

CONSULTATION PROCESS

The process which is followed before rules are amended and/or made clearly illustrates an extensive consultative process which takes place amongst the Rules Board, its committees, the secretariat and role players.

AN OVERVIEW ON HOW THE BOARD CONDUCTS ITS BUSINESS

The Rules Board receives representations for amendments to the Rules of Court from users of the Rules, ranging from judges, attorneys, advocates, magistrates and litigants. The research staff conduct research and draft a working document which is submitted to the relevant committees of the Rules Board (Magistrates' Court Committee, High Court Committee or Costs Committee). The relevant committee decides whether the representation has merit and whether it should be circulated for comment. If so, a working document containing a summary of the representation, the research conducted by the secretariat and recommendations for amendment is circulated for comment to users of the rules, including all the courts, judges, magistrates, attorneys, advocates and other organizations.

The comments which are received are collated into a document which is submitted to the committees for discussion. Where the committee decides that the rules should be amended, the secretariat drafts an amendment to the rule which is put before the committee for consideration and approval. If a committee approves the proposed amendment same is submitted to the Board for consideration and, if appropriate, ratification. If the amendment is ratified by the Board, same is circulated to role players for comment. The comments received from the role-players are discussed by the committees. Once the committee agrees on the amendment, it is put before the Board for approval.