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VAN DIE REPUBLIEK VAN SUID-AFRIKA

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GOEWERMENTSKENNISGEWING

DEPARTEMENT VAN MANNEKRAG

No. R. 448 12 Maart 1982

REËLS VIR DIE VOER VAN DIE VERRIGTINGE VAN DIE NYWERHEIDSHOF

Die Nywerheidshof het kragtens artikel 17 (22) van die Wet op Arbeidsverhoudinge, 1956 (Wet 28 van 1956), met die goedkeuring van die Minister van Mannekrag, die reëls in die Bylae hiervan gemaak.

BYLAE

INHOUDSOPGAWE

Reël No.

GOVERNMENT NOTICE

DEPARTMENT OF MANPOWER

No. R. 448 12 March 1982

RULES FOR THE CONDUCT OF THE PROCEEDINGS OF THE INDUSTRIAL COURT

The Industrial Court has under section 17 (22) of the Labour Relations Act, 1956 (Act 28 of 1956), with the approval of the Minister of Manpower, made the rules in the Annexure hereto.

ANNEXURE

Rule No. CONTENTS

WOORDOMSKRYWING

1. In hierdie reëls, tensy uit die samehang anders blyk, het 'n woord of uitdrukking waaraan 'n betekenis in die Wet op Arbeidsverhoudinge, 1956 (Wet 28 van 1956) geheg is, daardie betekenis, en beteken—

''adres'', met betrekking tot die betekening van enige stuk, 'n adres by 'n bepaalde plek, met inbegrip van 'n posadres, wat dieselfde kan wees;

''aflewer'' om 'n afskrif aan alle partye to beteken en om die oorspronklike by die griffier in the dien, en het die uitdrukkings ''afgelewer'', ''om af te lewer'' en ''aflewering'' 'n ooreenstemmende betekenis;

''applikant'' ook die praktisyn of ander verteenwoordiger wat namens die applikant verskyn;

''griffier'' die griffier van die hof of die persoon wat gemagtig is om in sy plek op te tree;

''hof'' die nywerheidshof in artikel 17 van die Wet bedoel;

''hofdag'' 'n ander dag as 'n Saterdag, Sondag of openbare vakansiedag;

''kennisgewing'' 'n skriftelike kennisgewing en ''kennis gee'' om skriftelik kennis te gee;

''party'' ook die praktisyn of ander verteenwoordiger wat namens 'n party optree;

''pleitstuk'' 'n kennisgewing van aansoek, uiteensetting van saak, uiteensetting van verweer, teenaansoek of replikasie;

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

''president'' die president van die hof;

''respondent'' ook die praktisyn of ander verteenwoordiger wat namens die respondent verskyn;

''Wet'' die Wet op Arbeidsverhoudinge, 1956, en enige regulasie daarkragtens uitgevaardig.

Toepassing van die reëls

2. (1) Tensy by 'n bevel van die hof anders bepaal, word slegs hofdae by die berekening van enige tydperk ingevolge hierdie reëls ingesluit.

(2) Behalwe reël 25, en reëls 26, 27, 28 en 29 wat ook toegepas kan word met betrekking tot die ander werksaamhede van die hof, is hierdie reëls van toepassing met betrekking tot die werksaamhede van die hof soos in artikel 17 (11) (a) van die Wet bedoel en, vir sover dit gepas is, 'n appèl kragtens artikel 21A van die Wet.

(3) Die wette in artikel 17 (11) (a) van die Wet bedoel, vir sover dit betrekking het op 'n Wet van die Parlement, is die volgende:

Wet op Fabrieke, Masjinerie en Bouwerk, 1941 (Wet 22 van 1941);

Ongevallewet, 1941 (Wet 30 van 1941);

Wet op die Reëling van Swart Arbeidsverhoudinge, 1953 (Wet 48 van 1953);

Wet op Arbeidsverhoudinge, 1956 (Wet 28 van 1956);

Loonwet, 1957 (Wet 5 van 1957);

Wet op Winkels en Kantore, 1964 (Wet 75 van 1964);

Werkloosheidsversekeringswet, 1966 (Wet 30 van 1966);

Wet op Mannekragopleiding, 1981 (Wet 56 van 1981); en

Wet op Voorligting en Indiensplasing, 1981 (Wet 62 van 1981).

DEFINITIONS

1. In these rules, unless the context otherwise indicates, any word or expression to which a meaning has been assigned in the Labour Relations Act, 1956 (Act 28 of 1956), shall bear that meaning, and—

''Act'' means the Labour Relations Act, 1956, and any regulation made thereunder;

''address'', in relation to the service of any document, means an address at a specific place including a postal address, which may be the same;

''applicant'' includes the practitioner or other representative appearing on behalf of the applicant;

''court'' means the industrial court referred to in section 17 of the Act;

''court day'' means any day other than a Saturday, Sunday or public holiday;

''deliver'' means to serve a copy on all parties and file the original with the registrar and the expressions ''delivered'', ''to deliver'' and ''delivery'' have corresponding meanings;

''notice'' means a written notice and ''notify'' means to notify in writing;

''party'' includes the practitioner or other representative appearing on behalf of a party;

''pleading'' means a notice of application, statement of case, statement of defence, counter-application or replication;

''practitioner'' means an advocate or attorney practising as such;

''president'' means the president of the court;

''registrar'' means the registrar of the court or the person authorised to act in his place;

''respondent'' includes the practitioner or other representative appearing on behalf of the respondent.

Application of the rules

2. (1) Unless otherwise determined by an order of the court, only court days shall be included in the calculation of any period of time under these rules.

(2) Except for rule 25, and for rules 26, 27, 28 and 29 which may also be applied to the other functions of the court, these rules shall apply to the performance of the functions of the court referred to in section 17 (11) (a) of the Act and, in so far as they may be appropriate, to an appeal under section 21A of the Act.

(3) The laws referred to in section 17 (11) (a) of the Act in so far as they relate to an Act of Parliament are the following:

Factories, Machinery and Building Work Act, 1941 (Act 22 of 1941);

Workmen's Compensation Act, 1941 (Act 30 of 1941);

Black Labour Relations Regulation Act, 1953 (Act 48 of 1953);

Labour Relations Act, 1956 (Act 28 of 1956);

Wage Act, 1957 (Act 5 of 1957);

Shops and Offices Act, 1964 (Act 75 of 1964);

Unemployment Insurance Act, 1966 (Act 30 of 1966);

Manpower Training Act, 1981 (Act 56 of 1981); and

Guidance and Placement Act, 1981 (Act 62 of 1981).

Kantoorure en posadres van griffier

3. (1) Die griffier se kantoor is oop vir die uitreik van prosesstukke en die indien van dokumente op elke hofdag van 08h00 tot 12h30 en van 14h00 tot 16h00.

(2) In buitengewone omstandighede kan, en indien deur die president daartoe gelas, moet die griffier te eniger tyd prosesstukke uitreik en dokumente ontvang.

(3) Indiening van dokumente by die griffier kan geskied by wyse van 'n aangetekende brief gerig aan die Griffier van die Nywerheidshof, Privaatsak X277, Pretoria, 0001.

(4) Die oorspronklike prosesstuk of pleitstuk word by die griffier ingedien, tensy die griffier in 'n bepaalde geval bykomende afskrifte versoek, in welke geval sodanige bykomende afskrifte verskaf moet word.

Beamptes van die hof en hul pligte en bevoegdhede

4. (1) Behoudens die bepalings van artikel 17 (1) (d) van die Wet en behoudens die bepalings van die wette in artikel 17 (11) (a) van die Wet bedoel vir sover die griffier daarkragtens werksaamhede moet verrig, pligte moet nakom en bevoegdhede kan uitoefen in die loop van die verrigting deur die hof van sy werksaamhede, verrig die griffier, in die loop van die verrigting deur die hof van sy werksaamhede kragtens artikel 17 (11) (a) van die Wet, die werksaamhede, oefen hy die bevoegdhede uit en kom hy die pligte na wat die griffier van 'n provinsiale afdeling van die Hooggeregshof van Suid-Afrika of die ooreenstemmende funksionaris van 'n ander geregshof verrig, uitoefen of nakom.

(2) Wanneer die griffier afwesig is of nie in staat is om sy ampspligte na te kom nie, word die beampte wat deur die president gemagtig is om tydens sodanige afwesigheid of onbekwaamheid in die plek van die griffier op te tree, geag die griffier van die hof te wees en moet hy die in subreël (1) bedoelde werksaamhede, pligte en bevoegdhede van die griffier verrig, nakom en uitoefen.

(3) (a) 'n Prosesstuk van die hof kan beteken of ten uitvoer gelê word deur 'n persoon wat 'n prosesstuk van 'n geregshof kan beteken of ten uitvoer lê.

(b) Die bepalings van die reëls waarby die verrigtinge van die provinsiale en plaaslike afdelings van die Hooggeregshof van Suid-Afrika gereël word, soos by Goewermentskennisgewing R. 48 van 12 Januarie 1965 gepubliseer, en van tyd tot tyd gewysig of vervang, is *mutatis mutandis* van toepassing met betrekking tot die betekening of tenuitvoerlegging van 'n prosesstuk in paragraaf (a) bedoel.

(c) Die geldetarief wat in die Hooggeregshof van Suid-Afrika van krag is met betrekking tot die betekening of tenuitvoerlegging van prosesstukke, is *mutatis mutandis* van toepassing met betrekking tot die betekening of tenuitvoerlegging van 'n prosesstuk van die hof.

(4) 'n Persoon in subreël (3) (a) bedoel, het dieselfde werksaamhede, bevoegdhede en pligte in verband met prosesstukke van die hof wat aan hom gerig is as wat 'n persoon ingevolge die reëls in subreël (3) bedoel met betrekking tot prosesstukke van die in daardie subreël bedoelde afdelings van die Hooggeregshof van Suid-Afrika het.

Betekening van dokumente

5. (1) 'n Aansoek waarby verrigtinge begin word, word op een van die volgende wyses deur of ten behoewe van die party wat betekening daarvan wil bewerkstellig, beteken:

(a) Deur 'n afskrif daarvan aan die betrokke persoon persoonlik te oorhandig;

(b) deur by die woon- of besigheidsplek van die betrokke persoon 'n afskrif daarvan te laat by iemand wat ten tyde van die aflewering oënskynlik in beheer van die perseel is

Office hours and postal address of registrar

3. (1) The office of the registrar shall be open for the issue of process and the filing of documents on every court day from 08h00 to 12h30 and from 14h00 to 16h00.

(2) In exceptional circumstances the registrar may issue process and accept documents at any time, and he shall do so when directed by the president.

(3) Filing of documents with the registrar may be done by registered letter addressed to the Registrar of the Industrial Court, Private Bag X277, Pretoria, 0001.

(4) The original of any process or pleading shall be filed with the registrar unless the registrar requires additional copies in any particular case, in which event such additional copies shall be furnished.

Officers of the court and their duties and powers

4. (1) Subject to the provisions of section 17 (1) (d) of the Act and subject to the provisions of the laws referred to in section 17 (11) (a) of the Act in so far as the registrar is thereunder required to perform functions and duties and authorised to exercise powers in the course of the performance by the court of its functions, the registrar shall, in the course of the performance by the court of its functions under section 17 (11) (a) of the Act, perform the functions and duties and exercise the powers performed or exercised by the registrar of a provincial division of the Supreme Court of South Africa or the corresponding functionary of any other court of law.

(2) Whenever by reason of absence or incapacity the registrar is unable to carry out his official duties, the officer authorised by the president to act in the place of the registrar during such absence or incapacity shall be deemed to be the reigstrar of the court and he shall perform the functions and duties and exercise the powers, referred to in subrule (1), of the registrar.

(3) (a) Any process of the court may be served or executed by any person who may serve or execute process of a court of law.

(b) The provisions of the rules regulating the conduct of the proceedings of the provincial and local divisions of the Supreme Court of South Africa, as published by Government Notice R. 48 dated 12 January 1965 and amended or substituted from time to time, shall *mutatis mutandis* apply to the service or execution of any process referred to in paragraph (a).

(c) The tariff of fees in force in the Supreme Court of South Africa in respect of the service or execution of process shall *mutatis mutandis* apply to the service or execution of any process of the court.

(4) Any person referred to in subrule (3) (a) shall have the same functions, powers and duties in connection with process of the court directed to him which a person in terms of the rules referred to in subrule (3) has in connection with process of the divisions, referred to in that subrule, of the Supreme Court of South Africa.

Service of documents

5. (1) Any application initiating proceedings shall be served in one or other of the following manners by or on behalf of the party who desires service thereof:

(a) By handing a copy thereof to the person concerned personally;

(b) by leaving at the place of residence or place of business of the person concerned a copy thereof with any person who at the time of delivery apparently is in charge of the

en na sy voorkoms geoordeel nie jonger as 16 jaar is nie: Met dien verstande dat waar 'n gebou wat nie 'n hotel, losieshuis, hostel of soortgelyke woonplek is nie, deur meer as een persoon of gesin bewoon word, ''woonplek'' by die toepassing van hierdie paragraaf die gedeelte van die gebou beteken wat deur die persoon aan wie betekening moet geskied, bewoon word;

(c) deur by die werkplek van die betrokke persoon 'n afskrif daarvan by iemand te laat wat na sy voorkoms geoordeel nie jonger as 16 jaar is nie en wat oënskynlik in 'n gesagsposisie teenoor die betrokke persoon staan;

(d) deur in die geval waar die betrokke party 'n *domicilium citandi* gekies het, 'n afskrif daarvan by die *domicilium* aldus gekies, te laat;

(e) deur in die geval van 'n maatskappy of ander regspersoon by die geregistreerde kantoor of vernaamste besigheidsplek daarvan binne die Republiek 'n afskrif daarvan aan 'n verantwoordelike werknemer van so 'n maatskappy of ander regspersoon te oorhandig, of as daar nie so 'n werknemer is wat bereid is om betekening te aanvaar nie, deur so 'n afskrif aan die hoofdeur van so 'n kantoor of besigheidsplek aan te bring;

(f) deur 'n afskrif daarvan te oorhandig aan enige verteenwoordiger wat skriftelik gemagtig is om betekening namens die betrokke persoon te aanvaar;

(g) waar betekening aan 'n vennootskap, firma of vrywillige vereniging moet geskied, deur by die besigheidsplek van sodanige vennootskap, firma of vrywillige vereniging op die wyse in paragraaf (b) bedoel, te beteken, en indien sodanige vennootskap, firma of vrywillige vereniging nie 'n besigheidsplek het nie, deur aan 'n vennoot, die eienaar of die voorsitter of sekretaris van die bestuurs- of ander beherende liggaam van sodanige vereniging, na gelang van die geval, op een van die wyses in hierdie reël uiteengesit, te beteken;

(h) in die geval van 'n plaaslike owerheid, deur 'n afskrif daarvan aan die stadsklerk of assistent-stadsklerk of iemand wat namens hulle optree, te oorhandig en, in die geval van 'n statutêre liggaam, deur 'n afskrif daarvan aan die sekretaris of 'n dergelike beampte of aan 'n lid van die beherende liggaam van sodanige liggaam te oorhandig, of op enige wyse by wet bepaal;

(i) deur, in die geval waar twee of meer persone gesamentlik as trustees, likwidateurs, eksekuteurs, administrateurs, kurators of voogde aangespreek word, of op enige ander wyse as gesamentlike verteenwoordigers, aan elkeen van hulle te beteken op enige wyse in hierdie reël uiteengesit;

(j) waar die adres van die party aan wie betekening bewerkstellig moet word, meer as 15 kilometer is van die adres van die party wat betekening wil bewerkstellig, per aangetekende brief, in welke geval daar vermoed word, tensy die teendeel bewys word, dat betekening geskied het op die vierde dag na die dag waarop bedoelde brief gepos is;

(k) waar betekening nie op enige van voornoemde wyses kan geskied nie, kan betekening geskied op enige wyse deur die hof gelas ná aanhoor van 'n aansoek in dié verband.

(2) (a) Wanneer ook al dit nodig of gepas word om 'n verdere persoon as 'n party in enige verrigtinge in te bring (hetsy bykomend by of ter vervanging van 'n party op wie sodanige verrigtinge betrekking het), kan 'n party by daardie verrigtinge onverwyld by kennisgewing aan sodanige verdere persoon, aan elke ander party en aan die griffier, sodanige verdere persoon as 'n party byvoeg of in die plek stel van 'n party by die verrigtinge en, behoudens 'n bevel ingevolge paragraaf (b), word sodanige verrigtinge daarop voortgesit ten opsigte van die persoon aldus bygevoeg of in die plek gestel asof hy vanaf die aanvang van die verrigtinge

premises and who is apparently not less than 16 years of age: Provided that where a building other than a hotel, boarding house, hostel or similar place of residence is occupied by more than one person or family, ''place of residence'' for the purpose of this paragraph means that portion of the building occupied by the person on whom service is to be effected;

(c) by leaving at the place of employment of the person concerned a copy thereof with any person who is apparently not less than 16 years of age and who is apparently in authority over the person concerned;

(d) if the party concerned has chosen a *domicilium citandi*, by leaving a copy thereof at the *domicilium* so chosen;

(e) in the case of a company or other juristic person, by handing a copy thereof to a responsible employee of such a company or other juristic person at its registered office or its principal place of business within the Republic, or, if there is no such employee willing to accept service, by affixing a copy to the main door of such office or place of business;

(f) by handing a copy thereof to any representative authorised in writing to accept service on behalf of the party concerned;

(g) where service is to be effected on a partnership, firm or voluntary association, service shall be effected in the manner referred to in paragraph (b) at the place of business of such partnership, firm or voluntary association and if such partnership, firm or voluntary association has no place of business, service shall be effected on a partner, the proprietor or the chairman or secretary of the managing or other controlling body of such association, as the case may be, in one of the manners set forth in this rule;

(h) in the case of a local authority, by handing a copy thereof to the town clerk or assistant town clerk or any person acting on their behalf, and in the case of a statutory body, by handing a copy thereof to the secretary or similar officer or to a member of the managing body of such body, or in any manner provided by law;

(i) if two or more persons are sued in their joint capacity as trustees, liquidators, executors, administrators, curators or guardians, or in any other joint representative capacity, by effecting service upon each of them in any manner set forth in this rule;

(j) where the address of the party upon whom service is to be effected is more than 15 kilometres distant from the address of the party desiring service, by registered letter, in which event it shall be presumed, unless the contrary is proved, that service has been effected on the fourth day following the day upon which such letter was posted;

(k) where service cannot be effected in any manner aforesaid, service may be effected in any manner directed by the court after hearing an application in this regard.

(2) (a) Whenever it becomes necessary or proper to introduce a further person as a party in any proceedings (whether in addition to or in substitution for a party to whom such proceedings relate) any party to such proceedings may forthwith by notice to such further person, to every other party and to the registrar, add or substitute such further person as a party thereto and, subject to any order in terms of paragraph (b), such proceedings shall thereupon continue

'n party was en alle stappe geldiglik gedoen voor sodanige byvoeging of indieplekstelling bly van krag: Met dien verstande dat geen sodanige kennisgewing gegee mag word nie na die aanvang van die verhoor van enige bestrede aangeleentheid, behalwe met die verlof van die hof, wat verleen kan word onderworpe aan voorwaardes betreffende uitstel of die ander voorwaardes wat die hof goeddink: Met dien verstande voorts dat 'n afskrif van die kennisgewing waarby 'n persoon as 'n party by die verrigtinge gevoeg word of in die plek gestel word van 'n party, vergesel moet gaan van afskrifte van alle kennisgewings en tersaaklike dokumente wat voorheen afgelewer is, tensy sodanige persoon verteenwoordig word deur 'n praktisyn wat reeds in besit daarvan is.

(b) Die hof kan by kennisgewing van aansoek wat deur 'n party afgelewer is binne 14 dae na betekening van 'n kennisgewing ingevolge paragraaf (a), 'n byvoeging of indieplekstelling van 'n party soos in daardie paragraaf bedoel, tersyde stel of wysig of kan die aansoek van die hand wys of sodanige byvoeging of indieplekstelling bekragtig op die voorwaardes, indien daar is, met betrekking tot die aflewering van pleitstukke en dokumente of met betrekking tot uitstel of verdaging of met betrekking tot koste of enigiets anders, wat die hof goeddink.

(3) Betekening geskied so na moontlik tussen die ure 07h00 en 19h00 op enige hofdag.

(4) Betekening word op een van die volgende wyses bewys:

(a) Deur die voorlegging van 'n getekende erkenning van ontvangs van die stuk wat beteken is;

(b) deur 'n beëdigde verklaring van die persoon wat beteken het; of

(c) in die geval van betekening per geregistreerde brief, deur voorlegging van die betrokke bewys dat die aangetekende brief gepos is, uitgereik deur die poskantoor.

(5) As die hof nie oortuig is dat die betekening effektief geskied het nie, kan hy na goeddunke verdere stappe gelas.

Aanvang van verrigtinge

6. (1) Verrigtinge met betrekking tot 'n geskil of aangeleentheid in artikel 17 (11) (a) van die Wet bedoel, word deur 'n applikant by die hof ingestel deur die aflewering van 'n kennisgewing van aansoek waarin die aard van die regshulp wat verlang word vermeld word, en sodanige aansoek word gesteun deur—

(a) 'n uiteensetting van saak bevattende 'n opsomming van die feite en regsbevindinge waarop die regshulp wat verlang word, berus;

(b) dokumente, indien daar is, wat besonderhede ter ondersteuning van die regshulp wat verlang word, bevat;

(c) 'n lys waarin vermeld word die boeke en dokumente in die applikant se besit of onder sy beheer, wat betrekking het op die aansoek of wat die applikant voornemens is om in die verrigtinge te gebruik of wat die saak van die applikant of enige ander party kan bewys of weerlê.

(2) (a) Die applikant vermeld in die kennisgewing—

(i) 'n adres of adresse waar hy betekening van dokumente in die verrigtinge sal aanvaar;

(ii) dat die respondent binne 14 dae na aflewering van sodanige kennisgewing die griffier en die applikant skriftelik kennis moet gee van sy voorneme om die aansoek te bestry indien hy van voorneme is om dit te doen;

(iii) dat, indien kennisgewing van voorneme om te bestry nie aldus gegee word nie, die respondent daarvan uitgesluit sal wees en dat vonnis by verstek teen hom verkry kan word.

in respect of the person thus added or substituted as if he had been a party from the commencement of the proceedings and all steps validly taken before such addition or substitution shall continue to be of force and effect: Provided that no such notice shall be given after the commencement of the hearing of any opposed matter, except with the leave of the court which may be granted subject to conditions relating to postponement or such other conditions as the court may deem fit: Provided further that a copy of the notice whereby any person is added as a party or substituted for a party to the proceedings shall be accompanied by copies of all notices and material documents previously delivered, unless such person is represented by a practitioner who is already in possession thereof.

(b) The court may upon notice of application delivered by any party within 14 days of service of notice in terms of paragraph (a) set aside or vary any addition or substitution of a party as referred to in that paragraph or may dismiss such application or confirm such addition or substitution subject to such conditions, if any, as to the delivery of pleadings and documents, or as to postponement or adjournment, or as to costs or any other matter, as the court may deem fit.

(3) Service shall be effected as near as possible between 07h00 and 19h00 on any court day.

(4) Service shall be proved in one of the following manners:

(a) By production of a signed acknowledgment of receipt of the document served;

(b) by an affidavit of the person who effected service; or

(c) in the case of service by registered letter, by production of the relevant certificate of posting of the registered letter, issued by the Post Office.

(5) Whenever the court is not satisfied as to the effectiveness of the service, it may order such further steps to be taken as it deems fit.

Commencement of proceedings

6. (1) Proceedings relating to a dispute or matter referred to in section 17 (11) (a) of the Act shall be instituted in the court by an applicant by the delivery of a notice of application specifying the nature of the relief applied for, and such notice shall be supported by—

(a) a statement of case containing a summary of the facts and conclusions of law on which the relief sought is based;

(b) documents, if any, containing particulars in support of the relief sought;

(c) a list specifying the books and documents in the applicant's possession or under his control which relate to the application or which the applicant intends to use in the proceedings or which tend to prove or disprove the case of the applicant or any other party.

(2) (a) The applicant shall in the notice state—

(i) an address or addresses where he will accept service of documents in the proceedings;

(ii) that the respondent is required to notify the registrar and the applicant in writing within 14 days after delivery of such notice, of his intention to oppose the application, if he intends to do so;

(iii) that if notice of intention to oppose is not so given, the respondent shall be barred and judgment may be obtained against him by default.

(b) 'n Party wat die verlening bestry van die regshulp wat in die aansoek gevra word—

(i) gee binne die tydperk van 14 dae bedoel in paragraaf (a) (ii) aan die griffier en die applikant skriftelik kennis dat hy van voorneme is om die aansoek te bestry en vermeld 'n adres of adresse waar hy betekening van alle dokumente in die verrigtinge sal aanvaar;

(ii) lewer binne 14 dae na verstryking van die tydperk van 14 dae bedoel in paragraaf (a) (ii) 'n uiteensetting van sy verweer af, welke uiteensetting—

(aa) die bewerings in die applikant se aansoek vervat, teenspreek;

(bb) 'n opsomming bevat van die feite en regsbevindinge waarop die verweer berus;

(cc) gesteun word deur dokumente, indien daar is, wat besonderhede bevat ter ondersteuning van die verweer;

(dd) gesteun word deur 'n lys *mutatis mutandis* soos in subreël (1) (c) bedoel;

(iii) lewer tesame met so 'n uiteensetting van verweer, 'n teenaansoek, indien daar een is, af, en die bepalings van subreël (1) is *mutatis mutandis* ten opsigte van sodanige teenaansoek van toepassing.

(c) Die applikant kan, binne 14 dae na aflewering deur die respondent van sy uiteensetting van verweer en, indien daar een is, sy teenaansoek, 'n replikasie en 'n uiteensetting van verweer met betrekking tot sodanige teenaansoek aflewer en die respondent kan binne 14 dae na aflewering deur die applikant van sy uiteensetting van verweer met betrekking tot die teenaansoek 'n replikasie met betrekking tot sodanige uiteensetting van verweer aflewer.

(d) As geen uiteensetting van verweer of teenaansoek binne die tydperk in paragraaf (b) (ii) bedoel afgelewer word nie, kan die applikant die griffier versoek om 'n datum vir vonnis vas te stel.

(e) Pleitstukke word geag gesluit te wees—

(i) as die laaste dag toegelaat vir die indiening van 'n replikasie deur die applikant of die indiening van 'n replikasie deur die respondent met betrekking tot 'n teenaansoek deur hom gedoen, na gelang van die geval, verstryk het; of

(ii) indien die hof die pleitstukke gesluit verklaar.

(f) Nadat die pleitstukke gesluit is en 'n samespreking soos in reël 17 bedoel gehou is, moet die applikant binne 14 dae nadat die notule van die samespreking by die griffier ingedien is, die griffier versoek om 'n datum vir verhoor vas te stel en, indien die applikant versuim om binne bedoelde tydperk so 'n versoek tot die griffier te rig, kan die respondent dit doen en die applikant of die respondent, na gelang van die geval, moet onverwyld minstens 14 dae kennis aan elke ander betrokke party gee van die datum aldus vasgestel.

(3) (a) Die hof kan 'n dringende aangeleentheid afhandel op die tyd, plek en wyse, en in ooreenstemming met die prosedure, wat sover doenlik in ooreenstemming met hierdie reëls is, wat die hof goeddink.

(b) 'n Applikant wat beweer dat 'n aangeleentheid dringend is, moet die omstandighede wat volgens hom die aangeleentheid dringend maak, uitdruklik vermeld en redes aanvoer waarom hy beweer dat strenge nakoming van die reëls wesenlike verhaal deur hom sal verydel.

(4) Iemand teen wie 'n bevel *ex parte* verleen word, kan die keerdatum by aflewering van mintens 24 uur kennisgewing vervroeg.

(5) 'n Appèl in artikel 21A van die Wet bedoel, word aangeteken by wyse van 'n aansoek, en die bepalings van hierdie reël is *mutatis mutandis* met betrekking tot so 'n appèl van toepassing.

(b) Any party opposing the granting of the relief prayed for in the application shall—

(i) within the period of 14 days referred to in paragraph (a) (ii) give notice in writing to the registrar and to the applicant that he intends to oppose the application and shall state an address or addresses at which he will accept service of all documents in the proceedings;

(ii) within 14 days after the expiration of the period of 14 days referred to in paragraph (a) (ii) deliver a statement of his defence which statement shall—

(aa) traverse the allegations contained in the applicant's application;

(bb) contain a summary of the facts and conclusions of law on which the defence is based;

(cc) be supported by documents, if any, containing particulars in support of the defence;

(dd) be supported by a list *mutatis mutandis* as referred to in subrule (1) (c);

(iii) together with such statement of defence, deliver a counter-application, if any, and the provisions of subrule (1) shall *mutatis mutandis* apply in respect of such counter-application.

(c) The applicant may, within 14 days after delivery by the respondent of his statement of defence and his counter-application, if any, deliver a replication and a statement of defence in relation to such counter-application and the respondent may, within 14 days after delivery by the applicant of his statement of defence in relation to the counter-application, deliver a replication in relation to such statement of defence.

(d) If no statement of defence or counter-application is delivered within the period referred to in paragraph (b) (ii), the applicant may request the registrar to fix a date for judgment.

(e) Pleadings shall be deemed to be closed—

(i) if the last day allowed for the filing of a replication by the applicant or the filing of a replication by the respondent in respect of a counter-application made by himself, as the case may be, has elapsed; or

(ii) if the court declares the pleadings closed.

(f) After the pleadings have been closed and a conference referred to in rule 17 has been held, the applicant shall, within 14 days of the filing of the minutes of such conference with the registrar, request the registrar to fix a date for hearing and, if the applicant fails so to request the registrar within the said period, the respondent may do so and at least 14 days' notice of the date so fixed shall be given forthwith by the applicant or respondent, as the case may be, to every other party concerned.

(3) (a) The court may dispose of any urgent matter at such time and place and in such manner, and in accordance with such procedure, which shall as far as practicable be in accordance with these rules, as the court may deem fit.

(b) An applicant who avers that a matter is urgent shall expressly state the circumstances which according to him render the matter urgent and shall give the reasons why he claims that strict compliance with the rules will defeat his being afforded substantial redress.

(4) Any person against whom an order is granted *ex parte* may anticipate the return day upon delivery of not less than 24 hours' notice.

(5) An appeal referred to in section 21A of the Act shall be lodged by way of an application and the provisions of this rule shall *mutatis mutandis* apply with reference to such appeal.

Voeging van partye en geskille of aangeleenthede, en toetrede van partye

7. (1) Enige getal persone, wat elk regshulp verlang, hetsy gesamentlik, gesamentlik en afsonderlik, afsonderlik of in die alternatief, kan as applikante in een aansoek optree teen dieselfde respondent of respondente teen wie een of meer van sodanige persone wat aldus aansoek doen, geregtig sou gewees het om afsonderlik 'n aansoek te doen, mits die reg op regshulp van diegene wat saam as applikante wil optree, afhang van die beslissing van wesenlik dieselfde regs- of feitevraag wat, as afsonderlike aansoek gedoen sou word, in elke geval sou ontstaan: Met dien verstande dat daar 'n voeging kan wees op voorwaarde dat dit geld slegs as die aansoek van enige ander applikant misluk.

(2) 'n Applikant kan verskeie geskille of aangeleenthede in dieselfde aansoek saamvoeg.

(3) Aansoek kan teen verskeie respondente in dieselfde aansoek, hetsy gesamentlik, gesamentlik en afsonderlik, afsonderlik of in die alternatief, gedoen word wanneer die geskil of aangeleentheid wat tussen hulle of enige van hulle en die applikant of enige van die applikante bestaan of hangende is, afhang van die beslissing van wesenlik dieselfde regs- of feitevraag wat, as afsonderlik aansoek teen sodanige respondente gedoen sou word, in elke afsonderlike aansoek sou ontstaan.

(4) In 'n aansoek waarin partye of geskille of aangeleenthede ingevolge hierdie reël saamgevoeg is, gee die hof aan die einde van die verhoor uitspraak ten gunste van die partye wat daarop geregtig is of verleen hy absolusie van die instansie en gee hy 'n kostebevel wat hy billik ag. Met dien verstande, dat sonder om die diskresie van die hof in enige opsig te beperk—

(a) die hof kan beveel dat 'n applikant wat misluk, teenoor enige ander party, hetsy applikant of respondent, aanspreeklik is vir koste wat deur sy toetrede tot die aansoek as applikant veroorsaak is;

(b) as uitspraak ten gunste van 'n respondent gegee word of as aan 'n respondent absolusie van die instansie verleen is, die hof kan beveel dat—

(i) die applikant sodanige respondent se koste betaal;

(ii) die respondente wat misluk het, die koste van die respondent wat geslaag het, gesamentlik en afsonderlik betaal, betaling deur een die ander vrystel, en dat as een van die respondente wat misluk het meer as sy *pro rata*-deel van die koste van die respondent wat geslaag het betaal, hy geregtig is om van die ander respondente wat misluk het hul *pro rata*-deel van die oorbetaling te verhaal, en die hof kan verder beveel dat as die respondent wat geslaag het, nie al of enige gedeelte van sy koste van die respondente wat misluk het kan verhaal nie, hy die tekort van die applikant kan vorder: en

(c) as uitspraak ten gunste van die applikant teen meer as een van die respondente gegee word, die hof hulle kan beveel om die applikant se koste gesamentlik en afsonderlik te betaal, betaling deur een die ander vrystel, en dat indien een van die respondente wat misluk het, meer as sy *pro rata*-deel van die applikant se koste betaal, hy geregtig sal wees om van die ander respondente wat misluk het hul *pro rata*-deel van sodanige oorbetaling te verhaal.

(5) Waar daar 'n voeging van partye of geskille of aangeleenthede was, kan die hof op aansoek van enige party te eniger tyd beveel dat afsonderlike verhore gehou word ten opsigte van sommige van of al die partye of sommige van of al die geskille of aangeleenthede, en die hof kan op so 'n aansoek na goeddunke 'n bevel gee.

Joinder of parties and disputes or matters, and intervention of parties

7. (1) Any number of persons, each of whom desires relief, whether jointly, jointly and severally, separately or in the alternative, may join as applicants in one application against the same respondent or respondents in respect of whom any one or more of such persons so bringing application would have been entitled to bring application separately, provided that the right to relief of the persons who desire to join as applicants depends upon the determination of substantially the same question of law or fact which, if separate applications were brought, would arise in each case: Provided that there may be a joinder conditional upon the application of any other applicant failing.

(2) An applicant may join several disputes or matters in the same application.

(3) Application may be brought in respect of several respondents in one application, either jointly, jointly and severally, separately or in the alternative, whenever the dispute or matter existing or pending between them or any of them and the applicant or any of the applicants depends upon the determination of substantially the same question of law or fact which, if application were brought in respect of such respondents separately, would arise in each separate application.

(4) In any application in which parties or disputes or matters have been joined in terms of this rule, the court shall at the conclusion of the hearing give judgment in favour of such of the parties as shall be entitled thereto or grant absolution from the instance, and shall make such order as to costs as it deems just: Provided that without limiting the discretion of the court in any way—

(a) the court may order that any applicant who is unsuccessful shall be liable to any other party, whether applicant or respondent, for any costs occasioned by his joining in the application as applicant;

(b) if judgment is given in favour of any respondent or if any respondent is absolved from the instance, the court may order—

(i) the applicant to pay such respondent's costs;

(ii) the unsuccessful respondents to pay the costs of the successful respondent jointly and severally, the one paying, the other to be absolved, and that if one of the unsuccessful respondents pays more than his *pro rata* share of the costs of the successful respondent, he shall be entitled to recover from the other unsuccessful respondents their *pro rata* share of such excess, and the court may further order that if the successful respondent is unable to recover the whole or any part of his costs from the unsuccessful respondents, he shall be entitled to recover from the applicant such part of his costs as he cannot recover from the unsuccessful respondents; and

(c) if judgment is given in favour of the applicant against more than one of the respondents, the court may order those respondents against whom it gives judgment to pay the applicant's costs jointly and severally, the one paying, the other to be absolved, and that if one of the unsuccessful respondents pays more than his *pro rata* share of the costs of the applicant he shall be entitled to recover from the other unsuccessful respondents their *pro rata* share of such excess.

(5) Where there has been a joinder of parties or disputes or matters, the court may on the application of any party at any time order that separate hearings be held in respect of some or all of the parties or some or all of the disputes or matters, and the court may on such application make such order as it may deem fit.

(6) Waar afsonderlike aansoeke gedoen is en die hof van oordeel is dat sodanige aansoeke gerieflikheidshalwe gekonsolideer behoort te word, kan hy *mero motu* of op aansoek van 'n party daarby en na kennisgewing aan alle belanghebbende partye, konsolidasie van die aansoeke beveel, waarna—

(a) die aansoeke as een aansoek voortgesit word;

(b) die bepalings van subreëls (1) tot en met (5) *mutatis mutândis* van toepassing is ten opsigte van die aldus gekonsolideerde aansoeke; en

(c) die hof na goeddunke 'n bevel kan gee betreffende die verdere prosedure, en een uitspraak kan gee waarin al die geskilpunte in genoemde aansoeke afgehandel word.

(7) Iemand wat geregtig is om as applikant toe te tree of blootstaan aan voeging as 'n respondent in 'n aansoek, kan, na kennisgewing aan alle partye, in enige stadium van die verrigtinge aansoek doen om verlof om as 'n applikant of 'n respondent toe te tree en die hof kan op so 'n aansoek na goeddunke 'n bevel, met inbegrip van 'n bevel met betrekking tot koste, gee en die verdere prosedure wat gevolg moet word, voorskryf.

Verrigtinge deur en teen vennootskappe, firmas en verenigings

8. (1) In hierdie reël beteken—

"betrokke datum" die datum waarop die geskil of aangeleentheid ontstaan het;

"firma" 'n besigheid wat deur die alleeneienaar daarvan onder 'n ander naam as sy eie bedryf word;

"vereniging" enige vereniging van persone sonder regspersoonlikheid, uitgesonderd 'n vennootskap.

(2) 'n Vennootskap, 'n firma of 'n vereniging kan in sy naam 'n aansoek doen of bestry.

(3) 'n Applikant wat 'n aansoek doen teen 'n vennootskap, hoef nie die name van die vennote te verstrek nie, en as hy dit doen, skep 'n fout of weglating of foutiewe insluiting nie 'n verweer vir die vennootskap nie.

(4) Subreël (3) geld *mutatis mutandis* ook vir 'n applikant wat aansoek doen teen 'n firma.

(5) (a) 'n Applikant wat aansoek doen teen 'n firma of 'n vennootskap, kan by sodanige aansoek 'n kennisgewing insluit waarin die volle naam en die woonadres van die eienaar of van elke vennoot, na gelang van die geval, soos op die betrokke datum aangevra word.

(b) Die respondent moet binne 14 dae na die betekening van 'n kennisgewing in paragraaf (a) bedoel, 'n skriftelike verklaring met die gevraagde inligting aflewer.

(c) Tesame met die verklaring bedoel in paragraaf (b) moet die respondent aan elke persoon in paragraaf (a) bedoel 'n kennisgewing, wesenlik soos in Vorm I in die Bylae, beteken.

(d) 'n Applikant wat 'n aansoek doen teen 'n firma of 'n vennootskap en in die aansoek beweer dat iemand op die betrokke datum die eienaar of 'n vennoot was, moet so iemand dienooreenkomstig in kennis stel deur 'n kennisgewing, wesenlik soos in Vorm I in die Bylae, te beteken.

(e) Iemand aan wie 'n kennisgewing ingevolge paragraaf (c) of (d) beteken is, word geag 'n party in die verrigtinge te wees, met die regte en verpligtinge van 'n respondent.

(f) Enige party in die verrigtinge kan ter eniger tyd beweer dat iemand bedoel in paragraaf (e) op die betrokke datum die eienaar of 'n vennoot was, of dat hy onder estoppel is om dit te ontken.

(g) As 'n party in die verrigtinge die bedoelde status betwis, kan die hof by die verhoor dié geskilpunt *in limine* beslis.

(6) Where separate applications have been brought and it appears to the court convenient to do so, it may *mero motu* or upon the application of any party thereto and after notice to all interested parties, make an order consolidating the applications, whereupon—

(a) the applications shall proceed as one application;

(b) the provisions of subrules (1) to (5), inclusive, shall *mutatis mutandis* apply in respect of the applications so consolidated; and

(c) the court may in its discretion make any order with regard to the further procedure, and may give one judgment disposing of all the matters in dispute in the said applications.

(7) Any person entitled to join as an applicant or liable to be joined as a respondent in any application may, after notice to all parties, at any stage of the proceedings apply for leave to intervene as an applicant or a respondent and the court may upon such application make such order, including any order as to costs, and give such directions as to the further procedure to be followed, as it may deem fit.

Proceedings by and against partnerships, firms and associations

8. (1) In this rule—

"association" means any unincorporated body of persons, excluding a partnership;

"firm" means a business carried on by the sole proprietor thereof under a name other than his own;

"relevant date" means the date on which the dispute or matter arose.

(2) A partnership, a firm or an association may bring or oppose an application in its name.

(3) An applicant bringing an application against a partnership need not allege the names of the partners and, if he does so, any error or omission or erroneous inclusion shall not afford a defence to the partnership.

(4) Subrule (3) shall *mutatis mutandis* apply to an applicant bringing an application against a firm.

(5) (a) An applicant bringing an application against a firm or a partnership may include in such application a notice calling for the full name and residential address of the proprietor or of each partner, as the case may be, as at the relevant date.

(b) The respondent shall within 14 days after service of a notice referred to in paragraph (a) deliver a written statement containing such information.

(c) Together with the statement referred to in paragraph (b) the respondent shall serve upon each person referred to in paragraph (a) a notice substantially in the form set out in Form 1 of the Schedule.

(d) An applicant bringing an application against a firm or partnership and alleging in the application that any person was at the relevant date the proprietor or a partner, shall notify such person accordingly by serving a notice substantially in the form set out in Form 1 of the Schedule.

(e) Any person upon whom a notice has been served in terms of paragraph (c) or (d) shall be deemed to be a party to the proceedings with the rights and duties of a respondent.

(f) Any party to the proceedings may aver at any time that any person referred to in paragraph (e) was at the relevant date the proprietor or a partner, or that he is estopped from denying such status.

(g) If any party to the proceedings disputes such status, the court may at the hearing decide that issue *in limine*.

(h) Tenuitvoerlegging van 'n vonnis teen 'n vennootskap geskied eers teen die bates daarvan en nadat sodanige bates uitgewin is, teen die private bates van enigiemand wat beslis is 'n vennoot te wees of wat beslis word onder estoppel te wees om sy status as sodanige te ontken, asof uitspraak teen hom gegee is.

(6) Subreël (5) geld *mutatis mutandis* vir 'n respondent teen wie 'n aansoek deur 'n firma of 'n vennootskap gedoen word.

(7) As 'n aansoek teen 'n vennootskap gedoen word en dit blyk dat die vennootskap sedert die betrokke datum ontbind is, gaan die verrigtinge nogtans voort teen die persone wat deur die applikant beweer of deur die vennootskap vermeld word vennote te wees, asof die aansoek teen hulle afsonderlik gedoen is.

(8) Subreël (7) geld *mutatis mutandis* waar dit blyk dat 'n firma opgehou het om te bestaan.

(9) (a) 'n Applikant wat 'n aansoek doen teen 'n vereniging, kan by die aansoek 'n kennisgewing insluit waarin 'n gesertifiseerde afskrif van daardie vereniging se geldende konstitusie en 'n lys van die name en adresse van sy ampsdraers en hul onderskeie ampte op die betrokke datum aangevra word.

(b) Aan so 'n kennisgewing moet binne 14 dae na betekening daarvan voldoen word.

(c) Paragrawe (a) en (b) geld *mutatis mutandis* vir 'n respondent teen wie 'n vereniging 'n aansoek doen.

(10) Paragrawe (d) tot (h) van subreël (5) geld *mutatis mutandis* wanneer—

(a) 'n applikant beweer dat 'n lid, werknemer of agent van die respondentvereniging regtens vir die vereniging se beweerde aanspreeklikheid aanspreeklik is; en

(b) 'n respondent beweer dat 'n lid, werknemer of agent van die vereniging wat aansoek doen, regtens aanspreeklik sal wees vir die koste wat teen die vereniging toegeken mag word.

(11) Subreël (7) geld *mutatis mutandis* vir die voortsetting van die verrigtinge teen 'n lid, werknemer of agent in subreël (10) (a) bedoel.

Verteenwoordiging van partye

9. (1) 'n Praktisyn of enige ander persoon wat in verrigtinge kan optree in verband met 'n geskil of aangeleentheid in artikel 17 (11) (a) van die Wet bedoel indien sodanige verrigtinge in 'n geregshof in gemelde artikel bedoel ingestel sou gewees het, kan in verrigtinge voor die hof optree.

(2) 'n Party kan ter eniger tyd 'n verteenwoordiger se magtiging om namens hom op te tree, intrek en kan daarna persoonlik optree of 'n ander verteenwoordiger aanstel, en moet daarop onverwyld 'n kennisgewing van die intrekking aflewer, en as hy 'n ander verteenwoordiger aangestel het, moet hy in sodanige kennisgewing die naam en adres van daardie ander verteenwoordiger vermeld, en as hy nie 'n ander verteenwoordiger aanstel nie, moet die party in die kennisgewing van intrekking ook 'n adres aangee vir die betekening aan hom van alle pleitstukke en ander dokumente in die verrigtinge.

(3) By ontvangs van 'n kennisgewing in subreël (2) bedoel, word die adres van die party of sy verteenwoordiger, na gelang van die geval, die adres van sodanige party vir die betekening aan hom van alle pleitstukke en ander dokumente in die verrigtinge, maar betekening behoorlik gedoen op 'n ander plek voor ontvangs van sodanige kennisgewing is ondanks die verandering vir alle doeleindes geldig.

(4) (a) 'n Verteenwoordiger in verrigtinge wat ophou om 'n party te verteenwoordig, moet onverwyld kennisgewing daarvan aflewer.

(h) Execution in respect of a judgment against a partnership shall first be levied against the assets thereof, and, after exclusion of such assets, against the private assets of any person held to be a partner or held to be estopped from denying his status as a partner, as if judgment had been entered against him.

6. Subrule (5) shall *mutatis mutandis* apply to a respondent against whom an application is brought by a firm or a partnership.

(7) If an application is brought against a partnership and it appears that since the relevant date the partnership has been dissolved, the proceedings shall nevertheless continue against the persons alleged by the applicant or stated by the partnership to be partners, as if the application had been brought against them individually.

(8) Subrule (7) shall apply *mutatis mutandis* where it appears that a firm has been discontinued.

(9) (a) An applicant who brings an application against an association may include in the application a notice calling for a certified copy of that association's current constitution and a list of the names and addresses of its office-bearers and their respective offices at the relevant date.

(b) Such notice shall be complied with within 14 days after service thereof.

(c) Paragraphs (a) and (b) shall *mutatis mutandis* apply to a respondent against whom an application is brought by an association.

(10) Paragraphs (d) to (h) of subrule (5) shall *mutatis mutandis* apply when—

(a) an applicant alleges that any member, employee or agent of the respondent association is liable in law for the association's alleged liability; and

(b) a respondent alleges that any member, employee or agent of the association bringing an application will be liable in law for the payment of any costs which may be awarded against the association.

(11) Subrule (7) shall *mutatis mutandis* apply with regard to the continuance of the proceedings against any member, employee or agent referred to in subrule (10) (a).

Representation of parties

9. (1) A practitioner or any other person who is permitted to act in proceedings in connection with a dispute or matter referred to in section 17 (11) (a) of the Act, had such proceedings been instituted in a court of law referred to in the said section, may act in proceedings before the court.

(2) Any party may at any time terminate any representative's authority to act for him, and may thereafter act in person or appoint another representative, and shall thereupon forthwith deliver notice of the termination, and if he has appointed another representative, he shall state in such notice the name and address of that other representative, and if he does not appoint another representative the party shall in the notice of termination also furnish an address for the service upon him of all pleadings and other documents in the proceedings.

(3) Upon receipt of a notice referred to in subrule (2), the address of the party or his representative, as the case may be, shall become the address of such party for service upon him of all pleadings and other documents in the proceedings, but service duly effected elsewhere before receipt of such notice shall, notwithstanding such change, for all purposes be valid.

(4) (a) A representative in any proceedings who ceases to represent a party shall forthwith deliver notice thereof.

(b) Die kennisgewing aan die griffier vermeld die datum wanneer, die party aan wie en die wyse waarop kennisgewing aan alle partye beteken is en moet vergesel wees van 'n afskrif van laasbedoelde kennisgewing.

(c) So 'n kennisgewing het dieselfde regsgevolge as 'n kennisgewing ingevolge subreël (2): Met dien verstande dat, tensy die party self binne 14 dae alle ander partye kennis gee van 'n nuwe adres vir betekening, daar nie vereis word dat pleitstukke aan sodanige party beteken word nie tensy die hof anders gelas.

(5) Dit is nie vir 'n verteenwoordiger nodig om 'n volmag in te dien wat hom magtig om namens 'n party in verrigtinge op te tree nie, maar die bevoegdheid van enige persoon wat voorgee om namens 'n party op te tree, kan deur die ander party betwis word binne 'n redelike tyd nadat dit tot sy kennis gekom het dat sodanige persoon aldus optree of, met verlof van die hof en by aanvoering van goeie gronde, te eniger tyd voordat uitspraak gedoen word, en daarna mag sodanige persoon nie sonder verlof van die hof voortgaan om aldus op te tree nie alvorens hy die hof daarvan oortuig het dat hy bevoeg is om aldus op te tree, en die hof kan die verrigtinge vir daardie doel verdaag.

Vorm en inhoud van pleitstukke

10. (1) 'n Pleitstuk word deur die betrokke party of sy verteenwoordiger onderteken.

(2) Die titel van die saak, wat die name bevat van die partye sowel as die nommer deur die griffier aan die saak toegeken, moet bo-aan elke pleitstuk verskyn, maar waar die partye talryk of die titel lank is en 'n verkorting redelik moontlik is, moet dit aldus verkort word.

(3) Elke pleitstuk word in paragrawe (met inbegrip van subparagrawe) verdeel wat agtereenvolgens genommer word en wat elk, sover moontlik, 'n afsonderlike bewering bevat.

(4) Elke pleitstuk bevat 'n duidelike en bondige stelling van die wesenlike feite waarop die aansoek of verweer, na gelang van die geval, berus, en wel met voldoende besonderhede om die teenparty in staat te stel om daarop te antwoord.

Eksepsies en aansoeke om deurhaling

11. (1) Waar 'n pleitstuk te kort skiet aan bewerings wat nodig is om 'n aansoek of verweer te staaf, na gelang van die geval, kan die teenparty binne 14 dae na ontvangs van sodanige pleitstuk die ander party by 'n kennisgewing waarin die gronde waarop beweer word die pleitstuk aldus te kort skiet, uiteengesit word, die geleentheid gee om die oorsaak van die beswaar binne 14 dae te verwyder, en indien bedoelde ander party versuim om dit te doen, kan die teenparty, sonder om bedoelde gronde te herhaal, 'n eksepsie aflewer binne 14 dae vanaf die dag waarop hy antwoord op sodanige kennisgewing ontvang of moes ontvang het, en verhoor daarvan versoek.

(2) As 'n dokument aanstootlike, kwelsugtige of irrelevante beweringe bevat, kan die hof op aansoek deurhaling daarvan beveel en 'n gepaste bevel met betrekking tot koste maak: Met dien verstande dat so 'n aansoek nie toegestaan word nie tensy die hof van oordeel is dat die applikant in die voer van sy saak benadeel sal word indien die aansoek nie toegestaan word nie.

(3) Wanneer eksepsie teen 'n pleitstuk aangeteken word of wanneer om deurhaling aansoek gedoen word, moet die gronde daarvoor duidelik en bondig vermeld word.

(4) Wanneer eksepsie teen 'n pleitstuk aangeteken word of wanneer om deurhaling aansoek gedoen word, is 'n uiteensetting van verweer met betrekking daartoe nie nodig nie.

(b) The notice to the registrar shall specify the date when, the parties to whom and the manner in which notification was served upon all parties and shall be accompanied by a copy of the notification.

(c) Such notification shall be of the same force and effect as a notice under subrule (2): Provided that, unless the party himself within 14 days notifies all other parties of a new address for service, it shall not be necessary to serve any pleadings upon such party unless the court otherwise orders.

(5) It shall not be necessary for any representative to file a power of attorney authorising him to act on behalf of any party to any proceedings, but the competence of any person purporting to act 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 person is so acting or, by leave of the court and on good cause shown, at any time before judgment, and thereupon such person may not without leave of the court continue so to act until he has satisfied the court that he is competent so to act, and the court may for that purpose adjourn the proceedings.

Form and contents of pleadings

10. (1) A pleading shall be signed by the party concerned or by his representative.

(2) The title of the matter, containing the names of the parties as well as the number assigned by the registrar to the matter, shall appear at the head of every pleading, but where the parties are numerous or the title lengthy and abbreviation is reasonably possible, it shall be so abbreviated.

(3) Every pleading shall be divided into paragraphs (including subparagraphs) which shall be numbered consecutively and shall, as nearly as possible, each contain a distinct averment.

(4) Every pleading shall contain a clear and concise statement of the material facts upon which the application or defence, as the case may be, is based, and with sufficient particularity to enable the opposite party to reply thereto.

Exceptions and applications to strike out

11. (1) Where a pleading lacks averments which are necessary to sustain an application or defence, as the case may be, the opposing party may, within 14 days after receipt of such pleading, by notice setting out the grounds on which it is alleged the pleading is so lacking, afford the other party the opportunity of removing the cause of complaint within 14 days, and if such other party fails to do so, the opposing party may, without repeating the said grounds, deliver an exception within 14 days from the day on which he received or should have received a reply to such notice, and request a hearing thereof.

(2) The court may on application order to be struck out of any document any matter which is scandalous, vexatious or irrelevant and may make an appropriate order as to costs: Provided that such application shall not be granted unless the court is satisfied that the applicant will be prejudiced in the conduct of his case if the application is not granted.

(3) Whenever an exception is taken to a pleading or whenever striking out is applied for, the grounds therefor shall be clearly and concisely stated.

(4) Whenever an exception is taken to a pleading or whenever striking out is applied for, a statement of defence with regard thereto shall not be necessary.

Verlenging van tydperke en kondonasie

12. (1) Tensy die partye onderling ooreengekom het, kan die hof op aansoek en mits goeie gronde aangevoer word, enige tydperk wat by hierdie reëls of by hofbevel voorgeskryf is in verband met enige verrigtinge hoegenaamd, 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 verrigtinge, van enige aard hoegenaamd en wel met sodanige bepalings daarby as wat hy goedvind.

(2) So 'n verlenging kan beveel word hoewel die aansoek eers na verstryking van die voorgeskrewe of vasgestelde tyd geskied, en die hof kan na goeddunke 'n bevel gee betreffende die tenietdoening of verandering van die gevolge wat by die verstryking van 'n aldus voorgeskrewe of vasgestelde tyd sou intree, hetsy uit hoofde van 'n hofbevel of van hierdie reëls.

(3) Die hof kan, mits goeie gronde aangevoer word, die nie-nakoming van hierdie reëls kondoneer.

Wysiging van pleitstukke

13. (1) 'n Party wat 'n pleitstuk, met inbegrip van aanhangsels daarby, behalwe 'n beëdigde verklaring, wat in verband met enige verrigtinge ingedien is, wil wysig, moet aan alle ander partye en die griffier in kennisgewing aflewer van sy voorneme om te wysig, en moet besonderhede van die voorgestelde wysiging verstrek.

(2) Sodanige kennisgewing moet meld dat tensy beswaar teen die voorgestelde wysiging skriftelik binne 14 dae afgelewer word, die betrokke pleitstuk dienooreenkomstig gewysig sal word.

(3) As geen skriftelike beswaar aldus afgelewer word nie, word geag dat die party wat sodanige kennisgewing ontvang het, tot die wysiging toegestem het.

(4) As beswaar binne gemelde tydperk van 14 dae afgelewer word, moet die party wat met die wysiging wil voortgaan, binne 14 dae na ontvangs van die beswaar by die hof by kennisgewing aansoek doen om verlof om te wysig en die aangeleentheid vir verhoor ter rolle plaas, waarop die hof na goeddunke 'n bevel kan gee.

(5) Wanneer die hof 'n wysiging beveel het of geen beswaar binne die in subreël (2) bedoelde tydperk van 14 dae afgelewer is nie, moet die party wat wysig, die wysiging aflewer binne die tyd in die hofbevel vasgestel, of binne 14 dae na verstryking van die tydperk in subreël (2) voorgeskryf, na gelang van die geval.

(6) Wanneer 'n wysiging van 'n pleitstuk ingevolge hierdie reël afgelewer is, kan die ander party binne 14 dae na ontvangs van die gewysigde pleitstuk 'n pleitstuk wat reeds deur hom afgelewer is, gevolglik wysig.

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

(8) Die hof kan tydens die verhoor in enige stadium voor uitspraak verlof tot wysiging van 'n pleitstuk gee onderworpe aan sodanige bepalings betreffende koste of enigiets anders as wat hy goeddink.

(9) 'n Wysiging soos in subreël (1) bedoel, moet op 'n afsonderlike bladsy verskyn wat op 'n gepaste plek by die betrokke pleitstuk gevoeg word.

Onreëlmatige verrigtinge

14. (1) 'n Party in verrigtinge waarin 'n stap op onreëlmatige wyse deur 'n ander party gedoen is, kan binne 14 dae na die doen van sodanige stap by die hof om tersydestelling daarvan aansoek doen: Met dien verstande dat geen party wat 'n verdere stap in die verrigtinge gedoen het terwyl hy van die onreëlmatigheid geweet het, geregtig is om sodanige aansoek te doen nie.

Extension of time and condonation

12. (1) In the absence of agreement between the parties, the court may upon application and on good cause shown, make an order extending or abridging any time prescribed by these rules or by an order of court or fixed by an order extending or abridging any time for doing any act or taking any step in connection with any proceedings of any nature whatsoever upon such terms as it may deem fit.

(2) Any such extension may be ordered although application therefor is not made until after the expiry of the time prescribed or fixed, and the court may make such order as it may deem fit as to the cancelling or varying of the results of the expiry of any time so prescribed or fixed, whether such results flow from the terms of any order or from these rules.

(3) The court may, on good cause shown, condone any non-compliance with these rules.

Amendment of pleadings

13. (1) Any party desiring to amend any pleading, including any annexures thereto, other than an affidavit, filed in connection with any proceedings, shall deliver notice to all other parties and to the registrar of his intention so to amend, and shall furnish particulars of the proposed amendment.

(2) Such notice shall state that unless objection in writing to such amendment is delivered within 14 days, the pleading in question shall be amended accordingly.

(3) If no objection in writing is so delivered, the party who received such notice shall be deemed to have agreed to the amendment.

(4) If any objection is delivered within the said period of 14 days, the party desiring to pursue the amendment shall within 14 days after receipt of the objection apply to the court on notice for leave to amend and shall set the matter down for hearing, whereupon the court may make such order as it may deem fit.

(5) Whenever the court has ordered an amendment or no objection has been delivered within the period of 14 days referred to in subrule (2), the party amending shall deliver the amendment within the time specified in the court's order or within 14 days of the expiry of the period prescribed in subrule (2), as the case may be.

(6) Whenever an amendment to a pleading has been delivered in terms of this rule, the other party may within 14 days after receipt of the amended pleading amend consequentially any pleading already delivered by him.

(7) A party giving notice of amendment shall, unless the court otherwise orders, be liable to pay the costs thereby occasioned to any other party.

(8) The court may during the hearing at any stage before judgment grant leave to amend any pleading subject to such terms as to costs or any other matter as it may deem fit.

(9) Any amendment referred to in subrule (1) shall be made on a separate page which shall be added to the pleading in question in an appropriate place.

Irregular proceedings

14. (1) Any party to any proceedings in which an irregular step has been taken by any party may within 14 days of the taking of such step apply to the court to set it aside: Provided that no party who has taken any further step in the proceedings with knowledge of the irregularity shall be entitled to make such application.

(2) 'n Aansoek ingevolge subreël (1) geskied by kennisgewing aan alle partye, met 'n uiteensetting van besonderhede van die beweerde onreëlmatigheid.

(3) As die hof by die verhoor van sodanige aansoek van mening is dat die stap op onreëlmatige wyse gedoen is, kan hy dit in sy geheel of gedeeltelik tersyde stel ten opsigte van al of sommige van die partye, en verlof gee om te wysig of na goeddunke 'n ander bevel gee.

(4) Totdat 'n party 'n hofbevel wat teen hom gegee is, uitgevoer het, mag hy geen verdere stap in die verrigtinge doen nie behalwe om 'n verlenging aan te vra van die tyd waarin hy aan sodanige bevel moet voldoen.

(5) Wanneer 'n party versuim om betyds aan 'n versoek of kennisgewing kragtens hierdie reëls te voldoen, kan die party wat die versoek gerig of kennis gegee het, die party wat in verstek is, kennis gee dat hy voornemens is om na verloop van 14 dae na sodanige kennisgewing 'n bevel aan te vra dat aan die versoek of kennisgewing voldoen word of dat die aansoek of verweer, na gelang van die geval, geskrap word, en by versuim van die party wat in verstek is, om binne bedoelde tydperk van 14 dae aldus te voldoen, kan die party wat die versoek gerig of aldus kennis gegee het, by die hof aansoek doen om 'n bevel soos vermeld en die hof kan daarop na goedunkke bevel gee.

Toestemming tot vonnis en vonnis by verstek

15. (1) (a) 'n Respondent kan te eniger tyd geheel of gedeeltelik toestem tot vonnis.

(b) Sodanige toestemming word deur die respondent persoonlik onderteken en sy handtekening word deur sy verteenwoordiger of by beëdigde verklaring bevestig.

(c) Die toestemming word daarop aan die applikant verskaf, waarop die applikant skriftelik deur die griffier by die hof om vonnis ooreenkomstig die toestemming aansoek kan doen.

(2) Wanneer 'n respondent in verstek is met sy kennisgewing van voorneme om te bestry of met sy uiteensetting van verweer, kan die applikant die aansoek ter rolle plaas en die hof kan uitspraak gee sonder om getuienis aan te hoor of na die aanhoor van getuienis, of na goeddunke 'n ander bevel gee.

(3) Die verrigtinge in subreël (2) bedoel, word ter rolle geplaas met minstens 14 dae kennisgewing aan die ander party: Met dien verstande dat aan 'n party wat in verstek is met sy kennisgewing van voorneme om te bestry, geen kennisgewing van terrolleplasing gegee hoef te word nie.

Insae en voorlegging van stukke

16. (1) (a) 'n Party kan te eniger tyd van enige ander party by skriftelike kennisgewing vereis dat sodanige ander party binne 14 dae na aflewering van sodanige kennisgewing, 'n geskikte plek en tyd by kennisgewing bepaal waarop die stukke deur hom ingevolge reël 6 blootgelê, ingesien kan word.

(b) Die party wat insae verlang, is dan geregtig om op die aldus bepaalde plek en tyd en nog sewe dae daarna in gewone kantoorure op een of meer van bedoelde dae die stukke in te sien en afskrifte daarvan te maak.

(2) As 'n party versuim om bloot te lê of na kennisgewing kragtens subreël (1) versuim om kennis te gee van 'n plek en tyd vir insae of insae aldus toe te laat, kan die party wat blootlegging of insae verlang, by die hof aansoek doen om 'n bevel dat hierdie reël nagekom word en dat, by versuim om dit na te kom, die oorspronklike aansoek afgewys of die verweer daarteen geskrap word, na gelang van die geval.

(2) An application in terms of subrule (1) shall be on notice to all parties, specifying particulars of the irregularity alleged.

(3) If at the hearing of such application the court is of the opinion that the step is irregular, it may set it aside in whole or in part, either as against all the parties or as against some of them, and grant leave to amend or make any such order as it may deem fit.

(4) Until a party has complied with any order of court made against him, he shall not take any further step in the proceedings, save to apply for an extension of time within which to comply with such order.

(5) Whenever any party fails to comply timeously with any request made or notice given pursuant to these rules, the party making the request or giving the notice may notify the defaulting party that he intends to apply for an order, after expiry of a period of 14 days of such notification, that such notice or request be complied with, or that the application or defence, as the case may be, be struck out and upon failure of the party who is in default so to comply within the said period of 14 days, the party who made the request or gave such notice may make application to the court for an order as aforesaid and the court may thereupon make such order as it may deem fit.

Consent to judgment and judgment by default

15. (1) (a) A respondent may at any time either in whole or in part consent to judgment.

(b) Such consent shall be signed by the respondent personally and his signature shall either be witnessed by his representative or be verified by affidavit.

(c) The consent shall thereupon be furnished to the applicant whereupon the applicant may apply in writing through the registrar to the court for judgment in accordance with the consent.

(2) Whenever a respondent is in default of delivery of notice of intention to oppose or of his statement of defence, the applicant may set the application down and the court may give judgment without hearing evidence or after hearing evidence, or make such other order as it may deem fit.

(3) The proceedings referred to in subrule (2) shall be set down for hearing upon not less than 14 days' notice to the other party: Provided that no notice of set down need be given to any party in default of delivery of notice of intention to oppose.

Inspection and production of documents

16. (1) (a) Any party may at any time by written notice require any other party to fix by notice within 14 days after delivery of such first-mentioned notice a suitable place and time where any documents discovered by him in terms of rule 6 may be inspected.

(b) The party desiring inspection shall thereupon be entitled to inspect the documents at the place and time so fixed and for a period of seven days thereafter during normal business hours on any one or more of such days, and to make copies thereof.

(2) If a party fails to make discovery, or, having been served with a notice under subrule (1), omits to give notice of a place and time for inspection as aforesaid, the party desiring discovery or inspection may apply to the court for an order that this rule be complied with and, failing such compliance, that the original application be dismissed or the defence thereto be struck out, as the case may be.

Inkorting van verrigtinge

17. (1) By die toepassing van hierdie reël beteken "respondent" ook alle ander partye in die verrigtinge, uitgesonderd die applikant.

(2) Binne 14 dae na die sluiting van pleitstukke lewer die applikant 'n kennisgewing af wat aan die respondent of sy verteenwoordiger gerig is en waarin hy versoek word om 'n samespreking by te woon met die oog daarop om eenstemmigheid te bereik met betrekking tot die verdere voer van die verrigtinge en met betrekking tot moontlike weë om die verrigtinge in te kort en te bespoedig.

(3) In die kennisgewing word uiteengesit—

(a) 'n voorgestelde tyd en plek wat as gerieflik vir die partye en hulle verteenwoordigers vir die hou van die samespreking beskou word;

(b) enige erkenning van feite en van dokumente wat die respondent versoek word om te maak;

(c) besonderhede van inspeksies of ondersoeke wat die applikant verlang om te doen en van inspeksies of ondersoeke wat die applikant aan die respondent aanbied, met inbegrip van redelike voorstelle ten opsigte van die prosedure, tyd en plek vir sodanige inspeksies en ondersoeke;

(d) (i) besonderhede van verdere dokumente wat nog nie blootgelê is nie en wat na die applikant se oordeel wesenlik is met die oog op die bespoediging van die verrigtinge, asook die tyd en plek waar dié dokumente ingesien kan word;

(ii) besonderhede van dokumente wat die applikant glo in die besit van die respondent is, wat na die oordeel van die applikant wesenlik is met die oog op die bespoediging van die verrigtinge en wat die applikant verlang om in te sien;

(iii) besonderhede van enige dokument wat die applikant in sy besit of onder sy beheer het en wat die applikant van oordeel is nie blootgelê behoort te word nie, asook die redes waarom hy aldus van oordeel is;

(e) 'n opsomming van enige deskundige getuienis wat die applikant van voorneme is om voor te lê, sowel as die aard van sodanige getuienis;

(f) 'n versoek om die verdere besonderhede wat die applikant redelikerwys nodig het vir doeleindes van voorbereiding vir die verhoor;

(g) besonderhede van planne, diagramme, foto's modelle en dergelike stukke of voorwerpe wat die applikant beoog om in die verrigtinge te gebruik;

(h) voorstelle in verband met die konsolidasie van aangeleenthede;

(i) voorstelle in verband met die bereiking van ooreenkoms ten opsigte van aangeleenthede wat hoofsaaklik rekenkundig van aard is;

(j) voorstelle in verband met die voorbereiding van afskrifte van korrespondensie en ander dokumente in gebonde vorm vir doeleindes van die verrigtinge;

(k) voorstelle in verband met die prosedure by die voorgestelde samespreking, die volgorde waarin aangeleenthede behandel moet word en die moontlikheid om die samespreking in verskillende stadiums te hou;

(l) 'n voorgestelde program vir die voer van die verrigtinge, en meer bepaald met betrekking tot die datum, tyd en plek van die verhoor en ander voorverhoorprosedures; en

(m) sodanige ander aangeleenthede as wat kan bydra tot die afhandeling van die verrigtinge op die spoedigste en goedkoopste wyse.

Curtailment of proceedings

17. (1) For the purposes of this rule "respondent" shall include all other parties to the proceedings excluding the applicant.

(2) Within 14 days after the close of pleadings the applicant shall deliver a notice addressed to the respondent or his representative requesting him to attend a conference with the object of reaching agreement as to the further conduct of the proceedings and as to possible ways of curtailing and expediting the proceedings.

(3) The notice shall set out—

(a) a time and place suggested as convenient for the parties and their representatives for the holding of the conference;

(b) any admissions of fact and of documents which the respondent is requested to make;

(c) particulars of inspections or examinations which the applicant wishes to make and of inspections or examinations which the applicant tenders to the respondent, including reasonable suggestions with regard to the procedure, time and place for such inspections and examinations;

(d) (i) particulars of any further documents not yet discovered and which the applicant considers material with a view to expediting the proceedings, as well as a statement of the time and place at which such documents may be inspected;

(ii) particulars of any documents which the applicant believes to be in the possession of the respondent, which in the opinion of the applicant are material with a view to expediting the proceedings and which the applicant wishes to inspect;

(iii) particulars of any document the applicant has in his possession or under his control and which the applicant is of the opinion should not be discovered, as well as the reasons for such opinion;

(e) a summary of any expert evidence which the applicant intends to adduce, as well as the nature of such evidence;

(f) a request for such further particulars as are reasonably required by the applicant for the purposes of preparing for trial;

(g) particulars of plans, diagrams, photographs, models and the like which the applicant intends to use in the proceedings;

(h) suggestions in regard to the consolidation of matters;

(i) suggestions in regard to the reaching of agreement on matters which are mainly of an arithmetical nature;

(j) suggestions in regard to the preparation in bound form of copies of correspondence and other documents for the purposes of the proceedings;

(k) suggestions in regard to the procedure at the proposed conference, the order in which matters shall be dealt with and the possibility of holding the conference in different stages;

(l) a suggested programme for the conduct of the proceedings, with particular regard to the date, time and place of the trial and other pre-trial procedures; and

(m) such other matters as may assist in bringing the proceedings to finality in the most expeditious and least costly manner.

(4) Binne 14 dae na aflewering van die kennisgewing bedoel in subreël (2), moet die respondent 'n skriftelike antwoord daarop aflewer waarin hy die aangeleenthede deur die applikant geopper uitdruklik behandel, asook die aangeleenthede in subreël (3) bedoel, wat deur die applikant in bedoelde kennisgewing geopper is, behalwe vir sover dit reeds behandel is soos in hierdie reël bedoel.

(5) Die applikant behandel daarop, binne sewe dae na ontvangs van die antwoord bedoel in subreël (4), enige aangeleentheid wat deur die respondent geopper is en waarop 'n antwoord verstrek moet word.

(6) Indien die applikant versuim om 'n kennisgewing soos in subreël (2) bedoel af te lewer, kan die respondent dit doen, in welke geval die bepalings van subreëls (2) tot en met (5) *mutatis mutandis* van toepassing is.

(7) (a) By afsluiting van die samespreking of van enige sessie daarvan wanneer dit in verskillende stadiums gehou word, stel die applikant, of indien subreël (6) van toepassing is, die respondent, in oorleg met die ander partye 'n notule van die verrigtinge op wat handel oor aangeleenthede waaroor hulle ooreengekom het, en onderteken dit.

(b) 'n Afskrif van sodanige notule word by die griffier ingedien binne 14 dae na afsluiting van die samespreking en die griffier lê onverwyld die rekord van die aangeleentheid en die notule aan die hof voor.

(8) (a) Die hof kan te eniger tyd, indien hy dit dienstig ag en na oorlegpleging met die partye, die partye oproep om op 'n tydstip en plek deur die hof vasgestel te verskyn vir doeleindes van die voortsetting van die samespreking, en die hof kan, by sodanige voortgesette samespreking, die bevel wat hy goeddink maak betreffende die voortsetting van die verrigtinge.

(b) Vir doeleindes van die uitoefening deur die hof van sy bevoegdhede ingevolge paragraaf (a) is die bepalings van artikel 17 (14) (a) van die Wet *mutatis mutandis* van toepassing.

(9) Wanneer 'n party deur 'n praktisyn verteenwoordig word, is dit nie nodig, tensy die samespreking soos in subreël (8) bedoel, voortgesit word, dat sodanige party by die samespreking teenwoordig is nie.

Verkryging van getuies vir verhoor

18. (1) 'n Party wat die bywoning van iemand wil verkry om getuienis by 'n verhoor te lewer, kan te eniger tyd uit die kantoor van die griffier een of meer getuiedagvaardings vir daardie doel uitreik wat elk die name van hoogstens vier persone bevat, en betekening daarvan word gedoen deur die persoon in reël 4 (3) (a) bedoel *mutatis mutandis* soos voorgeskryf in reël 4 van die reëls in reël 4 (3) (b) van hierdie reëls bedoel.

(2) As 'n getuie 'n akte, stuk, geskrif of voorwerp in sy besit of onder sy beheer het wat die party wat sy bywoning vereis, as bewys wil laat voorlê, moet sodanige akte, stuk, geskrif of voorwerp in die getuiedagvaarding vermeld word en moet die getuie dit in die hof by die verhoor voorlê.

Verhoor

19. (1) As die applikant op die plek, datum en tyd waarop die aansoek vir verhoor ter rolle geplaas is, verskyn maar die respondent verskyn nie, kan die applikant sy aansoek bewys vir sover die bewyslas op hom rus, en uitspraak word dienooreenkomstig gegee vir sover hy hom van die bewyslas gekwyt het.

(2) Wanneer 'n respondent deur sy versuim belet is om te bestry, word die respondent nie, tensy die hof in belang van die regspleging anders beveel, toegelaat om, hetsy persoonlik of deur 'n verteenwoordiger, by die verhoor te verskyn nie.

(4) Within 14 days of delivery of the notice referred to in subrule (2) the respondent shall deliver a written reply thereto in which he deals pertinently with the matters raised by the applicant as well as with the matters referred to in subrule (3) which have been raised by the applicant in the said notice, save in so far as such matters have already been dealt with as referred to in this rule.

(5) The applicant shall thereupon, within seven days after receipt of the reply referred to in subrule (4), deal with any matter raised by the respondent which calls for a reply.

(6) Should the applicant fail to deliver a notice as referred to in subrule (2), the respondent may do so, in which event the provisions of subrules (2) to (5), inclusive, shall *mutatis mutandis* apply.

(7) (a) At the conclusion of the conference or of any particular session thereof when it is held in different stages, the applicant, or in the event of subrule (6) applying, the respondent, in consultation with the other parties shall draw up and sign minutes of the proceedings dealing with matters upon which they have agreed.

(b) A copy of such minutes shall be filed with the registrar within 14 days of the conclusion of the conference and the registrar shall forthwith place the record of the matter, together with the minutes, before the court.

(8) (a) The court may at any time, if it deems it expedient to do so, and after consultation with the parties, call upon the parties to appear at a time and a place fixed by the court for the purposes of continuing the conference and the court may, at such continued conference, make such order as regards the further conduct of the proceedings as it may deem fit.

(b) For the purpose of the exercising by the court of its powers under paragraph (a), the provisions of section 17 (14) (a) of the Act shall *mutatis mutandis* be applicable.

(9) When any party is represented by a practitioner it shall not be necessary, except where the conference is continued as referred to in subrule (8), for such party to be present at such conference.

Procuring evidence for hearing

18. (1) Any party desiring the attendance of any person to give evidence at a hearing, may at any time issue from the office of the registrar one or more subpoenas for that purpose, each of which shall contain the names of not more than four persons, and service thereof shall be effected by the person referred to in rule 4 (3) (a) *mutatis mutandis* in the manner prescribed by rule 4 of the rules referred to in rule 4 (3) (b) of these rules.

(2) If any witness has in his possession or under his control any deed, document, writing or thing which the party requiring his attendance desires to be produced in evidence, such deed, document, writing or thing shall be specified in the subpoena and the witness shall be required to produce it to the court at the hearing.

Hearing

19. (1) If the applicant appears at the venue, date and time for which the application has been set down for hearing but the respondent does not appear, the applicant may prove his application so far as the burden of proof lies upon him and judgment shall be given accordingly in so far as he has discharged such burden.

(2) When a respondent has by his default been barred from opposing, the respondent shall not, save where the court in the interests of justice may otherwise order, be permitted to appear, either personally or through a representative, at the hearing.

(3) As die respondent op die plek, datum en tyd waarop die aansoek vir verhoor ter rolle geplaas is, verskyn maar die applikant verskyn nie, is die respondent geregtig op 'n bevel van absolusie van die instansie met koste, maar as hy die hof oortuig dat uitspraak in sy guns gegee moet word, kan die hof so 'n uitspraak gee.

(4) Die bepalings van subreëls (1) en (2) geld vir iedereen wat aansoek doen, asof hy 'n applikant is, en subreël (3) is van toepassing met betrekking tot elke persoon teen wie so 'n aansoek gedoen is, asof hy 'n respondent is.

(5) Waar die bewyslas op die applikant is, kan hy kortliks die feite wat hy wil bewys, uiteensit en dan voortgaan met die bewys daarvan.

(6) By die sluit van die applikant se saak kan die respondent absolusie van die instansie aanvra, in welke geval die applikant kan antwoord, en daarop kan die respondent antwoord, op enige aangeleentheid wat voortspruit uit die applikant se betoog.

(7) As absolusie van die instansie nie gevra word nie of dit geweier word en die respondent nie sy saak gesluit het nie, kan die respondent kortliks die feite wat hy wil bewys, uiteensit en dan voortgaan met die bewys daarvan.

(8) As die hof *mero motu* of op aansoek van 'n party van mening is dat daar 'n regs- of feitevraag is wat gerieflik beslis kan word voordat getuienis gelei word of afsonderlik van enige ander vraag, kan die hof afhandeling van sodanige vraag na goeddunke voorskryf en beveel dat alle verdere verrigtinge opgeskort word tot na afhandeling van sodanige vraag.

(9) Elke getuie kan deur enige party ondervra, gekruisondervra of herondervra word, na gelang van die geval.

(10) Waar die bewyslas op die respondent is, het hy dieselfde regte as wat by subreël (5) aan die applikant verleen word.

(11) Nadat die sake aan beide kante gesluit is, kan die applikant die hof toespreek en daarna kan die respondent dit doen, waarna die applikant repliek kan lewer op enigiets wat uit die respondent se betoog voortspruit.

(12) Enigeen van die partye kan by die aanvraag van die verhoor die hof vra om te beslis op wie die onus is om getuienis aan te voer, en die hof kan na beredenering beslis op watter party bedoelde onus is: Met dien verstande dat die beslissing daarna gewysig kan word ten einde 'n onreg te voorkom.

(13) (a) Waar die onus om getuienis aan te voer op een of meer geskilpunte op die applikant is en dié ten opsigte van ander geskilpunte op die respondent, voer die applikant eerste getuienis aan in verband met die geskilpunte ten opsigte waarvan die bewyslas op hom is, en hy kan daarna sy saak sluit.

(b) Die respondent voer daarop, tensy absolusie van die instansie toegestaan word of hy sy saak sluit, getuienis aan in verband met alle geskilpunte ten opsigte waarvan die bewyslas op hom is.

(14) Nadat die respondent sy getuienis aangevoer het, het die applikant die reg om weerleggende getuienis op enige geskilpunt ten opsigte waarvan die onus op die respondent was, aan te voer: Met dien verstande dat as die applikant getuienis aangevoer het op enige sodanige geskilpunte voordat hy sy saak gesluit het, hy geen verdere getuienis daarop mag aanvoer nie.

(15) Die bepalings van subreël (13) of (14) verhinder nie die respondent om 'n getuie wat in enige stadium deur die applikant op 'n geskilpunt geroep is, te kruisondervra nie, en die applikant is geregtig om sodanige getuie na sodanige kruisondervraging te herondervra sonder aantasting van die reg by subreël (14) aan hom verleen om getuienis in 'n later stadium aan te voer op die geskilpunt waarop sodanige

(3) If the respondent appears at the venue, date and time for which the application has been set down for hearing but the applicant does not appear, the respondent shall be entitled to an order granting absolution from the instance with costs, but if he satisfies the court that judgment should be granted in his favour the court may grant such judgment.

(4) The provisions of subrules (1) and (2) shall apply to any person bringing an application as if he were an applicant, and subrule (3) shall apply to any person against whom such application has been brought, as if he were a respondent.

(5) Where the burden of proof is on the applicant, he may briefly outline the facts intended to be proved and then proceed to the proof thereof.

(6) At the close of the case for the applicant the respondent may apply for absolution from the instance, in which event the applicant may reply and the respondent may thereupon reply on any matter arising out of the address of the applicant.

(7) If absolution from the instance is not applied for or has been refused and the respondent has not closed his case, the respondent may briefly outline the facts intended to be proved and the respondent may then proceed to the proof thereof.

(8) If it appears to the court *mero motu* or on the application of any party that there is a question of law or fact which it would be convenient to decide either before any evidence is led or separately from any other question, the court may make an order directing the trial of such question in such manner as it may deem fit, and may order that all further proceedings be stayed until such question has been disposed of.

(9) Each witness may be examined, cross-examined or re-examined, as the case may be, by any party.

(10) If the burden of proof is on the respondent he shall have the same rights as those accorded to the applicant by subrule (5).

(11) Upon the cases on both sides being closed, the applicant may address the court and thereafter the respondent may do so, after which the applicant may reply on any matter arising out of the address of the respondent.

(12) Either party may apply at the opening of the hearing for a ruling by the court upon the onus of adducing evidence and the court after hearing argument may give a ruling as to the party upon whom such onus lies: Provided that such ruling may thereafter be altered to prevent injustice.

(13) (a) Where the onus of adducing evidence on one or more of the issues is on the applicant and that of adducing evidence on any other issue is on the respondent, the applicant shall first call his evidence on any issue in respect of which the onus is upon him, and may thereafter close his case.

(b) The respondent, if absolution from the instance is not granted, shall, if he does not close his case, thereupon call his evidence on all issues in respect of which such onus is upon him.

(14) After the respondent has called his evidence, the applicant shall have the right to call rebutting evidence on any issue in respect of which the onus was on the respondent: Provided that if the applicant had called evidence on any such issues before closing his case, he shall not have the right to call any further evidence thereon.

(15) Nothing in subrule (13) or (14) contained shall prevent the respondent from cross-examining any witness called at any stage by the applicant on any issue in dispute, and the applicant shall be entitled to re-examine such witness consequent upon such cross-examination without affecting the right given to him by subrule (14) to call evidence at a later stage on the issue on which such witness has

getuie gekruisondervra is, en die applikant kan voorts die getuie wat aldus herondervra is, roep om in 'n later stadium getuienis te gee oor enige sodanige geskilpunt.

(16) Aantekeninge moet gehou word van—

(a) 'n uitspraak of reëling van die hof;

(b) getuienis in die hof afgelê;

(c) enige beswaar wat teen gelewerde of aangebode getuienis gemaak word;

(d) die verrigtinge van die hof in die algemeen (met inbegrip van 'n inspeksie ter plaatse en iets deur 'n getuie in die hof gedemonstreer); en

(e) enige ander deel van die verrigtinge wat die hof in die besonder mag beveel dat dit genotuleer moet word.

(17) Sodanige aantekeninge word gehou met die middele wat die hof geskik ag en kan meer bepaald in snelskrif aangeteken of meganies opgeneem word.

(18) (a) Die snelskrifnotas of meganiese opname moet deur die opnemer as juis gesertifiseer en by die griffier ingedien word.

(b) Transkripsie is nie nodig nie tensy die hof of 'n party dit verlang.

(c) As 'n transkripsie gemaak word, word dit deur die transkriptor as juis gesertifiseer en saam met die snelskrifnotas of meganiese opname by die griffier ingedien.

(d) Die transkripsie van die snelskrifnotas of meganiese opname, as juis gesertifiseer, word geag juis te wees tensy die hof anders gelas.

(19) 'n Party kan skriftelik by die griffier aansoek doen dat die aantekeninge getranskribeer word as dit nie reeds beveel is nie, en as 'n transkripsie beveel word, is sodanige party geregtig op 'n afskrif daarvan teen betaling van die gelde wat in die Hooggeregshof van Suid-Afrika gevorder sou gewees het as die betrokke verrigtinge in daardie hof aanhangig gemaak was.

(20) Indien die griffier notule van die verrigtinge van die hof gehou het en 'n afskrif van sodanige notule deur 'n party versoek word, vorder die griffier ten opsigte van sodanige afskrif gelde van sodanige party teen die tarief wat in 'n landdroshof vir die maak van 'n afskrif van 'n hofnotule deur die klerk van daardie hof gevorder word.

(21) Die hof kan te eniger tyd, indien dit wenslik blyk om dit te doen, na goeddunke 'n bevel met betrekking tot die voer van die verrigtinge maak, en kan daarby enige prosedure by hierdie reël voorgeskryf, wysig.

Getuiegelde

20. Behoudens die bepalings van die wet in artikel 17 (11) (a) van die Wet bedoel, is 'n getuie wat gedagvaar is om getuienis voor die hof af te lê, geregtig op sodanige gelde en koste uiteengesit in die tarief van toelaes kragtens artikel 42 van die Wet op die Hooggeregshof, 1959, voorgeskryf, as waarop hy geregtig sou gewees het indien hy getuienis in 'n siviele saak in 'n provinsiale afdeling van die Hooggeregshof van Suid-Afrika afgelê het.

Terugtrekking, skikking, staking, uitstel en abandonnement

21. (1) (a) 'n Party wat 'n aansoek gedoen het, kan sodanige aansoek voor terrolleplasing te eniger tyd en daarna slegs met verlof van die hof terugtrek.

(b) In elke geval moet sodanige party 'n kennisgewing van terugtrekking aflewer, en hy kan daarin inwillig om koste te betaal.

(c) Die griffier takseer die koste op versoek van die ander party.

(2) Inwilliging om koste te betaal soos in subreël (1) bedoel, het die uitwerking van 'n hofbevel vir sodanige koste.

been cross-examined, and the applicant may further call the witness so re-examined to give evidence on any such issue at a later stage.

(16) A record shall be made of—

(a) any judgment or ruling given by the court;

(b) any evidence given in court;

(c) any objection made to any evidence received or tendered;

(d) the proceedings of the court generally (including any inspection *in loco* and any matter demonstrated by any witness in court); and

(e) any other portion of the proceedings which the court may specifically order to be recorded.

(17) Such record shall be kept by such means as to the court seems appropriate and may in particular be taken down in shorthand or be recorded by mechanical means.

(18) (a) The shorthand notes so taken or any mechanical record shall be certified by the person taking it to be correct and shall be filed with the registrar.

(b) It shall not be necessary to transcribe such notes or record unless the court or a party so requires.

(c) If and when transcribed, the transcript of such notes or record shall be certified as correct by the person transcribing them and the transcript, the shorthand notes or the mechanical record shall be filed with the registrar.

(d) The transcript of the shorthand notes or mechanical record certified as correct shall be deemed to be correct unless the court otherwise orders.

(19) Any party may apply in writing to the registrar to have the record transcribed if an order to that effect has not already been made, and such party shall be entitled to a copy of any transcript ordered to be made upon payment of the fees which would have been charged in the Supreme Court of South Africa had the relevant proceedings been instituted in that court.

(20) If the registrar has kept minutes of the proceedings of the court and a copy of such minutes is requested by a party, the registrar shall in respect of such copy charge such party fees at the tariff charged in a magistrate's court by the clerk of that court for the making of a copy of a court record.

(21) If it appears desirable to do so, the court may at any time make such order with regard to the conduct of the proceedings as it may deem fit, and may thereby vary any procedure laid down by this rule.

Witness fees

20. Subject to the provisions of any law referred to in section 17 (11) (a) of the Act, a witness subpoenaed to give evidence before the court shall be entitled to such fees and costs as are specified in the tariff of allowances prescribed under section 42 of the Supreme Court Act, 1959, to which he would have been entitled if he had given evidence in a civil case in a provincial division of the Supreme Court of South Africa.

Withdrawal, settlement, discontinuance, postponement and abandonment

21. (1) (a) A party who has brought an application may at any time before the matter has been set down and thereafter only by leave of the court withdraw such application.

(b) In each event such party shall deliver a notice of withdrawal, and he may embody in such notice a consent to pay costs.

(c) The registrar shall tax such costs at the request of the other party.

(2) A consent to pay costs referred to in subrule (1) shall have the effect of an order of court for such costs.

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

(4) (a) 'n Party in wie se guns 'n beslissing of vonnis gegee is, kan sodanige beslissing of vonnis geheel of gedeeltelik abandonneer deur 'n kennisgewing daarvan af te lewer, en waar gedeeltelik geabandonneer is, geld die beslissing of vonnis behoudens sodanige abandonnering.

(b) Die bepalings van subreël (1) betreffende koste is *mutatis mutandis* van toepassing in die geval van 'n kennisgewing kragtens hierdie subreël afgelewer.

Wysiging en herroeping van 'n vonnis of bevel

22. (1) Die hof kan *mero motu* of op aansoek van 'n party wat geraak word, 'n vonnis of bevel wat gegee is in verrigtinge met betrekking tot 'n geskil of aangeleentheid in artikel 17 (11) (a) van die Wet bedoel, herroep of wysig indien dit—

(a) 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 sodanige dubbelsinnigheid, fout of weglating;

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

(2) Die hof kan, om goeie gronde aangevoer in 'n aansoek deur die respondent, 'n uitspraak of bevel herroep of wysig wat gegee is op grond daarvan dat die respondent in verstek was met sy uiteensetting van verweer of versuim het om by die verhoor te verskyn.

(3) 'n Party wat ingevolge hierdie reël aansoek doen, gee, binne 14 dae nadat hy van die betrokke vonnis of bevel te wete gekom het, kennis van sy aansoek aan alle partye wie se belange deur die aangevraagde herroeping of wysiging geraak kan word.

(4) Tensy die applikant die teendeel bewys, word veronderstel dat die betrokke vonnis of bevel tot sy kennis gekom het binne sewe dae na die datum daarvan.

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

Koste

23. (1) Tensy die hof die insluiting van die gelde van meer as een advokaat in 'n party-en-party-kosterekening magtig, word slegs die gelde van een advokaat en een prokureur tussen party en party toegelaat.

(2) Waar soos in subreël (1) beoog, gelde ten opsigte van meer as een advokaat in 'n party-en-party-kosterekening toegelaat word, mag die gelde wat ten opsigte van 'n addisionele advokaat toegelaat word, nie die helfte van dié van die eerste advokaat oorskry nie.

(3) (a) Die gelde tussen partye en partye wat aan 'n praktisyn ingevolge 'n vonnis of bevel van die hof toegelaat word, word met betrekking tot 'n geskil of aangeleentheid in artikel 17 (11) (a) van die Wet bedoel, deur die griffier bereken en getakseer teen 'n tarief wat nie die gelde oorskry nie wat in 'n provinsiale afdeling van die Hooggeregshof van Suid-Afrika toegelaat sou kon word indien die geskil of aangeleentheid in sodanige afdeling verhoor gewees het.

(b) 'n Praktisyn wat 'n prokureur is, word vir doeleindes van berekening en taksering van gelde vir verskyning in die hof waar 'n advokaat nie ten behoewe van die betrokke party verskyn nie, gelde toegelaat asof 'n advokaat ten behoewe van sodanige party verskyn het.

(4) Gelde getakseer deur die griffier is onderworpe aan hersiening deur die hof op aansoek binne 14 dae na sodanige taksasie van een of meer van die partye.

(3) If no consent to pay costs is embodied in the notice of withdrawal, the other party may apply to court on notice for an order for costs.

(4) (a) Any party in whose favour any decision or judgment has been given, may abandon such decision or judgment either in whole or in part by delivering notice thereof, and such judgment or decision abandoned in part shall have effect subject to such abandonment.

(b) The provisions of subrule (1) relating to costs shall *mutatis mutandis* apply in the case of a notice delivered in terms of this subrule.

Variation and rescission of a judgment or order

22. (1) The court may *mero motu* or upon the application of any party affected, rescind or vary any judgment or order given in proceedings with reference to a dispute or matter referred to in section 17 (11) (a) of the Act, if it—

(a) was erroneously given 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 given as the result of a mistake common to the parties concerned.

(2) The court may, on good cause put forward in an application by the respondent, rescind or vary any judgment or order which was given on the ground of the respondent's having been in default with his statement of defence or his having failed to appear at the hearing.

(3) Any party bringing an application under this rule shall within 14 days after having become aware of the judgment or order in question, give notice of his application to all parties whose interests may be affected by the rescission or variation sought.

(4) Unless the applicant proves the contrary, it shall be presumed that the judgment or order in question came to his knowledge within seven days after the date thereof.

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

Costs

23. (1) Save where the court authorises fees consequent upon the employment of more than one advocate to be included in a party and party bill of costs, only such fees as are consequent upon the employment of one advocate and one attorney shall be allowed as between party and party.

(2) Where, as contemplated in subrule (1), fees in respect of more than one advocate are allowed in a party and party bill of costs, the fees to be permitted in respect of any additional advocate shall not exceed one half of those allowed in respect of the first advocate.

(3) (a) The fees as between party and party allowed to a practitioner in terms of a judgment or order of the court shall, in respect of a dispute or matter referred to in section 17 (11) (a) of the Act, be calculated and taxed by the registrar at a tariff not exceeding the fees which could have been allowed in a provincial division of the Supreme Court of South Africa had the dispute or matter been heard in such a division.

(b) A practitioner who is an attorney shall, for purposes of calculating and taxing fees for appearance in court where counsel does not appear on behalf of the party concerned, be allowed fees as if counsel had appeared for such party.

(4) Fees taxed by the registrar are subject to review by the court on application within 14 days of such taxation by one or more of the parties.

(5) In sodanige aansoek moet elke item of deel daarvan tesame met die gronde van beswaar wat by die taksasie geopper is, uiteengesit word, sowel as desbetreffende feitebevindinge van die griffier.

Sekerheidstelling vir koste

24. (1) Wanneer 'n applikant of 'n respondent—

(a) nie permanent in die Republiek woonagtig is nie;

(b) 'n ongerehabiliteerde insolvent is;

(c) 'n maatskappy is; of

(d) geen wesentlike belang in die aangeleentheid het nie;

of wanneer 'n opponerende party op goeie grond om enige ander rede verlang dat sekerheid vir koste deur sodanige applikant of respondent gestel moet word, kan die opponerende party na aflewering van 'n aansoek by kennisgewing en alvorens die pleitstukke gesluit is, versoek dat sodanige applikant of respondent sekerheid vir die koste van die verrigtinge stel: Met dien verstande dat indien die feit waarop gesteun word, eers na die sluiting van pleitstukke tot sy kennis kom, bedoelde party binne sewe dae nadat sodanige feit tot sy kennis gekom het, kan versoek dat sodanige sekerheid gestel word.

(2) Indien daar nie binne sewe dae na aflewering van die betrokke kennisgewing aan sodanige versoek voldoen word nie, kan die hof op aansoek òf die verrigtinge opskort totdat aan sodanige versoek voldoen is, òf die ander bevel gee wat hy goeddink.

Verwysing vir vasstelling kragtens artikel 46 (9) van die Wet

25. (1) Wanneer 'n geskil na die hof vir vasstelling verwys word soos in artikel 46 (9) van die Wet bedoel, versoek die griffier die betrokke partye om binne 14 dae vanaf die datum van sy versoek 'n uiteensetting aan die hof en al die ander partye te verstrek waarin die aangeleenthede in reël 6 (1) bedoel, vir sover enige van daardie aangeleenthede ter sake mag wees, uiteengesit word.

(2) 'n Party aan wie 'n uiteensetting soos in subreël (1) bedoel verstrek is, moet binne 14 dae na ontvangs van sodanige uiteensetting 'n antwoord daarop aan die hof voorlê en aan die ander partye verstrek.

(3) 'n Tydperk in hierdie reël bedoel, kan deur die hof op versoek van 'n party verleng word.

Voorbehoud van regsvraag vir beslissing deur die Appèlafdeling van die Hooggeregshof van Suid-Afrika

26. Wanneer die hof uit eie beweging of op versoek van 'n party kragtens artikel 17 (21) van die Wet 'n regsvraag vir beslissing deur die Appèlafdeling van die Hooggeregshof van Suid-Afrika voorbehou, word die bewoording van sodanige vraag en enige daarby tersaaklike aangeleentheid, sonder om afbreuk te doen aan enige wetsbepaling of ander vereiste met betrekking tot die stel van 'n spesiale saak, deur die hof skriftelik genoteer, deur die voorsittende lid van die hof onderteken en onverwyld deur die griffier aan die griffier van die Appèlafdeling van die Hooggeregshof van Suid-Afrika gestuur.

Dood of onvermoë van assessor

27. (1) Indien 'n assessor wat deur die president ingevolge die bepalings van artikel 17 (19) (a) (i) van die Wet aangestel is, te sterwe kom of andersins nie in staat of nie in 'n posisie is om met sy pligte voort te gaan nie, kan die president, as hy dit dienstig ag om dit te doen en na raadpleging soos in daardie artikel beoog, 'n ander assessor in die plek van eersgenoemde assessor aanstel of met die betrokke aangeleentheid voortgaan slegs met die oorblywende assessors, indien daar is, of sonder enige assessor, indien daar geen oorblywende assessor is nie.

(5) Such application shall set out each item or part of an item together with the grounds of objection advanced at the taxation and shall embody any relevant findings of fact by the registrar.

Security for costs

24. (1) Where an applicant or a respondent—

(a) is not permanently resident within the Republic;

(b) is an unrehabilitated insolvent;

(c) is a company; or

(d) has no substantial interest in the cause of action;

or where the opposing party on good cause shown for any other reason requires security for costs to be given by such applicant or respondent, the opposing party may after delivery of application on notice and before the close of pleadings require such applicant or respondent to give security for the costs of the proceedings: Provided that if the fact relied upon first came to his knowledge after the close of pleadings such party may within seven days after such fact has come to his knowledge require that such security be given.

(2) If such request is not complied with within seven days after delivery of the notice in question, the court may on application either stay the proceedings until such request is complied with or make such other order as it may deem fit.

Reference for determination under section 46 (9) of the Act

25. (1) Upon reference of a dispute to the court for determination as referred to in section 46 (9) of the Act, the registrar shall request the parties concerned to submit to the court and furnish to all the other parties within 14 days as from the date of such request a statement setting out the matters referred to in rule 6 (1) in so far as any of those matters may be relevant.

(2) A party to whom a statement has been furnished as referred to in subrule (1) shall within 14 days of receipt of such a statement submit to the court and furnish to the other parties a reply thereto.

(3) Any period referred to in this rule may be extended by the court at the request of any party.

Reservation of a question of law for decision by the Appellate Division of the Supreme Court of South Africa

26. Whenever the court of its own motion or at the request of a party under section 17 (21) of the Act reserves any question of law for decision by the Appellate Division of the Supreme Court of South Africa, the terms of such question and any matter relevant thereto shall, without derogating from any provision of law or any other requirement relating to the stating of a special case, be recorded by the court in writing, shall be signed by the presiding member of the court and shall forthwith be transmitted by the registrar to the registrar of the Appellate Division of the Supreme Court of South Africa.

Death or incapacity of assessor

27. (1) If an assessor appointed by the president in terms of section 17 (19) (a) (i) of the Act dies or is otherwise unable or not in a position to proceed with his duties, the president may, if he deems it expedient to do so and after consultation as contemplated in that section, appoint some other assessor in the place of such first-mentioned assessor or proceed with the matter concerned with the remaining assessors, if any, or without any assessor should there be no remaining assessor.

(2) Die bepalings van artikel 17 (19) (a) (ii) van die Wet is met betrekking tot die aanstelling van so 'n ander assessor van toepassing.

Ampseed van tolke

28. (1) 'n Tolk moet by aanvaarding van sy amp as sodanig voor die voorsittende lid van die hof skriftelik 'n eed of bevestiging deur hom onderteken, in die volgende vorm aflê of doen:

"Ek, ..., (volle name)

verklaar hierby onder eed/bevestig opreg dat wanneer ook al ek die werksaamhede van 'n tolk in enige verrigtinge in die nywerheidshof moet verrig, ek getrou en juis en na my beste vermoë uit die taal wat ek aangesê mag word om te tolk in een van die amptelike tale sal tolk, en omgekeerd.".

(2) Sodanige eed of bevestiging word op die wyse wat vir die aflegging of doen van 'n eed of 'n bevestiging voorgeskryf is, afgelê of gedoen.

Bevoegdhede van die hof en die president om wesenlike reg te laat geskied

29. Indien in enige bepaalde geval met betrekking tot die uitoefening deur die hof van sy bevoegdhede of die verrigtinge van sy werksaamhede of met betrekking tot 'n aangeleentheid wat daarmee in verband staan, daar geen reël van die hof of ander wetsbepaling van toepassing is nie, kan (indien sodanige geval in die loop van verrigtinge voor die hof ontstaan) die hof, en in enige ander geval, die president, 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 reëls, wesenlike reg aan die geval en die betrokke partye te laat geskied.

Inwerkingtreding van reëls

30. Hierdie reëls tree in werking op die 1ste dag van April 1982.

BYLAE

VORM 1

IN DIE NYWERHEIDSHOF

(Verw. No.....)

KENNISGEWING AAN BEWEERDE VENNOOT

In die aangeleentheid tussen ....., Applikant, en....., Respondent.

Aan: AB

Neem kennis dat verrigtinge deur die applikant teen die respondent ingestel is en dat applikant beweer dat die respondent 'n firma/vennootskap is waarvan u vanaf ..... tot .....die alleeneienaar/'n vennoot was.

Indien u betwis dat u die alleeneienaar/'n vennoot was of dat bogenoemde tydperk enigsins ter sake is met betrekking tot u aanspreeklikheid as alleeneienaar/'n vennoot, moet u binne 14 dae na betekening van hierdie kennisgewing kennis gee van u voorneme om sodanige bewering te bestry. Indien u so kennis gee, sal 'n afskrif van die aansoek wat aan die respondent beteken is, aan u beteken word.

Ten einde so kennis te gee, moet u 'n kennisgewing by die griffier indien en 'n afskrif daarvan aan die applikant by die adres hieronder vermeld, beteken waarin u vermeld dat u voornemens is om die bewering te bestry. U kennisgewing moet 'n adres vermeld waar betekening van kennisgewings en dokumente in die verrigtinge aan u kan geskied. Tensy u hierdie vereistes nakom, sal u kennisgewing ongeldig wees.

(2) The provisions of section 17 (19) (a) (ii) of the Act shall apply with reference to the appointment of such other assessor.

Oath of office of interpreter

28. (1) Every interpreter shall upon taking office as such in writing take an oath or make an affirmation subscribed by him before the presiding member of the court in the following form:

"I,....., (full name)

do hereby swear/truly affirm that whenever I may be called upon to perform the functions of an interpreter in any proceedings in the industrial court I shall truly and correctly and to the best of my ability interpret from the language I may be called upon to interpret from into one or other of the official languages, and *vice versa*.".

(2) Such oath or affirmation shall be taken or made in the manner prescribed for the taking or making of an oath or affirmation.

Powers of the court and the president to cause material justice to be done

29. If in any particular case in regard to the exercise by the court of its powers or the performance of its functions or in regard to any matter incidental thereto no rule of the court or other provision of law applies, the court (if such case arises during proceedings before the court) and the president (in any other case) may act in such manner as it or he may deem most appropriate to such case and in the circumstances in pursuing the objects of the Act and these rules in order to cause material justice to be done in such case and to the parties concerned.

Commencement of rules

30. These rules shall come into operation on the 1st day of April 1982.

SCHEDULE

FORM 1

IN THE INDUSTRIAL COURT

(Ref. No. .....)

NOTICE TO ALLEGED PARTNER

In the matter between ....., Applicant, and ....., Respondent.

To: AB

Take notice that proceedings have been instituted by the applicant against the respondent and that the applicant alleges that the respondent is a firm/partnershipof which you were from ..... to .....the sole proprietor/ a partner.

If you dispute that you were the sole proprietor/a partner or that the above-mentioned period is in any way relevant to your liability as sole proprietor/a partner you must within 14 days of the service of this notice give notice of your intention to defend such allegation. Upon your giving such notice, a copy of the application served upon the respondent will be served upon you

To give such notice you must file with the registrar a notice stating that you intend to defend the allegation and serve a copy thereof upon the applicant at the address set out below. Your notice must specify an address for the service upon you of notices and documents in the proceedings. Unless you comply with these requirements your notice will be invalid.

Daarop kan u 'n uiteensetting van verweer indien, waarin u kan betwis dat u 'n alleeneienaar/vennoot was of dat die tydperk hierbo genoem, ter sake is of dat u aanspreeklik is.

Indien u nie aldus kennis gee nie, sal u daarvan uitgesluit wees om enige van bogenoemde bewerings te bestry.

Indien die respondent aanspreeklik bevind word, sal u blootstaan aan uitwinning teen u indien die respondent se bates uitgewin en onvoldoende is.

Gedateer te ..... , op hede die .....

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

....
Adres *Prokureur*

Thereafter you may file a statement of defence in which you may dispute that you were a sole owner/partner or that the period alleged above is relevant or that you are liable.

If you do not give such notice you will be barred from contesting any of the above allegations.

If the respondent is held liable you will be liable to have execution issued against you, should the respondent's assets be excussed and insufficient.

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

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

....
Address Attorney

INHOUD

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