



**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: FN/CK/MS 13/3/26

Your ref:

Per: e-mail

Dear Sir/Madam,

REQUEST FOR COMMENT: UNIFORM RULE 68(3)(b) (TARIFF FOR SHERIFFS) (REQUEST FOR TAXATION OF SHERIFFS' ACCOUNT)

The Rules Board for Courts of Law ("Rules Board") is proposing an amendment to Uniform Rule 68(3)(b) that deals with the time period within which a request may be made for an account rendered by the sheriff to be taxed.

The amendment to Uniform Rule 68(3)(b) is intended to align the time period therein of 90 days to the time period of 20 days in item 33(a) of Part II of Table C of Annexure 2 to the Magistrates Courts' Rules ("item 33(a)").

The initial amendment of the time period in item 33(a) from 90 days to 20 days arose from a representation that the period of 90 days, as it then was, to request a sheriff's account to be taxed results in a delay in the payment of sheriffs' accounts. The delay in the payment of the accounts has a detrimental effect on the sustainability of sheriffs.

The Rules Board considers that since the concerns raised by the representor in respect of the impact of the time period in item 33(a) applies equally to the time period in Uniform Rule 68(3)(b), that an amendment to item 68(3)(b) of Uniform Rule 68 is necessary.

For ease of reference item 33(a) of Part II of Table C of Annexure 2 to the Magistrates Courts' Rules currently provides:

"(33)(a) A request to tax an account of a sheriff shall be done within 20 days after the date on which the account of which the fees are disputed, has been rendered."

The proposed draft amended item 68(3)(b) of Uniform Rule 68 is attached.

[ANNEXURE RB1]

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

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

E-mail: MoSetshedi@justice.gov.za

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

Yours sincerely



MRS. F. NJOBE

Secretary: Rules Board for Courts of Law

Email: FNjobe@justice.gov.za

www.justice.gov.za

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PROPOSED AMENDMENT OF ITEM 3(b) OF UNIFORM RULE 68

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

Proposed amendment of item 3(b) of Uniform Rule 68

“(3)(b) A request to tax an account of a sheriff shall be done within **[90]** 20 days after the date on which the account of which the fees are disputed has been rendered.”.