall be made in accordance with the provisions of rule 6 of these rules and the forms in the First Schedule to these rules: Provided that an application in terms of paragraph (a) may be combined with an application for a restraint, preservation or realisation of property order.

(2) An application for any interlocutory order, where such order may be necessary, may be made upon notice in accordance with the provisions of rule 6(11).

(3) Every application made in terms of subrules (1) and (2) shall, *inter alia*—

(a) indicate the provision of the Prevention of Organised Crime Act, 1998 in terms of which the application is made;

(b) set forth such particulars as are necessary to enable the court to consider the reasons for the appointment and the functions of a *curator bonis* or, where required, a *curator ad litem*;

(c) set forth the particulars of the person or entity in respect of whom and the property in respect of which a curator is sought to be appointed;

(d) set forth the particulars of the curator and the powers and duties to be ascribed to the curator sought to be appointed;

(e) set forth such particulars as are necessary in support of an application for the discharge of a curator or for the variation or rescission of an order appointing a curator to enable the court to consider the application; and

(f) be accompanied by a draft order prayed.

(4) The powers of a *curator bonis* applied for in terms of subrule (3) shall be confirmed or may be varied and confirmed by the court as it deems appropriate.

(5) A court hearing an application in terms of this rule may—

(a) (i) grant an order in terms of subrules (1) or (2);

(ii) give further directions for service upon any person or entity or for the joinder in the proceedings of any person or entity;

(iii) dismiss or postpone the application; or

(iv) make such order as it deems fit, including any appropriate order for costs.

(b) upon application by any party, permit the filing of further affidavits or the leading of oral evidence.”

Amendment of rule 68 of the Rules

4. Rule 68 of the Rules is hereby amended by the substitution for the Tariff of the following Tariff:

"TARIFF

Item	R c
1. For registration of any document for service or execution, upon receipt thereof.	[14,50] 16,00
2. (a) For service of summonses, notices of motion, other notices, orders or any other documents, each	[92,50] 99,00
Provided that—	
(i) Whenever any document to be served with any such process is mentioned in the process or forms an annexure thereto, no additional fee shall be charged for the service of such document, but otherwise a fee of [R14,50] R16,00 may be charged in respect of each separate document served;	
(ii) No fee for the service of a separate document shall be charged in respect of the service of process in criminal cases.	
(b) Attempted service of summonses, notices of motion, other notices, orders and any other documents: Provided that an attempted service of more than one document on the same person shall be treated as an attempted service of one document only.	[69,00] 74,00
3. Travelling allowance:	
(a) For the distance actually and necessarily travelled by the sheriff or his or her officer, reckoned, subject to item 3(c) and (d), from the office of the sheriff, both on the forward and the return journey, per kilometre or part thereof.	R7,50
(b) When two or more summonses or other process, whether at the instance of the same party or of different parties, are capable of being served on one and the same journey, the travelling allowance for performing the round of service shall be fairly and equitably apportioned among the several cases, regard being had to the distance at which the parties against whom such process is directed respectively reside from the office of the sheriff, but the fee for service shall be payable for each service made or attempted to be made.	
(c) The travelling allowance mentioned in item 3(a) and (b) 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.	
(d) If the requirement in item 3(c) is not met, then the travelling allowance mentioned in item 3(a) and (b) shall be calculated on the distance reckoned from the court-house closest to the address for service.	
4. (a) Postage in civil matters, as per postal tariff.	
(b) Postage in criminal matters, free.	

NOTE: The sheriff may take any postal matter to the registrar of the High Court, or if there is no registrar in his or her town or city, to the magistrate, who shall frank the envelope with his or her official franking stamp.	
5. For the execution of any writ-	
(a)(i) of personal arrest, including the conveyance of the person concerned to court, to an attorney's office or to a prison, per person	[115,50] <u>124,00</u>
(ii) for conveying the person concerned to court from a place of custody on a day subsequent to the day of arrest and attending at court, per hour or part thereof	[137,50] <u>148,00</u>
(iii) for attachment of property <i>ad fundandam jurisdictionem</i> or <i>ad confirmandam jurisdictionem</i>	[115,50] <u>124,00</u>
(iv) where an attachment in terms of item 5(a)(iii) is withdrawn or suspended;	[32,50] <u>35,00</u>
(b)) of ejectment: [R137,50] <u>R342,00 [per] for the first hour</u> or part thereof, [subject to a minimum of which shall include the first hour] and thereafter <u>R158,00 per every half hour or part thereof</u> (in addition to reasonable expenses necessarily incurred);	[205,00]
(c) against immovable property—	
(i) for execution, including service of notice of attachment upon the owner of the immovable property and upon the registrar of deeds or other officer charged with the registration of such property, and if the property is in occupation of some person other than the owner, also upon such occupier	[273,50] <u>293,00</u>
(ii) for notice of attachment to a single lessee or occupier (identical notices where there are several lessees, occupiers or owners, for each after the first)	[25,50] <u>27,00</u> [9,50] <u>10,00</u>
(iii) for making valuation report for purposes of sale per half hour or part thereof	[69,00] <u>74,00</u>
(iv) when— (aa) a sheriff has been authorised to sell property and the property is not sold by reason of the fact that the attachment is withdrawn or stayed, all the necessary notice for the withdrawal or stay of the attachment (bb) upliftment of judicial attachment on immovable property occurs	[273,50] <u>293,00</u> [273,50] <u>293,00</u>
(v) for ascertaining and recording what bonds or other encumbrances are registered against the property, together with the names and addresses of the persons in whose favour such bonds and encumbrances are so registered, including any correspondence in connection therewith (in addition to reasonable expenses necessarily incurred)	[137,50] <u>148,00</u>
(vi) for notifying the execution creditor of such bonds or other encumbrances and of the names and addresses of the persons in whose favour such bonds or other encumbrances are registered	[25,50] <u>27,00</u>
(vii) for consideration of proof that a preferent creditor has complied with the requirements of rule 46(5)(a)	[14,50] <u>16,00</u>
(viii) for the notice referred to in rule 46(6)	[25,50]

	<u>27,00</u>
(ix) for consideration of notice of sale prepared by the execution creditor in consultation with the sheriff; and	
(x) for verifying that notice of sale has been published in the newspapers indicated and in the <i>Gazette</i> inclusive fee for (ix) and (x)	[137,50] <u>148,00</u>
(xi) for forwarding a copy of the notice of sale to every judgment creditor who had caused the immovable property to be attached and to every mortgagee thereof whose address is known, for each copy	[25,50] <u>27,00</u>
(xii) for affixing a copy of the notice of sale to the notice board of the magistrate's court referred to in rule 46(7)(e) and at or as near as may be to the place where the sale is actually to take place, an inclusive fee of [R58,00] <u>R62,00</u> and travelling costs referred to in item 3	
(xiii) for—	[137,50]
(aa) considering the conditions of sale prepared by the execution creditor	<u>148,00</u>
(bb) considering further or amended conditions of sale submitted by an interested party	[137,50] <u>148,00</u>
(cc) settling of conditions of sale	[137,50] <u>148,00</u>
(dd) all necessary attendances prescribed by any law related to auctions, in particular the Consumer Protection Act, 2008 (Act No. 68 of 2008)	[414,50] <u>445,00</u>
(ee) the conducting of an auction, save that this fee may not be charged if commission is claimed in terms of item (xiv)	[273,50] <u>293,00</u>
(xiv) on the sale of immovable property by the sheriff as auctioneer, 6 per cent on the first R100 000,00, 3,5 per cent on R100 001,00 to R400 000,00 and 1,5 per cent on the balance of the proceeds of the sale, subject to a maximum commission of R40 000,00 in total and a minimum of R3 000,00 (inclusive in all instances of the sheriff's bank charges and other expenses incurred in paying the proceeds into his or her trust account), which commission shall be paid by the purchaser;	
(xv) for —	
(aa) written notice to the purchaser who has failed to comply with the conditions of sale	[69,00] <u>74,00</u>
(bb) any report referred to in rule 46(11)	[69,00] <u>74,00</u>
(cc) informing judgment debtor of the cancellation referred to in rule 46(11)(a)(iii)	[25,50] <u>27,00</u>
(dd) giving notice referred to in rule 46(11)(c)	[25,50] <u>27,00</u>
(xvi) for giving transfer to the purchaser	[32,50] <u>35,00</u>
(xvii) for—	[25,50]

(aa) receipt of certificate referred to in rule 46(14)(a)	<u>27,00</u>
(bb) preparing a plan of distribution of the proceeds (including the necessary copies) and for forwarding a copy to the registrar	[137,50] <u>148,00</u>
(xviii) for giving notice to all parties who have lodged writs and to the execution debtor that the plan of distribution will lie for inspection, for every notice	[25,50] <u>27,00</u>
(xix) for the report referred to in rule 46A(9)(d)	[69,00] <u>74,00</u>
(d) against movable property—	
(i) when a writ is paid on presentation, 9 per cent on the amount so paid, with a minimum fee of [R93,00] <u>R100,00</u> and a maximum of	[908,00] <u>974,00</u>
(ii) for any abortive attempt at attachment, including one hour's search and enquiry	[93,00] <u>100,00</u>
(iii) when a writ is withdrawn or stayed before any property is attached	[30,00] <u>32,00</u>
(iv) for making an attachment, including one hour's search and enquiry	[208,00] <u>223,00</u>
(v) notice of attachment, if necessary, to a single person (identical notices, when there is more than one person to be given notice, for each after the first)	[24,50] <u>26,00</u> [14,50] <u>16,00</u>
(vi) when an attachment is withdrawn by a judgment creditor or stayed before sale, 3 per cent on the value of the property attached or the amount of the writ, whichever is the lesser, but subject to a maximum of	[626,50] <u>672,00</u>
(vii) when a writ is paid by the debtor to the sheriff after attachment but before sale, 9 per cent on the amount so paid, with a minimum fee of [R93,00] <u>R100,00</u> and a maximum of	[908,00] <u>974,00</u>
(viii) when moneys are taken in execution, 9 per cent of the amount so taken, but subject to a maximum of	[908,00] <u>974,00</u>
(ix) for drawing up advertisements of sale of goods attached	[93,00] <u>100,00</u>
(x) for selling in execution, including distribution of the proceeds, on the first R15 000,00 or part thereof, 9 per cent, and thereafter, 6 per cent, with a maximum of	[12706,50] <u>13 634,00</u>
(xi)	
(xii) commission shall not be chargeable against a judgment debtor on the value of movable property attached and subsequently claimed by a person other than the judgment debtor and released in consequence of such claim, unless such property has been attached at the express direction of the judgment creditor, in writing, in which event the judgment creditor shall be liable to the sheriff for the commission;	
(xiii) for insuring movable property attached when it is considered necessary and when the sheriff is directed thereto in writing by the judgment creditor, in addition to the amount of premium paid, an inclusive fee of	[49,00] <u>53,00</u>
(e) for keeping possession of property (money excluded)—	

(i) for each officer necessarily left in possession, a reasonable inclusive fee per officer per day not exceeding	[172,50] <u>185,00</u>
NOTE: 'Possession' means the continuous and necessary presence on the premises for the period in respect of which possession is reckoned, of a person employed and paid by the sheriff for the sole purpose of retaining possession	
(ii) for removal and storage, the reasonable and necessary expenses for such removal and storage, and if an animal is to be stabled or fed, the reasonable charges for such stabling and feeding;	
(iii) for tending livestock, the necessary expenses for tending such stock;	
(iv) when no officer is left in possession and no security bond is taken, but movable property attached remains under the supervision of the sheriff, per day	[7,00] <u>8,00</u>
6. (a) For making an inventory, including all necessary copies and time spent in stocktaking, per hour or part thereof	[172,50] <u>185,00</u>
(b) For assistance, where necessary, in taking inventory, a reasonable and inclusive fee per day, not exceeding	[172,50] <u>185,00</u>
7. (a) For making return of service or execution, including drawing up and typing of original for court, limited to one person upon each original process; and	
(b) copy thereof for party desiring service or execution.	[57,00] <u>61,00</u>
8. Drawing and completing of bail bond, deed of suretyship or indemnity bond.	[34,00] <u>36,00</u>
9. For the making of all necessary copies of documents per A4 size page.	[7,50] <u>8,00</u>
10.	
11. Attending any criminal session of a superior court or any circuit court, [R137,50] <u>R148,00</u> per hour or part thereof, with a maximum per day of	[626,50] <u>672,00</u>
12. For the writing of each necessary letter, facsimile or electronic mail excluding formal letters accompanying process or returns	[25,50] <u>27,00</u>
13. Each necessary attendance by telephone:	[22,00] <u>24,00</u>
14. Sending and receiving of each necessary facsimile or electronic mail per page (in addition to telephone charges):	[9,50] <u>10,00</u>
15. Bank charges: Actual costs incurred regarding bank charges	
16. For interpleaders referred to in rule 58.	[873,00] <u>937,00</u>
17. (a) Where the mandator instructs the sheriff, in writing, to serve or execute a document referred to in item 2 or 5 on an urgent basis or after hours, the sheriff shall charge an additional fee, irrespective of whether the service or execution was successful, and such additional fee shall be paid by the mandator, save where the court orders otherwise.	[308,00] <u>330,00</u>
(b) For the purpose of paragraph (a)—	
(i) "urgent" means on the same day or within twenty four hours of the written instruction; and	

(ii)	“after hours” means any time—	
	(aa) before 7h00 or after 19h00 on Mondays to Fridays; or	
	(bb) on a Saturday, Sunday or public holiday.”	

Amendment of rule 70 of the Rules

5. Rule 70 of the rules is hereby amended by the substitution for the Tariff of Fees of Attorneys of the following Tariff of Fees of Attorneys:

"TARIFF OF FEES OF ATTORNEYS

A – CONSULTATIONS, APPEARANCES, CONFERENCES AND INSPECTIONS

1. Consultation with a client and witnesses to institute or to defend an action, for advice on evidence or advice on commission, for obtaining an opinion or an advocate's guidance in preparing pleadings, including exceptions, and to draft an affidavit, per quarter of an hour or part thereof—
 - (a) by an attorney.....**[R388,00]**R417,00
 - (b) by a candidate attorney.....**[R120,50]**R130,00

2. Consultation to note, prosecute or defend an appeal, per quarter of an hour or part thereof—
 - (a) by an attorney**[R388,00]**R417,00
 - (b) by a candidate attorney**[R120,50]**R130,00

3. Attendance by an attorney in court at proceedings in terms of rule 37 of these Rules, per quarter of an hour or part thereof**[R388,00]**R417,00

4.
 - (a) Attendance by an attorney, where necessary, to assist at a contested proceeding, per quarter of an hour or part thereof.....**[R388,00]**R417,00
 - (b) Attendance by a candidate attorney, where necessary, to assist at a contested proceeding, per quarter of an hour or part thereof**[R120,50]**R130,00

5. Any conference with an advocate, with or without witnesses, on pleadings, including exceptions and particulars to pleadings, applications, affidavits and testimony, and on any other matter which the taxing officer may consider necessary, per quarter of an hour or part thereof—
 - (a) by an attorney.....**[R388,00]**R417,00
 - (b) by a candidate attorney.....**[R120,50]**R130,00

6. Any other conference which the taxing officer may consider necessary, per quarter of an hour or part thereof—
 - (a) by an attorney**[R388,00]**R417,00
 - (b) by a candidate attorney**[R120,50]**R130,00

7. Any inspection *in loco, in situ*, or otherwise, per quarter of an hour or part thereof—
 (a) by an attorney.....**[R388,00]**R417,00
 (b) by a candidate attorney**[R120,50]**R130,00
8. Attending to give or take disclosure, per quarter of an hour or part thereof—
 (a) by an attorney**[R388,00]**R417,00
 (b) by a candidate attorney**[R120,50]**R130,00
9. Inclusive fee for necessary consultations and discussions with a client, witness, other party or advocate not otherwise provided for, per quarter of an hour or part thereof—
 (a) by an attorney.....**[R388,00]**R417,00
 (b) by a candidate attorney**[R120,50]**R130,00
10. Appearance by an attorney in court or the performance by an attorney of any of the other functions of an advocate, in terms of the Legal Practice Act, 2014 (Act No. 28 of 2014). The tariff under rule 69 shall apply.
11. The rates of remuneration in items 1 to 9 do not include time spent travelling or waiting and the taxing officer may, in respect of time necessarily so spent, allow such additional remuneration as he or she in his or her discretion considers fair and reasonable, but not exceeding **[R388,00]**R417,00 per quarter of an hour or part thereof in the case of an attorney and **[R120,50]** R130,00 per quarter of an hour or part thereof in the case of a candidate attorney plus a reasonable amount for necessary conveyance.

B - DRAFTING AND DRAWING

1. The drawing up of a formal statement in a matrimonial matter, verifying affidavits, affidavits of service or other formal affidavits, index to brief, short brief, statements of witnesses, powers of attorney to sue or defend, as well as other formal documents and summonses, including all documents such as the prescribed forms in the First Schedule to these Rules, but not the particulars of claim in an annexure to the summons: an inclusive tariff - drawing up, checking, typing, printing, delivery and filing thereof, per page of the original only**[R156,50]**R168,00
2. The drawing up of other necessary documents, including—
 (a) instructions for an opinion, for an advocate's guidance in preparing pleadings, including further particulars and requests for same, including exceptions;
 (b) instructions to advocate in respect of all classes of pleadings;
 (c) an exception or affidavit, any notice (except a formal notice), particulars of claim or an annexure to the summons, opinion by an attorney or any other important document not otherwise provided for,
 an inclusive tariff - drawing up, checking, typing, printing, delivery and filing thereof, per page of the original only**[R388,00]**R417,00
3. Letters, facsimiles and electronic mail: Inclusive tariff for drawing up, checking, typing, printing, scanning, delivery, postage, posting and transmission thereof, per page.....**[R156,50]**R168,00

NOTE 1: Particulars of dispatched letters including letters electronically transmitted need not be specified in a bill of costs. The number of letters written must be specified, as well as the total amount charged. The opposing party, as well as the taxing officer, is entitled to inspect the papers should the correctness of the item be disputed.

NOTE 2: Whenever an attorney performs any of the work listed in this section, the fees set out herein in respect of such work shall apply and not any fees which would be applicable in terms of the tariff under rule 69 if an advocate had performed the work in question.

C - ATTENDANCE AND PERUSAL

1. Attending the receipt, entry, perusing, considering and filing of—
 - (a) any summons, affidavit, pleading, advocate's advice and drafts, report, important letter, notice or document;
 - (b) any formal letter, record stock sheets in voluntary surrenders, judgments or any other material document not elsewhere specified;
 - (c) any plan or exhibit or other material document which was necessary for the conduct of the action, per page.....**[R78,00]**R84,00

2. Sorting, arranging and paginating papers for pleadings, advice on evidence or brief on trial or appeal, per quarter of an hour or part thereof—
 - (a) by an attorney.....**[R388,00]**R417,00
 - (b) by a candidate attorney.....**[R120,50]**R130,00

NOTE: Particulars of received papers need not be specified in bills of costs. The number of papers and pages received, as well as the total amount charged therefor, must be specified. The opposing party as well as the taxing officer is entitled to inspect the papers received if the correctness of the item is disputed.

D – MISCELLANEOUS

1. For necessary copies, including photocopies, of any document or papers not already provided for in this tariff, per A4 size page.....**[R6,00]**R7,00

2. Attending to arrange translation and thereafter to procure same, per quarter of an hour or part thereof—
 - (a) by an attorney.....**[R388,00]**R417,00
 - (b) by a candidate attorney.....**[R120,50]**R130,00

3. Necessary telephone calls: The actual cost thereof, plus for every five minutes or part thereof—
 - (a) by an attorney.....**[R130,00]**R140,00
 - (b) by a candidate attorney**[R40,00]**R43,00

4. ...

5. Testimony: Fair and reasonable charges and expenses which in the opinion of the taxing officer were duly incurred in the procurement of the evidence and the attendance of witnesses whose witness fees have been allowed on taxation: Provided that the preparation fees of a witness shall not be allowed without an order of the court or the consent of all interested parties.
6. The fees in sections A, B, C and D shall be increased by 15% in accordance with any costs order made in terms of rule 67A(4)(a) and as allowed at taxation.

E - BILL OF COSTS

In connection with a bill of costs for services rendered by an attorney, the attorney shall be entitled to charge:

1. For drawing the bill of costs, making the necessary copies and attending settlement, 11 per cent of the attorney's fees, either as charged in the bill, if not taxed, or as allowed on taxation.
2. In addition to the fees charged under item 1, if recourse is had to taxation for arranging and attending taxation and obtaining consent to taxation, 11 per cent on the first R10 000,00 or portion thereof, 6 percent on the next R10 000,00 or portion thereof and 3 per cent on the balance of the total amount of the bill.
3. (a) Whenever an attorney employs the services of another person to draft his or her bill of costs, a certificate shall accompany that bill of costs in which that attorney certifies that—
 - (i) the bill of costs thus drafted was properly perused by him or her and found to be correct; and
 - (ii) every description in such bill with reference to work, time and figures is consistent with what was necessarily done by him or her.
- (b) The taxing officer may—
 - (i) if he or she is satisfied that one or more of the requirements referred to in item 3(a) has not been complied with, refuse to tax such bill;
 - (ii) if he or she is satisfied that fees are being charged in a party-and-party bill of costs —
 - (aa) for work not done;
 - (bb) for work for which fees are to be charged in an attorney-and-client bill of costs; or
 - (cc) which are excessively high,

deny the attorney the remuneration referred to in items 1 and 2 of this section, if more than 20 per cent of the number of items in the bill of costs, including expenses, or of the total amount of the bill of costs, including expenses, is taxed off.

NOTE: The minimum fees under items 1 and 2 shall be ~~[R309,50]~~R332,00 for each item.

F - EXECUTION

- 1. Drafting, issue and execution of a warrant of execution and attendances in connection therewith, excluding sheriffs fees if not taxed)..... ~~[R772,00]~~R828,00
- 2. Reissue.....~~[R194,00]~~R208,00".

Commencement

- 6. These Rules come into operation on **20 September 2024**.

DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

NO. R. 5124

16 Augustus 2024

WET OP DIE REËLSRAAD VIR GEREESHOWE, 1985 (WET NO. 107 VAN 1985)

WYSIGING VAN DIE REËLS WAARBY DIE VOER VAN DIE VERRIGTINGE VAN DIE
VERSKEIE PROVINSIALE EN PLAASLIKE AFDELINGS VAN DIE HOOGGEREGSHOF
VAN SUID-AFRIKA GEREËL WORD

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

Woordomskrywing

1. In hierdie Bylae beteken die "reëls", die Reëls waarby die verrigtinge van die verskillende Provinsiale en Plaaslike Afdelings van die Hoë Hof van Suid-Afrika gereëel word soos gepubliseer in Goewermentskennisgewing No. R. 48 van 12 Januarie 1965 en soos gewysig deur Goewermentskennisgewings 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. 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. 315 van 12 Maart 1999, 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. 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 en R. 4477 van 8 Maart 2024.

Wysiging van reël 6 van die Reëls

2. Reël 6 van die Reëls word hierby gewysig—

(a) deur subreël (1) deur die volgende subreël te vervang:

“(1) Elke aansoek **[moet]** geskied by kennisgewing van mosie, gesteun deur 'n beëdigde verklaring wat die feite bevat waarop die aansoek berus.”

(b) deur subreël (2) deur die volgende subreël te vervang:

“(2) Wanneer regshulp teen iemand geëis word of waar dit nodig of wenslik is om iemand kennis van 'n aansoek te gee, **[moet]** word die kennisgewing van mosie aan sowel die griffier as die betrokke persoon gerig **[word]**; anders net aan die griffier.”

(c) deur in subreël (4) paragrawe (a) en (b) onderskeidelik deur die volgende paragrawe te vervang:

“(a) Elke aansoek wat ex parte gedoen word, moet—

[by kennisgewing aan die griffier gesteun deur 'n beëdigde verklaring soos voormeld, moet voor middag van die tweede hofdag voor die dag waarop dit aangehoor moet word, by die griffier ingedien en ter rolle geplaas word. As dit by kennisgewing aan die griffier geskied, moet die kennisgewing die vorm van die bevel wat aangevra word, bevat en die beëdigde verklaring waarop gesteun

word noem, en die griffier moet daarin gevra word om die saak vir beregting ter rolle te plaas, moet wesentlik bewoord wees soos vorm 2 in die Eerste Bylae.]

- (i) by kennisgewing aan die griffier gesteun word deur 'n beëdigde verklaring in subreël (1) bedoel;
- (ii) by die griffier ingedien word en ter rolle geplaas word, voor twaalfuur op die hofdag, maar een dag voor die dag waarop dit aangehoor gaan word; en
- (iii) die vorm van bevel wat verlang word uiteensit, die beëdigde verklaring spesifiseer wat ter staving daarvan ingedien is, versoek dat die griffier die saak ter rolle plaas vir beregting, en so na aan moontlik bewoord wees soos Vorm 2 van die Eerste Bylae:

Met dien verstande dat waar 'n *ex parte*-aansoek as 'n dringende aansoek gebring word—

- (i) die aansoek die grondslag moet aandui waarop die aansoek as dringend beskou word, met inbegrip van die bepalings van enige wet waarop die applikant staatmaak;
- (ii) die aansoek kan voor 'n regter in kamers gebring word; en
- (iii) die bepalings van subreël (12) kan sover nodig toegepas word.

(b)(i) Iemand wat 'n belang het wat geraak kan word deur die beslissing van 'n *ex parte*-aansoek, kan 'n kennisgewing aflewer van 'n aansoek om toestemming om teen te staan, gesteun deur 'n beëdigde verklaring waarin die persoon die aard van sy of haar belang en die gronde waarop die persoon verlang om aangehoor te word, uiteensit, waarop die griffier die aansoek ter rolle moet plaas vir beregting saam met die aanvanklike aansoek.

(ii) Die hof wat die saak aanhoor, kan een van of beide sodanige aansoeke toestaan of weier, soos nodig in die geval, of kan saak verdaag op sodanige voorwaardes ten opsigte van die indiening van verdere beëdigde verklarings deur een van die applikante of andersins soos die hof gepas ag.”;

(d) deur paragraaf (c) in subreël (4) te skrap.

(e) deur subreël (9) deur die volgende subreël te vervang:

“(9) 'n Afskrif van elke aansoek in verband met die boedel van 'n gestorwende of van iemand wat beweer word 'n verkwister te wees, of wat handelsonbevoegd is op geestelike of ander gronde, moet, voor so 'n aansoek by die griffier ingedien word, aan die Meester vir oorweging en verslag voorgelê word; en as iemand by die hof aanbeveel staan te word vir aanstelling as kurator van eiendom, **[moet] word** so 'n aanbeveling ook aan die Meester vir verslag voorgelê **[word]**: Met dien verstande dat die bepalings van hierdie subreël nie op enige aansoek ingevolge reël 57 van toepassing is nie, tensy die teendeel uit daardie reël blyk.”

(f) deur in subreël (12) paragraaf (b) deur die volgende paragraaf te vervang:

“(b) In elke beëdigde verklaring wat ter ondersteuning van 'n aansoek ingevolge paragraaf (a) van hierdie subreël ingedien word, moet die applikant uitdruklik die omstandighede vermeld wat na bewering die aangeleentheid dringend maak en die redes waarom die **[aansoeker]** applikant beweer dat die **[aansoeker]** applikant nie mettertyd wesenlike verhaal **[by]** deur gewone beregting sal kry nie.”; en

(g) deur subreël (13) deur die volgende subreël te vervang:

“(13)By 'n aansoek ampshalwe teen 'n Minister, Adjunk-minister, Lid van 'n Uitvoerende Raad, amptenaar of werknemer van die Staat, teen die Staat of teen die administrasie van 'n provinsie, is die onderskeie tydperke bepaal in paragraaf (b) van subreël (5), of vir die keerdatum van 'n bevel *nisi*, minstens 15 dae na die betekening van die kennisgewing van mosie of die bevel *nisi*, na gelang van die geval, tensy die hof spesiaal 'n korter tydperk gemagtig het.”

Invoeging van reël 57A in die Reëls

3. Die volgende reël word hierby na reël 57 van die Reëls ingevoeg:

“57A Aanstelling en ontslag van kurators ingevolge die Wet op die Voorkoming van Georganiseerde Misdad, 1998

(1) 'n Aansoek bedoel in artikels 28, 30(2) en 47, gelees met artikel 42 van die Wet op die Voorkoming van Georganiseerde Misdad, 1998 (Wet No. 121 van 1998), om—

(a) die aanstelling van 'n *curator bonis*;

(b) die verandering of herroeping van 'n bevel wat 'n *curator bonis* aanstel;

(c) die verandering van die aanstellingsvoorwaardes van 'n *curator bonis*; of

(d) die afdanking van 'n *curator bonis*;

moet gedoen word ooreenkomstig die bepalings van reël 6 van hierdie reëls en die vorms in die Eerste Bylae by daardie reëls; met dien verstande dat 'n aansoek ingevolge paragraaf (a) met 'n aansoek om 'n inkortingsbevel, bewaringsbevel of bevel vir die tegeldemaking van eiendom, gekombineer word.

(2) 'n Aansoek om enige tussentydse bevel, waar sodanige bevel nodig mag wees, kan gedoen word by kennisgewing ooreenkomstig die bepalings van reël 6(11).

(3) Elke aansoek wat ingevolge subreëls (1) en (2) gedoen word, moet, onder andere—
(a) die bepaling aandui van die Wet op die Voorkoming van Georganiseerde Misdad, 1998, ingevolge waarvan die aansoek gedoen word;

(b) sodanige besonderhede uiteensit wat nodig is om die hof in staat te stel om die redes vir die aanstelling en die werksaamhede van 'n *curator bonis*, of waar nodig, 'n *curator ad litem*, te oorweeg;

(c) die besonderhede uiteensit van die persoon of entiteit ten opsigte van wie en die eiendom ten opsigte waarvan 'n kurator aangestel staan te word;

(d) die besonderhede uiteensit van die kurator en die bevoegdhede en pligte wat toegeskryf gaan word aan die kurator wat aangestel staan te word;

(e) sodanige besonderhede uiteensit wat nodig is ter ondersteuning van 'n aansoek om die ontslag van 'n kurator of vir die verandering of herroeping van 'n bevel wat 'n kurator aanstel om die hof in staat te stel om die aansoek te oorweeg; en

(f) vergesel gaan van 'n aangevraagde konsepbevel.

(4) Die bevoegdhede van 'n *curator bonis* waarom ingevolge subreël (3) aansoek gedoen word, moet bevestig word of kan verander en bevestig word deur die hof soos die hof gepas ag.

(5) 'n Hof wat 'n aansoek ingevolge hierdie reël aanhoor, kan—

- (a) (i) 'n bevel ingevolge subreëls (1) of (2) toestaan;
(ii) verder opdragte gee vir betekening aan enige persoon of entiteit of vir die voeging in die verrigtinge van enige persoon of entiteit;
(iii) die aansoek van die hand wys of uitstel; of
(iv) sodanige bevel gee wat die hof gepas ag, met inbegrip van enige gepaste kostebevel.
- (b) by aansoek deur enige party, die indiening van verdere beëdigde verklarings of die voer van mondelinge getuienis, toelaat.”

Wysiging van reël 68 van die reëls

4. Reël 68 van die Reëls word hierby gewysig deur die Tarief deur die volgende Tarief te vervang:

“TARIEF

Item	R s
1. Vir registrasie van 'n dokument vir betekening of tenuitvoerlegging, by ontvangs daarvan.	[14,50] 16,00
2. (a) Betekening van dagvaardings, kennisgewing van mosie, ander kennisgewings, bevele of enige ander dokumente, elk	[92,50] 99,00
Met dien verstande dat—	
(ii) Wanneer 'n dokument saam met 'n prosesstuk beteken moet word en in die prosesstuk genoem word of 'n aanhangsel daarvan is, geen addisionele gelde gevorder mag word vir betekening van die dokument nie. Origens mag [R14,50] R16,00 gevorder word vir elke afsonderlike dokument wat beteken word;	
(ii) Geen gelde vir 'n aparte dokument gevorder word vir die betekening van prosesstukke in strafsake nie.	
(b) Gepoogde betekening van dagvaardings, kennisgewings van mosie, ander kennisgewings, bevele en enige ander dokumente: Met dien verstande dat 'n gepoogde betekening van meer as een dokument aan dieselfde persoon as 'n gepoogde betekening van slegs een dokument beskou word.	[69,00] 74,00
3. Reistoelae:	
(a) Vir die afstand werklik en noodsaaklikerwys deur die balju of sy of haar verteenwoordiger afgelê, behoudens paragraaf 3(c) en (d) bereken, van die kantoor van die balju af vir die heen- en terugreis, per kilometer of deel van 'n kilometer of gedeelte daarvan.	R7,50

(b) Wanneer twee of meer dagvaardings of ander prosesstukke, in opdrag van dieselfde partye, met een en dieselfde reis beteken kan word, moet die reistoelae redelik en billik verdeel word tussen die verskillende sake met inagneming van die afstand wat die onderskeie partye aan wie die prosesstukke gerig is van die kantoor van die balju af woon, maar die gelde is betaalbaar vir elke betekening of gepoogde betekening.	
(c) Die reistoelae soos in paragraaf 3(a) en (b) beoog, moet bereken word volgens die afstand van die kantoor van die balju af indien— (i) die balju se kantoor geleë is binne die regsgebied wat deur die Minister aan die balju toegewys is; en (ii) die afstand van die balju se kantoor af minder is as die afstand bereken vanaf die hofgebou naaste aan die adres van betekening.	
(d) Indien daar nie aan die vereiste in paragraaf 3(c) voldoen word nie, moet die reistoelaag soos beoog in paragraaf 3(a) en (b) bereken word volgens die afstand vanaf die hofgebou naaste aan die adres van betekening.	
4. (a) Posgeld in siviele sake, volgens die postarief.	
(b) Posgeld in strafsake, gratis.	
LET WEL: Die balju kan enige posstuk na die griffier van die Hoë Hof neem of, as daar geen griffier in sy of haar dorp of stad is nie, na die landdros, wat die koevert met sy of haar amptelike frankeerstempel moet merk.	
5. Ter tenuitvoerlegging van enige lasbrief—	
(a) (i) vir die arres van 'n persoon, insluitende sy of haar vervoer na die hof, na 'n prokureur se kantoor of na die gevangenis, per persoon	[115,50] <u>124,00</u>
(ii) vir vervoer van die betrokke persoon na die hof van die plek van aanhouding op 'n dag na die dag van arres, en bywoning van die hof per uur of gedeelte daarvan	[137,50] <u>148,00</u>
(iii) vir beslaglegging op goed <i>ad fundandam jurisdictionem</i> of <i>ad confirmandam jurisdictionem</i>	[115,50] <u>124,00</u>
(iv) waar 'n beslaglegging ingevolge artikel 5(a)(iii) teruggetrek of opgeskort word;	[32,50] <u>35,00</u>
(b) vir uitsetting, [R137,50] <u>R342,00</u> [per] <u>vir die eerste uur</u> of gedeelte daarvan, [met 'n minimum van wat die eerste uur insluit] <u>en daarna R158,00 per elke halfuur of gedeelte daarvan</u> (benewens redelike uitgawes noodsaaklikerwys aangegaan);	[205,00]
(c) teen onroerende goed-	

(i) vir tenuitvoerlegging, insluitende betekening van kennisgewing van beslaglegging aan die eienaar van die onroerende goed en die registrateur van aktes of ander beampte belas met registrasie van sodanige goed, en as die onroerende goed deur iemand anders as die eienaar geokkupeer word, ook aan die okkupant	[273,50] <u>293,00</u>
(ii) vir kennisgewing van beslaglegging aan 'n enkele huurder of okkupant (identiese kennisgewings waar daar meer as een huurder, okkupant of eienaar is, vir elkeen na die eerste)	[25,50] <u>27,00</u> [9,50] <u>10,00</u>
(iii) vir waardasie of verslag vir die doel van 'n verkoping, per uur of gedeelte daarvan	[69,00] <u>74,00</u>
(iv) waar— (aa) 'n balju gemagtig is om eiendom te verkoop en die eiendom nie verkoop nie, omdat die beslaglegging teruggetrek, opgeskort, gestaak of gestuit word, en al die nodige kennisgewing van terugtrekking of opskorting van die beslaglegging (bb) geregtelike beslaglegging op onroerende goed opgehef word	[273,50] <u>293,00</u> [273,50] <u>293,00</u>
(v) vir die vasstelling en aantekening van watter verband of ander beswarings teen die eiendom geregistreer is, asook die name en adresse van die persone in wie se guns dit geregistreer is, insluitende enige briefwisseling in verband daarmee (benewens redelike uitgawes noodsaaklikerwys aangegaan)	[137,50] <u>148,00</u>
(vi) om die vonnisskuldeiser in kennis te stel van sodanige verbande of beswarings en van die name en adresse van die persone in wie se guns dit geregistreer is	[25,50] <u>27,00</u>
(vii) vir oorweging van bewys dat 'n preferente skuldeiser aan die vereistes van reël 46(5)(a) voldoen	[14,50] <u>16,00</u>
(viii) vir die kennisgewing in reël 46(6) bedoel	[25,50] <u>27,00</u>
(ix) vir oorweging van kennisgewing van verkoping wat deur die vonnisskuldeiser in oorleg met die balju opgestel word; en	
(x) vir die nagaan van aangeduide koerante en die Staatskoerant om seker te maak dat kennisgewing van verkoping geplaas is, insluitend geld vir (ix) en (x)	[137,50] <u>148,00</u>

(xi) vir die stuur van 'n eksemplaar van die kennisgewing van verkoping aan elke vonnisskuldeiser wat op die onroerende goed beslag laat lê het en aan elke verbandhouer wie se adres bekend is, vir elke eksemplaar,	[25,50] <u>27,00</u>
(xii) vir die aanbring van 'n eksemplaar van die kennisgewing van verkoping op die kennisgewingbord van die landdroshof bedoel in reël 46(7)(e) en op of so na moontlik aan die plek waar die verkoping sal plaasvind, 'n allesinsluitende bedrag van [R58,00] <u>R62,00</u> en reiskoste in item 3 bedoel	
(xiii) vir—	
(aa) oorweging van die verkoopvoorwaardes deur die uitwinnende skuldeiser voorberei;	[137,50] <u>148,00</u>
(bb) oorweging van verdere of gewysigde verkoopvoorwaardes deur 'n belanghebbende party voorberei;	[137,50] <u>148,00</u>
(cc) skikking van verkoopsvoorwaardes;	[137,50] <u>148,00</u>
(dd) alle nodige bywoning by wet voorgeskryf in verband met vendusies, in die besonder die 'Consumer Protection Act', 2008 (Wet 68 van 2008);	[414,50] <u>445,00</u>
(ee) die voer van 'n vendusie, met die uitsondering dat hierdie geld nie gehef mag word nie indien kommissie ingevolge item (xiv) geëis word nie.	[273,50] <u>293,00</u>
(xiv) by die verkoop van onroerende goed deur die balju as afslaer, 6 persent op die eerste R100 000.00, en 3.5 persent op R100 001.00 tot R400 000.00 en 1.5 persent op die balans van die opbrengs van die verkoping, onderhewig aan 'n maksimum kommissie van R40 000.00 in totaal en 'n minimum van R3 000.00 (insluitende in alle gevalle die balju se bankkoste en ander uitgawes aangegaan om die opbrengs in sy of haar trustrekening in te betaal), welke kommissie deur die koper betaalbaar is;	
(xv) vir —	
(aa) skriftelike kennisgewing aan die koper wat versuim het om aan die verkoopsvoorwaardes te voldoen;	[69,00] <u>74,00</u>
(bb) 'n verslag in reël 46(11) bedoel;	[69,00] <u>74,00</u>
(cc) kennisgewing aan vonnisskuldenaar van die intrekking in reël 46(11)(a)(iii)	[25,50] <u>27,00</u>
(dd) kennisgewing ingevolge reël 46(11)(c)	[25,50] <u>27,00</u>
(xvi) die gee van oordrag aan die koper	[32,50] <u>35,00</u>

(xvii) vir— (aa) ontvangs van sertifikaat in reël 46(14)(a) bedoel	[25,50] 27,00
(bb) vir die opstel van 'n distribusieplan van die opbrengs (insluitende die nodige afskrifte) en afsending van 'n afskrif aan die griffier	[137,50] 148,00
(xviii) vir kennisgewing aan alle partye wat lasbriewe ingedien het en aan die vonnisskuldenaar dat die distribusieplan ter insae sal lê, vir elke kennisgewing	[25,50] 27,00
(xix) vir die verslag in reël 46A(9)(d) bedoel	[69,00] 74,00
(d) teen roerende goed-	
(i) wanneer 'n lasbrief by aanbieding betaal word, 9 persent van die bedrag aldus betaal, met 'n minimum van [R93,00] <u>R100,00</u> en 'n maksimum van	[908,00] 974,00
(ii) vir 'n onsuksesvolle poging om beslag te lê, insluitende opsporing vir een uur en navraag	[93,00] 100,00
(iii) waar 'n lasbrief teruggetrek, opgeskort, gestaak of gestuit word voordat daar op enige goed beslag gelê is	[30,00] 32,00
(iv) vir die doen van 'n beslaglegging, met inbegrip van een uur se soek en ondersoek	[208,00] 223,00
(v) kennisgewing van beslaglegging, indien nodig, aan een persoon (identiese kennisgewings waar daar meer as een persoon is wat kennis moet kry, vir elkeen na die eerste)	[24,50] 26,00 [14,50] 16,00
(vi) waar beslaglegging deur die vonnisskuldeiser teruggetrek word of opgeskort, gestaak of gestuit word voor die verkoping, 3 persent van die waarde van die inbeslaggenome goed of die bedrag van die lasbrief, watter ook al die minste is, maar met 'n maksimum van	[626,50] 672,00
(vii) waar die lasbrief aan die balju betaal word deur die skuldenaar na beslaglegging, maar voor verkoping, 9 persent van die bedrag betaal, met 'n minimum fooi van [R93,00] <u>R100,00</u> en 'n maksimum van	[908,00] 974,00
(viii) waar beslag op geld gelê word, 9 persent van die betrokke bedrag, maar met 'n maksimum van	[908,00] 974,00
(ix) vir die opstel van 'n advertensie van verkoping van inbeslaggenome goed	[93,00] 100,00
(x) vir die verkoping vir uitwinning, insluitende verdeling van die opbrengs, vir die eerste R15 000,00 of deel daarvan, 9 persent, en daarna 6 persent, met 'n maksimum van	[12706,50] 13 634,00
(xi)	

(xii) kommissie is nie op 'n vonnisskuldenaar verhaalbaar op die waarde van inbeslaggenome roerende goed wat daarna deur 'n derde opgeëis en gevolglik vrygegee is nie, tensy die goed in beslag geneem is op die uitdruklike skriftelike versoek van die vonnisskuldeiser, in welke geval die vonnisskuldeiser teenoor die balju aanspreeklik is vir die kommissie;	
(xiii) vir die versekering van inbeslaggenome roerende goed wanneer dit nodig geag word en in skriftelike opdrag van die vonnisskuldeiser aan die balju is, benewens die premie wat betaal word, 'n allesinsluitende bedrag van	[49,00] <u>53,00</u>
(e) vir bewaring van goed (geld uitgesluit)-	
(i) vir elke beampte wat noodsaaklikerwys in besit gelaat is, 'n redelike allesinsluitende bedrag per beampte per dag van hoogstens	[172,50] <u>185,00</u>
LET WEL: 'Bewaring' beteken die voortdurende en noodsaaklike teenwoordigheid op die perseel vir die tydperk waarvoor bewaring bereken word, van iemand in diens van en betaal deur die balju, vir die uitsluitlike doel om besit te behou	
(ii) vir verwydering en opberging, die redelike en noodsaaklike uitgawes daaraan verbonde en, as 'n dier op stal geplaas of gevoer moet word, die redelike uitgawes daaraan verbonde;	
(iii) vir die oppas van lewende hawe, die nodige uitgawes daaraan verbonde;	
(iv) waar geen beampte in besit gelaat word en geen akte van sekerheidstelling verkry is nie, maar die inbeslaggenome roerende goed onder toesig van die balju bly, per dag	[7,00] <u>8,00</u>
6. (a) Vir die opstel van 'n inventaris, insluitende die maak van alle nodige afskrifte en tyd bestee aan voorraadopname, per uur of gedeelte daarvan	[172,50] <u>185,00</u>
(b) Vir bystand, waar nodig, by die opstel van 'n inventaris, 'n redelike allesinsluitende bedrag per dag van hoogstens	[172,50] <u>185,00</u>
7. (a) Vir opstel van relaas van betekening of tenuitvoerlegging, insluitende opstel en tik van die oorspronklike vir die hof, beperk tot een persoon op elke oorspronklike prosesstuk; en	
(b) afskrif daarvan vir die party wat betekening of tenuitvoerlegging verlang.	[57,00] <u>61,00</u>
8. Opstel en voltooiing van 'n akte van borgstelling, sekerheidstelling of vrywaring	[34,00] <u>36,00</u>
9. Vir die maak van alle noodsaaklike afskrifte van dokumente per A4-grootte bladsy.	[7,50] <u>8,00</u>
10.	
11. Bywoning van strafsittings van 'n hoër hof of 'n rondgaande hof, [R137,50] <u>R148,00</u> per uur of gedeelte daarvan met 'n maksimum per dag van	[626,50] <u>672,00</u>
12. Vir die skryf van elke noodsaaklike brief, faks of e-pos behalwe formele briewe wat prosesstukke of relase vergesel	[25,50] <u>27,00</u>

13. Maak of beantwoording van elke noodsaaklike telefoonoproep	[22,00] <u>24,00</u>
14. Afstuur en ontvangs van elke noodsaaklike faksimilee of e-pos per bladsy (benewens telefoongelde):	[9,50] <u>10,00</u>
15. Bankkoste: Werklike koste aangegaan in verband met bankkoste.	
16. Vir die opstel en uitreik van 'n tussenpleitdagvaarding in reël 58 bedoel	[873,00] <u>937,00</u>
17. (a) Waar die lasgewer die balju skriftelik opdrag gee om 'n dokument in item 2 of 5 bedoel dringend of na-ure te beteken of ten uitvoer te lê, hef die balju 'n bykomende tarief, ongeag of die betekening of tenuitvoerlegging suksesvol was, en sodanige bykomende gelde word deur die lasgewer betaal, behalwe waar die hof anders gelas. (b) By die toepassing van paragraaf (a) beteken— (i) "dringend" op dieselfde dag of binne vier-en-twintig-uur van die skriftelike opdrag; en (ii) "na-ure" enige tyd— (aa) voor 7h00 of ná 19h00 van Maandae tot Vrydae; of (bb) op 'n Saterdag, Sondag of openbare vakansiedag.	[308,00] <u>330,00</u>

Wysiging van reël 70 van die reëls

5. Reël 70 van die reëls word hierby gewysig deur die Tarief van Gelde vir Prokureurs deur die ovlgende Tarief van Gelde vn Prokureurs te vervang:

"TARIEF VAN GELDE VAN PROKUREURS

A – KONSULTASIES, BYWONINGS, SAMESPREKINGS EN ONDERSOEKE

- Konsultasie met 'n kliënt en getuies om 'n geding in te stel of te verdedig, vir advies oor getuienis of advies op kommissie, vir die verkryging van opinie of die leiding van 'n advokaat by die voorbereiding van pleitstukke, insluitende eksepsies, en om 'n beëdigde verklaring op te stel, per kwartier of gedeelte daarvan—
(a) deur 'n prokureur.....**[R388,00]**R417,00
(b) deur 'n kandidaatprokureur.....**[R120,50]**R130,00
- Konsultasie om appèl aan te teken, voort te sit of te verdedig, per kwartier of gedeelte daarvan—
(a) deur 'n prokureur**[R388,00]**R417,00
(b) bdeur 'n kandidaatprokureur**[R120,50]**R130,00

3. Bywoning deur 'n prokureur in die hof by verrigtinge ingevolge reël 37 van hierdie Reëls, per kwartier of gedeelte daarvan**[R388,00]**R417,00
4. (a) Bywoning deur 'n prokureur, waar noodsaaklik, om by bestrede verrigtinge te help, per kwartier of gedeelte daarvan..... **[R388,00]**R417,00
 (b) Bywoning deur 'n kandidaatprokureur om, waar noodsaaklik, by bestrede verrigtinge te help, per kwartier of gedeelte daarvan**[R120,50]**R130,00
5. Enige samespreking met 'n advokaat, met of sonder getuies, ten opsigte van pleitstukke, met inbegrip van eksepsies en besonderhede by pleitstukke, aansoeke, beëdigde verklarings en getuienis, en ten opsigte van enige ander aangeleenthede wat die takseermeester noodsaaklik ag, per kwartier of gedeelte daarvan—
 (a) deur 'n prokureur.....**[R388,00]**R417,00
 (b) deur 'n kandidaatprokureur.....**[R120,50]**R130,00
6. Enige ander samespreking wat die takseermeester noodsaaklik mag ag, per kwartier of gedeelte daarvan—
 (a) deur 'n prokureur**[R388,00]**R417,00
 (b) deur 'n kandidaatprokureur**[R111,00]**R120,50
7. Enige inspeksie ter plaatse, in die oorspronklike ligging of elders, per kwartier of gedeelte daarvan—
 (a) deur 'n prokureur.....**[R388,00]**R417,00
 (b) deur 'n kandidaatprokureur**[R120,50]**R130,00
8. Opwagting by blootlegging of insae, per kwartier of gedeelte daarvan—
 (a) deur 'n prokureur**[R388,00]**R417,00
 (b)deur 'n kandidaatprokureur**[R120,50]**R130,00
9. Allesinsluitende gelde vir noodsaaklike konsultasies en samesprekings met 'n kliënt, getuie, ander party of advokaat waarvoor nie andersins voorsiening gemaak is nie, per kwartier of gedeelte daarvan—
 (a) deur 'n prokureur.....**[R388,00]**R417,00
 (b) deur 'n kandidaatprokureur**[R120,50]**R130,00
10. Verskyning deur 'n prokureur in die hof of die verrigting deur 'n prokureur van enige van die ander werksaamhede van 'n advokaat kragtens die bepalings van die 'Legal Practice Act, 2014' (Wet 28 van 2014) Die tarief ingevolge reël 69 is van toepassing
11. Die skale van vergoeding in items 1 tot 9 sluit nie reis- en wagtyd in nie en die takseermeester kan ten opsigte van tyd noodsaaklikerwys daaraan bestee, na goeë dunde soveel addisionele vergoeding toestaan as wat hy of sy billik en redelik ag, maar hoogstens **[R388,00]**R417,00 per kwartier of gedeelte daarvan in die geval van 'n prokureur en **[R120,50]** R130,00 per kwartier of gedeelte daarvan in die geval van 'n kandidaatprokureur, plus 'n redelike bedrag vir noodsaaklike vervoerkoste.

B - OPSTEL VAN DOKUMENTE

1. Die opstel van 'n formele verklaring in 'n huweliksgeding, bevestigende beëdigde verklaring, beëdigde verklaring, beëdigde verklaring ten opsigte van betekening of ander formele beëdigde verklaring, inhoudsopgawe vir advokaatsopdrag, kort opdrag, getuieverklaring, prokurasie om te dagvaar of te verdedig, asook ander formele dokumente en dagvaardings, insluitende alle dokumente soos die voorgeskrewe vorms in die Eerste Bylae van hierdie Reëls, maar nie die besonderhede van 'n vordering in 'n aanhangsel by die dagvaarding nie: 'n allesinsluitende tarief vir opstel, nasien, tik, uitdruk, afskrifte, aflewering en indiening daarvan, per bladsy van slegs die oorspronklike.....**[R156,50]**R168,00

2. Die opstel van ander noodsaaklike dokumente, insluitende—
 - (a) instruksies vir die opinie, vir die leiding van 'n advokaat by die voorbereiding van pleitstukke, insluitende verdere besonderhede en versoeke daarom, insluitende eksepsies;
 - (b) instruksies aan 'n advokaat ten opsigte van alle klasse pleitstukke;
 - (c) 'n eksepsie of beëdigde verklaring, enige kennisgewing (uitgesonderd 'n formele kennisgewing), besonderhede van vordering of 'n aanhangsel by die dagvaarding, 'n opinie deur 'n prokureur of enige ander belangrike dokument waarvoor andersins nie voorsiening gemaak is nie, 'n allesinsluitende tarief vir die opstel, nasien, tik, uitdruk, afskrifte, aflewering en indiening daarvan, per bladsy van slegs die oorspronklike**[R388,00]**R417,00

3. Briewe, telegramme en faksimilees; 'n allesinsluitende tarief vir die opstel, nasien, tik, uitdruk, aflewering, afskrifte, posgeld en pos daarvan, per bladsy.....**[R156,50]**R168,00

OPMERKING 1: Besonderhede van briewe wat afgestuurd is, hoef nie in 'n kosterekening gespesifiseer te word nie. Die aantal briewe wat geskryf is, moet vermeld word, asook die totale bedrag wat daarvoor gehef word. Die teenparty sowel as die takseermeester is daarop geregtig om die stukke in te sien, indien die korrektheid van die item betwis word.

OPMERKING 2: Wanneer 'n prokureur ook al enige van die werk gelys in hierdie afdeling verrig, is die gelde hierin uiteengesit ten opsigte van sodanige werk van toepassing en nie enige gelde wat van toepassing sou wees kragtens die tarief ingevolge Reël 69 indien 'n advokaat die betrokke werk verrig het nie.

C - OPWAGTING EN DEURLESING

1. Ontvangs, inskrywing, deurlesing, oorweging en liassering van—
 - (a) enige dagvaarding, beëdigde verklaring, pleitstuk, advokaat se advies en konsep, verslag, belangrike brief, kennisgewing of dokument;
 - (b) enige formele brief, oorkonde, voorraadlyste by vrywillige oorgawe, uitsprake of enige ander belangrike dokument nie elders vermeld nie;

- (c) enige plan of bewysstuk of ander belangrike dokument wat noodsaaklik vir die voer van die geding was.....[R78,00]R84,00
2. Sortering, rangskikking en paginerings van stukke vir die opstel van pleitstukke, advies oor getuienis of opdrag vir 'n verhoor of appèl, per kwartier of gedeelte daarvan—
 (a) deur 'n prokureur.....[R388,00]R417,00
 (b) deur 'n kandidaatprokureur.....[R120,50]R130,00

OPMERKING: Besonderhede van stukke wat ontvang word, hoef nie in kosterekenings gespesifiseer te word nie. Die aantal stukke en bladsye wat ontvang is, asook die totale bedrag wat daarvoor gehef word, moet vermeld word. Die teenparty sowel as die takseermeester is daarop geregtig om die stukke in te sien, indien die korrektheid van die item betwis word.

D – DIVERSE

3. Vir die maak van noodsaaklike afskrifte, insluitende fotostate, van enige dokument of stukke waarvoor daar nie reeds in hierdie tarief voorsiening gemaak is nie, per A4-grootte bladsy.....[R6,00]R7,00
2. Opwagting om vertaling te reël en daarna te verkry, per kwartier of gedeelte daarvan—
 (a) deur 'n prokureur.....[R388,00]R417,00
 (b) deur 'n kandidaatprokureur.....[R120,50]R130,00
3. Noodsaaklike telefoonoproep: Die werklike koste daarvan plus per vyf minute of gedeelte daarvan—
 (a) deur 'n prokureur.....[R130,00]R140,00
 (b) deur 'n kandidaatprokureur[R40,00]R43,00
4. ...
5. Getuienis: Billike en redelike vorderings en uitgawes wat volgens die mening van die takseermeester behoorlik aangegaan is vir die verkryging van die getuienis en die bywoning van getuies wie se getuiegelde by taksasie toegestaan is: Met dien verstande dat die voorbereidingsgelde van 'n getuie nie sonder 'n bevel van die hof of die toestemming van alle belanghebbende partye toegestaan word nie.
6. Die gelde in afdelings A, B, C en D word met 15% verhoog ooreenkomstig enige kostebevel wat ingevolge reël 67A(4)(a) gemaak is en soos by taksasie toegelaat.

E – KOSTEREKENING

In verband met 'n kosterekening vir dienste gelewer deur 'n prokureur, is die prokureur daarop geregtig om te vorder:

1. Vir die opstel van die kosterekening, die maak van die nodige afskrifte en opwagting by afrekening, 11 persent van die prokureursgelde, hetsy soos gevra in die

kosterekening indien nie getakseer nie, of soos toegestaan by taksasie.

2. Benewens die gelde kragtens paragraaf 1 gehef, indien tot taksasie oorgegaan word vir reëling en behartiging van taksasie, en verkryging van toestemming tot taksasie, 11 persent op die eerste R10 000.00 of gedeelte daarvan, 6 persent op die volgende R10 000.00 of gedeelte daarvan en 3 persent op die balans van die totale bedrag van die rekening.
3. (a) Wanneer 'n prokureur van die dienste van 'n ander persoon gebruik maak om sy of haar kosterekening op te stel, moet daardie kosterekening van 'n sertifikaat vergesel gaan waarin daardie prokureur sertifiseer dat—
 - (iii) die kosterekening aldus opgestel, behoorlik deur hom of haar nagegaan en korrek bevind is; en
 - (iv) elke beskrywing in sodanige rekening met betrekking tot werk, tye en syfers in ooreenstemming is met dit wat noodsaaklikerwys deur hom of haar verrig is.
- (b) Die takseermeester kan—
 - (i) wanneer hy of sy oortuig is dat aan een of meer vereistes bedoel in item 3(a) nie voldoen is nie, weier om so 'n rekening te takseer;
 - (ii) wanneer hy of sy oortuig is dat gelde in 'n party-en-partykosterekening gevorder word —
 - (aa) vir werk wat nie gedoen is nie;
 - (bb) vir werk waarvoor gelde in 'n prokureur-en-kliëntekosterekening gevorder moet word; of
 - (cc) wat buitensporig hoog is,

die prokureur die vergoeding bedoel in items 1 en 2 van hierdie afdeling ontsê, indien meer as 20 persent van die aantal items in die kosterekening, insluitend uitgawes, of van die totale bedrag van die kosterekening, insluitend uitgawes, afgetakseer word.

OPMERKING: Die minimum gelde onder items 1 en 2 is **[R309,00]**R332,00 per item.

F - TENUITVOERLEGGING

1. Opstel, uitreiking en uitvoering van 'n lasbrief vir eksekusie en alle opwagtinge in verband daarmee, uitgesonderd baljugelde
indien nie getakseer nie)..... **[R772,00]**R828,00
4. Heruitreiking.....**[R194,00]**R208,00

Inwerkingtreding

6. Hierdie reëls tree in werking op **20 September 2024**.