



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

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

9 December 2024

Our ref: CK/MS 13/3/26

Your ref:

Per: e-mail

Dear Sir/Madam,

**REQUEST FOR COMMENT: ITEM 36(b) OF PART II OF TABLE C OF ANNEXURE 2 TO THE MAGISTRATES COURTS' RULES – TARIFF PROVISION REFERENCE TO "PRISONERS' FRIEND"**

The Rules Board for Courts of Law is proposing an amendment to item 36(b) of Part II of Table C of Annexure 2 to the Magistrates Courts' Rules ("item 36(b)") to remove the reference to the phrase "prisoners' friend".

The review of item 36(b) is informed by the Rules Board's mandate in terms of section 6(1) of the Rules Board for Courts of Law Act, 1985, (Act No. 107 of 1985) to review *inter alia* the rules/tariffs for the Magistrates' Courts.

Item 36(b) provides a tariff fee for the handing over of a judgment debtor to the South African Police Service, prisoners' friend, clerk of the court or other lawful place of detention. For ease of reference item 36 of Part II of Table C of Annexure 2 to the Magistrates Courts' Rules is set out below:

*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): R48.00, per half hour or part thereof, with a maximum of R177.00.*

It appears that the reference to and concept of a "prisoner's friend" is archaic and is no longer relevant in respect of section 65 proceedings. The Rules Board is therefore proposing that the phrase "prisoner's friend" should be deleted from item 36(b).

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

Justice N Dambuza (Chairperson) | Justice N Mabindla-Boqwana (Vice Chairperson) | 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 | Mr S Mofokeng

The proposed draft amended item 36(b) is attached.

**[ANNEXURE RB1]**

As part of its consultative process in rule making and amendment, the Rules Board invites your comments and input on the proposed draft amendment referred to hereinabove.

Your comments may be submitted to the Secretariat by not later than **21 February 2025**.

Comments can be sent via hand delivery or e-mail as follows:

Physical address: 2<sup>nd</sup> Floor, Centre Walk East Tower, 266 Pretorius Street, Pretoria;

E-mail: [MoSetshedi@justice.gov.za](mailto:MoSetshedi@justice.gov.za)

Enquiries may also be directed to Mrs. C. Kemp via email at [ChKemp@justice.gov.za](mailto:ChKemp@justice.gov.za)

Yours sincerely,



**F NJOBE**

**Secretary: Rules Board for Courts of Law**

Email: [FNjobe@justice.gov.za](mailto:FNjobe@justice.gov.za)

[www.justice.gov.za](http://www.justice.gov.za)

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