



**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/TR/13/3/2/6

Your ref:

Per: e-mail

Dear Sir/Madam,

**REQUEST FOR COMMENT – PROPOSED AMENDMENTS TO PART II OF TABLE B OF ANNEXURE 2 TO THE MAGISTRATES COURTS’ RULES: GENERAL PROVISIONS IN RESPECT OF PROCEEDINGS IN TERMS OF SECTION 72 OF THE MAGISTRATES COURTS ACT, 32 OF 1944**

The Rules Board for Courts of Law (“Rules Board”) has embarked on a review of Part II of Table B of Annexure 2 to the Magistrates Courts’ Rules (“Part II”). Part II provides for the recovery of party and party costs in respect of proceedings in terms of section 72 of the Magistrates Courts’ Act, 1944 (Act 32 of 1944).

The review focused on the following:

- (a) Evaluation and updating of outdated legislation (where applicable);
- (b) Assessment of relevance, suitability and practicality of the tariff provisions and fees;  
and
- (c) Alignment of the Tariff to the Magistrates Courts’ Act, 1944 and the Magistrates Courts’ Rules (where applicable).

The amendments proposed by the Rules Board to Part II of Table B, are discussed briefly below:

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**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 (Deputy-Chairperson) | RCP J Wessels | Adv K Kollapen | Mr M Maliwa | Ms N 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

(a) Paragraph 2 is proposed to be amended by substituting the phrase '*mutatis mutandis*' with the expression 'with the necessary changes' to align with the Magistrates Courts' Rules.

(b) The threshold amount of R200,00 for claim amounts in items (a) and (b) of Part II is proposed to be amended by adjusting the thresholds from R200,00 to R10 000,00 to align it with the principle adopted in respect of Part I of Table B. The principle applied for the adjustment of Part I of Table B was to use the threshold of R10 000,00 provided for in item 2(a)(simple summons) of Part II of Table A. The Rules Board considered that historically the threshold of the claim amounts both in Part I of Table B and Part II of Table B were the same.

(c) The tariff fee for items (a) and (b) of Part II is proposed to be amended by adjusting the amount of R192,00 to R771,00 and the amount of R410,00 to R901,00 respectively to align with the principle adopted in respect of Part I of Table B approved by the Rules Board. The principle adopted in respect of Part I of Table B was to formulate a composite fee from Part IV of Table A(fees for applications).

The proposed amendments to Part II of Table B of Annexure 2 to the Magistrates Courts' Rules are attached.

**[ANNEXURE RB1]**

As part of its consultation in the rule-making process, the Rules Board invites your comments on the proposed the amendments to Part II of Table B of Annexure 2 to the Magistrates' Courts Rules. Comments must be submitted on or before **21 February 2025** and may be delivered to the Secretariat of the Rules Board in any of the following ways:

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

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

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

The Rules Board looks forward to your comments (if any) and thanks you for same.

Yours Sincerely



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**MRS. 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)

## [ANNEXURE RB1]

**PROPOSED AMENDMENT OF PART II OF TABLE B OF ANNEXURE 2 TO THE  
MAGISTRATES COURTS' RULES**

**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

**“PART II**

**GENERAL PROVISIONS IN RESPECT OF PROCEEDINGS IN TERMS OF SECTION 72  
OF THE ACT**

1. Subject to the provisions of paragraphs 2 and 3 no fees other than those laid down in the Tariff to this Part shall be allowed.
2. Paragraph 3 (a), (b) and (d) of the general provisions under Part 1 of this Table shall apply [**mutatis mutandis**] with the necessary changes to this Part.
3. All necessary disbursements incurred in connection with any prior abortive proceedings under section 65 shall be allowed if the court has so ordered.
4. For the purpose of the Tariff to this Part the amount of the claim shall, subject to the provisions of paragraph 3 (d) of the general provisions under Part 1 of this Table, be the total of the capital amount outstanding at the date of the first institution of proceedings in terms of section 72 of the Act.

<b>TARIFF</b>	
	<b>R</b>
(a) Where the claim does not exceed [ <b>R200,00</b> ] <u>R10 000,00</u>	<b>[R192,00]</b> <u>R771,00</u>
(b) Where the claim exceeds [ <b>R200,00</b> ] <u>R10 000,00</u>	<b>[R410,00]</b> <u>R901,00</u>
(c) Obtaining certified copy of a judgment	R115,00
(d) Application for an order of execution against the garnishee	R115,00
(e) Garnishee order (Form 39)	R152,00

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