



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

Your ref:

Per: e-mail

Dear Sir/Madam,

PROPOSED AMENDMENTS TO UNIFORM RULE 70(5)(b)

The Rules Board for Courts of Law (“Rules Board”) has considered amending Uniform Rule 70(5) for the reasons hereinafter indicated.

In terms of a representation submitted to the Rules Board a representor indicated that when the new tariff structure for party and party recovery for attorneys was introduced in 1996 to Uniform Rule 70, Uniform Rule 70(5)(b) was not updated in line with the new tariff structure and still referred to tariff items that no longer existed or referred to items in the tariff that were not intended to be departed from.

The Rules Board having considered the representation and examined the relevant tariff provisions, contemplated whether Uniform Rule 70(5)(b) should be amended to be rendered neutral in respect of references to tariff items as was the case in the repealed ‘Note II’ in Supreme Court of Appeal Rule 18. Before embarking on the amendment, the Rules Board sought comments from role-players on the potential amendment as indicated above.

The Rules Board has considered the comments received in respect of the aforementioned role-players’ consultation and is proposing to amend Uniform Rule 70(5) by omitting the listing of specific tariff items from the tariff in Uniform Rule 70.

Comments in respect of the amendments to Uniform Rule 70(5)(a) were sought, considered and finalized by the Board earlier this year but since paragraphs (a) and (b) of subrule (5)

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

are proposed to be combined to accommodate the deletion of the reference to the items in paragraph (b), the entirety of the amendments to subrule (5) are reflected.

The draft proposed amendments to Uniform Rule 70(5) are attached.

[ANNEXURE RB1]

As part of its consultation in the rule-making process, the Rules Board invites your comments on the amendments proposed to Uniform Rule 70(5). 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: 2nd Floor, East Tower, Centre Walk, 266 Pretorius Street, Pretoria.

Email: TRamantsi@justice.gov.za

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

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

Yours Sincerely



MRS. F. NJOBE

Secretary: Rules Board for Courts of Law

Email: FNjobe@justice.gov.za

www.justice.gov.za

[ANNEXURE RB1]**PROPOSED AMENDMENTS TO UNIFORM RULE 70(5)(b)****GENERAL: EXPLANATORY NOTE:**

[] Words or expressions in bold type in square brackets represent omissions from the existing rules.

_____ Words or expressions underlined with a solid line represent insertions into the existing rules.

UNIFORM RULE 70(5)

(5)**[(a)]** **[The taxing master shall be entitled in his discretion at any time to depart from any of the provisions of this tariff]** in extraordinary or exceptional **[cases]**, circumstances, the taxing master shall be entitled at any time to depart from any of the provisions of this tariff where strict adherence to such provisions would be inequitable **[.]** and in this regard

[(b)] **[In computing the fee allowed in respect of items 1, 2, 3, 6, 7 and 8 of Section A; 1 and 2 of Section B and 2 of Section C]**, the taxing master shall take into account the time necessarily taken, the complexity of the matter, the nature of the subject-matter in dispute, the amount in dispute and any other factors which **[he or she]** the taxing master considers relevant.