

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 5126

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 SUPREME COURT OF APPEAL 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 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 existing rules.

_____ Words or expressions underlined with a solid line indicate insertions into existing rules.

Definition

1. In this Schedule the “Rules” means the Rules of the Supreme Court of Appeal published under Government Notice No. R. 1523 of 27 November 1998, as amended by Government Notice Nos. R. 979 of 19 November 2010, R. 191 of 11 March 2011, R. 113 of 15 February 2013, R. 1055 of 29 September 2017, R. 1318 of 30 November 2018, R. 842 of 31 May 2019, R. 858 of 7 August 2020, R. 1158 of 30 October 2020, R. 1603 of 17 December 2021, R. 2135 of 3 June 2022, R. 3059 of 17 February 2023 and R. 3398 of 12 May 2023.

Substitution of rule 18 of the rules

2. The following rule is hereby substituted for rule 18 of the rules:

“Attorneys’ fees

18. The following fees shall be allowed to attorneys conducting appeals or other matters before the Court:

A – TAKING INSTRUCTIONS

R.c

1. (a) To note an appeal or cross-appeal when leave to appeal is not required per quarter of an hour—
 - (i) by an attorney[388,50]417,00
 - (ii) by a candidate attorney[121,00]130,00
- (b) To prosecute or defend an appeal, including continuation of a cross-appeal per quarter of an hour—
 - (i) by an attorney[388,50]417,00
 - (ii) by a candidate attorney[121,00]130,00
- (c) To make or oppose an application per quarter of an hour—
 - (i) by an attorney[388,50]417,00
 - (ii) by a candidate attorney[121,00]130,00
2. To draft any application or affidavit per page[155,50]167,00

B – PREPARATION OF RECORDS

R.c

1. Making, for the purpose of preparing copies of the record on appeal (except where a charge is made under paragraph 5 hereof), a copy of such particulars of the record as were not in the possession of the appellant or his or her attorney at the time when the order appealed from was made, per page.....[6,00]7,00
2. Arranging record for printing or typing, excluding unnecessary documents therefrom, and preparing an index and list of documents not included in the record on appeal, per quarter of an hour or part thereof—
 - (i) by an attorney[388,50]417,00
 - (ii) by a candidate attorney[121,00]130,00
3. Correcting typed copy, per quarter of an hour or part thereof—
 - (i) by an attorney[388,50]417,00
 - (ii) by a candidate attorney[121,00]130,00
4. Attending at the office of the registrar or officer of the court appealed from to peruse or authenticate the record, per quarter of an hour or part thereof —
 - (i) by an attorney[388,50]417,00
 - (ii) by a candidate attorney.....[121,00]130,00
5. Making typed copies of record on appeal and heads of arguments, per page.....[6,00]7,00

C – PERUSAL

R.c

1. (a) Perusing judgment of court *a quo* when taking instructions for the continuation of an appeal or cross-appeal, where leave to appeal is not required, per page.....[78,50]84,00
- (b) Perusing record of appeal, for each page.....[9,50]10,00

- (c) Perusing judgment of court *a quo* by which leave to appeal was denied, when taking instructions to apply for leave to appeal to the Court, per page.....**[9,50]**10,00
2. Perusing any plan, diagram, photograph or other annexure to the record to which the remuneration hereinbefore set out cannot be applied per page.....**[78,50]**84,00
3. (a) Attendance on and perusal of any application or affidavit or any other document not elsewhere provided for, per page.....**[78,50]**84,00
- (b) Attendance on and perusal of any annexure to an application and answering affidavit, per page.....**[9,50]**10,00
- (c) Attendance on and perusal of an application or affidavit composed or corrected by counsel, per page.....**[20,00]**22,00
4. Attendance on and perusal of heads of argument, excluding annexures for example unreported judgments of court or copies of publications attached as confirmation of heads of arguments, per page**[78,50]**84,00

D – ATTENDANCE

R.c

1. Any formal attendance on an acknowledgement, receipt, etc.....**[78,50]**84,00
2. (a) Attendance on any letter or document.....**[78,50]**84,00
- (b) Necessary telephone calls made, the actual costs thereof, plus for every five minutes or part thereof —
- (i) by an attorney.....**[130,00]**140,00
- (ii) by a candidate attorney.....**[40,00]**43,00
- (c) Attendance on telephone calls, the actual costs thereof, plus for every five minutes or part thereof —
- (i) by an attorney.....**[130,00]**140,00
- (ii) by a candidate attorney.....**[40,00]**43,00
3. (a) Attendance at office of registrar to deliver a letter or document, or to uplift an order, etc, per quarter of an hour or part thereof—
- (i) by an attorney.....**[388,50]**417,00
- (ii) by a candidate attorney**[121,00]**130,00
- (b) Attendance on business other than formal business, per quarter of an hour or part thereof—
- (i) by an attorney.....**[388,50]**417,00
- (ii) by a candidate attorney.....**[121,00]**130,00
4. (a) Attendance at any consultation with counsel or client, per quarter of an hour or part thereof—
- (i) by an attorney.....**[388,50]**417,00
- (ii) by a candidate attorney.....**[121,00]**130,00
- (b) A comprehensive fee for attendance, obtaining and payment of counsel for noting of judgment per quarter of an hour—
- (i) by an attorney.....**[388,50]**417,00
- (ii) by a candidate attorney.....**[121,00]**130,00
5. Attendance at court to note judgment per quarter of an hour —
- (a) by an attorney.....**[388,50]**417,00
- (b) by a candidate attorney.....**[121,00]**130,00

6. Attendance at court on hearing of appeal or application, per quarter of an hour or part thereof —
- (a) by an attorney.....[388,50]417,00
- (b) by a candidate attorney.....[121,00]130,00

E - DRAWING UP OF DOCUMENTS

- R.c
1. Any application or affidavit, per page.....[155,50]167,00
2. Instructions to counsel—
- (a) on appeal per page.....[155,50]167,00
- (b) on application per page.....[155,50]167,00
- (c) in justifiable cases, for the drawing up or correcting of application or affidavit for an application for leave to appeal or disputing thereof per page ...[155,50]167,00
3. Drawing up of notice of appeal or other necessary notices, per page.....[155,50]167,00
4. Letters per page, including copy to keep[155,50]167,00
5. Drawing up power of attorney, per page.....[155,50]167,00
6. Drawing up short brief to counsel per page.....[155,50]167,00
7. Drawing up bond of security, per page.....[155,50]167,00

F – COPYING

- R.c
- Other documents not specially provided for, per page.....[6,00]7,00

G - BILLS OF COSTS

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

1. For drawing up 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 paragraph 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 per cent on the next R10 000,00 or portion thereof and 3 per cent on the balance of the total amount of the bill.”.

Commencement

3. These Rules come into operation **20 September 2024**.

DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

NO. R. 5126

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
HOOGSTE HOF VAN APPÈL 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 bestaande reëls.

_____ Woorde of uitdrukkings met 'n volstreep daaronder dui op invoegings in bestaande reëls.

Woordomskrywing

1. In hierdie Bylae beteken die "Reëls" die Reëls waarby die verrigtinge van die Hoogste Hof van Appèl van Suid-Afrika gereël word, afgekondig in Goewermentskennisgewing No. R. 1523 van 27 November 1998, soos gewysig deur Goewermentskennisgewing No's R. 979 van 19 November 2010, R. 191 van 11 Maart 2011, R. 113 van 15 Februarie 2013, R. 1055 van 29 September 2017, R. 1318 van 30 November 2018, R. 842 van 31 Mei 2019, R. 858 van 7 Augustus 2020, R. 1158 van 30 Oktober 2020, R. 1603 van 17 Desember 2021, R. 2133 van 3 Junie 2022, R. 3059 van 17 Februarie 2023 en R. 3398 van 12 Mei 2023.

Vervanging van reël 18 van die reëls

2. Reël 18 van die reëls word hierby deur die volgende reël vervang:

“Prokureursgelde

18. Die volgende gelde word toegelaat vir prokureurs wat appèlle of ander aangeleenthede voor die Hof voer:

A – NEEM VAN INSTRUKSIES

R.s

1. (a) Om 'n appèl of teenappèl aan te teken wanneer verlov om te appelleer nie 'n vereiste is nie per kwartier van 'n uur—
- (iii) deur 'n prokureur.....**[388,50]**417,00
- (iv) deur 'n kandidaatprokureur.....**[121,00]**130,00
- (b) Om 'n appèl voort te sit of te verdedig, insluitende voortsetting van 'n teenappèl per kwartier van 'n uur—
- (i) deur 'n prokureur**[388,50]**417,00
- (ii) deur 'n kandidaatprokureur**[121,00]**130,00
- (c) Om 'n aansoek te doen of dit te bestry per kwartier van 'n uur—
- (i) deur 'n prokureur**[388,50]**417,00
- (iii) deur 'n kandidaatprokureur**[121,00]**130,00
2. Om enige aansoek of beëdigde verklaring op te stel per bladsy .. **[155,50]**167,00

B – VOORBEREIDING VAN STUKKE

R.s

1. Die maak van 'n afskrif van besonderhede van die stukke wat nie in besit van die appellant of sy of haar prokureur was toe die bevel waarteen geappelleer word, uitgevaardig is nie, met die doel om afskrifte van die oorkonde van appèl (behalwe waar 'n bedrag kragtens paragraaf 5 hiervan gevorder word) voor te berei, per bladsy.....**[6,00]**7,00
6. Rangskikking van stukke vir druk of tik, met uitsluiting van onnodige dokumente, en voorbereiding van 'n inhoudsopgawe en lys van dokumente nie ingesluit in die oorkonde van appèl nie, per kwartier van 'n uur of gedeelte daarvan—
- (iii) deur 'n prokureur**[388,50]**417,00
- (iv) deur 'n kandidaatprokureur**[121,00]**130,00
7. Nasien van getikte afskrif, per kwartier van 'n uur of gedeelte daarvan—
- (i) deur 'n prokureur**[388,50]**417,00
- (ii) deur 'n kandidaatprokureur**[121,00]**130,00
8. Opwagting by die kantoor van die griffier of beampte van die hof waarvandaan geappelleer word, om die oorkonde na te gaan of te laat waarmerk, per kwartier van 'n uur of gedeelte daarvan—
- (iii) deur 'n prokureur**[388,50]**417,00
- (iv) deur 'n kandidaatprokureur**[121,00]**130,00
9. Maak van getikte afskrifte van die oorkonde van appèl en betoogpunte, per bladsy.....**[6,00]**7,00

C – NAGAAN

- R.s
1. (a) Nagaan van die hofuitspraak *a quo* wanneer instruksies geneem word vir die voortsetting van 'n appèl of teenappèl, waar verlof om te appelleer nie 'n vereiste is nie, per bladsy..... **[78,50]84,00**
 - (b) Nagaan van die oorkonde van appèl vir elke bladsy..... **[9,50] 10,00**
 - (c) Nagaan van die hofuitspraak *a quo* waarby verlof om te appelleer geweier word, wanneer instruksies geneem word om aansoek te doen om verlof om na die Hof te appelleer, per bladsy..... **[9,50]10,00**
 2. Nagaan van enige plan, skets, foto of ander aanhangsel van die stukke waarop die vergoeding hierbo uiteengesit, nie toegepas kan word nie, per bladsy.. **[78,50]84,00**
 3. (a) Aandag gee aan en nagaan van enige aansoek of beëdigde verklaring of enige ander dokument waarvoor nie elders voorsiening gemaak word nie, per bladsy..... **[78,50]84,00**
 - (b) Aandag gee aan en nagaan van enige aanhangsel van 'n aansoek en antwoordende verklaring, per bladsy..... **[9,50]10,00**
 - (c) Aandag gee aan en nagaan van 'n aansoek of beëdigde verklaring wat deur 'n advokaat opgestel of nagesien is, per bladsy..... **[20,00]22,00**
 4. Aandag gee aan en nagaan van betoogpunte met uitsluiting van aanhangsels soos byvoorbeeld ongerapporteerde hofuitsprake of afskrifte van publikasies wat ter staving van betoogpunte aangeheg is, per bladsy **[78,50]84,00**

D – BEHARTIGING

- R.s
2. Enige formele behartiging van 'n erkenning, ontvangs, ens..... **[78,50]84,00**
 2. (a) Behartiging van enige brief of dokument..... **[78,50]84,00**
 - (b) Nodige telefoonoproepe gemaak, die werklike koste daarvan, plus vir elke vyf minute of gedeelte daarvan—
 - (i) deur 'n prokureur..... **[130,00]140,00**
 - (ii) deur 'n kandidaatprokureur..... **[40,00]43,00**
 - (c) Behartiging van telefoonoproepe vir elke vyf minute of gedeelte daarvan—
 - (i) deur 'n prokureur..... **[130,00]140,00**
 - (ii) deur 'n kandidaatprokureur..... **[37,00]40,00**
 3. (a) Opwagting by kantoor van griffier om 'n brief of dokument af te lewer of om 'n bevel af te haal, ens., per kwartier van 'n uur of gedeelte daarvan—
 - (i) deur 'n prokureur..... **[388,50]417,00**
 - (ii) deur 'n kandidaatprokureur **[121,00]130,00**
 - (c) Behartiging van besigheid wat nie formeel is nie, per kwartier van 'n uur of gedeelte daarvan—
 - (i) deur 'n prokureur..... **[388,50]417,00**
 - (ii) deur 'n kandidaatprokureur..... **[121,00]130,00**
 5. (a) Opwagting by enige samesprekings met 'n advokaat of kliënt per kwartier van 'n uur of gedeelte daarvan—
 - (i) deur 'n prokureur..... **[388,50]417,00**
 - (ii) deur 'n kandidaatprokureur..... **[121,00]130,00**
 - (b) 'n Allesinsluitende bedrag vir opwagtings, verkryging en betaling van 'n advokaat om 'n uitspraak te noteer—

	(i) deur 'n prokureur.....	[388,50]	417,00
	(ii) deur 'n kandidaatprokureur.....	[121,00]	130,00
5.	Opwagting by hof om vonnis te noteer per kwartier van 'n uur —		
	(a) deur 'n prokureur.....	[388,50]	417,00
	(b) deur 'n kandidaatprokureur.....	[121,00]	130,00
6.	Opwagting by hof by verhoor van appèl of aansoek, per kwartier van 'n uur of gedeelte daarvan—		
	(a) deur 'n prokureur.....	[388,50]	417,00
	(b) deur 'n kandidaatprokureur.....	[121,00]	130,00

E - OPSTEL VAN DOKUMENTE

			R.s
4.	Enige aansoek of beëdigde verklaring, per bladsy.....	[155,50]	167,00
5.	Instruksies aan advokaat—		
	(d) by appèl per bladsy.....	[155,50]	167,00
	(e) by aansoek per bladsy.....	[155,50]	167,00
	(f) in geregverdigde gevalle, vir die opstel of nasien van 'n aansoek of beëdigde verklaring vir 'n aansoek om verlof om te appelleer of bestryding daarvan per bladsy.....	[155,50]	167,00
6.	Opstel van kennisgewing van appèl of ander nodige kennisgewings, per bladsy.....	[155,50]	167,00
4.	Briewe, per bladsy, insluitende afskrif om te hou	[155,50]	167,00
5.	Opstel van volmag, per bladsy.....	[155,50]	167,00
6.	Opstel van kort opdrag aan advokaat, per bladsy.....	[155,50]	167,00
7.	Opstel van borgakte, per bladsy.....	[155,50]	167,00

F – MAAK VAN AFSKRIFTE

			R.s
	Ander dokumente waarvoor nie spesiaal voorsiening gemaak is nie, per bladsy..	[6,00]	7,00

G - KOSTEREKENINGE

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

- Vir die opstel van die kosterekening, die maak van die nodige afskrifte en opwagting by afrekening, 11 persent van die prokureursgelde, hetsy soos in die rekening gehef indien nie getakseer nie of soos by taksasie toegelaat.
- 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.”.

Inwerkingtreëding

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

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 5127

16 August 2024

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), and 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 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 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, R. 507 of 27 June 2014, 571 of 18 July 2014, R. 5 of 9 January 2015, R. 32 of 23 January 2015, R. 33 of 23 January 2015, R. 318 of 17 April 2015, R. 545 of 30 June 2015, R. 2 of 19 February 2016, R. 1055 of 29 September 2017, R. 1272 of 17 November 2017, R. 632 of 22 June 2018, R. 1318 of 30 November 2018, R. 842 of 31 May 2019, R. 1343 of 18 October 2019, R. 107 of 7 February 2020, R. 858 of 7 August 2020, R. 1156 of 30 October 2020, R. 1602 of 17 December 2021, R. 2134 of 3 June 2022, R. 2298 of 22 July 2022, R. 2414 of 26 August 2022, R. 2434 of 2 September 2022, R. 3371 of 5 May 2023, R. 3399 of 12 May 2023 and R. 4476 of 8 March 2024.

Insertion of rule 26A in the Rules

2. The following rule is hereby inserted after rule 26 of the Rules:

“26A Evidence by audio-visual link

(1) (a) Subject to the provisions of section 51C, any party may bring an

interlocutory application in terms of rule 55(4) for evidence to be given by means of audio-visual link.

(b) A court making an order in terms of paragraph (a) may give such directions which it considers appropriate for the taking and recording of such evidence.

(c) An application in terms of this rule must be accompanied by a draft order setting out the terms of the order sought, including particulars of—

- (i) the witness who is required to adduce evidence through audio-visual link; and
- (ii) the address of the premises from where such evidence will be given.”.

Amendment of rule 54 of Rules

3. Rule 54 of the Rules is hereby amended by the insertion after paragraph (g) in sub-rule (3) of the following paragraph:

“(h) The provisions of paragraphs (a) to (g) apply equally, with necessary changes, to a defendant sued by an entity.”.

Amendment of Annexure 1 to the Rules

4 Annexure 1 to the Rules is hereby amended—

(a) by the substitution for Form 24 of Form 24 contained in the Annexure hereto;

(b) by the substitution for Form 24A of Form 24A contained in the Annexure hereto; and

(c) by the substitution for Form 33A of Form 33A contained in the Annexure hereto.

Amendment of Annexure 2 to the Rules

5. Annexure 2 to the Rules is hereby amended—

(a) by the substitution for Tables A and B of the following Tables, respectively:

"TABLE A COSTS

PART I GENERAL PROVISIONS

1. When the amount in dispute is less than or equal to R50 000, costs shall be taxed on Scale B; when the amount in dispute exceeds R50 000, but is less than or equal to the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts, costs shall be taxed on Scale C; when the amount in dispute exceeds the maximum jurisdictional amount so determined by the Minister in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division or when the matter is in respect of a cause of action in terms of section 29(1B)(a) of the Act, costs shall be taxed on Scale D.
2. (a) For the purpose of computing costs, the expression 'amount in dispute' means, where costs are awarded to the plaintiff, the amount or value of the judgment and 'amount or value of the judgment' means, where more than one claim is involved in the action, the total of the amounts involved in the judgment. Where costs are awarded to the defendant, the expression 'amount in dispute' means, the amount or value of the claim, and 'amount or value of the claim' means, where more than one claim is involved in the action, the total of the amounts of all the claims. The amount or value of the judgment or claim shall be inclusive of interest but exclusive of costs. If a matter is settled at any time the costs shall be taxed on the scale laid down in the agreement of settlement.
(b) Where the amount in dispute is not apparent on the face of the proceedings and—
 - (i) the matter is instituted in the Magistrates' Court for a District, costs shall be computed on Scale C; or
 - (ii) the matter is instituted in the Regional Court for a Regional Division, costs shall be computed on Scale D, unless the court orders otherwise.
3. Costs taxable in terms of rule 33(19) shall be deemed to have been awarded under a judgment for the amount offered or a judgment in the terms of the settlement, as the case may be.
4. Claims for ejectment shall be computed at two months' rent of the premises.
5. The rate at which costs are computed shall not be increased by reason of any claim for confirmation of any interdict or interlocutory order.
- 6.
7. Where the amount allowed for an item is specified, the amount shall be inclusive of all necessary attendances and services (other than services by the sheriff for the magistrate's court) in connection therewith save that for the necessary filing of documents at court a charge shall be allowed at **[R36,50]** R39,00 per document.
8. Where the amount allowed for an item is left blank—
 - (a) the drawing of documents (not pleadings) shall be allowed at **[R36,50]** R39,00 for each folio;
 - (b) copies for filing, service and an attorney's copy to retain shall also be allowed;
 - (c) **[R36,50]** R39,00 shall be allowed for each necessary service; and
 - (d) **[R36,50]** R39,00 shall be allowed per document for the necessary filing of

documents at court.

9. (a) Where any document appears to the court to be unnecessary prolix, the court may disallow the whole or any part of the fee therefor.

(b) Where printed forms of documents to be copied are available, the fees for copying shall be limited to the necessary particulars inserted in such printed forms.

10. (a) A folio shall consist of 100 written or printed words or figures or part thereof.

(b) Four figures shall be reckoned as one word.

11. (a) Unless otherwise provided, a charge for perusal shall be allowed at **[R14,00]** R15,00 per folio in respect of any document or pleading necessarily perused.

(b) 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.

12. Where there are more defendants than one, **[R22,50]** R24,00 shall be added in respect of each additional defendant for each of items 2, 2A, 2B and 3 of Part II and items 2 and 7 of Part III.

13. Where the judgment debt is payable in instalments in terms of the judgment or an agreement, a fee of 10% on each instalment collected in redemption of the capital, costs and interest shall be allowed, subject to a maximum of **[R542,50]** R583,00 on each instalment. No additional fee shall be charged for any attendance in connection with the receipt or payment of any instalment.

14. The clerk or registrar of the court shall on taxation disallow any charge unnecessarily incurred.

15. Where the fee under any item is calculated on a time basis, the total time spent on any one day shall be calculated and the fee for that day calculated on such total.

16. Any amount necessarily and actually disbursed in tracing the debtor shall be allowed in addition to the fees laid down in this tariff.

17. Item 10A and 14A of Part III in the tariff to Table A are also applicable to Part IV of the tariff to Table A.

18. Fees to advocates referred to in section 34(2)(a)(i) of the Legal Practice Act, 2014 (Act No. 28 of 2014) shall be allowed on taxation only for items 21 to 26 of Part IV.

19. The fees in Part IV shall be increased by 15% in accordance with any costs order made in terms of rule 33(1)(b) and as allowed at taxation.

PART II
UNDEFENDED ACTIONS

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Item 1 - Registered letter of demand in terms of section 56 of the Act	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts	[R52,50] <u>R56,00</u>
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division	[R72,50] <u>R78,00</u>
Item 2 - Summons, (simple or combined), inclusive of a letter of demand other than the letter of demand referred to in item 1, where the aggregate amount of the claim or claims does not exceed R10 000,00	[R846,00] <u>R908,00</u>
(a)	
(b)	
(c)	
(d)	
Item 2A - Simple summons, inclusive of a letter of demand other than the letter of demand referred to in item 1:	
(a) Claim or claims where the aggregate amount of the claim or claims exceeds R10 000,00 but does not exceed R50 000,00	[R1227,50] <u>R1317,00</u>
(b) Claim or claims where the aggregate of the claim or claims exceeds R50 000 but does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts	[R1475,00] <u>R1583,00</u>
(c) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division or when the matter is in respect of a cause of action in terms of section 29(1B)(a) of the Act	[R1914,00] <u>R2054,00</u>
Item 2B - Combined summons, inclusive of a letter of demand other than the letter of demand referred to in item 1:	
(a) Claim or claims where the aggregate amount of the claim or claims exceeds R10 000,00 but does not exceed R50 000,00	[R1650,50] <u>R1770,00</u>
(b) Claim or claims where the aggregate of the claim or claims exceeds R50 000 but does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts	[R1981,50] <u>R2125,00</u>
(c) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division or when the matter is in respect of a cause of action in terms of	[R2570,00] <u>R2758,00</u>

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section 29(1B)(a) of the Act	
Item 3 – Judgment:	
(a) Where the aggregate of the claim or claims does not exceed the amount in 2	[R170,00] <u>R182,00</u>
(b) Claim or claims where the aggregate of the claim or claims exceeds R10 000,00 but is not more than R50 000,00	[R454,00] <u>R487,00</u>
(c) Claim or claims where the aggregate of the claim or claims exceeds R50 000 but does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of the Magistrates' courts for districts.	[R741,00] <u>R795,00</u>
(d) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of magistrate's court for a regional division or when the matter is in respect of a cause of action in terms of section 29(1B)(a) of the Act.	[R962,00] <u>R1032,00</u>
Item 4 – Notice in terms of rule 12(2)	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts.	[R85,00] <u>R91,00</u>
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division or when the matter is in respect of a cause of action in terms of section 29(1B)(a) of the Act.	[R110,00] <u>R118,00</u>
Item 5 - Notice in terms of rule 54(1)	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts.	[R85,00] <u>R91,00</u>
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division.	[R110,00] <u>R118,00</u>
Item 6 - Affidavit or certificate	-
Item 7 - Attending court at the request of the magistrate when claim is referred to court for judgment or to obtain provisional sentence when claim is undefended	as allowed under item

	R
	15 on the scale for defended actions.
Item 8 - For each registered letter forwarded to the debtor in terms of section 57(1) or (3) or section 58(2), of the Act by the creditor or his or her attorney, including copies	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts.	[R55,50] <u>R60,00</u>
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division.	[R74,00] <u>R79,00</u>
Item 9 - Admission of liability and undertaking to pay debt in instalments or otherwise (section 57 of the Act)	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts.	[R143,50] <u>R153,00</u>
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division.	[R184,50] <u>R198,00</u>
Item 10 - Consent to judgment or to judgment and an order for the payment of judgment debt in instalments (section 58 of the Act)	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts.	[R143,50] <u>R153,00</u>
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division.	[R184,50] <u>R198,00</u>

Note: The amount of fees allowable under items 4, 5, 6, 7, 8, 9 and 10 shall be included without taxation in the amount of the costs for which judgment is entered.

**PART III
DEFENDED ACTIONS (AND INTERPLEADER PROCEEDINGS)**

Item	Scale A R	Scale B R	Scale C R	Scale D R
1 Instructions to sue or defend or to counterclaim or defend a counterclaim, perusal of all documentation and consideration of merits and all necessary consultations to issue summons		[R950,50] <u>R1019,00</u>	[R1190,00] <u>R1277,00</u>	[R1488,00] <u>R1597,00</u>
2 Summons		[R499,50] <u>R536,00</u>	[R598,50] <u>R642,00</u>	[R774,50] <u>R831,00</u>
2A Particulars of Claim or Declaration		[R499,50] <u>R536,00</u>	[R598,50] <u>R642,00</u>	[R774,50] <u>R831,00</u>
3 Appearance		[R59,50] <u>R64,00</u>	[R75,00] <u>R80,00</u>	[R96,50] <u>R103,00</u>
4 Notice under rules 12(2) and 21B(2)		[R59,50] <u>R64,00</u>	[R75,00] <u>R80,00</u>	[R96,50] <u>R103,00</u>
5 Plea		[R499,50] <u>R536,00</u>	[R616,00] <u>R642,00</u>	[R774,50] <u>R831,00</u>
6 Claim in reconvention		[R499,50] <u>R536,00</u>	[R616,00] <u>R642,00</u>	[R774,50] <u>R831,00</u>
7 Reply, if necessary		[R499,00] <u>R536,00</u>	[R616,00] <u>R642,00</u>	[R774,50] <u>R831,00</u>
8 Drawing up of all documents not specifically mentioned, including request for further particulars, schedule of documents, all affidavits, subpoenas, any notice not otherwise provided for and drawing up of statements by witnesses		-	-	-
9 Production of documents for inspection, or inspecting documents, per quarter of an hour or part thereof of the time spent		[R213,00] <u>R229,00</u>	[R267,00] <u>R286,00</u>	[R345,50] <u>R371,00</u>
10. ...				
10A Pagination and indexing of pleadings per quarter of an hour or part thereof:		[R143,50] <u>R153,00</u>	[R175,00] <u>R188,00</u>	[R226,00] <u>R242,00</u>
11 The recording of statements by witnesses, per quarter of an hour or part thereof		[R213,00] <u>R229,00</u>	[R267,00] <u>R286,00</u>	[R345,50] <u>R371,00</u>
12 Notice of trial or reinstatement		[R59,50] <u>R64,00</u>	[R75,00] <u>R80,00</u>	[R96,50] <u>R104,00</u>
13 Preparing for trial (if counsel not employed)		[R1619,00] <u>R1737,00</u>	[R1943,50] <u>R2085,00</u>	[R2524,00] <u>R2708,00</u>
14 Attendance at settlement negotiations, for		[R213,00]	[R267,00]	[R345,50]

Item	Scale A R	Scale B R	Scale C R	Scale D R
each quarter of an hour or part thereof actually spent in such negotiations		<u>R229,00</u>	<u>R286,00</u>	<u>R371,00</u>
14A Drawing up heads of argument per quarter of an hour or part thereof:		[R213,00] <u>R229,00</u>	[R267,00] <u>R286,00</u>	[R345,50] <u>R371,00</u>
15 Attending court during trial, or at an on-the-spot inspection, or at postponement or examination on commission, for each quarter of an hour or part thereof spent in court while the case is actually being heard-				
(a) if an advocate is not employed		[R213,00] <u>R229,00</u>	[R267,00] <u>R286,00</u>	[R345,50] <u>R371,00</u>
(b) if an advocate is employed		[R84,50] <u>R91,00</u>	[R102,00] <u>R109,00</u>	[R134,00] <u>R144,00</u>
16 Attending pre-trial conference, for each quarter of an hour or part thereof actually spent in such conference		[R213,00] <u>R229,00</u>	[R267,00] <u>R286,00</u>	[R345,50] <u>R371,00</u>
17 Attending court to hear reserved judgment, per quarter of an hour or part thereof		[R43,00] <u>R46,00</u>	[R52,50] <u>R56,00</u>	[R68,50] <u>R74,00</u>
18 Correspondence-				
(a) for each necessary letter per folio		[R34,00] <u>R36,00</u>	[R43,00] <u>R46,00</u>	[R54,50] <u>R58,00</u>
(b) for each letter received, provided that a fee for perusal shall not be allowed in addition to the fee herein provided for		[R34,00] <u>R36,00</u>	[R43,00] <u>R46,00</u>	[R54,50] <u>R58,00</u>
19 Attendances: For each necessary attendance not otherwise provided for, per attendance		[R34,00] <u>R36,00</u>	[R43,00] <u>R46,00</u>	[R54,50] <u>R58,00</u>
20 Necessary formal telephone calls, per call		[R34,00] <u>R36,00</u>	[R43,00] <u>R46,00</u>	[R54,50] <u>R58,00</u>
21 Telephone consultations: For every 5 minutes or part thereof, subject to a maximum fee per consultation of [R206,50] <u>R222,00</u> for Scales B to C and [R267,00] <u>R286,00</u> for Scale D		[R59,50] <u>R64,00</u>	[R75,00] <u>R80,00</u>	[R96,50] <u>R104,00</u>
22 Each necessary consultation, per quarter of an hour or part thereof		[R213,00] <u>R229,00</u>	[R267,00] <u>R286,00</u>	[R345,50] <u>R371,00</u>
23 The court may, on request made at the hearing, allow in addition to the fee prescribed in item 13 above a refresher fee in postponed or partly heard trials		[R1049,00] <u>R1126,00</u>	[R1257,50] <u>R1349,00</u>	[R1633,00] <u>R1752,00</u>
24 Time spent waiting at court (owing to no court being available) per quarter of an hour or		[R143,50] <u>R154,00</u>	[R175,00] <u>R188,00</u>	[R226,00] <u>R242,00</u>

Item	Scale A R	Scale B R	Scale C R	Scale D R
part thereof				
25 Travelling time [subject to the provisions of rule 33(9)] per quarter of an hour or part thereof		[R143,00] <u>R154,00</u>	[R175,00] <u>R188,00</u>	[R226,00] <u>R242,00</u>
26 Subsistence and travelling expenses as laid down in rule 33(9)	The actual reasonable subsistence and travelling expenses as laid down in rule 33(9)			

PART IV OTHER MATTERS

Exceptions, applications to strike out, applications for summary judgment, appearance to obtain provisional sentence when claim is defended, interlocutory applications, arrest, interdict, applications under rule 27(9), applications to review judgment, order or taxation, applications for liquidation of close corporations and applications in terms of section 65J of the Act, applications under rule 58 and any other applications.

ITEM	Scale A R	Scale B R	Scale C R	Scale D R
1. (a) Instructions to make application or to oppose or to show cause (the court may on request allow a higher amount)		[R360,00] <u>R386,00</u>	[R428,00] <u>R459,00</u>	[R556,50] <u>R597,00</u>
(b) Instructions to make application for liquidation of close corporation, perusal of all documentation and consideration of merits, and all necessary consultations		[R878,00] <u>R942,00</u>	[R1053,00] <u>R1130,00</u>	[R1369,00] <u>R1469,00</u>
2. Drawing up of all documents, affidavits, applications and notices, orders, etc		-	-	-
3. Attending court on hearing:				
(a) If unopposed or opposed (if an advocate is not employed), for each quarter of an hour or part thereof actually spent in court		[R213,00] <u>R229,00</u>	[R267,00] <u>R286,00</u>	[R345,50] <u>R371,00</u>
(b) If opposed (if an advocate is employed), for each quarter of an hour actually spent in court or part thereof		[R85,00] <u>R91,00</u>	[R104,50] <u>R112,00</u>	[R134,00] <u>R144,00</u>
4. (a) Fee for preparation for argument when opposed		[R874,00] <u>R938,00</u>	[R1053,00] <u>R1130,00</u>	[R1369,00] <u>R1469,00</u>
(b) Fee for preparation for trial where proceedings are referred to trial or oral evidence		[R874,00] <u>R938,00</u>	[R1053,00] <u>R1130,00</u>	[R1369,00] <u>R1469,00</u>

ITEM	Scale A R	Scale B R	Scale C R	Scale D R
4A. Drawing up heads of argument for opposed applications, per quarter of an hour or part thereof:		<u>R196,00</u>	<u>R246,00</u>	<u>R318,00</u>
5. Consultations and settlement negotiations – when opposed, per quarter of an hour or part thereof		<u>[R213,00]</u> <u>R229,00</u>	<u>[R267,00]</u> <u>R286,00</u>	<u>[R345,50]</u> <u>R371,00</u>

ITEM	Scale
TAXATION OF COSTS In connection with a bill of costs for services rendered by an attorney, the attorney shall be entitled to charge:	R
6. For drawing the bill of costs, making the necessary copies and attending settlement, 11 percent of the attorney's fees, either as charged in the bill, if not taxed, or as allowed on taxation.	
7. In addition to the fees charged under item 6, if recourse is had to taxation for arranging and attending taxation, and obtaining consent to taxation, 11 percent on the first R10 000,00 or portion thereof, 6 percent on the next R10 000,00 or portion thereof and 3 percent on the balance of the total amount of the bill.	
8. Attending on review of taxation, for each quarter of an hour or part thereof in court while review is actually being heard	<u>[R213,00]</u> <u>R229,00</u>
9. Notice of application for review of taxation and service	-
10. Affidavit, where necessary	-

EXECUTION	
11. (a) Issue of warrant of execution, ejectment, and delivery up of possession	<u>[R143,50]</u> <u>R154,00</u>
(b) For each reissue thereof	<u>[R59,50]</u> <u>R64,00</u>
12. Inclusive fee for work done in connection with releasing of immovable property attached	<u>[R179,00]</u> <u>R192,00</u>
13. Inclusive fee for work done in connection with sale in execution of immovable property only (excluding work in respect of which fees are already provided for elsewhere and the drawing up of the conditions of sale)	<u>[R454,50]</u> <u>R488,00</u>
14. (a) Drawing up of notice of sale in terms of rule 41(8) or rule 43(7)(b)(i), or conditions of sale in terms of rule 43(8)(a)(i)	-
(b) For all other work done and papers and documents supplied to the sheriff of the magistrate's court in connection with a sale in execution of movable property, an inclusive fee of	<u>[R310,00]</u> <u>R333,00</u>
15. Security for restitution, where necessary	<u>[R119,00]</u> <u>R128,00</u>

WHERE AN ADVOCATE IS EMPLOYED	
16. Instructions for exception or application, where allowed	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts	[R213,00] <u>R229,00</u>
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division	[R277,50] <u>R298,00</u>
17. Instructions on trial	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts	[R273,00] <u>R293,00</u>
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division	[R343,00] <u>R368,00</u>
18. Drawing brief on exception or application, where allowed	-
19. Drawing brief on trial	-
20. Attending each necessary consultation with an advocate, per quarter of an hour or part thereof	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts	[R89,00] <u>R95,00</u>
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division	[R112,00] <u>R120,00</u>

FEEES TO ADVOCATES	
21(a) [With brief to argue exception or application] <u>Appearances in court for unopposed applications, per quarter of an hour or part thereof, subject to a minimum of one hour:</u>	[R1048,00]
Scale B	<u>R196,00</u>
Scale C	<u>R246,00</u>
Scale D	<u>R318,00</u>
(b) <u>Appearances in court for opposed applications, an inclusive fee which includes preparation, consultation and appearance on that same day:</u>	
Scale B	<u>R6272,00</u>
Scale C	<u>R7872,00</u>
Scale D	<u>R10 176,00</u>

<p><u>(c) Drawing up heads of argument for an opposed application, per quarter of an hour or part thereof:</u></p> <p><u>Scale B</u></p> <p><u>Scale C</u></p> <p><u>Scale D</u></p>	<p>R196,00</p> <p>R246,00</p> <p>R318,00</p>
<p><u>(d) For preparation prior to the day of argument, where opposed:</u></p> <p><u>Scale B</u></p> <p><u>Scale C</u></p> <p><u>Scale D</u></p>	<p>R874,00</p> <p>R1053,00</p> <p>R1369,00</p>
<p>22(a) [With trial brief for the first day, not exceeding] <u>Appearances in court for trial matters including part heard and postponed trial matters, an inclusive day fee which includes preparation, consultation and appearance on that same day:</u></p> <p><u>Scale B</u></p> <p><u>Scale C</u></p> <p><u>Scale D</u></p>	<p>[R2973,50]</p> <p>R6272,00</p> <p>R7872,00</p> <p>R10 176,00</p>
<p><u>(b) Drawing up heads of argument for defended actions, per quarter of an hour or part thereof:</u></p> <p><u>Scale B</u></p> <p><u>Scale C</u></p> <p><u>Scale D</u></p>	<p>R196,00</p> <p>R246,00</p> <p>R318,00</p>
<p><u>(c) For preparation prior to the day of trial:</u></p> <p><u>Scale B</u></p> <p><u>Scale C</u></p> <p><u>Scale D</u></p>	<p>R1619,00</p> <p>R1943,00</p> <p>R2524,00</p>
<p>23. In any court held more than 30 km from the nearest town where a provincial or local division (other than a Circuit Court) of the High Court sits, a travelling allowance (in addition to the fee on brief) may be allowed by special order of the court at</p>	<p>[R7,50]</p> <p>R8,00 per km</p>
<p>24. Each necessary consultation, per quarter of an hour</p>	<p>[R213,00]</p> <p>R229,00</p>
<p>[25. For every day exceeding one on which evidence is taken or arguments heard, a refresher not exceeding]</p>	<p>[R1786,50]</p>
<p>26. Drawing up pleadings</p>	<p>[R479,00]</p> <p>R514,00</p>
<p>Notes:</p>	
<p>(a) [In regard to items 22 and 25 a fee in lieu of the fee for the first day's hearing shall be allowed as follows when the case is settled or withdrawn or</p>	

postponed at the instance of any party on or before the date of hearing] In the event that a trial is postponed, settled or withdrawn at the instance of any party on the day of hearing or before the first day's hearing, and a charge for the cancellation of the reservation of any day is levied, a reservation fee may be allowed as follows:	
(i) [not more than two days prior to the date of hearing: The fee otherwise allowable on taxation for the first day's hearing] If postponed, settled or withdrawn on the day of set down or two days before that, a full day fee; or	
(ii) [not less than three days and not more than seven days prior to the date of hearing: Two thirds of the fee under (i); and] If postponed, settled or withdrawn three to seven days before the day of set down, two thirds of a day fee: Provided that no reservation fee will be allowed if a matter is postponed, settled or withdrawn more than seven days before the day of set down.	
[(iii) not less than eight days and not more than 21 days prior to the date of hearing: Half of the fee under (i).]	
(b) Subject to the provisions of Rule 33(8), [The] the court may [on request] allow a higher fee for an advocate with regard to items 21, 22, 24 [25] and 26.	
(c) A fee for travelling time by an advocate shall be allowed at the same rate as for attorneys under rule 33(9).	

MISCELLANEOUS	
27. Obtaining certified copy of judgment	[R107,50] <u>R115,00</u>
28. Obtaining payment in terms of rule 18(4)	[R75,00] <u>R80,00</u>
29. Request for security in terms of rule 62(1)	-
30. Furnishing security in terms of rule 62(1)	-

**TABLE B
COSTS**

PART I

**GENERAL PROVISIONS IN RESPECT OF PROCEEDINGS IN TERMS OF SECTIONS 65
AND 65A TO 65M OF THE ACT**

1. Subject to the provisions of paragraph 3, no fees other than those in the Tariff to this Part shall be allowed.
2. Subject to the provisions of section 65K of the Act, the fees laid down in items (a), (b) or (c) of the Tariff to this Part, as the case may be, shall be payable for the drawing up of

the notice referred to in section 65A(1), including appearance at the inquiry into the judgment debtor's financial position referred to in section 65D, or any appearance at subsequent suspension, amendment or rescission proceedings, and shall, with the exception of the fee allowed under item (m) of the tariff, be chargeable only once for the drawing up, issue and all reissues of the notice and all postponements of the inquiry, irrespective of the number of days on which the proceedings are heard in court: Provided that where the debtor leaves the area of jurisdiction of the court after issue of the notice referred to in section 65A(1) and the notice is reissued in any other district, the aforesaid fee may also be charged in such other district if the court so orders.

3. The following shall be allowed in addition to the fees laid down in the Tariff to this Part:

- (a) All necessary disbursements incurred in connection with the proceedings.
- (b) A fee of 10% on each instalment collected in redemption of the capital and costs of the action, subject to a maximum amount of **[R543,00]** R583,00 on every instalment. Where the amount is payable in instalments the collection fees shall be recoverable only on payment of every instalment. Such fees shall be in substitution for and not in addition to the collection fees prescribed in paragraph 13 of Part 1 of Table A.
- (c) All necessary disbursements incurred in connection with any prior abortive proceedings under section 72, if the court has so ordered.
- (d) Any amount necessarily and actually disbursed in tracing the judgment debtor, where the capital amount of the debt at the time the tracing agent was employed was not less than **[R593,50]** R637,00. The total amount to be allowed for each tracing shall not exceed **[R453,50]** R487,00.

4. For the purpose of the Tariff to this Part the amount of the claim shall, subject to the provisions of paragraph 3(d), be the total of the capital amount and costs outstanding at the date of the first institution of proceedings under section 65A(1) of the Act.

5. Items 1 to 5 of Part IV of Table A of Annexure 2 are applicable in terms of section 65J of the Act.

TARIFF		R
(a)	Where the claim does not exceed the amount of R1 000,00	[R299,50] <u>R321,00</u>
(b)	Where the claim exceeds the amount of R1 000,00 but is not more than R2 000,00	[R453,50] <u>R487,00</u>
(c)	Where the claim exceeds the amount of R2 000,00	[R535,00] <u>R574,00</u>
(d)	Warrant of arrest (Form 40A)	[R118,50] <u>R127,00</u>
(e)	(i) Emoluments attachment order (Form 38)	[R237,00] <u>R254,00</u>
	(ii) Reissue (Certificates included)	[R190,50]

		<u>R204,00</u>
(f)	Application for costs on notice (including appearance in court)	[R118,50] <u>R127,00</u>
(g)	Obtaining a certified copy of a judgment	[R118,50] <u>R127,00</u>
(h)	Affidavit or certificate by the judgment creditor or his or her attorney	[R84,00] <u>R90,00</u>
(i)	For each registered letter forwarded to the debtor in terms of sections 65A(2), 65E(6) or 65J(2) of the Act by the creditor or his or her attorney	[R54,00] <u>R58,00</u>
(j)	Affidavit or affirmation by debtor Rule 45(7)	[R142,00] <u>R152,00</u>
(k)	Request for an order under section 65 of the Act	[R84,00] <u>R90,00</u>
(l)	Attending postponed proceedings in terms of section 65E(3) of the Act or attending proceedings at court pursuant to the arrest of a judgment debtor, director or officer or pursuant to a notice referred to in 65A(8)(b)	[R118,50] <u>R127,00</u>
(m)	Subpoena:	
	(i) Drawing up of subpoena, per folio	[R34,00] <u>R36,00</u>
	(ii) Every necessary attendance, per attendance	[R23,50] <u>R26,00</u>
(n)	(i) Correspondence: For every necessary letter written or received, including copy to retain, provided that a fee for perusal shall not be allowed in addition to the fee herein provided for, per folio	[R34,00] <u>R36,00</u>
	(ii) Attendances: For each necessary attendance not otherwise provided for, per attendance	[R34,00] <u>R36,00</u>
	(iii) Necessary formal telephone calls, per call	[R34,00] <u>R36,00</u>

PART II

GENERAL PROVISIONS IN RESPECT OF PROCEEDINGS IN TERMS OF SECTION 72 OF THE ACT

1. Subject to the provisions of paragraphs 2 and 3 no fees other than those laid down in the Tariff to this Part shall be allowed.
2. Paragraph 3(a), (b) and (d) of the general provisions under Part 1 of this Table shall apply *mutatis mutandis* to this Part.
3. All necessary disbursements incurred in connection with any prior abortive proceedings under section 65 shall be allowed if the court has so ordered.
4. For the purpose of the Tariff to this Part the amount of the claim shall, subject to the provisions of paragraph 3(d) of the general provisions under Part 1 of this Table, be the total

of the capital amount outstanding at the date of the first institution of proceedings in terms of section 72 of the Act.

TARIFF	
	R
(a) Where the claim does not exceed R200.00	[R179,00] <u>R192,00</u>
(b) Where the claim exceeds R200.00	[R382,00] <u>R410,00</u>
(c) Obtaining certified copy of a judgment	[R107,50] <u>R115,00</u>
(d) Application for an order of execution against the garnishee	[R107,50] <u>R115,00</u>
(e) Garnishee order (Form 39)	[R142,00] <u>R152,00</u>

PART III
GENERAL PROVISIONS IN RESPECT OF PROCEEDINGS IN TERMS OF SECTION 74
OF THE ACT

1. The following fees shall be allowed in addition to those laid down in the Tariff to this Part:

- (a) All necessary disbursements incurred in connection with the proceedings.
 (b) In addition to the fees stated below, the administrator shall be entitled to a fee of 10% on each instalment collected for the redemption of capital and costs, which amount is included in the 12,5 % in terms of section 74L(2) of the Act.

2. For the purposes of items 4 and 5 of the Tariff to this Part, a folio shall consist of 100 written or printed words or figures and four figures shall be reckoned as one word.

TARIFF			
Item	One to ten creditors	Eleven to twenty creditors	Twenty-one or more creditors
	R	R	R
1. Instructions to apply for administration order, including the necessary perusal of summonses, demands, etc, and ascertaining the amount of assets and liabilities, including all attendances and correspondence necessary in connection therewith	[R213,00] <u>R229,00</u>	[R298,00] <u>R321,00</u>	[R477,00] <u>R512,00</u>
2. Instructions on application under section 74Q(1) or to oppose such application or the granting of administration order	[R170,00] <u>R182,00</u>	[R170,00] <u>R182,00</u>	[R170,00] <u>R182,00</u>

3. Drawing up application for administration order or review thereof and affidavit, including all annexures thereto and all attendances, excluding attendance in court	[R297,00] <u>R319,00</u>	[R297,00] <u>R319,00</u>	[R297,00] <u>R319,00</u>
4. Making copies of application, affidavit and annexures for creditors, per page	[R6,00] <u>R7,00</u>	[R6,00] <u>R7,00</u>	[R6,00] <u>R7,00</u>
5. Perusal of application and other documents served, if any, per folio. Note: The fees under this item are only claimed by the attorney or an opposing party.	[R13,50] <u>R15,00</u>	[R13,50] <u>R15,00</u>	[R13,50] <u>R15,00</u>
6. Attending court:			
(a) On postponement or setting aside, if not occasioned by the attorney or his or her client;	[R80,50] <u>R86,00</u>	[R80,50] <u>R86,00</u>	[R80,50] <u>R86,00</u>
(b) On any other hearing	[R170,00] <u>R182,00</u>	[R320,00] <u>R343,00</u>	[R320,00] <u>R343,00</u>
7. For furnishing to a creditor by the administrator of the information referred to in section 74 m(a) of the Act, per application	[R23,50] <u>R25,00</u>	[R23,50] <u>R25,00</u>	[R23,50] <u>R25,00</u>
8. For furnishing of a copy of the debtor's statement of affairs referred to in sections 74 and 74A(1) of the Act by the administrator in terms of section 74M(b) or of a list or account referred to in section 74G(1) or 74J of the Act or of the debtor's statement of affairs referred to in section 65l(2) of the Act, per page	[R6,00] <u>R7,00</u>	[R6,00] <u>R7,00</u>	[R6,00] <u>R7,00</u>
9. Correspondence and attendances	[R35,00] <u>R38,00</u>	[R35,00] <u>R38,00</u>	[R35,00] <u>R38,00"</u>

(b) by the substitution for Part II of Table C of the following Part:

**“PART II
SHERIFFS WHO ARE NOT OFFICERS OF THE PUBLIC SERVICE**

1A. For registration of any document for service or execution upon receipt thereof:
[R13,00] R14,00.

1B. (a) For the service of a summons, subpoena, notice, order or other document not being a document mentioned in item 2[, **the journey to and from the place of service of any of the above-mentioned documents—]**

[(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: R62,00;]

[(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: **R84,00];R90,00.**

(b) For the attempted service of the documents mentioned in paragraph (a)[, **the journey to and from the place of attempted service of any of the above-mentioned**

documents—]

[(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: R52,00;]:R56,00.

[(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: R75,50;]

(c) (i) Where a document must be served together with a process of the court and is mentioned in such process or is an annexure thereto, no additional fees shall be charged for service of the document, otherwise **[R13,00]** R14,00 may be charged for every separate document served;

(ii) No fees shall be charged for a separate document when process in criminal matters is served;

(iii) The service of a notice referred to in rule 54(1) simultaneously with the summons shall not be regarded as a separate service;

(iv) Where a mandator instructs the sheriff, in writing, to serve or execute a document referred to in item 1B(a) or (2)(a) on an urgent basis or after hours, the sheriff shall charge an additional fee of **[R279,50]** R300,00 for such service irrespective of whether the service or execution was successful, which additional fee shall be paid by the mandator, save where the court orders otherwise;

(v) For the purpose of sub-paragraph (iv)—

(aa) “urgent” means on the same day or within twenty four hours of the written instruction; and

(bb) “after hours” means any time—

(aaa) before 7h00 or after 19h00 on Mondays to Fridays; or

(bbb) on a Saturday, Sunday or public holiday.

2. (a) For the execution of a warrant (other than against immovable property), interdict, garnishee order or emoluments attachment order**], the journey to and from the place of execution of the above-mentioned documents—]**

[(i) within a distance of 6 kilometres from the court-house of the district for which the sheriff is appointed: R75,50;]

[(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: R84,00;]

[(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: R105,00]:R113,00.

(b) For the attempted execution of the documents mentioned in paragraph (a)**], the journey to and from the place of attempted execution of the above-mentioned documents—]**

[(i) within a distance of 6 kilometres from the court-house of the district for which the sheriff is appointed: R62,00;]

[(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: R75,50;]:R81,00.

[(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: R94,00;]

(c) (i) For the ejection of a defendant from the premises referred to in the warrant of ejection: **[R45,00 per half hour]** R273,00 for the first hour or part thereof [.] and

thereafter R126,00 per every half hour or part thereof (except extraordinary expenses necessarily incurred);

(ii) A further fee of **[R29,50]** R32,00 shall be paid after execution for every person over and above the person named or referred to in the process of ejection, in fact ejected from separate premises: Provided that where service on any person other than the judgment debtor, respondent or garnishee is necessary in order to complete the execution, the fee laid down in item 1B(a) may be charged in respect of each such service.

(d) for the execution of any writ 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 office charged with the registration of such property, and if the property is in occupation of some other person other than the owner, also upon such occupier: **[R247,50]** R266,00;

(ii) for notice of attachment to a single lessee or occupier: **[R22,50]** R24,00;

(iii) identical notices where there are several lessees, occupiers or owners, for each after the first: **[R8,50]** R9,00;

(iv) for making valuation report for purposes of sale, per half hour or part thereof: **[R60,00]** R64,00;

(v) when 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: **[R247,50]** R266,00; Upliftment of judicial attachment on immovable property: **[R247,50]** R266,00;

(vi) 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): **[R124,50]** R134,00;

(vii) 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: **[R21,00]** R23,00;

(viii) for consideration of proof that a preferent creditor has complied with the requirements of rule 43(5)(a): **[R13,50]** R14,00;

(ix) for notice referred to in rule 43(6): **[R22,50]** R24,00;

(x) for considering of notice of sale prepared by the execution creditor in consultation with the sheriff; and

for verifying that notice of sale has been published in the newspapers indicated and in the *Gazette*, inclusive fee for such consideration and verification: **[R124,50]** R134,00;

(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: **[R22,50]** R24,00;

(xii) for affixing a copy of the notice of sale to the notice board of the magistrates' court referred to in rule 43(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 **[R53,50]** R57,00 and travelling costs referred to in item 4(a);

(xiii) for considering the conditions of sale prepared by execution creditor; for considering further or amended conditions of sale submitted by interested party; settling of conditions of sale: **[R124,50]** R134,00 for each attendance;

(xiv) for all necessary attendances prescribed by any law related to auctions, in particular the Consumer Protection Act, 2008 (Act No. 68 of 2008): **[R374,00]** R401,00;

- (xv) for the conducting of an auction, save that this fee may not be charged if commission is claimed in terms of items 2(d)(xvi) and (xvii): **[R247,50]** R266,00;
- (xvi) 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;
- (xvii) If an auctioneer is employed as provided in rule 43(10), 3 per cent on the first R100 000,00, 2 per cent on R100 001,00 to R400 000,00 and 1 per cent on the balance thereof, subject to a maximum commission of R22 850,00 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;
- (xviii) for written notice to the purchaser who has failed to comply with the conditions of sale: **[R62,00]** R67,00;
- (xix) for any report referred to in rule 43(11): **[R62,00]** R67,00;
- (xx) for informing judgment debtor of the cancellation referred to in rule 43(11)(a)(iii): **[R22,50]** R24,00;
- (xxi) for giving notice referred to in rule 43(11)(c): **[R22,50]** R24,00;
- (xxii) for giving transfer to the purchaser: **[R29,50]** R32,00;
- (xxiii) for receipt of certificate referred to in rule 43(14)(a): **[R22,50]** R24,00;
- (xxiv) for preparing a plan of distribution of the proceeds (including necessary copies) and for forwarding a copy to the registrar: **[R124,50]** R134,00;
- (xxv) 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: **[R22,50]** R24,00;
- (xxvi) for the report referred to in rule 43A(9)(d): **[R62,00]** R67,00;
3. Compilation of any return in terms of rule 8, in duplicate: **[R22,00]** R24,00.
4. (a) The Sheriff shall, in addition to the fees mentioned in items 1B(a), 1B(b), 2(a) and 2(b), but subject to item 4(b) and (c), be allowed a travelling allowance of 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 4(a), 5(a) and 5(c)(i) 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 4(b) is not met, then the travelling allowance mentioned in items 4(a), 5(a) and 5(c)(i) shall be calculated on the distance reckoned from the court-house closest to the address for service.
5. (a) In respect of the discharge of any official duty other than those mentioned in items 1 and 2, but subject to item 4(b) and (c), a travelling allowance of R7,50 per kilometre for every 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.

(d) When it is necessary for the sheriff to convey any person under arrest, an allowance of R7,50 per kilometre in respect of that portion of his or her journey on which he or she was necessarily accompanied by such person shall be allowed.

6. (a) Making an inventory, including the making of all necessary copies and time spent on stock-taking: **[R45,00]** R48,00 per half hour or part thereof.

(b) For assistance, if necessary, with the making of an inventory, **[R45,00]** R48,00 per half hour or part thereof.

(c) For the attendances referred to in rule 41(11): R52,50.

7. The perusing, drawing up and completing of a bail bond, deed of suretyship or indemnity bond: **[R13,50]** R14,00.

8. Charge or custody of property (money excluded):

(a) (i) For each officer necessarily left in possession, a reasonable inclusive amount not exceeding **[R155,00]** R166,00 per day.

(ii) Travelling allowances, to include board in every case.

(b) If livestock is attached, only the necessary expenses of herding and preserving the stock shall be allowed.

(c) If the goods are removed and stored, only the cost of removal and storage shall be allowed.

9. (a) **'possession'** shall mean actual physical possession by a person employed and paid by the sheriff, whose sole work for the time being is to remain on the premises where the goods have been attached, and who, in fact, remains in possession for the period for which possession is charged.

(b) **'cost of removal'** shall mean the amount actually and necessarily disbursed for removal or attempted removal if the goods were removed by a third party or an attempt was made to remove them, if they were removed by the sheriff him or herself, such amount as would fairly be allowable in the ordinary course of business if the goods were removed by a third party, or an attempt was made to so remove them.

(c) **'cost of storage'** shall mean the amount actually and necessarily paid for storage if the goods were stored with a third person or, if the sheriff provided the storage, such amount as would fairly be allowable in the ordinary course of business if the goods were stored with a third person.

10. (a)(i) Where a garnishee order is paid in full or in part, to the sheriff, 9 per cent on the amount paid with a minimum fee of **[R83,50]** R90,00 and a maximum of **[R820,50]** R880,00;

(ii) For the execution of any warrant against movable property—

(aa) when a warrant is paid in full or in part on presentation to the sheriff, 9 per cent on the amount so paid with a minimum fee of **[R83,50]** R90,00 and a maximum of **[R820,50]** R880,00;

(bb) when a warrant is paid in full or in part to the sheriff after attachment but before sale, 9 per cent on the amount so paid with a minimum fee of **[R83,50]** R90,00 and a maximum of **[R820,50]** R880,00; or

(cc) when moneys are taken in execution, 9 per cent of the amount so taken, but subject to a maximum of **[R820,50]** R880,00;

(b) Notice of attachment to defendant and to each person to be notified: **[R13,50]** R14,00;

11. (a) Where property is released from attachment in terms of rule 41(18)(a), or the warrant of execution is withdrawn or stayed, or the judgment debtor's estate is sequestered after the attachment, but before the sale, 2,3 per cent of the value of the goods attached, subject to a maximum of **[R247,50]** R266,00: Provided that if a sale subsequently takes place in consequence of the said attachment, the amount so paid shall be deducted from the commission payable under item 12.

(b) Commission referred to in item 11(a) shall not be chargeable against a judgment debtor on the value of movable property attached and subsequently released pursuant to a claim by a third party, unless notwithstanding a claim by a third party, the removal of such property is done at the express direction of the judgment creditor, in writing, in which event the judgment creditor shall be liable to the sheriff for commission at a rate of 2,3% of the value of the goods and costs.

12. Where the warrant of execution against movables is completed by sale, 9 per cent for the first R15 000,00 or part thereof, and thereafter 6 per cent, with a maximum of **[R10 923,50]** R11 721,00;

13. For the insurance of attached property, if deemed necessary, and on written instructions of the judgment creditor to the sheriff, in addition to the premium to be paid, an all-inclusive amount of **[R45,00]** R48,00.

14. ...

15. When immovable property has been attached in execution and the attachment lapses, as referred to in section 66(4) of the Act: **[R75,50]** R81,00;

16. ...

17. In addition to the fees allowed by items 10 to 13, both inclusive, there shall be allowed—

(a) the sum actually and reasonably paid by the sheriff or the auctioneer for printing, advertising and giving publicity to any sale or intended sale in execution.

18. Where the sheriff is in possession under more than one warrant of execution, he or she may charge fees for only one possession, and such possession shall, as far as possible, be apportioned equally to the several warrants issued during the same period: Provided that each execution creditor shall be jointly and severally liable for such possession to an amount not exceeding what would have been due under his or her execution if it had stood alone.

19. Fees payable on the value of goods attached or on the proceeds of the sale of goods in execution shall not be chargeable on such value or proceeds so far as they are in excess of the amount of the warrant.

20. The fees and expenses of the sheriff in execution of a garnishee order shall be added to the amount to be recovered under the order, and shall be chargeable against the judgment debtor.

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

(a) the address of service which appears on the process does not fall within his or her jurisdiction; or

(b) the mandator requested, before an attempted service or execution of the process, that it be returned to him or her,

an amount of **[R13,50]** R14,00 shall be payable.

22. For the conveyance of any person arrested by the sheriff or committed to his or her custody from the place of custody to the court on a day subsequent to the day of arrest: **[R45,00]** R48,00 per journey and **[R84,00]** R90,00 per hour, or part thereof, for attending at court.

23. For the examination of an indicated newspaper in which the notice of sale has been published, as referred to in rule 41(19)(c): **[R13,50]** R14,00.

24. ...

25. For affixing a copy of the notice of sale on the notice board or door of the court-house or other public building and at or as near as may be to the place where the said sale is actually to take place referred to in rule 41(19)(b): **[R30,50]** R33,00 and travelling costs, referred to in item 5(a).

26. For interpleaders referred to in Magistrates' Courts Rule 44.....**[R228,00]** R245,00.

27. In addition to the fees prescribed in this Table, the sheriff shall be entitled to the amount actually disbursed for postage and telephone calls.

28. For the writing of each necessary letter, facsimile or electronic mail, excluding formal letters accompanying process or returns: **[R22,50]** R24,00;

29. Each necessary attendance by telephone: **[R21,50]** R23,00;
30. Sending and receiving of each necessary facsimile or electronic mail per page (in addition to telephone charges): **[R8,50]** R9,00.
31. ...
32. For the making of all necessary copies of documents: **[R6,50]** R7,00, per A4 size page
33. (a) A request to tax an account of a sheriff shall be made in writing within 20 days after the date on which the account of which the fees are disputed, has been rendered.
(b) For the drawing up of the bill for taxation and attendance of the taxation by the sheriff: **[R84,00]** R90,00;
34. Bank charges: Actual costs incurred relating to bank charges.
35. (a) Drafting of notice to the judgment debtor in terms of section 65A(8)(b) of the Act: **[R22,50]** R24,00;
(b) Service of the notice referred to in paragraph (a): Tariff as prescribed in item 1B(a).
(c) Attempted service of the notice referred to in paragraph (a): Tariff as prescribed in item 1B(b).
(d) The tariff, as prescribed in item 4, shall apply to paragraphs (b) and (c).
36. (a) For the arrest or attempted arrest of a judgment debtor in terms of section 65A(6) of the Act:
(i) The tariff as prescribed in item 2(a) or item 2(b), as the case may be.
(ii) The tariff, as prescribed in item 4, shall apply to this item.
(b) For the handing over of the judgment debtor to the South African Police Service, prisoners' friend or clerk of the court or other lawful place of detention:
(i) The tariff, as prescribed in item 2(a).
(ii) Travelling costs from place of arrest to place of handing over to the relevant authority, referred to in paragraph (b), per kilometre or part thereof: R7,50.
(iii) Waiting time in regard to handing over the judgment debtor to the relevant authority, referred to in paragraph (b): **[R45,00]** R48,00, per half hour or part thereof, with a maximum of **[R164,50]** R177,00."

Commencement

6. These rules and forms come into operation on **20 September 2024**.

ANNEXURE

"No. 24 – Subpoena

*For use in the District Court

In the Magistrates' Court for the District of
held at Case No. of 20.....

In the matter between

..... Plaintiff
and

..... Defendant

To: the Sheriff/Deputy Sheriff:

INFORM:

(1) of

(2) of

(3) of

(4) of

(State names, occupation and place of business or residence of each witness)

(1) that each of them is hereby required to appear in person before this court at court number..... on the day of, 20....., at..... (time) **[in the above-mentioned action]** and thereafter to remain in attendance until excused by the court, in order to give evidence or to produce **[books, papers or]** any document or thing **[documents]** on behalf of the [.....] above-named Plaintiff/Defendant and, where **[(Where documents)]** any document or thing is **[are]** required to be produced, **[add:] and]** inform such person to bring **[with each one of them]** and then produce to the court **[the deeds, documents, books, writings, tape, electronic, digital or other form of recordings (hereinafter referred to as "documents")]** the document or thing[s] specified in the list hereunder[.];

[Payment] (2) that payment of the witness fees for **[the witnesses]** each of them as provided for and allowed under section 51*bis* of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), as amended, is hereby tendered by the Plaintiff/Defendant; and[.]

(3) further inform each of the said persons of the following:

(a) If any person, being duly subpoenaed to give evidence or to produce any **[books, papers or]** document[s] or thing in his or her possession or

under his or her control, which the party requiring the witness(es)' attendance desires to show in evidence, fails, without lawful excuse, to attend or to give evidence or to produce **that [those books, papers or] document[s] or thing** according to the subpoena or, unless duly excused, fails to remain in attendance throughout the trial, the court may, upon being satisfied on oath or by the return of the messenger that such person has been duly subpoenaed and that such person's reasonable expenses, calculated in accordance with the tariff prescribed under section 51bis, have been paid or offered to such person, impose upon the said person a fine not exceeding R300,00, and in default of payment, imprisonment for a period not exceeding three months.

(b) **[If privilege is claimed in respect of any document or thing, the party that caused the subpoena to be issued shall be informed within five days of receipt of the subpoena of the nature of the privilege claimed; and](i)** At the hearing of the matter the said person may claim privilege when called to testify in respect of evidence to be given or the document or thing to be produced, but such document or thing listed herein must be brought to court and be in such person's possession pending the determination of any claim of privilege.

(ii) Such person may waive privilege, but if the person intends claiming privilege in respect of the production of any document or thing, the said person must inform the party that caused the subpoena to be issued, as soon as is practicable prior to the hearing date, of the nature of privilege being claimed.

(c) Such person is entitled to the return of the document or thing after the inspection, [or] photocopying or photographing thereof by the parties.

Dated at this day of, 20

.....
Clerk of the Court

.....
Plaintiff/Defendant/Attorney"

LIST OF DOCUMENTS OR THINGS TO BE PRODUCED

Date	Description	Original or Copy
.....
.....
.....

(See back.)
[Print on back, paragraphs (a) and (b) of section 51(2) of the Act]

No. 24 – Subpoena

***For use in the Regional Court**

In the Regional Court for the Regional Division of
 held at Case No. of 20.....

In the matter between
 Plaintiff
 and
 Defendant

To: the Sheriff/Deputy Sheriff:

INFORM:

- (1) of
- (2) of
- (3) of
- (4) of

(State names, occupation and place of business or residence of each witness)

(1) that each of them is hereby required to appear in person before this court at court number..... on the day of, 20....., at..... (time) **[in the above-mentioned action]** and thereafter to remain in attendance until excused by the court, in order to give evidence or to produce **[books, papers or] any document or thing [documents]** on behalf of the [.....] above-named Plaintiff/Defendant and, where **[(Where documents)]** any document or thing is **[are]** required to be produced, **[add:] and]** inform such person to bring **[with each one of them]** and then produce to the court **[the deeds, documents, books, writings, tape, electronic, digital or other form of recordings (hereinafter referred to as “documents”)]** the document or thing[s] specified in the list hereunder[.];

[Payment] (2) that payment of the witness fees for **[the witnesses]** each of them as provided for and allowed under section 51bis of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), as amended, is hereby tendered by the Plaintiff/Defendant; and[.]

(3) further inform each of the said persons of the following:

- (a) If any person, being duly subpoenaed to give evidence or to produce any **[books, papers or] document[s] or thing** in his or her possession or under his or her control, which the party requiring the witness(es)' attendance desires to show in evidence, fails, without lawful excuse, to attend or to give evidence or to produce

that [those books, papers or] document[s] or thing according to the subpoena or, unless duly excused, fails to remain in attendance throughout the trial, the court may, upon being satisfied on oath or by the return of the messenger that such person has been duly subpoenaed and that such person's reasonable expenses, calculated in accordance with the tariff prescribed under section 51bis, have been paid or offered to such person, impose upon the said person a fine not exceeding R300,00, and in default of payment, imprisonment for a period not exceeding three months.

(b) [If privilege is claimed in respect of any document or thing, the party that caused the subpoena to be issued shall be informed within five days of receipt of the subpoena of the nature of the privilege claimed; and](i) At the hearing of the matter the said person may claim privilege when called to testify in respect of evidence to be given or the document or thing to be produced, but such document or thing listed herein must be brought to court and be in such person's possession pending the determination of any claim of privilege.

(ii) Such person may waive privilege, but if the person intends claiming privilege in respect of the production of any document or thing, the said person must inform the party that caused the subpoena to be issued, as soon as is practicable prior to the hearing date, of the nature of privilege being claimed.

(c) Such person is entitled to the return of the document or thing after the inspection, [or] photocopying or photographing thereof by the parties.

Dated at this day of, 20

.....
Registrar of the Court

.....
Plaintiff/Defendant/Attorney"

LIST OF DOCUMENTS OR THINGS TO BE PRODUCED

Date	Description	Original or Copy
.....
.....
.....
.....

(See back.)
[Print on back, paragraphs (a) and (b) of section 51(2) of the Act]"

“No. 24A – Subpoena duces tecum

***For use in the District Court**

In the Magistrates’ Court for the District of
held at Case No. of 20.....

In the matter between
..... Plaintiff
and
..... Defendant

To: the Sheriff/Deputy Sheriff:

INFORM:

- (1) of
- (2) of
- (3) of
- (4) of

(State names, **[sex,]** occupation and place of business or residence of each witness)

(1) that each of such persons shall, within 10 days of receipt of this subpoena, lodge with the clerk of the said **[Court]** court the documents listed below (**[here]** describe accurately each document to be produced) and/or inform the clerk of the whereabouts of **[(here describe a) the thing listed below and to be produced:]**

- (1)
- (2)
- (3)
- (4)

unless such person claims privilege in respect of any document **[of]** or thing; and

(2) **[AND]** INFORM each of the said persons **[further that]** of the following:

(a) If any person, being duly subpoenaed to give evidence or to produce any **[books, papers or]** document**[s]** or thing in his or her possession or under his or her control, which the party requiring the witness(es)' attendance

desires to show in evidence, fails, without lawful excuse, to attend or to give evidence or to produce that [those books, papers or] document[s] or thing according to the subpoena or, unless duly excused, fails to remain in attendance throughout the trial, the court may, upon being satisfied on oath or by the return of the messenger that such person has been duly subpoenaed and that such person's reasonable expenses, calculated in accordance with the tariff prescribed under section 51*bis*, have been paid or offered to such person, impose upon the said person a fine not exceeding R300,00, and in default of payment, imprisonment for a period not exceeding three months.

(b) Such person may waive privilege but, [If] if privilege is claimed in respect of any document or thing, the party that caused the subpoena to be issued shall be informed, within five days of receipt of the subpoena, of the nature of the privilege claimed[; and] .

(c) Such person is entitled to the return of the document or thing after the inspection, [or] photocopying or photographing thereof by the parties.

Dated at this day of, 20

.....
Clerk of the Court

.....
Plaintiff/Defendant/Attorney

No. 24A – Subpoena *duces tecum*

***For use in the Regional Court**

In the Regional Court for the Regional Division of
held at Case No. of 20.....

In the matter between
..... Plaintiff
and
..... Defendant

To: the Sheriff/Deputy Sheriff:

INFORM:

- (1) of
- (2) of
- (3) of
- (4) of

(State names, [**sex,**] occupation and place of business or residence of each witness)

(1) that each of such persons shall, within 10 days of receipt of this subpoena, lodge with the registrar of the said [**Court**] court the documents listed below (**[here]** describe accurately each document to be produced) and/or inform the registrar of the whereabouts of **[(here describe a) the thing listed below and to be produced:]**

- (1)
- (2)
- (3)
- (4)

unless such person claims privilege in respect of any document [**of**] or thing; and

(2) **[AND]** INFORM each of the said persons **[further that]** of the following:

(a) If any person, being duly subpoenaed to give evidence or to produce any **[books, papers or]** document**[s]** or thing in his or her possession or under his or her control, which the party requiring the witness(es)' attendance desires to show

in evidence, fails, without lawful excuse, to attend or to give evidence or to produce that [those books, papers or] document[s] or thing according to the subpoena or, unless duly excused, fails to remain in attendance throughout the trial, the court may, upon being satisfied on oath or by the return of the messenger that such person has been duly subpoenaed and that such person's reasonable expenses, calculated in accordance with the tariff prescribed under section 51 *bis*, have been paid or offered to such person, impose upon the said person a fine not exceeding R300,00, and in default of payment, imprisonment for a period not exceeding three months.

(b) Such person may waive privilege but, [if] if privilege is claimed in respect of any document or thing, the party that caused the subpoena to be issued shall be informed, within five days of receipt of the subpoena, of the nature of the privilege claimed; **and** .

(c) Such person is entitled to the return of the document or thing after the inspection, [or] photocopying or photographing thereof by the parties.

Dated at this day of, 20

.....
Registrar of the Court

.....
Plaintiff/Defendant/Attorney”

"No. 33A – Conditions of sale in execution of immovable property***For use in the District Court**

In re:

..... Execution Creditor

and

..... Judgment Debtor

The immovable property (hereinafter referred to as the 'property') which will be put up for auction on the day of 20....., consists of:

The sale shall be conducted on the following conditions:

1. The sale shall be conducted in accordance with the provisions of rule 43 of the Magistrates' Courts Rules and all other applicable law.
2. The property shall be sold by the sheriff of or XYZ Auctioneers of at to the highest bidder without reserve/subject to a reserve price of
3. The sale shall be for rands, and no bid for less than one thousand rands shall be accepted.
4. If any dispute arises about any bid, the property may again be put up for auction.
5.
 - (a) If the sheriff/auctioneer makes any mistake in selling, such mistake shall not be binding on any of the parties, but may be rectified.
 - (b) If the sheriff/auctioneer suspects that a bidder is unable to pay either the deposit referred to in condition 7 or the balance of the purchase price, the sheriff/auctioneer may refuse to accept the bid of such bidder, or accept it provisionally until the bidder satisfies the sheriff/auctioneer that such bidder is able to pay the deposit and the balance of the purchase price.
 - (c) On the refusal of a bid under circumstances referred to in paragraph (b), the property may immediately be put up for auction again.
6.
 - (a) The purchaser shall, as soon as possible after the sale and immediately on being requested by the sheriff/auctioneer, sign these conditions.
 - (b) If the purchaser purchases in a representative capacity, the purchaser shall

disclose the name of the principal or person on whose behalf the property is being purchased.

7. (a) The purchaser shall pay to the sheriff a deposit of 10 per cent of the purchase price in cash or by electronic funds transfer on the day of the sale.

(b) The balance shall be paid against transfer and shall be secured by a guarantee issued by a financial institution approved by the execution creditor or his or her attorney, and shall be furnished to the sheriff within days after the date of sale.

8. (a) If the purchaser fails to carry out any obligation due by the purchaser under the conditions of sale, the sale may be cancelled by a magistrate summarily on the report of the sheriff after due notice to the purchaser, and the property may again be put up for sale.

(b) In the event of the circumstances in paragraph (a) occurring, the purchaser shall be responsible for any loss sustained by reason of such default, which loss may, on the application of any aggrieved creditor referred to in subparagraphs (i) and (ii) of Rule 43(14)(c), be recovered from the purchaser under judgment of a magistrate pronounced on a written report by the sheriff, after such purchaser has been given notice in writing that such report will be laid before the magistrate for such purpose.

(c) If the purchaser is already in possession of the property, the sheriff may, on notice to affected parties, apply to a magistrate for an order evicting the purchaser or any person claiming to occupy the property through the purchaser or otherwise occupying the property.

9. (a) The purchaser shall immediately on demand pay the sheriff's commission / auctioneer's fees and expenses calculated as follows:

.....;

(b) The purchaser shall be liable for and pay, within 10 days of being requested to do so by the appointed conveyancer, the following:

(i) All amounts due to the municipality servicing the property, in terms of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), for municipal service fees, surcharges on fees, property rates and other municipal taxes, levies and duties that may be due to a municipality; and where applicable.

(ii) All levies due to a body corporate in terms of the Sectional Titles Act, 1986 (Act 95 of 1986) or amounts due to a home owners or other association which renders services to the property.

(iii) The costs of transfer, including conveyance fees, transfer duty and any other amount necessary for the passing of transfer to the purchaser.

10. (a) The property may be taken possession of after signature of the conditions of sale, payment of the deposit and upon the balance of the purchase price being secured in terms of condition 7(b).
- (b) Should the purchaser receive possession of the property, the purchaser shall be liable for occupational rental at the rate of R..... per month fromto date of transfer.
- (c) Upon the purchaser taking possession, the property shall be at the risk and profit of the purchaser.
- (d) The execution creditor and the sheriff/auctioneer give no warranty that the purchaser shall be able to obtain personal and/or vacant occupation of the property or that the property is not occupied.
11. (a) The purchaser shall be entitled to obtain transfer forthwith upon payment of the whole purchase price and compliance with condition 9, alternatively, transfer shall be passed only after the purchaser has complied with the provisions of conditions 7 and 9 hereof.
- (b) If the transfer is delayed by the purchaser, the purchaser shall be liable for interest at the rate of per cent per annum on the purchase price.
12. (a) The sheriff may demand that any improvements to the property sold shall be immediately insured by the purchaser for their full value, proof of insurance given to the sheriff and such insurance policy kept in force until transfer is registered.
- (b) Should the purchaser fail to comply with the obligations in paragraph (a), the sheriff may effect the necessary insurance, the cost of which insurance shall be for the purchaser's account.
13. (a) The property is sold as represented by the title deeds and diagram or sectional plan, subject to all servitudes and conditions of establishment, whichever applies to the property.
- (b) The sheriff/auctioneer shall not be liable for any deficiency that may be found to exist in the property.
14. The execution creditor shall appoint the conveyancer to effect transfer of the property to the purchaser: Provided that the sheriff shall be entitled to appoint a new conveyancer should the conveyancer appointed by the execution creditor not proceed timeously or satisfactorily with the transfer.

Signed at..... this day of, 20.....

I certify hereby that today the in my presence the herein

beforementioned property was sold for
to.....
.....
.....

.....
Sheriff/Auctioneer

I, the undersigned, residing at in the district of
..... do hereby bind myself as the purchaser of the herein beforementioned
property to pay the purchase price and to perform all and singular the conditions mentioned
above.

.....
Purchaser

No. 33A – Conditions of sale in execution of immovable property***For use in the Regional Court**

In re:

..... Execution Creditor

and

..... Judgment Debtor

The immovable property (hereinafter referred to as the 'property') which will be put up for auction on the day of 20....., consists of:

The sale shall be conducted on the following conditions:

1. The sale shall be conducted in accordance with the provisions of rule 43 of the Magistrates' Courts Rules and all other applicable law.
2. The property shall be sold by the sheriff of or XYZ Auctioneers of at to the highest bidder without reserve/subject to a reserve price of
3. The sale shall be for rands, and no bid for less than one thousand rands shall be accepted.
4. If any dispute arises about any bid, the property may again be put up for auction.
5.
 - (a) If the sheriff/auctioneer makes any mistake in selling, such mistake shall not be binding on any of the parties, but may be rectified.
 - (b) If the sheriff/auctioneer suspects that a bidder is unable to pay either the deposit referred to in condition 7 or the balance of the purchase price, the sheriff/auctioneer may refuse to accept the bid of such bidder, or accept it provisionally until the bidder satisfies the sheriff/auctioneer that such bidder is able to pay the deposit and the balance of the purchase price.
 - (c) On the refusal of a bid under circumstances referred to in paragraph (b), the property may immediately be put up for auction again.
6.
 - (a) The purchaser shall, as soon as possible after the sale and immediately on being requested by the sheriff/auctioneer, sign these conditions.
 - (b) If the purchaser purchases in a representative capacity, the purchaser shall

disclose the name of the principal or person on whose behalf the property is being purchased.

7. (a) The purchaser shall pay to the sheriff a deposit of 10 per cent of the purchase price in cash or by electronic funds transfer on the day of the sale.

(b) The balance shall be paid against transfer and shall be secured by a guarantee issued by a financial institution approved by the execution creditor or his or her attorney, and shall be furnished to the sheriff within days after the date of sale.

8. (a) If the purchaser fails to carry out any obligation due by the purchaser under the conditions of sale, the sale may be cancelled by a magistrate summarily on the report of the sheriff after due notice to the purchaser, and the property may again be put up for sale.

(b) In the event of the circumstances in paragraph (a) occurring, the purchaser shall be responsible for any loss sustained by reason of such default, which loss may, on the application of any aggrieved creditor referred to in subparagraphs (i) and (ii) of Rule 43(14)(c), be recovered from the purchaser under judgment of a magistrate pronounced on a written report by the sheriff, after such purchaser has been given notice in writing that such report will be laid before the magistrate for such purpose.

(c) If the purchaser is already in possession of the property, the sheriff may, on notice to affected parties, apply to a magistrate for an order evicting the purchaser or any person claiming to occupy the property through the purchaser or otherwise occupying the property.

9. (a) The purchaser shall immediately on demand pay the sheriff's commission / auctioneer's fees and expenses calculated as follows:

.....;

(b) The purchaser shall be liable for and pay, within 10 days of being requested to do so by the appointed conveyancer, the following:

(i) All amounts due to the municipality servicing the property, in terms of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), for municipal service fees, surcharges on fees, property rates and other municipal taxes, levies and duties that may be due to a municipality; and where applicable.

(ii) All levies due to a body corporate in terms of the Sectional Titles Act, 1986 (Act 95 of 1986) or amounts due to a home owners or other association which renders services to the property.

(iii) The costs of transfer, including conveyance fees, transfer duty and any other amount necessary for the passing of transfer to the purchaser.

10. (a) The property may be taken possession of after signature of the conditions of sale, payment of the deposit and upon the balance of the purchase price being secured in terms of condition 7(b).
- (b) Should the purchaser receive possession of the property, the purchaser shall be liable for occupational rental at the rate of R..... per month fromto date of transfer.
- (c) Upon the purchaser taking possession, the property shall be at the risk and profit of the purchaser.
- (d) The execution creditor and the sheriff/auctioneer give no warranty that the purchaser shall be able to obtain personal and/or vacant occupation of the property or that the property is not occupied.
11. (a) The purchaser shall be entitled to obtain transfer forthwith upon payment of the whole purchase price and compliance with condition 9, alternatively, transfer shall be passed only after the purchaser has complied with the provisions of conditions 7 and 9 hereof.
- (b) If the transfer is delayed by the purchaser, the purchaser shall be liable for interest at the rate of per cent per annum on the purchase price.
12. (a) The sheriff may demand that any improvements to the property sold shall be immediately insured by the purchaser for their full value, proof of insurance given to the sheriff and such insurance policy kept in force until transfer is registered.
- (b) Should the purchaser fail to comply with the obligations in paragraph (a), the sheriff may effect the necessary insurance, the cost of which insurance shall be for the purchaser's account.
13. (a) The property is sold as represented by the title deeds and diagram or sectional plan, subject to all servitudes and conditions of establishment, whichever applies to the property.
- (b) The sheriff/auctioneer shall not be liable for any deficiency that may be found to exist in the property.
14. The execution creditor shall appoint the conveyancer to effect transfer of the property to the purchaser: Provided that the sheriff shall be entitled to appoint a new conveyancer should the conveyancer appointed by the execution creditor not proceed timeously or satisfactorily with the transfer.

Signed at..... this day of, 20.....

I certify hereby that today the in my presence the herein
beforementioned property was sold for
to.....

.....
.....

Sheriff/Auctioneer

I, the undersigned, residing at in the district of
..... do hereby bind myself as the purchaser of the herein beforementioned
property to pay the purchase price and to perform all and singular the conditions mentioned
above.

.....
Purchaser”