

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 5125

16 August 2024

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

AMENDMENT OF RULES REGULATING MATTERS IN RESPECT OF THE SMALL
CLAIMS 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), read with section 25 of the Small Claims Courts Act, 1984 (Act No. 61 of 1984), and with the approval of the Minister for 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 Matters in Respect of the Small Claims Court published under Government Notice No. R. 2573 of 7 October 2022 and R. 3058 of 17 February 2023.

Amendment of Annexure 2 to the Rules

2. Annexure 2 to the Rules is hereby amended by the substitution for Part I of the following Part:

PART I
Court fees

For a copy of a record made by the clerk of the court-
for every photocopy of an A4 size page or part thereof: **[R1,00]** R2,00.

Amendment of Annexure 2 to the Rules

3. Annexure 2 to the Rules is hereby amended by the substitution for Part II of the following Part:

PART II

Fees and travelling expenses of sheriffs

1. (a) For the service of a summons, including the registration of the summons on receipt thereof for service[, **the journey to and from the place of service of the summons—**]

[(i) **within a distance of 6 kilometres from the court-house of the district for which the sheriff is appointed: R45,00;]**

[(ii) **within a distance of 12 kilometres but further than 6 kilometres from the court-house of the district for which the sheriff is appointed: R51,00;]**

[(iii) **within a distance of 20 kilometres but further than 12 kilometres from the court-house of the district for which the sheriff is appointed: [R70,00] R75,00.**

(b) For the attempted service of a summons, including the registration of the summons on receipt thereof for service[, **the journey to and from the place of attempted service of the summons—**]

[(i) **within a distance of 6 kilometres from the court-house of the district for which the sheriff is appointed: R37,50;]**

[(ii) **within a distance of 12 kilometres but further than 6 kilometres from the court-house of the district for which the sheriff is appointed: [R45,00;]R48,00.**

[(iii) **within a distance of 20 kilometres but further than 12 kilometres from the court-house of the district for which the sheriff is appointed: R63,00]**

2. (a) For the execution of a warrant, including the registration of the warrant on receipt thereof for execution[, **the journey to and from the place of execution of the warrant—**]

[(i) **within a distance of 6 kilometres from the court-house of the district for which the sheriff is appointed: R63,00;]**

[(ii) **within a distance of 12 kilometres but further than 6 kilometres from the court-house of the district for which the sheriff is appointed: R70,00;]**

[(iii) **within a distance of 20 kilometres but further than 12 kilometres from the court-house of the district for which the sheriff is appointed: [R87,50] R94,00.**

(b) For the attempted execution of the warrant, including the registration of the warrant on receipt thereof for execution[, **the journey to and from the place of attempted execution of the warrant—**]

[(i) **within a distance of 6 kilometres from the court-house of the district for which the sheriff is appointed: R52,00;]**

[(ii) **within a distance of 12 kilometres but further than 6 kilometres from the court-house of the district for which the sheriff is appointed]: [R63,00;] R68,00.**

[(iii) **within a distance of 20 kilometres but further than 12 kilometres from the court-house of the district for which the sheriff is appointed: R79,50.]**

(c) Where the warrant is one for ejection, a further fee of [**R25,50**] R27,00 shall be paid after the execution thereof for each person over and above the person named or referred to in the warrant of ejection in fact ejected from separate premises: Provided that where service on any person other than the judgment debtor is necessary in order to complete the execution, the fee[s] mentioned in item 1(a) may be charged for each such service.

3. (a) The sheriff shall, in addition to the fees mentioned in items 1(a), 1(b), 2(a) and 2(b) but subject to paragraph (b) and (c), be allowed a travelling allowance of [**R6,00**] R7,50 per kilometre, or part thereof, for the shortest possible forward and return journey from the office of the sheriff to the place of service or execution and back.

(b) The travelling allowance mentioned in items 3 and 4 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.

(c) If the requirement in item 3(b) is not met, then the travelling allowance mentioned in items 3(a) and 4(a) shall be calculated on the distance reckoned from the court-house closest to the address for service.

4. (a) In respect of the discharge of any official duty other than those mentioned in items 1 and 2, but subject to item 3(b) and (c), a travelling allowance of [**R6,00**] R7,50 per kilometre, or part thereof, shall be payable to the sheriff for going and returning.

(b) A travelling allowance shall include all the expenses incurred in travelling, including train fares.

(c) A travelling allowance shall be calculated in respect of each separate service, except that—

- (i) where more services than one can be done on the same journey, the distance from the sheriff's office to the first place of service may be taken into account only once, and shall be apportioned equally to the respective services, and the distance from the first place of service to the remaining places of service shall similarly be apportioned equally to the remaining services; and
- (ii) where service of the same process has to be effected by a sheriff on more than one person at the same service address, only one charge for travelling shall be allowed.

5. For the ejectment of a defendant from the premises mentioned in the warrant of ejectment: **[R22,50]** R24,00 for the first 30 minutes and thereafter **[R67,50]** R72,00 per hour or part thereof.

6. In addition to the fees prescribed, the sheriff shall be entitled to charge the amount paid by him or her for telephone calls.

7. For the writing of a necessary letter, facsimile or electronic mail, excluding formal letters accompanying process or returns to an interested party in the matter: **[R11,00]** R12,00.

8. For the copying of the necessary documents relevant to a process handled by the sheriff: **[R5,00]** R6,00 per A4 size copy.

9. If it is necessary for the sheriff to return to the mandator a process received by him or her for service or execution because—

- (a) the address of service which appears on the process does not fall within his or her jurisdiction;
- (b) the mandator requests, before an attempted service or execution of the process, that it be returned to him or her: an amount of **[R11,00]** R12,00.

10. (a) Sending and receiving of each necessary facsimile or electronic mail: **[R6,50]** R7,00.

(b) In addition to the fees prescribed, the sheriff shall be entitled to the amount actually disbursed for postage, transmission of facsimiles and sending of electronic communications.

Commencement

4. These Rules come into operation on **20 September 2024**.

ISAZISO SIKAHULUMENI**UMNYANGO WEZOBULUNGISWA NOKUTHUTHUKISWA KOMTHETHOSISEKELO****UMTHETHO WEBHODI LEMITHETHO LEZINKANTOLO ZOMTHETHO, WEZI-1985
(UMTHETHO 107 WEZI-1985)****UKUCHIBIYELA IMITHETHO ELAWULA IZINDABA EZIPHATHELENE NENKANTOLO
YEZIMANGALO EZINCANE**

Ibhodi Lemithetho Lezinkantolo Zomthetho, ngaphansi kwesigaba sesi-6 soMthetho Webhodi Lemithetho Lezinkantolo Zomthetho, we-1985 (uMthetho 107 we-1985), ufundwe nesigaba sama-25 soMthetho Wezinkantolo Zezimangalo Ezincane, we-1984 (uMthetho 61 we-1984), futhi ngemvume kaNgqongqoshe Wezobulungiswa Nokuthuthukiswa KoMthethosisekelo, lenze imithetho kwiSheduli.

ISHEDULI**UMBHALO OCHAZA OKUJWAYELEKILE:**

[] Amagama akubakaki abayisikwele amele okukhishwe emithethweni esebenzayo.

_____ Amagama adwetshelwe ngomugqa amele okufakiwe emithethweni esebenzayo.

Incazelo

1. Kule Sheduli "Imithetho" isho Imithetho Elawula Izindaba Eziphathelelene Nenkantolo Yezimangalo Ezincane eshicilelwe ngaphansi kweSaziso Sikahulumeni se-R. 2573 samhla ziyi-7 kuMfumfu wezi-2022 kanye nese-R. 3058 samhla ziyi-17 kuNhlolanja wezi-2023.

Ukuchibiyela iSithasiselo sesi-2 seMithetho

2. Ngakho-ke isithasiselo sesi-2 seMithetho sichitshiyelwe ngokufaka endaweni yeNgxenye I, le ngxenye elandelayo:

INGXENYE I***Izimali zenkantolo***

Ngekhophi yerekhodi elenziwe umabhalane wenkantolo-ikhophi ngayinye yekhasi elingu-A4 noma ingxenye yalo: **[R1,00]** R2,00.

Ukuchibiyela iSithasiselo sesi-2 seMithetho

3. Ngakho-ke isithasiselo sesi-2 seMithetho sichitshiyelwe ngokufaka endaweni yeNgxenye II le Ngxenye elandelayo:

INGXENYE II***Izimali kanye nezindleko zokuhamba zosherifu***

1. (a) Ukuze kuhanjiswa amasamanisi, okuhlanganisa nokubhaliswa kwamasamanisi lapho ehanjiswa khona[, **uhambo lokuya nokubuya lapho kuhanjiswa khona amasamanisi—**]

[(i) ebangeni eliphakathi kwamakhilomitha ayisi-6 ukusuka enkantolo yesifunda lapho usherifu eqokelwe khona: **R45,00;**]

[(ii) ebangeni eliphakathi kwamakhilomitha ayi-12 kodwa ngaphezu kwamakhilomitha ayisi-6 ukusuka enkantolo yesifunda lapho usherifu eqokelwe khona: **R51,00;**]

[(iii) ebangeni eliphakathi kwamakhilomitha angama-20 kodwa ngaphezu kwamakhilomitha ayi-12 ukusuka enkantolo yesifunda lapho usherifu eqokelwe khona]: **[R70,00]** R75,00.

(b) Ngomzamo wokuhambisa amasamanisi, okuhlanganisa ukubhaliswa kwamasamanisi lapho ehanjiswa khona[, **uhambo lokuya nokubuya endaweni okuzanywa ukuhanjiswa kuyo amasamanisi—**]

[(i) ebangeni eliphakathi kwamakhilomitha ayisi-6 ukusuka enkantolo yesifunda lapho usherifu eqokelwe khona: **R37,50;**]

[(ii) ebangeni eliphakathi kwamakhilomitha ayi-12 kodwa ngaphezu kwamakhilomitha ayisi-6 ukusuka enkantolo yesifunda lapho usherifu eqokelwe khona]: [R45,00;]R48,00.

[(iii) ebangeni eliphakathi kwamakhilomitha angama-20 kodwa ngaphezu kwamakhilomitha ayi-12 ukusuka enkantolo yesifunda lapho usherifu eqokelwe khona: R63,00]

2. (a) Ngokwenziwa kwencwadi yemvume, okuhlanganisa ukubhaliswa kwayo ngeskhathi yamukelwa ukuze iqaliswe[, **uhambo lokuya nokubuya endaweni yokwenziwa kwencwadi yemvume—**]

[(i) ebangeni eliphakathi kwamakhilomitha ayisi-6 ukusuka enkantolo yesifunda lapho usherifu eqokelwe khona: R63,00;]

[(ii) ebangeni eliphakathi kwamakhilomitha ayi-12 kodwa ngaphezu kwamakhilomitha ayisi-6 ukusuka enkantolo yesifunda lapho usherifu eqokelwe khona: R70,00;]

[(iii) ebangeni eliphakathi kwamakhilomitha angama-20 kodwa ngaphezu kwamakhilomitha ayi-12 ukusuka enkantolo yesifunda lapho usherifu eqokelwe khona]: [R87,50;]R94,00.

(b) Ngomzamo wokwenziwa kwencwadi yemvume, okuhlanganisa nokubhaliswa kwayo ngeskhathi yamukelwa ukuze iqaliswe[, **uhambo lokuya nokubuya endaweni yokuzama ukwenziwa kwencwadi yemvume—**]

[(i) ebangeni eliphakathi kwamakhilomitha ayisi-6 ukusuka enkantolo yesifunda lapho usherifu eqokelwe khona: R52,00;]

[(ii) ebangeni eliphakathi kwamakhilomitha ayi-12 kodwa ngaphezu kwamakhilomitha ayisi-6 ukusuka enkantolo yesifunda lapho usherifu eqokelwe khona]: [R63,00;] R68,00.

[(iii) ebangeni eliphakathi kwamakhilomitha angama-20 kodwa ngaphezu kwamakhilomitha ayi-12 ukusuka enkantolo yesifunda lapho usherifu eqokelwe khona: R79,50.]

(c) Lapho incwadi yemvume ingeyokuxosha umuntu endaweni yokuhlala, enye imali engu-[R25,50] R27,00 iyokhokhwa ngemva kokwenziwa kwayo kumuntu ngamunye ngaphezu kwalowo oshiwo noma okukhulunywe ngaye encwadini yemvume egunyaza ukukhishwa ezakhiweni ezihlukene: Kuncike ekutheni lapho isevisi yenziwa khona kunoma yimuphi omunye umuntu ngaphandle kohlangothi olulahlwe icala, iyadingeka ukuze kuqedelwe ukuqaliswa, [izimali] imali eshiwo ephuzwini 1(a) ingakhokhiswa ngaleyo sevisi.

3. (a) Usherifu, ngaphezu kwezimali ezishiwo ephuzwini 1(a), 1(b), 2(a) kanye no 2(b) kodwa ngokuya ngendima (b) kanye no (c), avunyelwe imali yokuhamba engu-**R6,00]** R7,50 ikhilomitha ngalinye, noma ingxenye yalo, ekuhambeni okufushane kokuya nokubuya usuka ehhovisi likasherifu ukuya endaweni yesevisi noma yokuqaliswa nokubuya.

(b) Isibonelelo sokuhamba esibalulwe kuhlamvu 3 no-4 sizobalwa ngebanga elibalwe nehovisi likasherifu uma—

- (i) ihhovisi likasherifu lisendaweni engaphansi kwegunya elinikezwe usherifu nguNgqongqoshe; futhi
- (ii) ibanga lokusuka ehhovisi likasherifu lingaphansi kwebanga elibalwe ukusuka endlini yenkantolo eseduze nekheli lokwenziwa kwesevisi.

(c) Uma imfuno ephuzwini 3(b) ingafinyelelwanga, ngakho isibonelelo sokuhamba esishiwo emaphuzwini 3(a) kanye no-4(a) sizobalwa ngebanga elibalwe ukusuka endlini yenkantolo eseduze nekheli lokwenziwa kwesevisi.

4. (a) Maqondana nokukhishwa kwanoma yimuphi umsebenzi osemthethweni ngaphandle kwalowo oshiwo emaphuzwini 1 no-2, kodwa kuncike ephuzwini 3(b) kanye no (c), isibonelelo sokuhamba senani elingu-**[R6,00]** R7,50 ikhilomitha ngalinye, noma ingxenye yalo, iyokhokhwa kusherifu ngokuya nokubuya.

(b) Isibonelelo sokuhamba sizobandakanya zonke izindleko ezibe khona ohambweni, okuhlanganisa nemali yokugibela isitimela.

(c) Isibonelelo sokuhamba sizobalwa maqondana nesevisi ngayinye ehlukeni, ngaphandle —

- (i) lapho amasevisi angaphezu kweyodwa engenziwa ohambweni olufanayo, ibanga ukusuka ehhovisi likasherifu ukuya endaweni yokuqala yokwenza isevisi lingacatshangelwa kanye kuphela, futhi lizokwabelwa ngokulinganayo kuma sevisi afanele, kanye nebanga ukusuka endaweni yokuqala yokwenza isevisi kuya ezindaweni ezisele zokwenza isevisi nayo izokwabelwa ngokulinganayo kumasevisi asele; futhi

(ii) lapho izevisi yenqubo efanayo kufanele yenziwe ngusherifu kubantu abangaphezu koyedwa ekhelini elifanayo lendawo ekuyokwenziwa kuyo izevisi, yinye kuphela imali yokuhamba eyovunyelwa.

5. Ekukhishweni kommangalelwa ezakhiweni ezishiwo encwadini yemvume yokukhishwa: u-**[R22,50]** R24,00 imizuzu yokuqala engama-30 bese emva kwalokho u-**[R67,50]** R72,00 ngehora noma ingxenye yalokho.

6. Ukwengeza ezinkokhelweni ezinqunyiwe, usherifu uzoba nelungelo lokukhokhisa inani elikhokhwe nguye maqondana nezingcingo.

7. Ukubhalwa kwencwadi edingekayo, ifeksi noma i-imeyili, ngaphandle kwezincwadi ezisemthethweni ezihambisana nenqubo noma izimbuyiselo kumuntu onentshisekelo kulolu daba: **[R11,00]** R12,00.

8. Ukuze kwenziwe amakhophi emibhalo edingekayo ehambisana nenqubo esingathwa ngusherifu: **[R5,00]** R6,00 ikhophi ngayinye kasayizi we-A4

9. Uma kudingekile ukuthi usherifu abuyisele kumgunyazi inqubo akayithola ukuze kwenziwe izevisi noma aqalise ngoba—

- (a) ikheli lalapho kwenziwa khona izevisi elivela kwinqubo alingeni ngaphansi kwamandla akhe;
- (b) umgunyazi ucela, ngaphambi kokuzanywa kwesevisi noma ukwenziwa kwenqubo, ukuthi ibuyiselwe kuye: imali eyi- **[R11,00]** R12,00.

10. (a) Ukuthumela nokwamukela ifeksi ngayinye edingekayo noma i-imeyili: **[R6,50]** R7,00.

(b) Ukwengeza ezinkokhelweni ezinqunyiwe, usherifu uzoba nelungelo lemali ekhishelwe ukuposa, ukuthunyelwa kwamafeksi kanye nokuthunyelwa kwezokuxhumana nge-inthanethi.

Ukuqala ukusebenza

- 4. Le Mithetho iqala ukusebenza ngomhla ka 20 kuMandulo 2024.**