



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

2<sup>nd</sup> Floor, Centre Walk East Tower, 266 Pretorius Street, PRETORIA

13 December 2024

Our ref: 13/3/2/6 – December 2024

M Cele/Z Mbombo

Your ref:

Per: e-mail

Dear Sir/Madam,

**PROPOSED AMENDMENTS TO RULE 1 OF THE UNIFORM RULES OF COURT AND RULE 2 OF THE MAGISTRATES' COURTS RULES – (DEFINITIONS)**

The purpose of this letter is to invite comments on the proposed amendments to rule 1 of the Uniform Rules of Court (URC) and rule 2 of the Magistrates' Courts Rules (MCRs).

Arising from a representation received, the Rules Board for Courts of Law (Rules Board) has considered reviewing rule 1 of the URC and rule 2 of the MCRs, which regulates definitions. The proposed amendments are aimed at inserting and defining the word "affidavit" in the rules.

**Regarding the insertion of the word "affidavit" in the definition section of the rules, the Rules Board is submitting two formulations for consideration and further comments. Furthermore, you are requested to indicate which one of the two formulations is preferable while commenting about the insertion and definition of the word "affidavit" in the rules.**

The proposed amendments are contained in the following annexures hereto:

- Rule 1 of the Uniform Rules of Court [**Annexure A**]
- Rule 2 of the Magistrates' Courts Rules [**Annexure B**]

As part of its consultative process, the Rules Board hereby invites your comments on the proposed amendments, for submission to the Secretariat by no later than **28 February 2025**.

Submissions can be sent via hand delivery or email as follows:


**PHYSICAL ADDRESS:** 2<sup>nd</sup> Floor, Centre Walk East Tower, 266 Pretorius Street, PRETORIA.

**EMAIL:**

- For comments on rule 1 of the Uniform Rules of Court [Annexure A], please email to **Mr. Musawenkosi Cele ([MuCele@justice.gov.za](mailto:MuCele@justice.gov.za))**.
- For comments on rule 2 of the Magistrates' Courts Rules [Annexure B], please email to **Ms. Zintle Mbombo ([ZMbombo@justice.gov.za](mailto:ZMbombo@justice.gov.za))**.

Alternatively, all the comments can be emailed to either Mr. Musawenkosi Cele ([MuCele@justice.gov.za](mailto:MuCele@justice.gov.za)) or Ms. Zintle Mbombo ([ZMbombo@justice.gov.za](mailto:ZMbombo@justice.gov.za)) / both.

Yours sincerely,

  
\_\_\_\_\_  
*13 December 2024*

**F NJOBE**

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

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

**RULE 1 OF THE UNIFORM RULES OF COURT**

**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.

**Amendment of rule 1 of the Rules**

Rule 1 of the Rules is hereby amended by the insertion after the definition of “advocate” of the following definition:

**DRAFT / OPTION 1:**

‘affidavit’ means a written statement of facts made under oath or an affirmation or a declaration contemplated in section 7 of the Justices of the Peace and Commissioners of Oaths Act, 1963 (Act No. 16 of 1963);”

**DRAFT/ OPTION 2:**

‘affidavit’ means a written statement made under oath or an affirmation or a declaration contemplated in section 7 of the Justices of the Peace and Commissioners of Oaths Act, 1963 (Act No. 16 of 1963);”

**FOR NOTING AND FURTHER COMMENT:**

The words “*of facts*” have been deleted/omitted in draft 2.

**The Rules Board is submitting two drafts for consideration and further comments.**

**You are requested to indicate which one of the two options is preferable.**

**RULE 2 OF THE MAGISTRATES' COURTS RULES**

**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.

**Amendment of rule 2 of the Rules**

Rule 2 is hereby amended by the insertion of the definition of “**affidavit**” as follows:

**DRAFT / OPTION 1:**

“**affidavit**’ means a written statement of facts made under oath or an affirmation or a declaration contemplated in section 7 of the Justices of the Peace and Commissioners of Oaths Act, 1963 (Act No. 16 of 1963);”

**DRAFT / OPTION 2:**

“**affidavit**’ means a written statement made under oath or an affirmation or a declaration contemplated in section 7 of the Justices of the Peace and Commissioners of Oaths Act, 1963 (Act No. 16 of 1963);”

**FOR NOTING AND FURTHER COMMENT:**

The words “*of facts*” have been deleted/omitted in draft 2.

**The Rules Board is submitting two drafts for consideration and further comments.**

**You are requested to indicate which one of the two options is preferable.**