



**RULES BOARD FOR COURTS OF LAW
REPUBLIC OF SOUTH AFRICA**

2nd Floor, Centre Walk East Tower, 266 Pretorius Street, PRETORIA

27 May 2024

Our ref: 13/3/2/6

Your ref:

Per: e-mail

Dear Sir/Madam,

REQUEST FOR COMMENT: REVIEW OF UNIFORM RULE 35 (DISCOVERY, INSPECTION AND PRODUCTION OF DOCUMENTS) AND MAGISTRATES COURTS' RULE 23 (DISCOVERY OF DOCUMENTS)

The Rules Board for Courts of Law is initiating a review of Uniform Rule 35, Magistrates Courts' Rule 23 and the associated Forms in the First Schedule to the Uniform Rules and in Annexure 1 to the Magistrates Courts' Rules. The review will encompass an evaluation of *inter alia* whether the rules mentioned above cater adequately for the discovery process and the discovery of electronically stored information (e-mails, web pages, word processing files, information stored on a computer or other electronic device).

To assist the Rules Board with its review, role-players are requested to:

- (a) Identify any deficiencies and/or concerns with the current Rules/Forms and submit, where possible, suggested amendments and/or proposals that should be considered;
- (b) Indicate in particular whether the rules cater adequately for the discovery of electronically stored information. Where the rules are not adequate role-players are requested to submit, where possible, proposals for rule amendments that will enhance the process of discovery;
- (c) Indicate the impact of the current rules for discovery on litigation costs and how these costs may be reduced to facilitate access to justice; and
- (d) Identify practices in any foreign jurisdictions which will be of practical benefit to litigants and the courts, for potential incorporation in the rules.

Board members appointed in terms of Section 3 of the Rules Board for Courts of Law Act 107 of 1985

Justice N Dambuzza (Chairperson) | Justice N Mabindla-Boqwana (Vice Chairperson) | Adv S Jikela SC | Ms J Wessels | Adv K Kollapen | Mr M Maliwa | Ms N S Khanyile | Mr R R Titus | Mr V P Maluleke | Professor T Broodryk | Adv P Setati | Mr O M Krieling | Mr J Balkishun

As per the Rules Board's usual rule-making processes any proposed amendments to the Rules, once finalized by the Board, will be sent to role-players for further consideration and comment.

Comments and/or suggestions must be submitted on or before **30 August 2024**, and may be delivered to the Secretariat of the Rules Board in any of the following ways:

Physical: 2nd Floor, East Tower, Centre Walk, 266 Pretorius Street, Pretoria

E-mail: MoSetshedi@justice.gov.za

Enquiries may also be directed to Mrs. C. Kemp via e-mail at ChKemp@justice.gov.za

Yours sincerely,



F. NJOBE

Secretary: Rules Board for Courts of Law

Email: FNjobe@justice.gov.za

www.justice.gov.za

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