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GOVERNMENT NOTICE

DEPARTMENT OF JUSTICE

No. R. 617 22 April 1977
REGULATIONS IN TERMS OF SECTION 25 (1) OF
THE EXPROPRIATION ACT, 1975

The State President has, under the powers vested in him by section 25 (1) of the Expropriation Act, 1975 (Act 63 of 1975), made the following regulations:

DEFINITIONS

1. (1) In these regulations, unless the context otherwise indicates, any expression to which a meaning has been assigned in the Expropriation Act, 1975 (Act 63 of 1975), has that meaning, and—

“deliver” means the serving of copies of any notice, process of a compensation court, document in an application referred to in regulation 17 (1), or any other document, as the case may be, required in terms of these regulations on any other party and the filing of the original with the registrar;

“applicant” includes the practitioner, or the person referred to in regulation 4 (2) (b) or (c), acting on behalf of an applicant;

“the Act” means the Expropriation Act, 1975 (Act 63 of 1975);

“Uniform Rules of Court” means the Rules governing the proceedings of the provincial and local divisions of the Supreme Court of South Africa, made in terms of section 43 (2) (a) of the Supreme Court Act, 1959 (Act 59 of 1959), published under Government Notice R. 48 dated 12 January 1965, as amended from time to time;

“registrar” means the registrar of the compensation court and, except for the purposes of regulation 45 (4), includes any assistant registrar;

“court” means the compensation court established by or in terms of section 16 of the Act;

“process” means any process of a compensation court;

“practitioner” means any advocate or attorney practising as such;

“president” means a president of a compensation court appointed in terms of section 16 of the Act;

“respondent” includes any person who in terms of regulations 10 (7) and 15 joins in the proceedings, and any practitioner, or the person referred to in regulation 4 (2) (b) or (c) acting on behalf of a respondent.

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GOEWERMENSKENNISGEWING

DEPARTEMENT VAN JUSTISIE

No. R. 617 22 April 1977
REGULASIES KRAGTENS ARTIKEL 25 (1)
VAN DIE ONTEIENINGSWET, 1975

Die Staatspresident het kragtens die bevoegdheid hom verleen by artikel 25 (1) van die Onteieningswet, 1975 (Wet 63 van 1975), die volgende regulasies uitgevaardig:

WOORDOMSKRYWING

1. (1) In hierdie regulasies, tensy uit die samehang anders blyk, het 'n uitdrukking waaraan 'n betekenis in die Onteieningswet, 1975 (Wet 63 van 1975), geheg is, daardie betekenis en beteken—

“aflewer” die betekening van afskrifte van enige kennisgewing, prosesstuk van 'n vergoedingshof, dokument in 'n aansoek bedoel in regulasie 17 (1), of enige ander stuk, na gelang van die geval, wat ingevolge hierdie regulasies vereis word, aan 'n ander party en die indiening van die oorspronklike by die griffier;

“applikant” ook die praktisyn, of die persoon bedoel in regulasie 4 (2) (b) of (c), wat namens 'n applikant optree;

“die Wet” die Onteieningswet, 1975 (Wet 63 van 1975);

“Eenvormige Hofreëls” die Reëls waarby die verrigtinge van die provinsiale en plaaslike afdelings van die Hooggeregshof van Suid-Afrika gereël word, uitgevaardig kragtens artikel 43 (2) (a) van die Wet op die Hooggeregshof, 1959 (Wet 59 van 1959), by Goewermentskennisgewing R. 48 van 12 Januarie 1965, soos van tyd tot tyd gewysig;

“griffier” griffier van die vergoedingshof en, behalwe by die toepassing van regulasie 45 (4), ook 'n assistent-griffier;

“hof” die vergoedingshof ingestel by of kragtens artikel 16 van die Wet;

“prosesstuk” 'n prosesstuk van 'n vergoedingshof;

“praktisyn” 'n advokaat of prokureur wat as sodanig praktiseer;

“president” 'n president van 'n vergoedingshof aangestel kragtens artikel 16 van die Wet;

“respondent” ook 'n persoon wat kragtens regulasies 10 (7) en 15 tot die verrigtinge toetree, en ook 'n praktisyn, of persoon bedoel in regulasie 4 (2) (b) of (c), wat namens 'n respondent optree.

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(2) A Saturday, Sunday or public holiday shall not, unless the contrary intention appears, be included in the calculation of any period of time under these regulations.

(3) Service of any notice or document required in terms of these regulations but not required to be served by the deputy sheriff in terms of the provisions thereof may, subject to the provisions of the Act and these regulations, take place by dispatching such notice or document by registered post.

OFFICERS OF THE COMPENSATION COURT AND THEIR DUTIES AND POWERS

2. (1) The registrar, assistant registrar, sheriff, deputy sheriffs and other officers appointed in terms of section 34 of the Supreme Court Act, 1959, for a provincial division of the Supreme Court shall in respect of any session of or compensation court held within the area of jurisdiction of such division, respectively be the registrar, assistant registrar, sheriff and deputy sheriffs for the court concerned and the other appointed officers referred to in the said section 34 shall be officers in corresponding capacities for such court and shall exercise the powers and perform the functions and duties conferred upon or assigned or entrusted them in terms of the Act and these regulations.

(2) Whenever by reason of absence or incapacity the registrar, assistant registrar or sheriff of a compensation court referred to in subregulation (1) is unable to carry out his official duties the officer authorised in terms of section 34 (1) (b) of the Supreme Court Act, 1959, to act in the place of the absent or incapacitated officer during such absence or incapacity shall be deemed to be the registrar, assistant registrar or sheriff, as the case may be, of the court concerned and shall exercise the powers and perform the functions and duties conferred upon or assigned or entrusted to the registrar, assistant registrar or sheriff concerned in terms of subregulation (1).

(3) Whenever a session of the compensation court is held or resumed in a district other than the one in which the compensation court has its seat, the clerk of the court appointed for that district in terms of section 13 of the Magistrates' Courts Act, 1944 (Act 32 of 1944), shall for the duration of that session be the assistant registrar of that compensation court, save for the purposes of regulation 40 (6).

DEPUTY SHERIFF

3. (1) The deputy sheriff shall have, with respect to the service in terms of the provisions of these regulations, of any process or any document by which an application referred to in regulation 17 (1) is commenced, *mutatis mutandis* the same powers and duties in regard to the compensation court concerned as he has in regard to the provincial division of the Supreme Court concerned.

(2) Subject to the provisions of the Act and these regulations, the provisions of Rule 4 of the Uniform Rules of Court shall apply *mutatis mutandis* to the service in terms of these regulations by the deputy sheriff of any process or document in an application referred to in subregulation (1).

LEGAL REPRESENTATION OF PARTIES

4. (1) Any practitioner may act in any proceedings before a compensation court.

(2) (a) Any applicant or respondent may act personally or through a practitioner in the proceedings before a compensation court.

(b) Any local authority, company or other body corporate may, in proceedings to which it is a party, act through any of its officials whom it designates for this purpose.

(2) 'n Saterdag, Sondag of openbare feesdag word nie, tensy anders blyk, by die berekening van enige tydperk ingevolge hierdie regulasies ingesluit nie.

(3) Betekening van enige kennisgewing of stuk wat ingevolge hierdie regulasies vereis word en wat nie kragtens die bepalings daarvan deur die adjunk-balju beteken moet word nie, kan behoudens die bepalings van die Wet en hierdie regulasies, geskied deur sodanige kennisgewing of stuk per geregistreerde pos te stuur.

BEAMPTES VAN DIE VERGOEDINGSHOF EN HUL PLIGTE EN BEVOEGDHED

2. (1) Die griffier, assistent-griffier, balju, adjunk-balju's en ander beamptes wat kragtens artikel 34 van die Wet op die Hooggeregshof, 1959, vir 'n provinsiale afdeling van die Hooggeregshof aangestel is, is ten opsigte van enige sitting van 'n vergoedingshof wat binne die regsgebied van daardie afdeling gehou word, onderskeidelik, die griffier, assistent-griffier, balju en adjunk-balju's vir die betrokke hof, en die ander aangestelde beamptes bedoel in genoemde artikel 34, is beamptes in ooreenstemmende hoedanighede vir daardie hof, en moet die bevoegdhede uitoefen, die werksaamhede verrig en die pligte uitvoer wat kragtens die Wet en hierdie regulasies aan hulle verleen, toegewys of opgedra word.

(2) Wanneer die griffier, assistent-griffier of balju van 'n vergoedingshof bedoel in subregulasie (1), weens afwesigheid of onbekwaamheid nie sy ampspligte kan uitvoer nie, word die beampte wat kragtens artikel 34 (1) (b) van die Wet op die Hooggeregshof, 1959, gemagtig is om tydens sodanige afwesigheid of onbekwaamheid in die plek van sodanige beampte op te tree, geag die griffier, assistent-griffier of balju, na gelang van die geval, van die betrokke hof te wees, en moet hy die bevoegdhede uitoefen, die werksaamhede verrig en die pligte uitvoer wat kragtens subregulasie (1) aan die betrokke griffier, assistent-griffier of balju verleen, toegewys of opgedra is.

(3) Wanneer 'n sitting van die vergoedingshof gehou of voortgesit word in 'n ander distrik as dié waarin die setel van die vergoedingshof geleë is, is die klerk van die hof wat kragtens artikel 13 van die Wet op Landdroshowe, 1944 (Wet 32 van 1944), vir daardie distrik aangestel is, vir die duur van daardie sitting, die assistent-griffier van daardie vergoedingshof behalwe by die toepassing van regulasie 40 (6).

ADJUNK-BALJU

3. (1) Die adjunk-balju het ten opsigte van die betekening, ingevolge die bepalings van hierdie regulasies, van enige prosesstuk of enige dokument waarby 'n aansoek bedoel in regulasie 17 (1) begin word, *mutatis mutandis* dieselfde bevoegdhede en pligte met betrekking tot die betrokke vergoedingshof as wat hy ten opsigte van die betrokke provinsiale afdeling van die Hooggeregshof het.

(2) Behoudens die bepalings van die Wet en hierdie regulasies, is die bepalings van Reël 4 van die Eenvormige Hofreëls *mutatis mutandis* van toepassing op die betekening ingevolge hierdie regulasies deur die adjunk-balju van enige prosesstuk of dokument in 'n aansoek in subregulasie (1) bedoel.

REGSVERTEENWOORDIGING VAN PARTYE

4. (1) 'n Praktisyn kan in enige verrigtinge voor 'n vergoedingshof optree.

(2) (a) 'n Applikant of respondent kan persoonlik of deur 'n praktisyn in verrigtinge voor 'n vergoedingshof optree.

(b) 'n Plaaslike owerheid, maatskappy of ander liggaam met regspersoonlikheid bekleed, kan in verrigtinge waarby hy, 'n party is, deur 'n amptenaar daarvan wat hy vir dié doel benoem, optree.

(c) A partnership or group of persons acting jointly for a common purpose may, in proceedings to which it is a party, act through any of its members whom it designates for this purpose.

(d) No person except a practitioner acting in terms of paragraph (a), (b) or (c) shall be entitled to recover any costs, except necessary expenses.

(3) Should a party to the proceedings before a compensation court die or become incapacitated to continue with such proceedings, such proceedings shall on application be suspended until an executor, curator, guardian or other competent person is appointed in his place, or until such incapacity ceases.

(4) It shall not be necessary for any person acting on behalf of any party to any proceedings before a compensation court to file a power of attorney authorising him to act on behalf of such party at such proceedings, but the competence of any person acting on behalf of any party may be disputed by the other party within a reasonable time after it has come to his notice that such party is acting or, by leave of the court if good cause be shown, at any time before judgement, and thereupon such person shall not without leave of the court further so act until he has satisfied the court that he has competence so to act and the court may adjourn the hearing of the application to enable him so to do.

SEAT OF A COMPENSATION COURT

5. The seat of a compensation court—

(a) established by or in terms of section 16 (1) of the Act shall be the same as that of the provincial division of the Supreme Court within the area of jurisdiction for which the court concerned was established; and

(b) established in terms of section 16 (2) of the Act shall be the seat as designated by the Minister of Justice for such court.

COMMENCEMENT OF PROCEEDINGS

6. (1) Proceedings in regard to the determination of compensation before a compensation court shall be instituted by means of an application for the determination of compensation, which application shall be duly signed and dated by the applicant and filed with the registrar of the court.

(2) The court fees payable in regard to an application referred to in subregulation (1) shall be the same as those for a summons in the Supreme Court as referred to in Rule 67 (a) (i) of the Uniform Rules of Court.

APPLICATION FOR THE DETERMINATION OF COMPENSATION WHEREBY PROCEEDINGS ARE INSTITUTED

7. (1) The application for the determination of compensation shall state—

(a) the full name and address, if known, of the applicant and the respondent;

(b) the full address where the applicant will accept service of any notice, process, document in an application referred to in regulation 17 (1) or any other document, as the case may be, required in terms of these regulations, which address shall be within a distance of 15 kilometres of the building of the seat of the court;

(c) the provincial division or divisions of the Supreme Court in the area of jurisdiction in which the property to which the application relates is situated or is;

(d) the right virtue of which the applicant makes such application, as well as the nature of and grounds for the application;

(c) 'n Vennootskap of groep persone wat vir 'n gemeenskaplike doel verenig is, kan, in verrigtinge waarby hy 'n party is, deur 'n lid daarvan, wat hy vir dié doel benoem, optree.

(d) Niemand, behalwe 'n praktisyn wat kragtens paragraaf (a), (b) of (c) optree, is geregtig om enige koste, behalwe noodsaaklike uitgawes, te verhaal nie.

(3) Indien 'n party by die verrigtinge voor 'n vergoedingshof te sterwe kom of onbekwaam raak om met die verrigtinge voort te gaan, word die verrigtinge op aansoek opgeskort totdat 'n eksekuteur, kurator, voog of ander bevoegde persoon in sy plek aangestel is, of totdat sodanige onbekwaamheid tot 'n einde kom.

(4) Dit is nie vir iemand wat namens enige party in enige verrigtinge voor 'n vergoedingshof optree, nodig om 'n volmag in te dien wat hom magtig om namens sodanige party by sodanige verrigtinge op te tree nie, maar die bevoegdheid van enige persoon wat namens 'n party optree, kan deur die ander party betwis word binne redelike tyd nadat dit tot sy kennis gekom het dat sodanige party optree, of met verlof van die hof indien goeie redes aangevoer word op enige tyd voor uitspraak gedoen word, en daarna mag sodanige persoon nie sonder verlof van die hof aldus verder optree alvorens hy die hof daarvan oortuig het dat hy bevoeg is om aldus op te tree nie en die hof kan die aanhoor van die aansoek verdaag ten einde hom in staat te stel om dit te doen.

SETEL VAN 'N VERGOEDINGSHOF

5. Die setel van 'n vergoedingshof—

(a) ingestel by of kragtens artikel 16 (1) van die Wet, is dieselfde as dié van die provinsiale afdeling van die Hooggeregshof binne die regsgebied waarvoor die betrokke hof ingestel is; en

(b) ingestel kragtens artikel 16 (2) van die Wet, is die setel wat die Minister van Justisie vir sodanige hof aanwys.

AANVANG VAN VERRIGTINGE

6. (1) Verrigtinge met betrekking tot die vasstelling van vergoeding word voor 'n vergoedingshof ingestel by wyse van 'n aansoek om vasstelling van vergoeding wat behoorlik deur die applikant onderteken en gedateer word, en by die griffier van die hof ingedien word.

(2) Die hofgelde betaalbaar met betrekking tot 'n aansoek bedoel in subregulasie (1), is dieselfde as vir 'n dagvaarding in die Hooggeregshof soos bedoel in Reël 67 (a) (i) van die Eenvormige Hofreëls.

AANSOEK OM VASSTELLING VAN VERGOEDING WAARDEUR VERRIGTINGE INGESTEL WORD

7. (1) Die aansoek om vasstelling van vergoeding moet vermeld—

(a) die volle naam en volledige adres, indien bekend, van die applikant en die respondent;

(b) die volledige adres waar die applikant betekening van 'n kennisgewing, prosesstuk, dokument in 'n aansoek bedoel in regulasie 17 (1) of enige ander stuk, na gelang van die geval, wat ingevolge hierdie regulasies vereis word, sal aanvaar, welke adres binne 'n afstand van 15 kilometer van die gebou van die setel van die hof moet wees;

(c) die provinsiale afdeling of afdelings van die Hooggeregshof in die regsgebied waarin die goed waarop die aansoek betrekking het, geleë is of is;

(d) die reg uit hoofde waarvan die applikant sodanige aansoek doen asook die aard en gronde van die aansoek;

(e) a clear and complete description of the property expropriated, and, if the property expropriated is land, full particulars of all improvements thereon, and, in the case of the taking of the right to use property temporarily, also of the right taken;

(f) the amount, if any, last claimed and offered as compensation for the expropriation or the taking of the right to use property temporarily before institution of the proceedings;

(g) the names and addresses of any persons who have an interest in the property or proceedings concerned and the nature of their interest, if known.

(2) Whenever the applicant applies for the determination of compensation with respect to various separate disputes based upon separate facts, such facts shall, as far as possible, be mentioned separately.

(3) The applicant shall, in his application for the determination of compensation, furnish all the particulars which are necessary to calculate the amount of the compensation concerned, including full particulars in connection with how much of that amount represents each of the various amounts contemplated in section 12 (1) (a) (i) and (ii) or (b) of the Act, with full particulars as to how such amounts are made up.

(4) The parties may at any time in writing agree that an address further than 15 kilometres from the building of the seat of the court (but within the area of jurisdiction of the court) be accepted for the service of any other notices, process, documents in applications referred to in regulation 17 (1) or any other documents, as the case may be, required in terms of these regulations.

DOCUMENTS TO ACCOMPANY THE APPLICATION FOR THE DETERMINATION OF COMPENSATION

8. Every application for the determination of compensation shall be accompanied by the original or a copy of—

(a) the expropriation notice concerned;

(b) if the application is made in accordance with the provisions of section 10 of the Act by the expropriator concerned, proof of the service of the expropriation notice or of the publication thereof in terms of section 7 (5) of the Act;

(c) any request for further particulars in terms of section 9 (2) of the Act;

(d) any written statement, particulars and documents delivered by the expropriated party in terms of section 9 (1) or (2) of the Act;

(e) any notice referred to in section 10 (5) (b) of the Act;

(f) if the property which has been expropriated or with respect to which the right to use such property temporarily has been taken is immovable property, the title deed thereof, if in the possession of the applicant;

(g) any particulars which the expropriator concerned has furnished in terms of section 10 (4) of the Act.

THE SERVICE OF THE APPLICATION FOR THE DETERMINATION OF COMPENSATION

9. (1) The applicant shall, after the filing of the application for the determination of compensation, cause a copy thereof to be served on the respondent by the deputy sheriff along with a notice substantially in the form set out in Form 1 in Schedule 1, in which is mentioned the time within which the respondent shall deliver his reply in terms of these regulations.

(2) The applicant shall cause to be delivered a notice substantially in the form set out in Form 2 in Schedule 1 to every such person as may appear from the application for the determination of compensation to have an interest in the property.

(e) 'n duidelike en volledige beskrywing van die goed wat onteien is, en indien die goed wat onteien is grond is, volledige besonderhede van alle verbeterings daarop, en, in geval van die neem van die reg om goed tydelik te gebruik, ook van die reg wat geneem is;

(f) die bedrag, as daar is, wat laas voor die instelling van die verrigtinge as vergoeding vir die onteiening of neem van die reg om tydelik te gebruik, geëis en aangebied is;

(g) die name en adresse van persone wat 'n belang in die betrokke goed of verrigtinge het en die aard van hul belang, indien bekend.

(2) Wanneer die applikant aansoek doen om vasstelling van vergoeding ten opsigte van verskeie afsonderlike geskille wat op aparte en afsonderlike feite berus, moet sodanige feite, sover moontlik, apart en afsonderlik genoem word.

(3) Die applikant verstrek in sy aansoek om vasstelling van vergoeding al die besonderhede wat nodig is om die bedrag van die betrokke vergoeding te bereken, met inbegrip van volledige besonderhede in verband met hoeveel van daardie bedrag elk van die onderskeie bedrae beoog in artikel 12 (1) (a) (i) en (ii) of (b) van die Wet verteenwoordig, met volledige besonderhede betreffende die samestelling van daardie bedrae.

(4) Die partye kan te eniger tyd skriftelik ooreenkom dat 'n adres wat verder as 15 kilometer van die gebou van die setel van die hof geleë is, maar binne die regsgebied van die hof, aanvaar kan word vir betekening van enige ander kennisgewings, prosesstukke, dokumente in aansoeke bedoel in regulasie 17 (1) of enige ander stukke, na gelang van die geval, wat ingevolge hierdie regulasies vereis word.

STUKKE WAT DIE AANSOEK OM VASSTELLING VAN VERGOEDING VERGESEL

8. Elke aansoek om vasstelling van vergoeding word vergesel van die oorspronklike of 'n afskrif van—

(a) die betrokke onteieningskennisgewing;

(b) indien die aansoek ooreenkomstig die bepalings van artikel 10 van die Wet deur die betrokke onteienaar gedoen word, bewys van die aflewering van die onteieningskennisgewing of van die publikasie daarvan kragtens artikel 7 (5) van die Wet;

(c) enige versoek om verdere besonderhede kragtens artikel 9 (2) van die Wet;

(d) enige skriftelike verklaring, besonderhede en dokumente wat deur die onteiene kragtens artikel 9 (1) of (2) van die Wet afgelewer is;

(e) enige kennisgewing bedoel in artikel 10 (5) (b) van die Wet;

(f) indien die goed wat onteien is of ten opsigte waarvan die reg geneem is om dit tydelik te gebruik, onroerende goed is, die titelbewys daarvan, indien in die applikant se besit;

(g) enige besonderhede wat die betrokke onteienaar kragtens artikel 10 (4) van die Wet verstrek het.

DIE BETEKENING VAN DIE AANSOEK OM VASSTELLING VAN VERGOEDING

9. (1) Na indiening van die aansoek om vasstelling van vergoeding moet die applikant 'n afskrif daarvan tesame met 'n kennisgewing wat wesenlik in die vorm uiteengesit in Vorm 1 in Bylae 1 moet wees, waarin die tydperk waarbinne die respondent sy antwoord ingevolge hierdie regulasies moet aflewer, aangedui word, deur die adjunk-balju laat beteken aan die respondent.

(2) Die applikant moet 'n kennisgewing wat wesenlik in die vorm uiteengesit in Vorm 2 in Bylae 1 moet wees, laat aflewer aan iedereen wat volgens die aansoek om vasstelling van vergoeding 'n belang in die goed het.

(3) The applicant shall, within seven days of receipt of a written request thereto, make available to a mortgagee or other person who according to the application for the determination of compensation is an interested party to the proceedings, a copy of the application for the determination of compensation and of the documents which accompany such application free of charge.

REPLY TO THE APPLICATION FOR THE DETERMINATION OF COMPENSATION

10. (1) A respondent shall cause a written reply to be delivered to the applicant within a period of 21 days of the date of service of the application for the determination of compensation on such respondent.

(2) A respondent shall in his reply deny, admit or confess and avoid all material facts averred in the application for the determination of compensation, or shall mention which of the facts averred are not admitted and to what extent, and shall state clearly and concisely all the material facts on which his case rests.

(3) It shall not be sufficient for a respondent to make any general denial of the facts averred in the application for the determination of compensation in his reply.

(4) The respondent shall specifically deal with each averment of facts whose correctness he does not admit, and each averment of facts contained in the application for the determination of compensation not specifically denied in the reply shall be deemed to have been admitted.

(5) The respondent shall furnish in his reply such facts as are reasonably necessary to determine how he calculated the amount of compensation.

(6) (a) For the purposes of this regulation, "respondent" shall include any person to whom an application for the determination of compensation has been delivered and who alleges that he is not the respondent named in the application for the determination of compensation and who wishes to defend on this ground. The compensation court may direct that costs be paid by or to such person as if he were a party to the proceedings.

(b) Should such defence be upheld, the court may, instead of rejecting the application for the determination of compensation, allow any necessary amendment upon application by the applicant and may direct that details of such amendment be delivered to the actual respondent.

(7) Any mortgagee or other person appearing from the application for the determination of compensation to be a party interested in the proceedings may join as a party to the proceedings within seven days of receipt by him of a copy of Form 2, by delivering a notice in the form of Form 3 in Schedule 1 together with the documents which indicate the nature of his interest to all parties to the proceedings. Such joining party shall within 14 days of delivery by him of a notice in the form of Form 3 deliver a written reply to the application for the determination of compensation. The provisions of these regulations shall *mutatis mutandis* apply to such reply. If no such reply is delivered within the fixed time or such longer period as the parties may agree upon or as the court may on application order, the proceedings may be proceeded with without further notice to the joining party concerned.

(8) The expropriator may at any time prior to the hearing of the application for the determination of compensation urge that such joining party furnish security for costs at such amount as may be agreed upon by the parties or as may be fixed by the registrar.

(3) Die applikant moet, binne sewe dae na ontvangs van 'n skriftelike versoek daartoe, aan enige verbandhouer of ander persoon wat volgens die aansoek om vasstelling van vergoeding 'n belanghebbende party by die verrigtinge is, kosteloos 'n afskrif van die aansoek om vasstelling van vergoeding en van die dokumente wat sodanige aansoek vergesel, beskikbaar stel.

ANTWOORD OP DIE AANSOEK OM VASSTELLING VAN VERGOEDING

10. (1) 'n Respondent moet binne 'n tydperk van 21 dae bereken vanaf die datum van betekening van die aansoek om vasstelling van vergoeding aan hom, 'n skriftelike antwoord aan die applikant laat aflewer.

(2) Die respondent moet in sy antwoord al die wesenlike feite wat in die aansoek om vasstelling van vergoeding beweer word, erken of ontken of met teenwerping erken, of meld welke van die genoemde feite nie erken word nie en in watter mate, en duidelik en bondig alle wesenlike feite aangee waarop hy steun.

(3) Dis is nie vir 'n respondent voldoende om in sy antwoord in die algemeen die feite beweer in die aansoek om vasstelling van vergoeding te ontken nie.

(4) Die respondent moet spesifiek elke feitebewering waarvan hy die korrektheid nie erken nie, behandel, en elke feitebewering vervat in die aansoek om vasstelling van vergoeding wat nie in die antwoord spesifiek ontken is nie, word geag erken te wees.

(5) Die respondent moet in sy antwoord sodanige feite verstrek as wat redelikerwys nodig is om te bepaal hoe hy die bedrag van die vergoeding bereken het.

(6) (a) By die toepassing van hierdie regulasie beteken respondent ook 'n persoon aan wie 'n aansoek om vasstelling van vergoeding afgelewer is en wat beweer dat hy nie die respondent is wat in die aansoek om vasstelling van vergoeding genoem word nie, en wat op grond daarvan wil verdedig. Die vergoedingshof kan gelas dat koste aan of deur sodanige persoon betaal word asof hy 'n party by die verrigtinge was.

(b) Indien sodanige verweer gehandhaaf word, kan die hof in plaas daarvan om die aansoek om vasstelling van vergoeding af te wys, op aansoek deur die applikant enige nodige wysiging toelaat en gelas dat besonderhede van sodanige wysiging aan die werklike respondent afgelewer word.

(7) 'n Verbandhouer of ander persoon wat volgens die aansoek om vasstelling van vergoeding 'n belanghebbende party by die verrigtinge is, kan as party tot die verrigtinge toetree deur, binne 'n tydperk van sewe dae vanaf ontvangs deur hom van 'n afskrif van Vorm 2, 'n kennisgewing in die vorm van Vorm 3 in Bylae 1 tesame met die dokumente wat die aard van sy belang aandui, af te lewer aan alle partye by die verrigtinge. Sodanige toetredende party moet, binne 14 dae na aflewering deur hom van 'n kennisgewing in die vorm van Vorm 3, 'n skriftelike antwoord op die aansoek om vasstelling van vergoeding aflewer. Die bepalinge van hierdie regulasies is *mutatis mutandis* van toepassing op sodanige antwoord. Indien daar geen sodanige antwoord binne die vasgestelde tyd of sodanige langer tydperk waaroor die partye kan ooreenkom, of wat die hof op aansoek kan gelas, afgelewer word nie, kan daar sonder verdere kennisgewing aan die betrokke toetredende party met die verrigtinge voortgegaan word.

(8) Die onteienaar kan te eniger tyd voor die aanhoor van die aansoek om vasstelling van vergoeding daarop aandring dat sodanige toetredende party sekerheidstelling vir koste moet verskaf teen 'n bedrag waaroor die partye ooreen kan kom of wat die griffier kan vasstel.

OFFER TO SETTLE

11. (1) Any party may, at any time before the hearing of the application for the determination of compensation has been concluded, by written notice without prejudice of rights make an offer to any other party for the settlement of the proceedings.

(2) Such notice shall at the same time state whether or not liability for costs or a portion thereof is admitted. Should the notice not mention this matter, it shall be presumed that the party who made the offer offered to pay the other party's costs up to the date of the offer.

(3) The party to whom the offer is made may within five days of receipt of the notice accept the offer, if the offer was made not less than five days prior to the hearing of the application or within 24 hours of such receipt if the offer was made after the commencement of the hearing of the application but prior to the disposal of the proceedings concerned and after expiry of such periods, only with the consent of the party who made the offer or of the president. Such acceptance shall, subject to the provisions of the Act and these regulations, suspend all further proceedings.

(4) Should the offer to settle not be accepted and should the compensation court at the hearing of the application determine the compensation at an amount less advantageous to the party who did not accept the offer—

(a) the court shall order the last-named party to pay to the party who made the offer such of his costs which were incurred after the date of the notice referred to in subregulation (1);

(b) the court shall decide, at its discretion, as to costs incurred before the date of the notice;

(c) payment of the amount of compensation to the expropriated person shall, where appropriate, be made subject to any order made in favour of the expropriator in terms of subparagraph (a) or (b).

(5) An offer made in terms of subregulation (1) shall not be disclosed to the court before judgment is given and shall not be placed on a file in the registrar's office containing the documents relating to the application for the determination of compensation. An order as to costs shall be made only after disclosure of the offer, if any, referred to in subregulation (1) and shall be made in accordance with the provisions of subregulation (4).

(6) Any party who mentions or discloses such offer personally or through his advocate or attorney to the compensation court in contravention of this regulation shall notwithstanding the fact that he succeeds in the proceedings, be liable to and order as to costs being made against him, which order may also provide for costs as between attorney and client.

(7) If a compensation court has made an order as to costs without taking note of the offer and this fact is brought to the notice of the compensation court within five days of the date of the determination of the compensation by the compensation court, the costs shall be reconsidered in the light of the offer.

(8) After acceptance of the offer to settle referred to in subregulation (1) the amount of compensation stated therein shall be paid as soon as possible.

(9) After acceptance of the amount of compensation stated in the notice concerned, the applicant shall as soon as possible notify the registrar and any other parties to the proceedings accordingly, whereupon the proceedings so far as he is concerned shall lapse.

DISCOVERY OF DOCUMENTS

12. (1) Every party shall within 21 days of the date of delivery of the reply by the respondent deliver a statement making discovery on oath of all documents which

SKIKKINGSAANBOD

11. (1) 'n Party kan te eniger tyd voor die afhandeling van die aanhoor van die aansoek om vasstelling van vergoeding by wyse van skriftelike kennisgewing 'n aanbod sonder benadeling van regte, tot skikking van die verrigtinge aan 'n ander party maak.

(2) Sodanige kennisgewing moet terselfdertyd vermeld of aanspreeklikheid vir koste of 'n deel daarvan erken of ontken word. Indien die kennisgewing in hierdie opsig swyg, word daar geag dat die party wat die aanbod gemaak het, aangebied het om die ander party se koste tot op die datum van die aanbod te betaal.

(3) Die party aan wie die aanbod gemaak is, kan binne vyf dae na ontvangs van die kennisgewing, indien die aanbod minstens vyf dae voor die aanhoor van die aansoek gemaak is, of binne 24 uur na bedoelde ontvangs, indien die aanbod na die aanvang van die aanhoor van die aansoek gemaak is, maar voor afhandeling van die betrokke verrigtinge, en an verstryking van sodanige tydperke alleen met die toestemming van die party wat die aanbod gemaak het of van die president, die aanbod aanvaar. Sodanige aanvaarding skort, behoudens die bepalinge van die Wet en hierdie regulasies, alle verdere verrigtinge op.

(4) Indien die skikkingsaanbod nie aanvaar word nie en die vergoedingshof by die aanhoor van die aansoek die vergoeding vasstel op 'n bedrag wat minder gunstig is vir die party wat die aanbod nie aanvaar het nie—

(a) beveel die hof dat laasgenoemde party die party wat die aanbod gemaak het se koste betaal wat na die datum van die kennisgewing bedoel in subregulasie (1) aangegaan is;

(b) beslis die hof na goeë dunde oor koste aangegaan voor die datum van die kennisgewing;

(c) word, indien toepaslik, die uitbetaling van die vergoedingsgeld aan die onteienende onderworpe gestel aan enige bevel kragtens subparagraaf (a) of (b) ten gunste van die onteienaar gegee.

(5) 'n Aanbod gemaak ingevolge subregulasie (1), word nie aan die hof geopenbaar voordat uitspraak gegee is nie, en word nie op 'n lêer in die kantoor van die griffier wat die stukke van die aansoek om die vasstelling van vergoeding bevat, geplaas nie. 'n Bevel aangaande koste gegee slegs na openbaarmaking van 'n aanbod bedoel in subregulasie (1), as daar is, en wel ooreenkomstig die bepalinge van subregulasie (4).

(6) 'n Party wat strydig met hierdie regulasie persoonlik of deur sy advokaat of prokureur so 'n aanbod aan die vergoedingshof noem of openbaar, kan, selfs al slaag hy in die verrigtinge 'n kostebevel teen hom kry, welke kostebevel ook voorsiening kan maak vir koste tussen prokureur en kliënt.

(7) As 'n vergoedingshof 'n kostebevel gegee het sonder kennisname van die aanbod en hierdie feit word dan binne vyf dae vanaf die datum van die vasstelling van die vergoeding deur die vergoedingshof onder die vergoedingshof se aandag gebring, moet koste in die lig daarvan herooreweg word.

(8) Na aanvaarding van die skikkingsaanbod bedoel in subregulasie (1), moet die bedrag van vergoeding daarin gemeld so spoedig doenlik betaal word.

(9) Na die aanvaarding van die bedrag van vergoeding vermeld in die betrokke kennisgewing moet die applikant die griffier en enige ander partye by die verrigtinge so spoedig doenlik daarvan, in kennis stel, waarop die verrigtinge, wat hom betref, vervel.

BLOOTLEGGING VAN STUKKE

12. (1) Binne 21 dae vanaf die datum van aflewering van die antwoord deur die respondent moet elke party 'n verklaring aflewer wat alle stukke wat in sy besit of

are or were in his possession or under his control and which are relevant to the issues in the application for the determination of compensation.

(2) (a) Should privilege be claimed with regard to any of the documents specified in the statement, such documents shall be specified separately and the grounds upon which privilege is claimed in relation to such documents shall be stated.

(b) For the purposes of paragraph (a) a document shall be regarded as being privileged against discovery under the same circumstances as those under which documents are for the purposes of Rule 35 of the Uniform Rules of Court not required to be specified in discovery affidavits.

(3) No document not so discovered shall be used in the hearing of the application for any purpose by the party in whose possession or under whose control it is, but the other party concerned shall be entitled to use or claim such document during the cross-examination of any witness: Provided that the compensation court may at any time, on such conditions relating to adjournment and costs as it may deem reasonable, grant permission for such use.

(4) A party shall, upon request, forthwith allow the other party to inspect all documents discovered in terms of subregulation (1) or books and documents as referred to in subregulation (5), and to make copies thereof, excluding documents in respect of which privilege is claimed, and shall forthwith furnish the other party with such copies thereof or extracts therefrom as may be requested.

(5) Any party may by notice require any other party to produce, at the hearing of the application, the documents discovered in terms of subregulation (1), as well as any other books and documents which may be relevant to the proceedings.

FURTHER PARTICULARS

13. (1) Any party may, at any time after the respondent's reply but not later than 14 days after discovery of documents by a party in terms of regulation 12 (1), by notice demand that any other party provide such further particulars as may be necessary to enable the first-mentioned party to prepare his case for the hearing of the application.

(2) The notice referred to in subregulation (1) may require the party to whom it is delivered to furnish details—

(a) concerning the date of purchase, purchase prices paid, the sizes and registry descriptions, if available, of all properties which such party intends to use as comparable transactions at the hearing of the application;

(b) in the form of an abridged résumé, concerning the basis upon which the compensation offered or claimed, as the case may be, was calculated.

(3) The party to whom the notice referred to in subregulation (1) is delivered shall, within 14 days of the date of delivery of the demand referred to in subregulation (1) deliver the particulars so demanded.

FAILURE TO DELIVER REPLY TIMEOUSLY

14. (1) Any party failing to deliver his reply within the prescribed period shall, after expiry of a period of seven days as calculated from the date of delivery to him of a notice which complies with the provisions of subregulation (2), be barred from delivering such reply: Provided that any such period either before or after expiry

under sy beheer is, of was, en wat betrekking het op die geskilpunte in die aansoek om vasstelling van vergoeding, onder eed blootlê.

(2) (a) Indien daar op privilegie aanspraak gemaak word ten opsigte van enige van die stukke in die verklaring vermeld, moet sodanige stukke afsonderlik aangegee word en moet die gronde waarop ten opsigte van sodanige stukke op privilegie aanspraak gemaak word, uiteengesit word.

(b) By die toepassing van paragraaf (a) word 'n stuk as geprivilegieerd teen blootlegging beskou onder dieselfde omstandighede as waaronder stukke by die toepassing van Reël 35 van die Eenvormige Hofreëls nie in blootleggingsverklarings aangegee hoef te word nie.

(3) Geen stuk wat nie aldus blootgelê is nie, kan by die aanhoor van die aansoek vir enige doel gebruik word deur die party in wie se besit, of onder wie se beheer die stuk is nie, maar die betrokke ander party kan so 'n stuk gedurende of by die kruisverhoor van 'n getuie opeis of gebruik: Met dien verstande dat die vergoedingshof, op die voorwaardes betreffende verdaging en koste wat hy billik ag, te eniger tyd toestemming tot sodanige gebruik kan verleen.

(4) 'n Party moet op versoek onverwyld die ander party toelaat om insae te hê in alle stukke ingevolge subregulasie (1) blootgelê of boeke en stukke soos bedoel in subregulasie (5), en afskrifte daarvan te maak, uitgesonderd stukke ten opsigte waarvan daar op privilegie aanspraak gemaak word, en moet die ander party onverwyld voorsien van sodanige afskrifte daarvan of uittreksels daaruit, as wat aangevra word.

(5) Enige party kan by kennisgewing van 'n ander party vereis dat hy die stukke wat ingevolge subregulasie (1) blootgelê is asook enige ander boeke en stukke wat ter sake in die verrigtinge mag wees, by die aanhoor van die aansoek moet voorlê.

NADERE BESONDERHEDE

13. (1) Te eniger tyd na die respondent se antwoord maar nie later as 14 dae na blootlegging van stukke deur 'n party ingevolge regulasie 12 (1) nie, kan enige party by kennisgewing van 'n ander party vereis dat sodanige nadere besonderhede verstrek word as wat nodig is om eersgenoemde party in staat te stel om sy saak vir die aanhoor van die aansoek voor te berei.

(2) Die kennisgewing bedoel in subregulasie (1) kan vereis dat die party aan wie dit afgelewer is, besonderhede moet verstrek—

(a) van die aankoopdatum, kooppryse betaal, groottes en registrasiekantoorbeskrywings, indien beskikbaar, van alle eiendomme wat sodanige party van voorneme is om by die aanhoor van die aansoek as vergelykbare transaksies te gebruik;

(b) by wyse van 'n verkorte opsomming, van die grondslag waarop die vergoeding aangebied of geëis, na gelang van die geval, bereken is.

(3) Binne 14 dae vanaf die datum van aflewering van die versoek bedoel in subregulasie (1), moet die party aan wie die kennisgewing afgelewer is, die besonderhede aldus versoek, aflewer.

VERSUIM OM ANTWOORD BETYDS AF TE LEWER

14. (1) 'n Party wat versuim om binne die voorgeskrewe tydperk sy antwoord af te lewer, is na verstryking van 'n tydperk van sewe dae bereken vanaf die datum van aflewering aan hom van 'n kennisgewing wat aan die bepaling van subregulasie (2) voldoen, onder belet om sodanige antwoord af te lewer: Met dien verstande dat enige sodanige tydperk hetsy voor of na verstryking van

of the prescribed period may be extended with the consent of the opposite party, and if such consent be withheld, such period may be extended by the court on application on such conditions with regard to costs and otherwise as may in the discretion of the court be just.

(2) The notice prescribed in subregulation (1) shall state that, in the event of failure to deliver the reply within the period specified in such notice, application will be made for the summary determination of the compensation by the court without reference to the other party.

(3) At the hearing of the application the compensation court may take such steps as it may deem necessary or expedient to determine the compensation as soon as possible: Provided that the court may determine the compensation after hearing the evidence produced by only the applicant.

INTERVENTION OF PARTIES IN THE PROCEEDINGS

15. (1) Any party having an interest in the property or proceedings concerned and wishing to join in the proceedings may at any stage before or during the proceedings apply to a compensation court to join in the proceedings, and if the application is granted the provisions of these regulations in so far as they relate to respondents shall, *mutatis mutandis*, apply to such party.

(2) The compensation court may grant the application referred to in subregulation (1) on such conditions as the court may deem necessary or expedient.

(3) The compensation court may at any time upon application by any party to proceedings before such court, or *mero motu*, order that some person other than the applicant or the respondent be joined on such condition as the court may deem necessary or expedient.

POWERS OF A PRESIDENT OF A COMPENSATION COURT

16. (1) The president of a compensation court shall be competent at any time before or after delivery of an application for the determination of compensation—

(i) to authorise the substituted service on any person of any notice, process of a compensation court, documents in an application referred to in regulation 17 (1) or any other document required in terms of these regulations, including an application for the determination of compensation;

(ii) to make other orders as to the delivery of the application for the determination of compensation or any other notice, process of a compensation court, documents in an application referred to in regulation 17 (1) or any other document required in terms of these regulations;

(iii) to adjourn the hearing of the application for the determination of compensation, or a continuation thereof;

(iv) to grant leave for the taking of evidence on commission or in the form of affidavits;

(v) to grant leave to withdraw an application for the determination of compensation or any other process of the compensation court subject to the conditions, including such conditions relating to notice to such other person as the president may deem necessary or expedient;

(vi) to make an order permitting an applicant or a respondent to make inventories or surveys on the property of a respondent or an applicant respectively;

die voorgeskrewe tydperk, met die toestemming van die teenparty verleng kan word, en indien sodanige toestemming geweier word, kan dit deur die hof op aansoek en wel op sodanige voorwaardes met betrekking tot koste en andersins as wat na die oordeel van die hof regverdig mag wees, verleng word.

(2) Die kennisgewing voorgeskryf in subregulasie (1) moet vermeld dat by versuim om die antwoord binne die tydperk genoem in sodanige kennisgewing af te lewer, aansoek gedoen sal word om die summier vasstelling van die vergoeding deur die hof sonder verwysing na die ander party.

(3) By die aanhoor van die aansoek kan die vergoedingshof sodanige stappe doen as wat die hof nodig of dienstig ag om die vergoeding so spoedig moontlik vas te stel: Met dien verstande dat die hof die vergoeding kan bepaal na aanhoor van getuienis wat alleen deur die applikant aangevoer is.

TOETREDE VAN PARTYE TOT DIE VERRIGTINGE

15. (1) Enige persoon wat 'n belang in die betrokke goed of verrigtinge het en wat wil toetree tot die verrigtinge kan in enige stadium voor of gedurende die verrigtinge by 'n vergoedingshof aansoek doen om tot die verrigtinge toe te tree, en indien die aansoek toegestaan word, is die bepalings van hierdie regulasies vir sover dit op respondente van toepassing is *mutatis mutandis* op sodanige persoon van toepassing.

(2) Die vergoedingshof kan die aansoek bedoel in subregulasie (1) toestaan op sodanige voorwaardes as wat die hof nodig of dienstig ag.

(3) Die vergoedingshof kan te eniger tyd op aansoek deur enige party by die verrigtinge voor daardie hof, of *mero motu* gelas dat iemand anders as die applikant of die respondent bygevoeg moet word op sodanige voorwaardes as wat die hof nodig of dienstig ag.

BEVOEGDHEDE VAN 'N PRESIDENT VAN 'N VERGOEDINGSHOF

16. (1) Die president van 'n vergoedingshof is bevoeg om in enige stadium voor of na aflewering van 'n aansoek om vasstelling van vergoeding—

(i) vervangende betekening van enige kennisgewing, prosesstuk van 'n vergoedingshof, dokumente in 'n aansoek bedoel in regulasie 17 (1) of enige ander stuk wat ingevolge hierdie regulasies vereis word, met inbegrip van 'n aansoek om vasstelling van vergoeding, aan enige persoon te magtig;

(ii) ander bevel rakende die aflewering van die aansoek om vasstelling van vergoeding of enige ander kennisgewing, prosesstuk van 'n vergoedingshof, dokumente in 'n aansoek bedoel in regulasie 17 (1) of enige ander stuk wat ingevolge hierdie regulasies vereis word te gee;

(iii) die aanhoor van die aansoek om vasstelling van vergoeding, of 'n voortsetting daarvan, te verdaag;

(iv) verlof te verleen vir die afneem van getuienis op kommissie of deur beëdigde verklarings;

(v) verlof te verleen om 'n aansoek om vasstelling van vergoeding of enige ander prosesstuk van die vergoedingshof terug te trek behoudens die voorwaardes, met ingebrip van voorwaardes betreffende kennisgewing aan iemand anders, wat die president nodig of dienstig ag;

(vi) 'n bevel te gee waarby 'n applikant of 'n respondent toegelaat word om op die eiendom van, onderskeidelik, 'n respondent of 'n applikant, opnames of opmetings te doen;

(vii) to permit any amendment to any notice or other process of the compensation court on such conditions as the president may deem necessary or expedient;

(viii) generally to make any such order or do any such act as may be necessary for the due compliance with any provision contained in these regulations or with any provision relating to practice and procedure in a compensation court contained in the Act;

(ix) to make an order that any party comply with the provisions of any of these regulations within a time fixed by the court, and in the event of such order not being complied with, to make a further order for the further continuation and disposal of the case without further reference to the party who did not comply with the order aforementioned;

(x) to make an order that more than one case shall be heard jointly, on such conditions with regard to costs or otherwise as the president may deem necessary or expedient.

(2) The president shall be competent to make such orders as to costs in connection with any order made or authorisation or leave granted by him, as he may deem fit.

MOTION PROCEEDINGS (GENERAL)

17. (1) Subject to the provisions of the Act and these regulations, the procedure provided for in Rule 6 of the Uniform Rules of Court shall with respect to applications by notice of motion *mutatis mutandis* apply to any proceedings in a compensation court instituted by a written application in terms of these regulations, excluding an application referred to in regulation 6: Provided that—

(a) the provisions of regulation 7 (1) (b) shall, *mutatis mutandis*, apply regarding the address indicated for the service of any document by any party to such application;

(b) a notice of motion shall indicate the date of hearing thereof and shall be delivered at least 14 days before such date;

(c) any person contesting the granting of an order sought in the notice of motion shall deliver his replicatory affidavit together with any relevant documents at least seven days before the date of the hearing thereof;

(d) the applicant shall be entitled to cause a replicatory affidavit to be delivered at least three days prior to the date of hearing of the motion, and no further affidavit shall be delivered without leave by either the compensation court or the parties.

(2) Any issue which can be decided without it being necessary to go into the main issue may be set down for separate hearing by any one of the parties before the hearing of the application on its merits, and the procedures for the setting down of such issue in the provincial division of the Supreme Court having jurisdiction in the area where the compensation court concerned has its seat shall apply to the setting down of the issue.

AMENDMENT OF DOCUMENTS

18. (1) Any party wishing to amend any notice, process or any other document (other than an affidavit) filed in terms of these regulations in connection with any proceedings shall give all other parties notice of his intention to amend.

(2) The notice shall state that, unless written objection is made to the proposed amendment within seven days of delivery of the notice, process or other document referred to in subregulation (1), the party giving notice will amend the notice, process or other document concerned accordingly.

(vii) enige wysiging van enige kennisgewing of ander prosesstuk van die vergoedingshof toe te staan op sodanige voorwaardes wat die president nodig of dienstig ag;

(viii) in die algemeen enige bevel te gee of handeling te verrig wat nodig is vir die behoorlike uitvoering van enige voorskrif vervat in hierdie regulasies, of enige voorskrif betreffende die praktyk en prosedure van 'n vergoedingshof, vervat in die Wet;

(ix) 'n bevel te gee dat enige party die bepalinge van enige van hierdie regulasies nakom binne 'n tydperk deur die hof vasgestel, en indien so 'n bevel nie gehoorsaam word nie, om 'n verdere bevel te gee vir die verdere voortsetting en afhandeling van die geding sonder verdere verwysing na die party wat die bedoelde bevel nie gehoorsaam het nie;

(x) 'n bevel te gee dat meer as een geding op sodanige voorwaardes ten aansien van koste of andersins as wat hy nodig of dienstig ag, gesamentlik verhoor word.

(2) Die president is bevoeg om, in verband met 'n bevel, magtiging of verlof deur hom gegee, die bevel rakende koste te gee wat hy gepas ag.

MOSIEVERRIGTINGE (ALGEMEEN)

17. (1) Behoudens die bepalinge van die Wet en hierdie regulasies is die prosedure waarvoor voorsiening gemaak word in Reël 6 van die Eenvormige Hofreëls ten opsigte van aansoeke by kennisgewing van mosie *mutatis mutandis* van toepassing ten opsigte van enige verrigtinge in 'n vergoedingshof ingestel by wyse van 'n skriftelike aansoek ingevolge hierdie regulasies, uitgesonderd 'n aansoek bedoel in regulasie 6: Met dien verstande dat—

(a) die bepalinge van regulasie 7 (1) (b) *mutatis mutandis* geld ten opsigte van die adres aangedui vir die betekening van enige dokument deur enige party by sodanige aansoek;

(b) 'n kennisgewing van mosie die datum van aanhoor daarvan moet aandui en minstens 14 dae voor sodanige datum afgelewer moet word;

(c) iemand wat die toestaan van 'n bevel in die kennisgewing van mosie aangevra, bestry, sewe dae voor die datum van aanhoor daarvan sy antwoordende beëdigde verklaring tesame met enige tersaaklike dokumente moet aflewer;

(d) die applikant minstens drie dae voor die datum van aanhoor van die mosie 'n antwoordende beëdigde verklaring kan laat aflewer en geen verdere beëdigde verklaringe kan sonder die toestemming van die vergoedingshof of van die partye, afgelewer word nie.

(2) Enige geskilpunt wat beslis kan word sonder dat dit noodsaaklik is om op die hoofsaak in te gaan, kan deur een van die partye vir aparte verhoor op die rol geplaas word voor die aanhoor van die aansoek volgens meriete, en die prosedure wat vir die terrolleplasing van sodanige geskilpunt geld in die provinsiale afdeling van die Hooggeregshof wat regsbevoegdheid het in die gebied waarin die betrokke vergoedingshof sitting hou, is van toepassing op die terrolleplasing van die geskilpunt.

WYSIGING VAN STUKKE

18. (1) 'n Party wat 'n kennisgewing, prosesstuk of enige ander stuk wat ingevolge hierdie regulasies in verband met enige verrigtinge ingedien is (uitgesonderd 'n beëdigde verklaring) wil wysig, gee aan alle ander partye kennis van sy voorneme om te wysig.

(2) Die kennisgewing moet meld dat tensy beswaar skriftelik binne sewe dae na die aflewering van die kennisgewing, prosesstuk of ander stuk bedoel in subregulasie (1) teen die voorgestelde wysiging gemaak word, die party wat kennis gee, die betrokke kennisgewing, prosesstuk of ander stuk dienooreenkomstig sal wysig.

(3) Should no written objection be so made, the party receiving the notice shall be deemed to have agreed to the amendment.

(4) Should objection be made within the above-mentioned period, the party wishing to proceed with the amendment shall, within 14 days of receipt of the objection, apply to the court for permission in terms of regulation 16 (1) (vii) to amend.

(5) When an amendment has been granted, or when no objection has been made within the period prescribed by subregulation (2), the amending party shall deliver the amendment within the time fixed by the order, or within seven days of the expiry of the time prescribed in subregulation (2), as the case may be.

(6) When an amendment is delivered under this regulation, the other party concerned may reply thereto or amend accordingly any document referred to in subregulation (1) handed in by him within 14 days of receipt of the amendment referred to.

(7) Any party giving notice of amendment shall, unless the compensation court otherwise directs, be liable for the costs thereby incurred by the other party.

(8) A compensation court may, during the hearing of an application for the determination of compensation at any stage before judgment, grant leave for the amendment referred to in subregulation (1) of any notice, process or any other document on such conditions and with such orders relating to costs as it may deem fit.

(9) An amendment granted in terms of these regulation shall appear on a separate page, which shall be joined to the notice, process or other document concerned at a suitable place.

SPECIAL CASE AND ADJUDICATION UPON QUESTIONS OF LAW OR FACT IN PENDING PROCEEDINGS

19. (1) The parties to a case may, after institution of the proceedings but before the hearing thereof by the compensation court concerned, agree upon a written statement of facts in the form of a special case for adjudication by the said court.

(2) (a) The statement shall contain the facts agreed upon, the questions of law in dispute and the parties' contentions thereon in numbered paragraphs, together with copies of any relevant documents, and shall be signed by the various parties.

(b) The provisions of regulations 33 and 34 shall, *mutatis mutandis*, apply to the set-down and notice of the hearing of a special case.

(3) Should a compensation court, upon application by any party, be of the opinion that there is a question of law or of fact in the pending proceedings before it which may conveniently be decided before evidence is led or which may be decided separately from some other question, such court may prescribe, at its discretion, the settling of such question and direct that all further proceedings be suspended until then.

(4) When the compensation court so decides such question, it may give judgment accordingly and determine how any remaining issues shall be tried in order to dispose of the case finally.

(5) Should the issue be a question of law and should the parties agree upon the facts, the facts may be admitted and recorded at the hearing of the proceedings and the compensation court may give judgment without hearing evidence.

CURTAILMENT OF PROCEEDINGS

20. (1) (a) Any party wishing to set down a case with respect to an application for the determination of compensation, shall, as soon as possible after delivery of the reply and before delivery of a notice of set-down, request

(3) As geen skriftelike beswaar aldus gemaak word nie, word die party wat sodanige kennisgewing ontvang, geag tot die wysiging toe te gestem het.

(4) As beswaar binne die genoemde tydperk gemaak word, moet die party wat met die wysiging wil voortgaan, binne 14 dae na ontvangs van die beswaar aansoek doen by die hof om verlof ingevolge regulasie 16 (1) (vii) om te wysig.

(5) Wanneer 'n wysiging toegestaan is of geen beswaar binne die tyd in subregulasie (2) voorgeskryf aangeteken is nie, moet die party wat wysig, die wysiging aflewer binne die tyd in die bevel vasgestel, of binne sewe dae na verstryking van die tyd in subregulasie (2) voorgeskryf, na gelang van die geval.

(6) Wanneer 'n wysiging ingevolge hierdie regulasie afgelewer is, kan die ander betrokke party daarop antwoord of enige stuk bedoel in subregulasie (1) wat deur hom ingedien is, dienooreenkomstig wysig binne 14 dae na die ontvangs van die bedoelde wysiging.

(7) 'n Party wat kennis van wysiging gee, is, tensy die vergoedingshof anders gelas, aanspreeklik vir die koste wat daardeur vir 'n ander party veroorsaak is.

(8) 'n Vergoedingshof kan tydens die aanhoor van 'n aansoek om vasstelling van vergoeding in enige stadium voor uitspraak, verlof tot wysiging bedoel in subregulasie (1) van 'n kennisgewing, prosesstuk of ander stuk, gee op die voorwaardes, en met die bevels betreffende koste, wat hy gepas ag.

(9) 'n Wysiging toegestaan ingevolge hierdie regulasie moet op 'n afsonderlike bladsy verskyn, wat op 'n gepaste plek by die betrokke kennisgewing, prosesstuk of ander stuk, gevoeg moet word.

GESTELDE SAAK EN BESLISSING VAN 'N REGS-OF FEITEVRAAG IN HANGENDE VERRIGTINGE

19. (1) Die partye by verrigtinge kan na die aanhangmaking van die verrigtinge maar voor die aanhoor daarvan deur die betrokke vergoedingshof, ooreenkom oor 'n skriftelike uiteensetting van feite in die vorm van 'n gestelde saak vir beslissing deur daardie hof.

(2) (a) Die uiteensetting bevat die ooreengekome feite, die regsrae in geskil, die partye se stellinge daaromtrent in genommerde paragrawe, tesame met afskrifte van enige tersaaklike dokumente, en word deur die onderskeie partye onderteken.

(b) Die bepalings van regulasies 33 en 34 is *mutatis mutandis* van toepassing ten opsigte van die terrolleplasing en kennisgewing van verhoor van 'n gestelde saak.

(3) As 'n vergoedingshof op aansoek van 'n party meen dat daar in hangende verrigtinge in 'n vergoedingshof 'n regs- of feitevraag is wat gerieflik beslis kan word voordat getuienis gelei word of afsonderlik van enige ander vraag, kan sodanige hof afhandeling van sodanige vraag na goeiddunke voorskryf en beveel dat alle verdere verrigtinge tot dan opgeskort word.

(4) Wanneer hy so 'n vraag aldus beslis, kan die vergoedingshof dienooreenkomstig uitspraak gee en bepaal hoe enige oorblywende geskilpunte bereg moet word ten einde die verrigtinge finaal af te handel.

(5) As die geskilpunt 'n regsrae is en die partye oor die feite saamstem, kan die feite erken en by die aanhoor van die verrigtinge aangeteken word en die vergoedingshof kan uitspraak doen sonder om getuienis aan te hoor.

INKORTING VAN VERRIGTINGE

20. (1) (a) 'n Party wat 'n geding betreffende 'n aansoek om vasstelling van vergoeding ter rolle wil plaas, moet so spoedig doenlik na aflewering van die antwoord en voor aflewering van 'n kennisgewing van terrolleplasing

the other parties, in writing, to attend a consultation at a mutually suitable time for the purpose of agreeing on ways of curtailing the proceedings, and more particularly on as many as possibly of the following:

- (i) The admission of facts and documents;
- (ii) the holding of any inspection or examination;
- (iii) the discovery of documents;
- (iv) the giving of any further particulars reasonably required for the purposes of the hearing of the application for the determination of compensation;
- (v) the plans, diagrams, photographs, models and the like to be used at the hearing of the application;
- (vi) the preparation and handing in at the proceedings of copies of correspondence and other documents in the form of a volume with copies for the court and all parties.

(b) After the consultation the parties shall draw up a minute of the matters upon which they—

- (i) agreed; and
- (ii) did not agree;

and shall sign such minute.

(c) The consultation contemplated in paragraph (a) may be held at any time after the delivery of the reply but before the commencement of the proceedings.

(2) At the commencement of the proceedings the parties shall report to the court whether such consultation was held and, if so, shall hand in the signed minute referred to in paragraph (b).

PROCEEDINGS IMMEDIATELY PRECEDING THE HEARING OF THE APPLICATION FOR THE DETERMINATION OF COMPENSATION BY A COMPENSATION COURT

21. (1) A compensation court may, before proceeding to the hearing of an application for the determination of compensation, direct that the parties set forth concisely the questions of fact and of law that are at issue and may note the points at issue so set forth.

(2) When it appears from the documents to a compensation court that there are various questions of fact at issue and such court is of the opinion that the deciding of any one of such issues may settle the whole matter or materially curtail the proceedings, such court may require the parties to deal with that issue before proceeding with other issues and such court may thereupon give final judgment without dealing with such other issues.

(3) Should the issue be a question of law and the parties agree in regard to the facts, the facts before the compensation court may be admitted by the parties, either by verbal or by written statement, and be noted by the compensation court and judgment may be given thereon without further evidence.

(4) When questions of law and of fact arise in the same proceedings and the compensation court is of the opinion that the dispute can be dealt with solely on the questions of law, then such court may require the parties to argue only those questions and may give its decision thereon before evidence is taken regarding the questions of fact at issue and may give final judgment without dealing with such questions of fact.

(5) The president may, before the hearing of an application for the determination of compensation is proceeded with, call the parties into his chambers with a view to securing agreement on any matters likely to curtail the proceedings.

die ander partye skriftelik vra om 'n samespreking by te woon op 'n wedersyds geskikte tyd met die doel om ooreen te kom oor maniere van inkorting van die verrigtinge, en meer bepaald oor soveel moontlik van die volgende:

- (i) Die erkenning van feite en dokumente;
- (ii) die hou van 'n inspeksie of ondersoek;
- (iii) die blootlegging van stukke;

(iv) die verskaffing van enige nadere besonderhede wat redelik nodig is vir doeleindes van die aanhoor van die aansoek om vasstelling van vergoeding;

(v) die planne, tekeninge, foto's, modelle en dergelike wat by die aanhoor van die aansoek gebruik staan te word;

(vi) die voorbereiding en inlewering by die verrigtinge van afskrifte van korrespondensie en ander stukke in die vorm van 'n gepagineerde bundel met eksemplare vir die hof en alle partye.

(b) Na afloop van die samespreking moet die partye 'n minuut opstel van die sake waaroor hulle—

- (i) ooreengekom het;
- (ii) nie ooreengekom het nie;

en dit onderteken.

(c) Die samespreking in paragraaf (a) bedoel, kan te eniger tyd na die aflewering van die antwoord maar voor die aanvang van die verrigtinge gehou word.

(2) By die aanvang van die verrigtinge moet die partye aan die hof rapporteer of so 'n samespreking gehou is en, indien wel, die ondertekende minuut in paragraaf (b) bedoel, inlewer.

STAPPE ONMIDDELIK VOOR AANHOOR VAN AANSOEK OM VASSTELLING VAN VERGOEDING DEUR 'N VERGOEDINGSHOF

21. (1) 'n Vergoedingshof kan, voordat hy tot die aanhoor van 'n aansoek om vasstelling van vergoeding oorgaan, die partye gelas om kortliks die feitlike of regs-kwessies wat in geskil is, uiteen te sit, en kan die geskilpunte aldus uiteengesit, notuleer.

(2) Wanneer dit volgens die stukke vir die vergoedingshof blyk dat daar verskeie feitlike geskilpunte is en die hof van oordeel is dat die beslissing van enigen van daardie geskilpunte die hele saak kan afhandel of die verrigtinge wesenlik kan inkort, kan hy van die partye vereis dat hulle daardie geskilpunt behandel alvorens met die ander geskilpunte voortgegaan word en die hof kan vervolgens finaal uitspraak doen sonder om daardie ander geskilpunte te behandel.

(3) As die vraag in geskil 'n regsvraag is en die partye ten opsigte van die feite ooreenstem, kan die feite in die vergoedingshof, hetsy mondeling of by wyse van skriftelike verklaring, deur die partye erken en deur die vergoedingshof genotuleer word, en uitspraak kan daarop sonder verdere getuienis gegee word.

(4) Wanneer regsvrae en feitlike geskilpunte in dieselfde verrigtinge ontstaan en die vergoedingshof van oordeel is dat die geskil op die regsvrae alleen afgehandel kan word, kan die vergoedingshof van die partye eis dat hulle net daardie vrae beredeneer en kan sy beslissing daarop gee alvorens getuienis ten opsigte van die feitlike geskilpunte afgeneem word en kan finaal uitspraak doen sonder om die feitlike geskilpunte te behandel.

(5) Voordat met die aanhoor van 'n aansoek om vasstelling van vergoeding voortgegaan word, kan die president die partye in sy kamers inroep ten einde ooreenkoms te probeer verkry oor aangeleenthede waardeur die verrigtinge moontlik ingekort kan word.

SIGNING OF DOCUMENTS

22. Any notice, process of a compensation court, document in an application referred to in regulation 17 (1) or any other document which is filed with the registrar shall be signed by the person concerned who is responsible for the filing thereof.

EXTENSION OF TIME, CONDONATION AND NOTICE TO THIRD PARTIES

23. (1) In the absence of agreement between the parties, a compensation court may, upon application on notice and on good cause shown, extend or abridge any period of time prescribed by these regulations or by any order of such court in connection with any proceedings, upon such conditions as it may deem necessary or expedient, and may also extend or abridge any period of time fixed by an order extending or abridging the time for doing any act or taking any step in connection with such proceedings.

(2) Any such extension may be granted although the application therefor is not made until after the expiry of the time prescribed or fixed, and the compensation court may, at its discretion, make such order as to the cancelling or varying of the results of the expiry of any time so prescribed or fixed, whether such results flow from any order of the compensation court or from these regulations.

(3) The compensation court may, on good cause shown, condone the non-compliance with any of these regulations.

(4) If it appears, at any stage during the hearing of an application or case, that the rights of persons, excluding those notified thereof, may be affected by the judgment in such application or case, a compensation court may order that a notice of the application or copy of any process of the compensation court or of any other document be served on such other persons in such manner as the compensation court may order, and the court concerned may to that end adjourn the hearing of the application or the case concerned.

(5) The compensation court may, upon such conditions as it may deem necessary or expedient, permit a respondent to be heard at the hearing of the application, notwithstanding the fact that such respondent has failed to file a reply.

VARIATION AND RESCISSION OF ORDERS

24. (1) A compensation court shall have the right to rescind or vary, *mero motu* or upon the application of any party affected, any order which—

(a) was erroneously sought or erroneously made in the absence of any party affected thereby;

(b) contains an ambiguity or a patent error or omission, but only to the extent of such ambiguity, error or omission;

(c) was made as the result of a mistake common to the parties concerned;

(d) was made because the respondent is in default with his reply or failed to appear at the hearing of the proceedings: Provided that such order shall be rescinded or varied only on good cause shown for such rescission or variation.

(2) Any party applying under this regulation shall give notice of his application to all parties whose interests may be affected by any rescission or variation sought.

(3) The compensation court shall not rescind or vary any order unless it is satisfied that all parties whose interests may be affected have notice of the rescission or variation proposed.

ONDERTEKENING VAN STUKKE

22. Enige kennisgewing, prosesstuk van 'n vergoedingshof, dokument in 'n aansoek bedoel in regulasie 17 (1) of enige ander stuk wat by die griffier ingedien word, moet onderteken wees deur die betrokke persoon wat vir die indiening daarvan verantwoordelik is.

VERLENGING VAN TYD, KONDONASIE EN KENNISGEWING AAN DERDES

23. (1) Tensy die partye ooreengekom het, kan 'n vergoedingshof op aansoek by kennisgewing en as goeie redes aangevoer is, enige tydperk wat by hierdie regulasies of by 'n bevel van die vergoedingshof voorgeskryf is in verband met enige verrigtinge, op die voorwaardes wat die hof nodig of dienstig ag, verleng of verkort, asook enige tydperk wat bepaal is by 'n bevel wat die termyn verleng of verkort waarbinne 'n handeling verrig of 'n stap gedoen moet word in verband met enige sodanige verrigtinge.

(2) Sodanige verlenging kan toegestaan word hoewel die aansoek daarom eers na verstryking van die voorgeskrewe of vasgestelde tyd geskied, en die vergoedingshof kan na goeie redes 'n bevel gee betreffende die tenietdoening of verandering van die gevolge wat op die verstryking van 'n aldus voorgeskrewe of vasgestelde tyd sou intree hetsy uit hoofde van 'n bevel van die vergoedingshof of van hierdie regulasies.

(3) Die vergoedingshof kan, as goeie redes aangevoer is, die nie-nakoming van enigen van hierdie regulasies kondoneer.

(4) Indien dit in enige stadium gedurende die aanhoor van 'n aansoek of verrigtinge blyk dat die regte van persone, uitgesonderd diegene wat daarvan in kennis gestel is, deur die uitspraak in sodanige aansoek of geding geraak kan word, kan 'n vergoedingshof gelas dat 'n kennisgewing van die aansoek, of 'n afskrif van enige prosesstuk van die vergoedingshof of van enige ander dokument, op die wyse wat die vergoedingshof beveel, aan sodanige ander persone beteken moet word, en die betrokke hof kan die aanhoor van die betrokke aansoek of verrigtinge vir daardie doel verdaag.

(5) Ondanks die feit dat 'n respondent versuim het om 'n antwoord in te dien, kan die vergoedingshof sodanige respondent op sodanige voorwaardes as wat die vergoedingshof nodig of dienstig ag, toelaat om by die aanhoor van die aansoek aangehoor te word.

WYSIGING EN HERROEPING VAN BEVELE

24. (1) 'n Vergoedingshof het die reg om *mero motu* of op aansoek van 'n party wat geraak word, 'n bevel te wysig of te herroep wat—

(a) verkeerdelik aangevra of verkeerdelik gegee is in die afwesigheid van 'n party wat daardeur geraak word;

(b) 'n dubbelsinnigheid of 'n klaarblyklike fout of weglating bevat, maar slegs tot aansuiwering van die dubbelsinnigheid, fout of weglating;

(c) gegee is as gevolg van 'n gemeenskaplike fout van die betrokke partye;

(d) gegee is omdat die respondent in verstek is met sy antwoord of nie by die verhoor van die geding verskyn het nie: Met dien verstande dat so 'n bevel gewysig of herroep word slegs as goeie redes vir die wysiging of herroeping daarvan aangevoer word.

(2) 'n Party wat aansoek ingevolge hierdie regulasie doen, moet kennis van sy aansoek gee aan alle partye wie se belange deur die gevraagde wysiging of herroeping geraak kan word.

(3) Die vergoedingshof wysig of herroep nie 'n bevel nie tensy hy oortuig is dat alle partye wie se belange geraak kan word, kennis dra van die voorgenome wysiging of herroeping.

EXCHANGE OF OPINIONS OF EXPERTS

25. No person shall, save by leave of the compensation court or with the consent of all parties to the case, be entitled to call as a witness any person to give evidence as an expert upon matters upon which expert evidence may be received, unless he shall have delivered a notice, not less than 21 days before the hearing of the relevant application for the determination of compensation to the effect that he wishes so to do, together with a summary of such expert's opinions and his reasons therefor.

FILING OF PLANS, DIAGRAMS, PHOTOGRAPHS OR MODELS

26. (1) No person shall, except by leave of a compensation court or with the consent of all parties, adduce as evidence a plan, diagram, photograph or model unless he has, at least 14 days before the hearing of the application or case concerned, delivered a notice that he intends so to do, that he tenders it for inspection and that he requires the party receiving the notice to admit the exhibit within seven days of receipt of the notice.

(2) Should the party receiving the notice fail to respond within the time specified, the plan, diagram, photograph or model shall be accepted as evidence by the mere submission thereof without further proof. Should such party refuse to admit, then the plan, diagram, photograph or model may be proved at the hearing of the application or case, but the party who refused may be ordered to pay the costs of the proof thereof.

WITHDRAWAL, SETTLEMENT AND WAIVER OF RIGHTS

27. (1) (a) Any person instituting proceedings may, at any time before the matter has been set-down and thereafter by consent of the parties or leave of the president as referred to in regulation 16 (1) (v), withdraw such proceedings, in any of which events he shall deliver a notice of withdrawal wherein he consents to pay costs, which shall be taxed by the taxing master on the request of the other party.

(b) Application to pay costs as contemplated in paragraph (a) shall have the effect of an order of the compensation court for such costs.

(c) Should the notice of withdrawal not contain any consent to pay costs, the other party may apply to the compensation court by notice for an appropriate order as to costs.

(2) Any party in whose favour any determination of compensation has been made may waive such determination either in whole or in part by delivering a notice to this effect, and where there has been a waiver in part, only the remaining portion of the award shall hold. The provisions of subregulation (1) relating to costs shall, *mutatis mutandis*, apply in the case of a notice delivered under this subregulation unless the compensation court on application by notice otherwise orders or the parties otherwise agree.

(3) When a settlement has been reached or the parties agree to postpone or withdraw, it shall be the duty of the applicant immediately to inform the registrar accordingly.

(4) Any party to any settlement in writing not yet carried out may, unless the application has been withdrawn, request a determination of compensation in accordance with the settlement on at least seven days notice to all other parties.

(5) Any one of the parties may at any time apply to the compensation court to note the provisions of a settlement of the case. The compensation court may make such deed of settlement an order of the court.

(6) Such application shall take place after notice, unless the application is made in the court during any proceedings where the other party is represented or when

UITRUILING VAN MENINGS VAN DESKUNDIGES

25. Niemand mag, behalwe met verlof van die vergoedingshof of die toestemming van al die partye by die verrigtinge iemand roep om as deskundige te getuig oor aangeleenthede waarvoor deskundige getuigenis toelaatbaar is nie, tensy hy minstens 21 dae voor die aanhoor van die betrokke aansoek om vasstelling van vergoeding 'n kennisgewing dat hy dit wil doen, met 'n opsomming van sodanige deskundige se menings en sy redes daarvoor, afgelewer het.

INDIENING VAN PLANNE, TEKENINGE, FOTO'S OF MODELLE

26. (1) Niemand mag, behalwe met verlof van 'n vergoedingshof of dit toestemming van al die partye, 'n plan, tekening, foto of model as getuigenis aanbied nie tensy hy minstens 14 dae voor die aanhoor van die betrokke aansoek of die verrigtinge 'n kennisgewing afgelewer het dat hy dit wil doen, dat hy dit ter insae aanbied en dat hy vereis dat die party wat die kennisgewing ontvang, die bewysstuk binne sewe dae na ontvangs van die kennisgewing erken.

(2) As die party wat die kennisgewing ontvang, versuim om binne die genoemde tyd te reageer, word die plan, tekening, foto of model by blote voorlegging en sonder verdere bewys daarvan as getuigenis aanvaar. As sodanige party weier om te erken, kan die plan, tekening, foto of model by die aanhoor van die aansoek of die verrigtinge bewys word, maar die party wat geweier het, kan beveel word om die koste van die bewys daarvan te betaal.

TERUGTREKKING, SKIKKING EN AFSTAND-DOENING VAN REGTE

27. (1) (a) Iemand wat verrigtinge ingestel het, kan dit te eniger tyd voor terrolleplasing en daarna met die toestemming van die partye of verlof van die president soos bedoel in regulasie 16 (1) (v) terugtrek, en in elke geval moet hy 'n kennisgewing van terugtrekking aflewer waarin hy inwillig om koste te betaal wat op versoek van die ander party deur die takseermeester getakseer word.

(b) Inwillig om koste te betaal soos in paragraaf (a) bedoel, het die uitwerking van 'n bevel van die vergoedingshof vir sodanige koste.

(c) As die kennisgewing van terugtrekking nie 'n inwilliging tot betaling van koste bevat nie, kan die ander party by kennisgewing 'n gepaste kostebevel by die vergoedingshof aanvra.

(2) 'n Party ten gunste van wie 'n vasstelling van vergoeding gedoen is, kan geheel of gedeeltelik daarvan afstand doen deur 'n kennisgewing te dien effekte af te lewer, en waar gedeeltelik afstand gedoen is, geld net die oorblywende gedeelte van die toekenning. Die bepalinge van subregulasie (1) betreffende koste is *mutatis mutandis* van toepassing in die geval van 'n kennisgewing kragtens hierdie subregulasie afgelewer tensy die vergoedingshof op aansoek by kennisgewing anders beveel of die partye anders ooreenkom.

(3) Wanneer 'n skikking bereik is of die partye ooreenkom om uit te stel of terug te trek, is dit die plig van die applikant om die griffier onmiddellik daarvan in kennis te stel.

(4) Tensy die aansoek teruggetrek is, kan 'n party by 'n skikking wat op skrif is maar nie uitgevoer is nie, 'n vasstelling van vergoeding ooreenkomstig die skikking aanvra met minstens sewe dae kennisgewing aan alle ander partye.

(5) Enigeen van die partye kan te eniger tyd by die vergoedingshof aansoek doen om die bepalinge van 'n skikking van die geding, aan te teken. Die vergoedingshof kan sodanige akte van skikking 'n bevel van die hof maak.

(6) Sodanige aansoek geskied na kennisgewing, behalwe as die aansoek in die hof gedoen word tydens enige verrigtinge waarby die ander party verteenwoordig

a written waiver of this right (which may be contained in the deed of settlement) is submitted to the court by such other party.

(7) The applicant shall, at the hearing of the application, file with the court a deed of settlement signed by the parties to the case and, if no objection is raised by any other party, the court shall note that the case has been settled in pursuance of the provisions contained in the deed of settlement, and thereafter all further proceedings, save as provided hereunder, shall be discontinued.

(8) Where the deed of settlement provides for the future compliance with specific conditions by any party and such conditions are not complied with by such party, the other party may request an order in pursuance of the provisions of the deed of settlement at any time within 12 months of the first-mentioned party's having failed to comply with such conditions. Such application shall take place after notice to the party alleged to be in default, setting forth the details of the breach of the conditions of the deed of settlement by the said party.

(9) The compensation court may, after hearing the parties—

- (a) dismiss the application;
- (b) give an order in pursuance of the deed of settlement;
- (c) set aside the deed of settlement and issue such orders for the further continuation of the case as the court may deem necessary or expedient;
- (d) make such order as to costs of the application as the court may deem necessary or expedient.

PROCEDURES TO BE OBSERVED BY THE COMPENSATION COURT

28. The procedures relating to the proceedings in a compensation court shall take place in accordance with the provisions of the Act and these regulations: Provided that if in any particular case no such provision applies the compensation court concerned may, notwithstanding the fact that some other rule of procedure or practice is followed in a provincial division of the Supreme Court or in the magistrate's court in such a case, act in such manner as it may deem most appropriate to such case and in the circumstances in pursuing the objects of the Act and these regulations in order to cause material justice to be done in such case and to the parties concerned.

MANNER OF SECURING THE ATTENDANCE OF WITNESSES IN CASES IN THE COMPENSATION COURT AND PENALTIES FOR NON-ATTENDANCE

29. (1) The provisions of Rule 38 of the Uniform Rules of Court, as amended from time to time, in regard to the obtaining and the giving of evidence at a hearing shall, *mutatis mutandis*, apply to the obtaining and the giving of evidence at the hearing of an application for the determination of compensation in a compensation court.

(2) The compensation court may set aside any subpoena if it appears that the witness upon whom it has been served has not been given reasonable time to enable him to attend in obedience to the subpoena, or where it appears that the witness claimed but did not receive a sufficient travelling allowance, or where there are special circumstances which justify the setting aside of such subpoena.

(3) Whenever any person subpoenaed to attend a case as a witness fails without reasonable excuse, to obey the subpoena, and it appears from the return of the officer who served the subpoena concerned or from evidence given under oath that the subpoena was served on the

is of wanneer 'n skriftelike afstanddoening van hierdie reg (wat in die akte van skikking opgeneem kan word) deur sodanige ander party aan die hof voorgele word.

(7) By die aanhoor van die aansoek moet die applikant 'n akte van skikking deur die betrokke party by die verrigtinge onderteken by die hof indien en, as geen beswaar deur enige ander party daarteen opgewerp word nie, teken die hof aan dat die geding geskik is ooreenkomstig die bepalings in die akte van skikking vervat en daarna is alle verdere verrigtinge, behoudens soos hieronder bepaal, gestuit.

(8) Wanneer die akte van skikking voorsiening maak vir die toekomstige nakoming deur enige party van bepaalde voorwaardes en sodanige voorwaardes nie deur die betrokke party nagekom word nie, kan die ander party te eniger tyd binne 12 maande nadat eersgenoemde party versuim het om sodanige voorwaardes na te kom, om 'n bevel ooreenkomstig die bepalings van die akte van skikking aansoek doen. Sodanige aansoek geskied na kennisgewing aan die party wat na bewering in verstek is, met vermelding van besonderhede van die verbreking van die bepalings van die akte van skikking deur genoemde party.

(9) Na aanhoor van die partye, kan die vergoedingshof—

- (a) die aansoek afwys;
- (b) 'n bevel ooreenkomstig die akte van skikking gee;
- (c) die akte van skikking tersyde stel en sodanige bevel vir die verdere voortsetting van die geding gee as wat die hof nodig of dienstig ag;
- (d) sodanige bevel betreffende die koste van die aansoek gee as wat die hof nodig of dienstig ag.

PROSEDURE WAT VERGOEDINGSHOF IN AG MOET NEEM

28. Die prosedure van die verrigtinge in 'n vergoedingshof geskied ooreenkomstig die bepalings van die Wet en hierdie regulasies: Met dien verstande dat indien in enige bepaalde geval geen sodanige bepaling van toepassing is nie, die betrokke vergoedingshof nie teenstaande die feit dat daar in so 'n geval 'n ander reël van prosedure of praktyk in 'n provinsiale afdeling van die Hooggeregshof, of in die landdroshof, gevolg word, kan handel op die wyse wat hy vir die bedoelde geval en in die omstandighede die geskikste ag om, ter uitvoering van die oogmerke van die Wet en hierdie regulasies, wesenlik reg aan die geval en die betrokke partye te laat geskied.

MANIER OM VERSKYNING VAN GETUIES BY VERRIGTINGE IN 'N VERGOEDINGSHOF TE VERSEKER EN STRAWWE VIR VERSUIM OM TE VERSKYN

29. (1) Die bepalings van Reël 38 van die Eenvormige Hofreëls, soos van tyd tot tyd gewysig, met betrekking tot die verkryging en die lewering van getuienis vir 'n verhoor, is *mutatis mutandis* van toepassing op die verkryging en die lewering van getuienis by die aanhoor van 'n aansoek om vasstelling van vergoeding in 'n vergoedingshof.

(2) Die vergoedingshof kan enige getuiedagvaarding tersyde stel as dit blyk dat die getuie aan wie dit beteken is, nie redelike tyd gegun is om hom in staat te stel om ingevolge die dagvaarding te verskyn nie, of as dit blyk dat die getuie voldoende reisgeld geëis het maar nie ontvang het nie, of as daar spesiale omstandighede bestaan wat die tersydestelling van sodanige getuiedagvaarding regverdig.

(3) Wanneer iemand wat gedagvaar is om as 'n getuie by verrigtinge aanwesig te wees, sonder redelike verskoning versuim om die dagvaarding te gehoorsaam en dit uit die relaas van die beamppte wat die betrokke getuiedagvaarding beteken het of uit getuienis onder eed afgelê,

person to whom it was directed and that his reasonable expenses, calculated in accordance with the tariff framed under section 42 of the Supreme Court Act, 1959, have been paid or offered to him or that he is evading service of the subpoena, or if any person who has attended in obedience to a subpoena fails to remain in attendance, the compensation court in which the said proceedings are conducted may issue a warrant directing that he be arrested and brought before the compensation court at a time and place stated in the warrant or as soon thereafter as possible.

(4) Any person arrested under any such warrant may be detained thereunder before the compensation court which issued it or in any prison or lock-up or other place of detention or in the custody of the person who is in charge of him with a view to securing his presence as a witness at the said proceedings: Provided that the compensation court may release him on recognizance with or without sureties for his appearance to give evidence as required.

(5) A witness who evades the service of a subpoena or fails to obey the subpoena or to remain in attendance shall, unless it is proved that such person has a reasonable excuse for such evasion or failure, be guilty of an offence and upon conviction be liable to a fine not exceeding R200 or imprisonment for a period not exceeding six months.

(6) If a person who has entered into any recognizance for his appearance to give evidence at such proceedings fails so to appear, the compensation court may declare his bail forfeit, and any such forfeiture shall have the effect of a judgment on the recognizance for the amounts therein specified against him and his sureties respectively, and in addition to such forfeiture, he may be dealt with as if he had failed to obey a subpoena to attend such proceedings.

MANNER IN WHICH WITNESSES MAY BE DEALT WITH ON REFUSAL TO GIVE EVIDENCE OR PRODUCE DOCUMENTS

30. (1) Whenever any person who appears either in obedience to a subpoena or in compliance with a warrant issued under regulation 29 or is present and is verbally required by the compensation court to give evidence, refuses to be sworn or to make an affirmation, or, having been sworn or having made an affirmation, refuses to answer such questions as are put to him or refuses or fails to produce any document or thing which he is required to produce without just excuse for such refusal or failure, the compensation court may adjourn the proceedings for any period not exceeding seven days and may, in the mean time, by warrant commit the person so refusing or failing to prison unless he sooner consents to do what is required of him: Provided that the law relating to privilege as applicable to a witness subpoenaed to give evidence or to produce a document or thing before a court of law shall apply *mutatis mutandis* to the interrogation of any person or the production of any document or thing in terms of this regulation.

(2) If any person referred to in subregulation (1) again refuses at the resumed hearing of the proceedings concerned to do what is required of him the court may again adjourn the proceedings and commit him for a like period, and so again from time to time until such person consents to do what is required of him or until he is otherwise released by the compensation court.

(3) Nothing in this regulation contained shall prevent the compensation court from giving judgment in any case or otherwise disposing of the proceedings according to any other sufficient evidence taken.

blyk dat die dagvaarding beteken is aan die persoon aan wie dit gerig is en dat sy redelike uitgawes, bereken ooreenkomstig die tarief kragtens artikel 42 van die Wet op die Hooggeregshof, 1959, voorgeskryf, aan hom betaal of aangebied is, of dat hy betekening van die dagvaarding ontwyk, of indien iemand wat ter voldoening aan 'n dagvaarding opgedaag het, versuim om aanwesig te bly, kan die vergoedingshof waarin die geding gevoer word 'n lasbrief uitreik waarby gelas word dat hy in hegtenis geneem en op 'n tyd en plek in die lasbrief vermeld of so spoedig moontlik daarna voor die vergoedingshof gebring word.

(4) Iemand wat ingevolge so 'n lasbrief in hegtenis geneem word, kan daarkragtens aangehou word voor die vergoedingshof wat dit uitgereik het of in 'n gevangenis of opsluitplek of ander aanhoudingsplek of in die bewaring van die persoon wat hom in bewaring het, ten einde sy aanwesigheid as 'n getuie by die betrokke geding te verseker: Met dien verstande dat die vergoedingshof hom onder borgakke met of sonder borge vir sy verskynning om getuie af te lê soos vereis, kan vrylaat.

(5) 'n Getuie wat die betekening van 'n dagvaarding ontwyk of versuim om die dagvaardings te gehoorsaam of om aanwesig te bly, is, tensy bewys word dat so iemand redelike verskoning vir die ontwyking of versuim het, aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R200 of met gevangenisstraf vir 'n tydperk van hoogstens ses maande.

(6) Indien iemand wat 'n borgakke aangegaan het om te verskyn ten einde by sodanige verrigtinge getuie af te lê, versuim om aldus te verskyn, kan die vergoedingshof sy borggeld verbeurd verklaar, welke verbeurdverklaring ook die uitwerking het van 'n vonnis op die borgakke teen so iemand en sy borge onderskeidelik vir die bedrae daarin aangegee, en kan daar, afgesien van sodanige verbeurdverklaring, met hom gehandel word asof hy versuim het om 'n dagvaarding om by bedoelde verrigtinge aanwesig te wees, te gehoorsaam.

WYSE WAAROP MET GETUIE GEHANDEL KAN WORD BY WEIERING OM GETUIENIS AF TE LÊ OF STUKKE VOOR TE LÊ

30. (1) Wanneer iemand wat of ter voldoening aan 'n dagvaarding of ingevolge 'n lasbrief kragtens regulasie 29 uitgereik, verskyn of aanwesig is en van wie die vergoedingshof mondeling vereis dat hy getuie af lê, weier om 'n eed of plegtige verklaring af te lê of nadat hy 'n eed of pligtige verklaring afgelê het, weier om die vrae te beantwoord wat aan hom gestel word, of weier of versuim om 'n stuk of saak voor te lê waarvan die voorlegging van hom vereis word, sonder dat daar gegronde rede vir die weiering of versuim bestaan, kan die vergoedingshof die verrigtinge vir 'n tydperk van hoogstens sewe dae verdaag en kan hy die persoon wat aldus weier of versuim intussen by lasbrief gevang sit tensy hy eerder instem om te doen wat van hom vereis word: Met dien verstande dat die regsreëls betreffende privilegie wat van toepassing is op 'n getuie wat gedagvaar is om voor 'n geregshof getuie af te lê of om 'n stuk of saak voor te lê, *mutatis mutandis* van toepassing is op die ondervraging van iemand of die voorlegging van 'n stuk of saak ingevolge hierdie regulasie.

(2) Indien 'n persoon in subregulasie (1) bedoel by die hervatting van die betrokke verrigtinge weer weier om te doen wat aldus van hom vereis word, kan die vergoedingshof weereens die verrigtinge verdaag en hom vir 'n dergelyke tydperk gevang sit en dit van tyd tot tyd herhaal totdat bedoelde persoon instem om te doen wat van hom vereis word, of totdat hy andersins deur die vergoedingshof vrygelaat word.

(3) Die bepalinge van hierdie regulasie belet nie die vergoedingshof om in enige geding uitspraak te gee of die verrigtinge andersins af te handel op grond van ander voldoende getuie wat afgeneem is nie.

(4) No person shall be bound to produce any document or thing not specified or otherwise sufficiently described in the subpoena unless he actually has it in his possession in the compensation court.

(5) When a subpoena is issued to procure the attendance of a judicial officer to give evidence or to produce any book, paper or document in any proceedings before a compensation court, and it appears—

(a) that he is unable to give any evidence or to produce any book, paper or document which would be relevant to any issue in such proceedings; or

(b) that such book, paper or document could properly be produced by some other person; or

(c) that the compelling of his attendance would be an abuse of the process of the court;

the compensation court may, notwithstanding anything in this regulation contained, after reasonable notice by the registrar to the party who sued out the subpoena, and after hearing that party in chambers if he appears, make an order setting aside such subpoena.

IMPEDING OR OBSTRUCTING THE COMPENSATION COURT

31. Any person intentionally disturbing the proceedings before a compensation court or intentionally impeding or obstructing a compensation court in the fulfilling of its duties shall be guilty of an offence, and, upon conviction, shall be liable to a fine not exceeding R200 or imprisonment for a period not exceeding six months.

WITNESS FEES

32. Any witness subpoenaed to give evidence before a compensation court shall be entitled to the fees and costs as stated in the tariff mentioned in regulation 29 (3) to which he would have been entitled if he had given evidence in a civil case in a provincial division of the Supreme Court.

SETTING DOWN FOR HEARING OF APPLICATION FOR THE DETERMINATION OF COMPENSATION

33. (1) After the last process required in terms of these regulations has been filed, the applicant may set down the case on a date to be arranged with the registrar in consultation with the parties.

(2) Should the applicant fail to apply, within 14 days of such last process having been filed, for a date of hearing of the application, the respondent shall be entitled to make such application.

(3) If the provisions of regulation 14 apply to the further continuation of the hearing of the application, the applicant may, without any reference to any other party, arrange a date for the hearing of the application in consultation with the registrar.

NOTICE OF DATE OF THE HEARING OF APPLICATION FOR THE DETERMINATION OF COMPENSATION

34. Notice of the date of the hearing of the application for the determination of compensation shall be given to the other party by the applicant or, as the case may be, the respondent at least 30 days before the hearing of the application and the time and place of the hearing shall be mentioned in the notice.

(4) Niemand is verplig om 'n stuk of saak voor te lê wat nie in die dagvaarding vermeld of andersins genoegsaam beskryf is nie, tensy hy dit werklik in die vergoedingshof in sy besit het.

(5) Wanneer 'n dagvaarding uitgereik word om die aanwesigheid van 'n regterlike beampte te verkry om in 'n geding voor 'n vergoedingshof getuienis af te lê of 'n boek, stuk of dokument voor te lê, en dit blyk—

(a) dat hy nie in staat is om getuienis te lewer of 'n boek, stuk of dokument voor te lê wat by 'n geskilpunt in die geding ter sake sou wees nie; of

(b) dat so 'n boek, stuk of dokument gevoeglik deur iemand anders voorgelê sou kon word; of

(c) dat om hom te verplig om aanwesig te wees op misbruik van geregtelike proses sou neerkom;

kan die vergoedingshof, ondanks enigiets in hierdie regulasies vervat, na redelike kennisgewing deur die griffier aan die party wat die dagvaarding uitgeneem het en nadat daardie party in kamers aangehoor is indien hy verskyn, 'n bevel uitvaardig waarby die dagvaarding tersyde gestel word.

HINDERING OF DWARSBOMING VAN VERGOEDINGSHOF

31. Iemand wat die verrigtinge van 'n vergoedingshof opsetlik steur of 'n vergoedingshof by die verrigting van sy werksaamhede opsetlik hinder of dwarsboom, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R200 of met gevangenisstraf vir 'n tydperk van hoogstens ses maande.

GETUIEGELDE

32. 'n Getuie wat gedagvaar is om getuienis voor 'n vergoedingshof af te lê, is geregtig op die gelde en koste uiteengesit in die tarief genoem in regulasie 29 (3), waarop hy geregtig sou gewees het indien hy getuienis in 'n siviele saak in 'n provinsiale afdeling van Hooggeregshof afgelê het.

TERROLLEPLASING VIR AANHOOR VAN AANSOEK OM VASSTELLING VAN VERGOEDING

33. (1) Nadat die laaste prosesstuk wat ingevolge hierdie regulasies vereis word, ingedien is, kan die applikant die saak ter rolle plaas op 'n datum wat met die griffier in oorleg met die partye gereël moet word.

(2) Indien die applikant versuim om binne 14 dae nadat die bedoelde laaste prosesstuk ingedien is, aansoek te doen om 'n datum van aanhoor van die aansoek, is die respondent geregtig om sodanige aansoek te rig.

(3) Indien die bepalings van regulasie 14 van toepassing is op die verdere voortsetting van die aanhoor van die aansoek, kan die applikant sonder enige verwysing na enige ander party 'n datum vir die aanhoor van die aansoek reël in oorleg met die griffier.

KENNISGEWING VAN DATUM VAN AANHOOR VAN AANSOEK OM VASSTELLING VAN VERGOEDING

34. Kennis van die datum van aanhoor van die aansoek om vasstelling van vergoeding moet minstens 30 dae voor die aanhoor van die aansoek deur die applikant of, na gelang van die geval, die respondent, gegee word aan die ander party, en die tyd en plek van die verhoor moet in die kennisgewing vermeld word.

THE OBLIGATION TO BEGIN

35. The obligation to adduce evidence first shall rest upon the applicant in any proceedings under the provisions of these regulations for the determining of compensation as a result of any expropriation of property or the taking of the right of temporary use thereof.

PROCEDURE AT THE HEARING OF PROCEEDINGS

36. (1) The hearing before a compensation court shall, subject to the provisions of any law to the contrary and these regulations, take place in public.

(2) Should the applicant appear at the commencement of the proceedings and the respondent fail to appear, the applicant may adduce evidence in so far as it is necessary for his case, whereupon the court may make a determination.

PROCEDURE DURING THE HEARING RELATING TO EVIDENCE

37. (1) Any witness who is not a party to a case may be ordered by the compensation court to—

(a) leave the court until his evidence is necessary or after he has given evidence; or

(b) remain in court after he has given evidence until the session is concluded or adjourned.

(2) After the respondent has adduced evidence, the applicant shall have the right to adduce rebutting evidence on any issue in regard to which the onus rested on the respondent: Provided that should the applicant have adduced evidence on any such issue before he closed his case, he shall be precluded from adducing further evidence on that issue.

(3) No provision of subregulation (2) shall prevent the respondent from cross-examining any witness who was called, at any stage, by the applicant on any issue; and the applicant shall be entitled to re-examine such witness after such cross-examination without prejudice to the right conferred upon him by subregulation (2) to adduce evidence at a later stage on an issue on which such witness was cross-examined. The applicant may further call the witness who was so re-examined to give evidence at a later stage on any such issue.

(4) Where a party is represented, every witness shall be examined, cross-examined and re-examined, as the case may be, by only one representative of such party, although not necessarily the same representative.

(5) The applicant may, after the evidence in the case has been closed on both sides, address the court, after which the respondent may do the same and the applicant may reply to anything arising therefrom.

(6) The court may, notwithstanding any provision to the contrary in these regulations contained, penalise, in the award of costs, any party, where it is of the opinion that the proceedings have been unnecessarily protracted by him by calling unnecessary witnesses or by excessively lengthy examination or cross-examination or by labouring the point.

(7) The rules and procedures of the Supreme Court in relation to the recording of proceedings in civil cases shall, *mutatis mutandis*, apply in relation to the proceedings before a compensation court.

OATH BY THE PRESIDENT

38. (1) Judges and magistrates shall, when they are appointed president, be bound to the oath or affirmation which they made in the office of judge or magistrate respectively.

DIE VERPLIGTING OM TE BEGIN

35. In enige verrigtinge ingevolge die bepalings van hierdie regulasies vir die vasstelling van vergoeding as gevolg van enige onteiening van goed of die neem van die reg van tydelike gebruik daarvan, rus die verpligting om sy getuineis eerste aan te voer op die applikant.

PROSEDURE BY AANHOOR VAN VERRIGTINGE

36. (1) Behoudens andersluidende wetsbepalings en hierdie regulasies vind die verrigtinge in die vergoedingshof in die openbaar plaas.

(2) Indien die applikant by die aanvang van die verrigtinge verskyn en die respondent nie verskyn nie, kan dien applikant getuineis aanvoer vir sover dit vir sy saak nodig is, waarna die hof 'n vasstelling kan doen.

PROSEDURE GEDURENDE VERHOOF TEN OPSIGTE VAN GETUIENIS

37. (1) 'n Getuie wat nie 'n party by die geding is nie, kan deur die vergoedingshof gelas word om—

(a) die hof te verlaat totdat sy getuineis nodig is of nadat hy getuineis afgelê het; of

(b) in die hof te bly nadat hy getuineis afgelê het totdat die sitting beëindig of verdaag word.

(2) Nadat die respondent getuineis aangevoer het, het die applikant die reg om weerleggende getuineis oor enige geskilpunt ten opsigte waarvan die onus op die respondent gerus het, aan te voer: Met dien verstande dat as die applikant getuineis aangevoer het oor enige sodanige geskilpunt voordat hy sy getuineis afgesluit het, hy geen verdere getuineis daarvoor mag aanvoer nie.

(3) Geen bepaling van subregulasie (2) verhoed die respondent om 'n getuie wat in enige stadium deur applikant oor 'n geskilpunt geroep is, te kruisvra nie, en die applikant is geregtig om so 'n getuie te herondervra na so 'n kruisondervraging sonder om die reg aan hom by subregulasie (2) verleen om getuineis in 'n later stadium aan te voer oor die geskilpunt waarvoor so 'n getuie gekruisvra is, aan te tas. Die applikant kan verder die getuie wat aldus herondervra is, roep om in 'n later stadium getuineis te lewer oor enige sodanige geskilpunt.

(4) Waar 'n party verteenwoordig is, word elke getuie ondervra, gekruisvra of herondervra, na gelang van die geval, deur slegs een verteenwoordiger van so 'n party, hoewel nie noodwendig dieselfde verteenwoordiger nie.

(5) Nadat die getuineis in die geding aan beide kante afgesluit is, kan die applikant die hof toesprek waarna die respondent dieselfde kan doen en die applikant repliek kan lewer op enigiets wat daaruit voortspruit.

(6) Ondanks enige andersluidende bepalings vervat in hierdie regulasies kan die hof as hy van oordeel is dat die verrigtinge deur enige partye onnodig verleng is deur die roep van onnodige getuies of deur te lange ondervraging of kruisondervraging of deur te uitvoerige beredenering, sodanige partye by die toekenning van koste penaliseer.

(7) Die reëls en prosedure van die Hooggeregshof met betrekking tot die notulering van verrigtinge in siviele sake is *mutatis mutandis* van toepassing met betrekking tot verrigtinge van 'n vergoedingshof.

EED DEUR PRESIDENT

38. (1) Regters en landdroste is wanneer hulle as president aangestel word, gebonde aan die eed of plegtige verklaring wat hulle in die amp van onderskeidelik regter of landdros afgelê het.

(2) (a) A former judge, former magistrate, advocate or attorney appointed president shall, before he commences his functions, make an oath or affirmation, which shall be signed by him in the form set out below, namely:

I,
(full name)

do hereby swear/solemnly and sincerely affirm that I will, in my capacity as President of the Compensation Court for the area of jurisdiction of
(mention division)

of the Supreme Court of South Africa, administer justice to all persons alike without fear, favour or prejudice.

(b) Any such oath or affirmation shall be taken or made before a judge or magistrate who shall at the foot thereof endorse a statement of the fact that it was taken or made before him and of the date on which it was so taken or made and append his signature thereto.

DEATH OF AN ASSESSOR OR INCAPACITY TO TAKE A SEAT

39. If an assessor during the hearing of a case, or so shortly before the commencement of the proceedings in connection therewith that the vacancy cannot be filled in time for the hearing, dies or his estate is sequestrated or otherwise becomes incapable, or is not in a position to take his seat or, after he has taken his seat, is unable to carry on therewith, the president concerned may at his discretion adjourn the proceedings in order to call in the help of some other assessor or proceed with the hearing with the remaining assessor only, if there be one, or without any assessor should there be no remaining assessor.

COSTS AND FEES IN A COMPENSATION COURT

40. (1) Costs in any case in a compensation court shall be calculated and taxed as follows:

(a) Should the compensation awarded or last claimed prior to the commencement of the case be less than ten thousand rand, the amounts allowable to attorneys shall be the highest scale of the table of costs applicable in a magistrate's court in relation to contested actions.

(b) Should the compensation awarded or last claimed prior to the commencement of the case be ten thousand rand or more, the costs in a case shall be calculated in terms of the tariff of costs as prescribed in Schedule 2 to these regulations.

(2) Should the compensation awarded by the compensation court in a case—

(a) be equal to or exceed the amount last claimed by the expropriated party on the date of the commencement of the proceedings in the court, all costs incurred after the date referred to shall be awarded against the expropriator;

(b) be equal to or less than the amount last offered by the expropriator on the date referred to in paragraph (a), such costs shall be awarded against the expropriated party concerned;

(c) be less than the amount last so claimed by the expropriated party but exceed the amount last so offered by the expropriator, then there shall be awarded against the expropriator so much of the expropriated party's costs (which do not exceed taxed costs) incurred after the date referred to in paragraph (a) as bears to such costs the same proportion as the difference between the compensation so awarded and the amount so offered

(2) (a) 'n Voormalige regter, voormalige landdros, advokaat of prokureur wat as president aangestel word moet, voordat hy sy werksaamhede begin uitvoer, 'n eed of plegtige verklaring aflê, wat deur hom onderteken moet word, in onderstaande vorm, te wete:

Ek,
(volle naam)

verklaar hierby onder eed/plegtig en opreg dat ek in my hoedanigheid van President van die Vergoedingshof vir die regsgebied van
(meld afdeling)

van die Hooggeregshof van Suid-Afrika aan alle persone op gelyke voet reg sal laat geskied sonder vrees, begunstiging of vooroordeel.

(b) So 'n eed of plegtige verklaring moet afgelê word voor 'n regter of 'n landdros wat daaronder 'n verklaring moet endosseer dat dit voor hom afgelê is en die datum van aflêging daarvan moet vermeld en dit moet onderteken.

DOOD VAN ASSESSOR OF ONVERMOË OM SITTING TE NEEM

39. Indien 'n assessor gedurende die verhoor van 'n geding, of so kort voor die aanvang van die verrigtinge in verband daarmee dat die vakature nie betyds vir die verhoor gevul kan word nie, te sterwe kom of sy boedel gesekwestreer word, of andersins onbevoeg word, of nie in staat is om sitting te neem of, nadat hy sitting geneem het nie in staat is om daarmee voort te gaan nie, kan die betrokke president na goeë dunke die verrigtinge verdaag ten einde 'n ander assessor se hulp in te roep of met die verhoor voortgaan slegs met die oorblywende assessor, indien daar een is, of sonder enige assessor, indien daar geen oorblywende assessor is nie.

KOSTE EN GELDE IN 'N VERGOEDINGSHOF

40. (1) Koste in 'n geding in 'n vergoedingshof word soos volg bereken en getakseer:

(a) Indien die vergoeding toegeken of laas voor die aanvang van die verrigtinge geëis minder as tienduise rand bedra, is die bedrae wat vir prokureurs toegelaat kan word, die hoogste skaal van die tabel van koste van toepassing in 'n landdroshof met betrekking tot betwiste aksies.

(b) Indien die vergoeding toegeken of laas voor die aanvang van die verrigtinge geëis tienduise rand of meer bedra, word die koste in 'n geding bereken volgens die skaal van koste voorgeskryf in Bylae 2 van hierdie regulasies.

(2) Indien die vergoeding wat in 'n geding deur die vergoedingshof toegeken word—

(a) gelyk is aan, of groter is as die bedrag wat laas deur die onteiene geëis is op die datum van die aanvang van die verrigtinge in die hof, word alle koste aangegaan na bedoelde datum teen die onteienaar toegeken;

(b) gelyk is aan, of minder is as die bedrag wat laas deur die onteienaar aangebied is op die datum soos bedoel in paragraaf (a), word sodanige koste teen die betrokke onteiene toegeken;

(c) minder is as die bedrag wat laas deur die onteiene aldus geëis is maar meer is as die bedrag wat laas aldus deur die onteienaar aangebied is, word soveel van die onteiene se koste (wat nie getakseerde koste te bowe gaan nie) wat na die datum bedoel in paragraaf (a) aangegaan is, teen die onteienaar toegeken as wat tot sodanige koste in dieselfde verhouding staan was wat die verskil tussen die vergoeding aldus

bears to the difference between the amount of compensation so awarded and the amount so claimed: Provided that, should any offer of settlement have been made by the expropriator in accordance with these regulations, the provisions of this paragraph shall not apply, and the date referred to in paragraph (a) shall, for the purposes of any such offer of settlement, be the date thereof.

(3) In a case not mentioned in subregulation (2), the court shall at its discretion decide in regard to costs.

(4) The court shall in any other case not mentioned in subregulation (2), exercise its discretion in relation to costs, and may, in exercising such discretion, order a party to pay part of the costs should he or his representative have failed to attend a consultation in terms of regulation 20.

(5) Should any costs be awarded against the party to whom the compensation is payable, such an order as to costs shall be a preferential claim against any amount payable to such party under section 12 (3) of the Act, and that money and interest shall, in so far as is necessary, be applied for the settlement of those costs and fees.

(6) The taxing master of the provincial division of the Supreme Court concerned shall be the taxing master of the compensation court concerned, and the said taxing master shall tax bills of costs in accordance with the provisions of the Act and these regulations.

(7) Any costs awarded, whether so ordered by the court or so agreed to by the parties, shall include the fees of expert witnesses. Such fees shall be subject to taxation by the taxing master of the compensation court concerned.

(8) Any party to a case may apply to the provincial division of the Supreme Court concerned for review of any costs or expenses awarded or refused in such bill of costs, and such application shall be made *mutatis mutandis* in accordance with the same procedures as those that apply to applications for review of taxations by the taxing master of the said division.

APPEALS

41. Any appeal in terms of section 17 of the Act shall be pursued as if it were an appeal against the decision of a single judge in motion proceedings arising from an application to the Supreme Court, and the provisions of section 13 of the Supreme Court Act, 1959, in so far as they relate to appeals, shall, *mutatis mutandis*, apply to such appeals.

EXECUTION

42. The rules of procedure in force from time to time relating to execution in the Supreme Court shall, subject to the provisions of section 3 of the State Liability Act, 1957 (Act 20 of 1957), *mutatis mutandis*, apply to any order or award of a compensation court.

FEES OF SHERIFF OR DEPUTY SHERIFF

43. (1) The tariff of fees and claims in force on 1 July 1976 in the Supreme Court relating to the service of documents and execution of orders, and the provisions relating to the taxation thereof, shall apply in relation to the service of documents and execution of orders of the compensation court.

toegeken en die bedrag aldus aangebied, staan tot die verskil tussen die bedrag van die vergoeding aldus toegeken en die bedrag aldus geëis: Met dien verstande dat indien enige skikkingsaanbod deur die onteienaar ooreenkomstig hierdie regulasies gedoen is, die bepalings van hierdie paragraaf nie van toepassing is nie en die datum soos bedoel in paragraaf (a) vir doeleindes van enige sodanige skikkingsaanbod die datum daarvan is.

(3) In 'n geval nie in subregulasie (2) vermeld nie, beslis die hof na goeë dunske oor die koste.

(4) In enige ander geval wat nie in subregulasie (2) vermeld is nie, oefen die hof sy diskresie uit ten aansien van koste, en by die uitoefening van sodanige diskresie kan die hof 'n party beveel om 'n deel van die koste te betaal as hy of sy verteenwoordiger versuim het om 'n samespreking ingevolge die bepalings van regulasie 20 by te woon.

(5) Indien enige koste toegeken word teen die party aan wie vergoeding betaal moet word, is sodanige kostebevel 'n preferente vordering teen enige bedrag wat ingevolge artikel 12 (3) van die Wet aan sodanige party betaal moet word, en daardie geld en rente word vir sover nodig ter vereffening van daardie koste en gelde aangewend.

(6) Die takseermeester van die betrokke provinsiale afdeling van die Hooggeregshof, is die takseermeester van die betrokke vergoedingshof, en die bedoelde takseermeester takseer kosterekenings ooreenkomstig die bepalings van die Wet en hierdie regulasies.

(7) Enige koste wat toegeken word, as die hof so gelas of die partye so ooreenkom, sluit in die gelde van deskundige getuies. Sodanige gelde is onderworpe aan taksasie deur die takseermeester van die betrokke vergoedingshof.

(8) Enige party by verrigtinge kan by die betrokke provinsiale afdeling van die Hooggeregshof aansoek doen om hersiening van enige koste of uitgawes in sodanige rekening toegestaan of afgekeur, en so 'n aansoek word gedoen *mutatis mutandis* ooreenkomstig dieselfde procedure as dié wat geld vir die aansoeke om hersiening van taksasies deur die takseermeester van bedoelde afdeling.

APPÊLLE

41. Enige appèl kragtens artikel 17 van die Wet word gevoer asof dit 'n appèl teen die beslissing van 'n enkele regter in mosieversigtigings voortspruitende uit 'n aansoek aan die Hooggeregshof is en die bepalings van artikel 13 van die Wet op die Hooggeregshof, 1959, vir sover dit op appèlle betrekking het, is *mutatis mutandis* van toepassing op sodanige appèlle.

TENUITVOERLEGGING

42. Die Reëls van procedure wat van tyd tot tyd van krag is betreffende tenuitvoerlegging in die Hooggeregshof, is behoudens die bepalings van artikel 3 van die Wet op Staatsaanspreeklikheid, 1957 (Wet 20 van 1957), *mutatis mutandis* van toepassing op enige bevel of toekenning van 'n vergoedingshof.

GELDE VAN BALJU OF ADJUNK-BALJU

43. (1) Die tarief van gelde en vorderings wat op 1 Julie 1976 in die Hooggeregshof met betrekking tot die betekening van stukke en tenuitvoerlegging van bevel van krag was, en die bepalings met betrekking tot taksering daarvan, is van toepassing met betrekking tot die betekening van stukke en tenuitvoerlegging van bevel van 'n vergoedingshof.

(2) Such fees and claims shall be payable by the party in whose behalf the services were rendered and recovery may be taken against the opposite party if the costs are awarded between parties.

REMUNERATION OF THE PRESIDENT OF THE COMPENSATION COURT

44. (1) A president other than a judge or a magistrate shall be entitled to a remuneration of not more than R150 per day for every day on which the compensation court is in session and of not more than R20 for every completed hour that such a president devoted to the activities of the court on days other than session days.

(2) A president of a compensation court—

(a) who is a former judge of the Supreme Court of South Africa may, in respect of any period for which he was absent from the seat of the compensation court concerned on business of that court, be paid the subsistence allowance applicable to judges on circuit court duty; or

(b) who is a former magistrate, advocate or attorney, may, in the circumstances referred to in paragraph (a), be paid the subsistence allowance applicable on the head of a Government department:

and in respect of any journey undertaken by private transport for this purpose a travelling allowance may be paid in accordance with the relevant tariff prescribed from time to time in terms of section 26 (1) of the Public Service Act, 1957 (Act 54 of 1957).

(3) A president of a compensation court who has to do duty away from the seat of such compensation court may travel at Government expense and in such manner as he may deem fit to any place which, in his opinion, is necessary to visit in connection with the business of the compensation court.

REMUNERATION OF AN ASSESSOR

45. (1) Should an assessor be a person not in the full-time employment of the State, he shall be entitled to a remuneration of not more than R50 per day for every day, or part thereof on which the court is in session.

(2) An assessor who is not in full-time employment of the State may, in respect of any period during which he is away from home on compensation court business and in respect of any journey by private transport for this purpose, be paid the travelling and subsistence allowance applicable to the head of a Government department.

(3) The remuneration and allowances referred in subregulations (1) and (2) shall be paid by the State: Provided that where the services of assessors are called in by the court at the request of all the parties to the proceedings, the court shall order which party or parties shall refund the amounts referred to in the said subregulations (1) and (2) to the State.

(4) Any certificate issued by the registrar specifying the amount paid to the assessors in terms of subregulations (1) and (2) shall be prima facie proof of such payment, and the expropriator may deduct from any moneys due by him to any other party or parties to the case the amount which is payable by any such party or parties under an order in terms of the proviso to subregulation (3).

(2) Sodanige gelde en vordering is betaalbaar deur die party ten behoeve van wie dienste gelewer is en kan op die teenparty verhaal word indien koste tussen partye toegestaan word.

BESOLDIGING VAN DIE PRESIDENT VAN DIE VERGOEDINGSHOF

44. (1) 'n President uitgesonderd 'n regter of landdros, is geregtig op besoldiging van hoogstens R150 per dag vir elke dag waarop die hof sitting hou en vir elke voltooide uur wat so 'n president aan die werksaamhede van die hof op ander dae as sittingsdae bestee het teen hoogstens R20 vir elke voltooide uur.

(2) Aan 'n president van 'n vergoedingshof—

(a) wat 'n voormalige regter van die Hooggeregshof van Suid-Afrika is, kan ten opsigte van 'n tydperk wat hy weg van die setel van die betrokke vergoedingshof in verband met die vergoedingshof besig was, die verblyf-toelae betaal word wat op regters op rondgang van toepassing is; of

(b) wat 'n voormalige landdros, advokaat of prokureur is, kan in die omstandighede in paragraaf (a) bedoel, die verblyf-toelae betaal word op die hoof van 'n staatsdepartement van toepassing is:

en ten opsigte van 'n reis met private vervoer vir dié doeleindes onderneem, kan 'n reistoelae betaal word volgens die toepaslike tarief wat van tyd tot tyd ingevolge artikel 26 (1) van die Staatsdienswet, 1957 (Wet 54 van 1957), voorgeskrif word.

(3) 'n President van 'n vergoedingshof wat weg van die setel van die betrokke vergoedingshof diens moet doen, kan op staatskoste en op die wyse wat hy goed-dink, reis na enige plek wat, na sy oordeel, nodig is om in verband met die sake van die vergoedingshof te besoek.

BESOLDIGING VAN ASSESSOR

45. (1) Indien 'n assessor nie iemand in voltydse diens van die Staat is nie, is hy geregtig op besoldiging van hoogstens R50 per dag vir elke dag of 'n gedeelte van 'n dag wat die hof sitting hou.

(2) Aan 'n assessor wat nie in die voltydse diens van die Staat is nie, kan, ten opsigte van 'n tydperk wat hy weg van sy tuiste in verband met die sake van 'n vergoedingshof besig is, en ten opsigte van 'n reis vir dié doeleindes met private vervoer onderneem, die verblyf- en reistoelae betaal word wat op die hoof van 'n staatsdepartement van toepassing is.

(3) Die besoldiging en toelae vermeld in subregulasies (1) en (2) word deur die Staat betaal: Met dien verstande dat waar die dienste van assessore ingeroep word deur die hof as gevolg van die versoek van al die partye by die verrigtinge die hof moet beveel watter party of partye die bedrae vermeld in genoemde subregulasies (1) en (2) aan die Staat moet terugbetaal.

(4) 'n Sertifikaat uitgereik deur die griffier wat die bedrag aandui wat ingevolge subregulasies (1) en (2) aan die assessore betaal is, word as prima facie bewys van bedoelde betaling beskou en die onteienaar kan van enige gelde wat deur hom aan 'n ander party of partye by die verrigtinge verskuldig is, die bedrag aftrek wat kragtens 'n bevel ingevolge die voorbehoudsbepaling van subregulasie (3) deur sodanige ander party of partye betaal moet word.

SCHEDULE 1

FORM 1

IN THE COMPENSATION COURT FOR THE AREA OF JURISDICTION OF THE.....

SUPREME COURT OF SOUTH AFRICA

In the case between

....., Applicant

and

....., Respondent

Take notice that if you wish to file a reply in relation to the application for the determination of compensation, a copy of which is hereby served upon you, you are hereby required to deliver such reply within 21 days of the date of service of this notice upon you by lodging the original thereof (in which is set forth the full address where you will accept service of process or other documents) with the registrar and to cause a copy thereof to be served on the applicant.

Dated at....., this.....

day of....., 19.....

To:

1. The Registrar

2. Respondent

Applicant or his attorney
(name and address)

FORM 2

IN THE COMPENSATION COURT FOR THE AREA OF JURISDICTION OF THE.....

SUPREME COURT OF SOUTH AFRICA

In the case between

....., Applicant

and

....., Respondent

1. Take notice that the applicant has instituted proceedings against the respondent, in which the applicant claims the following legal aid:

2. The application for the determination of compensation and the documents which accompany it are open to inspection at the office of the registrar and copies may be obtained free of charge from the applicant on request.

3. Take notice that, should you wish to file a reply in relation to the application for the determination of compensation, you are hereby required to deliver such reply within 21 days of the date of service of this notice upon you by lodging the original thereof (in which is set forth the full address where you will accept service of process or other documents) with the registrar and to cause a copy thereof to be served on the applicant.

4. Further take notice that, if you fail to deliver such reply within the period specified, the determination of the compensation owing by virtue of the expropriation mentioned in the applicant's application for the determination of compensation will be proceeded with without any further notice to you.

Dated at....., this.....

day of....., 19.....

To:

1. The Registrar

2. Mortgagee or other interested party

Applicant or his attorney
(name and address)

BYLAE 1

VORM 1

IN DIE VERGOEDINGSHOF VIR DIE REGSGEBIED VAN DIE.....

HOOGGEREGSHOF VAN SUID-AFRIKA

In die geding tussen

....., Applikant

en

....., Respondent

Geliewe kennis te neem indien u 'n antwoord wil indien ten opsigte van die aansoek om vasstelling van vergoeding, waarvan 'n afskrif hierby aan u beteken word, hierby van u vereis word om sodanige antwoord binne 21 dae na die datum waarop hierdie kennisgewing aan u beteken word, af te lewer deur die oorspronklike daarvan (waarin die volledige adres waar u betekening van prosesstukke of ander dokumente sal aanvaar, uiteengesit word) by die griffier in te dien en 'n afskrif daarvan aan die applikant te laat beteken.

Gedateer te.....op hede

die.....dag van.....19.....

Aan:

1. Die Griffier

2. Respondent

Applikant of sy prokureur
(naam en adres)

VORM 2

IN DIE VERGOEDINGSHOF VIR DIE REGSGEBIED VAN DIE.....

HOOGGEREGSHOF VAN SUID-AFRIKA

In die geding tussen

....., Applikant,

en

....., Respondent,

1. Geliewe kennis te neem dat die applikant verrigtinge teen die respondent ingestel het, waarin die applikant die volgende regshulp vorder.....

2. Die aansoek om vasstelling van vergoeding en die dokumente wat dit vergesel, is vir insae beskikbaar by die kantoor van die griffier, en afskrifte kan op aanvraag kosteloos van die applikant verkry word.

3. Geliewe kennis te neem dat indien u 'n antwoord wil indien ten opsigte van die aansoek om vasstelling van vergoeding, hierby van u vereis word om sodanige antwoord binne 21 dae na die datum waarop hierdie kennisgewing aan u beteken word, af te lewer deur die oorspronklike daarvan (waarin die volledige adres waar u betekening van prosesstukke of ander dokumente sal aanvaar, uiteengesit word) by die griffier in te dien en 'n afskrif daarvan aan die applikant te laat beteken.

4. Geliewe voorts kennis te neem dat indien u versuim om sodanige antwoord binne die vasgestelde tydperk af te lewer, daar sonder enige verdere kennisgewing aan u voortgegaan sal word met die vasstelling van die vergoeding verskuldig uit hoofde van die onteiening gemeld in die applikant se aansoek om vasstelling van vergoeding.

Gedateer te.....op hede

die.....dag van.....19.....

Aan:

1. Die Griffier

2. Verbandhouer of ander belanghebbende

Applikant of sy prokureur
(naam en adres)

FORM 3

IN THE COMPENSATION COURT FOR THE AREA OF
JURISDICTION OF THE
SUPREME COURT OF SOUTH AFRICA

In the case between

....., Applicant
and
....., Respondent

1. Take notice that I, (full name).....

of (full address).....

hereby join as a party to the above-mentioned case. The nature of my interest is as follows (particulars).....

The address where I shall accept service of process or other documents is stated hereunder.

2. The documents which indicate the nature of my interest are attached.

Dated at....., this.....
day of....., 19.....

To:

1. The Registrar

2. Applicant

(name and address)

3. Respondent

(name and address)

Joining party (name and address)

SCHEDULE 2

TARIFF OF FEES OF ATTORNEYS

	R
1. Instructions to institute proceedings or to defend..	5,00-50,00
2. Perusing and considering—	
(a) of a process, affidavit, advice on evidence, report, important letter or important document, per folio.....	1,00
(b) of a letter, record of evidence or other relevant document not elsewhere specified, 20c per folio subject to a minimum of.....	0,50
(c) where, in the opinion of the taxing master, a time-tariff would be appropriate, per half hour or part thereof.....	10,00
3. Making searches in office of record, per half hour or part thereof:	
Attorney.....	5,00
Clerk.....	2,50
4. Sorting, arranging and paginating of documents and compiling of index.....	1,50-10,00
5. Telephone calls.....	2,00
6. Formal attendances, each.....	1,00
7. Drafting and drawing of—	
(a) subpoenas and formal notices, per folio.....	0,50
(b) statements of witnesses, memoranda and instructions to advocates, per folio.....	1,00
(c) affidavits, notices (except formal notices), minutes and important documents not otherwise provided for, per folio.....	2,00
(d) a process.....	10,00-30,00
8. Letters, per folio.....	1,00
9. Short brief to advocate.....	1,00
10. Consultation or conference with a client, advocate, witness or opposite party or attendance of an inspection <i>in situ</i> , per half hour or part thereof.....	15,00

The above rate of remuneration shall not apply to time spent in travelling, but the taxing master shall in respect of time necessarily so spent allow additional remuneration not exceeding R21,00 *per diem* and shall also allow the reasonable cost of necessary conveyance.

11. Hearing of case—

(a) if advocate employed in the case:

(i) Attendance in court by attorney, per half hour or part thereof..... 15,00

(ii) Attendance in court by clerk, per half hour or part thereof..... 5,00

VORM 3

IN DIE VERGOEDINGSHOF VIR DIE REGSGEBIED VAN DIE
HOOGGEREGSHOF VAN SUID-AFRIKA

In die geding tussen

....., Applikant,
en
....., Respondent.

1. Geliewe kennis te neem dat ek, (volle naam).....

van (volle adres).....

hierby toetree as 'n party by bogenoemde verrigtinge. Die aard van my belang is die volgende (besonderhede).....

Die adres waar ek betekening van prosesstukke of ander dokumente sal aanvaar, is hieronder vermeld.

2. Die dokumente wat die aard van my belang aandui, is aangeheg.

Gedateer te..... op hede
die..... dag van..... 19.....

Aan:

1. Die Griffier

2. Applikant

(naam en adres)

3. Respondent:

(naam en adres)

Toetredende party

BYLAE 2

TARIEF VAN GELDE VAN PROKUREURS

	R
1. Instruksies om 'n geding in te stel of te verdedig..	5,00-50,00
2. Deurlees en oorweging—	
(a) van 'n prosesstuk, beëdigde verklaring, advies oor getuienis, verslag, belangrike brief of belangrike dokument, per folio.....	1,00
(b) van 'n brief, oorkonde van getuienis of ander tersaaklike dokument nie elders vermeld nie, 20c per folio met 'n minimum van.....	0,50
(c) waar 'n tydstarief na die oordeel van die takseermeester toepaslik sou wees, per halfuur of deel daarvan.....	10,00
3. Nasporing in oorkondekantoor, per halfuur of deel daarvan:	
Prokureur.....	5,00
Klerk.....	2,50
4. Sortering, rangskikking en paginerings van stukke en opstel van bladwyser.....	1,50-10,00
5. Telefoonoprope.....	2,00
6. Formele opwagtings, elk.....	1,00
7. Opstel van—	
(a) getuiedagvaardings en formele kennisgewings, per folio.....	0,50
(b) getuieverklarings, memoranda en instruksies aan advokate, per folio.....	1,00
(c) beëdigde verklarings, kennisgewings (uitgesonderd formele kennisgewings), notules en belangrike dokumente waarvoor geen ander voorsiening gemaak is nie, per folio.....	2,00
(d) 'n prosesstuk.....	10,00-30,00
8. Briewe, per folio.....	1,00
9. Kort opdrag aan advokaat.....	1,00
10. Konsultasie of samespreking met 'n klient, advokaat, getuie of teenparty of bywoning van 'n inspeksie <i>in situ</i> , per halfuur of deel daarvan.....	15,00

Bostaande skaal geld nie vir reistyd nie, maar die takseermeester moet ten opsigte van noodsaaklike reistyd hoogstens R21,00 per dag addisioneel toestaan, plus 'n redelike bedrag vir noodsaaklike vervoerkoste.

11. Verhoor van geding—

(a) as 'n advokaat in die saak optree:

(i) Hofbywoning deur 'n prokureur, per halfuur of deel daarvan..... 15,00

(ii) Hofbywoning deur 'n klerk, per halfuur of deel daarvan..... 5,00

(b) if advocate not employed in the case:

- (i) Appearance by attorney, per half hour or part thereof..... 15,00-45,00
 (ii) attendance in court by a clerk to assist attorney who appears, per half hour or part thereof..... 5,00

The above rates of remuneration shall not apply to time spent in travelling, but the taxing master shall, in respect of time necessarily so spent, allow such additional remuneration not exceeding R21,00 *per diem* as he in his discretion may deem fair and reasonable and shall also allow a reasonable amount to cover the costs of necessary conveyance. The above rates of remuneration shall also not apply to time spent in waiting. Remuneration for such time shall be, per half hour or part thereof. 10,00

12. Making of copies:

- (a) First copy, per folio..... 0,20
 (b) thereafter, per folio..... 0,10

13. Bill of costs:

- (a) Drawing of bill of costs, 5 per cent of the fees as allowed on taxation.
 (b) Taxation of bill of costs, 2½ per cent of the fees as allowed on taxation.

(b) as 'n advokaat nie in die saak optree nie:

- (i) Verskyning deur 'n prokureur, per halfuur of deel daarvan..... 15,00-45,00
 (ii) hofbywoning deur 'n klerk om 'n prokureur wat verskyn by te staan, per halfuur of deel daarvan..... 5,00

Bostaande skaal geld nie vir reistyd nie, maar die takseermeester moet na goeëddunke soveel addisioneel daarvoor toestaan as wat hy billik en redelik ag, maar hoogstens R21,00 per dag plus 'n redelike bedrag vir noodsaaklike vervoerkoste. Bostaande skaal geld ook nie vir wagtyd nie. Vergoeding vir sodanige tyd is, per halfuur of deel daarvan..... 10,00

12. Maak van afskrifte:

- (a) Eerste afskrif, per folio..... 0,20
 (b) Daarna, per folio..... 0,10

13. Kosterekening:

- (a) Opstel van kosterekening, 5 persent van die gelde soos toegestaan by taksasie.
 (b) Taksasie van kosterekening, 2½ persent van die gelde soos toegestaan by taksasie.

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