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GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF JUSTICE DEPARTEMENT VAN JUSTISIE

No. R. 1062

28 June 1996

MAGISTRATES' COURTS: AMENDMENT OF THE RULES OF COURT

The Rules Board for Courts of Law has, under section 6 of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985), with the approval of the Minister of Justice, made the rules in the Schedule.

SCHEDULE

Definitions

1. In this Schedule "the Rules" means the rules published under Government Notice No. R. 1108 of 21 June 1968, as amended by Government Notices Nos. R. 3002 of 25 July 1969, R. 490 of 26 March 1970, R. 947 of 2 June 1972, R. 1115 of 28 June 1974, R. 1285 of 19 July 1974, R. 689 of 23 April 1976, R. 261 of 25 February 1977, R. 2221 of 28 October 1977, R. 327 of 24 February 1978, R. 2222 of 10 November 1978, R. 1449 of 29 June 1979, R. 1314 of 27 June 1980, R. 1800 of 28 August 1981, R. 1139 of 11 June 1982, R. 1689 of 29 July 1983, R. 1946 of 9 September 1983, 1338 of 29 June 1984, R. 1994 of 7 September 1984, R. 2083 of 21 September 1984, R. 391 of 7 March 1986, R. 2165 of 2 October 1987, R. 1451 of 22 July 1988, R. 1765 of 26 August 1988, R. 211 of 10 February 1989, R. 607 of 31 March 1989, R. 2629 of 1 December 1989, R. 186 of 2 February 1990, R. 1887 of 8 August 1990, R. 1928 of 10 August 1990, R. 1967 of 17 August 1990, R. 1261 of 30 May 1991, R. 2407 of 27 September 1991, R. 2409 of 30 September 1991, R. 405 of 7 February 1992, R. 1510 of 29 May 1992, R. 1882 of 3 July 1992, R. 871 of 21 May 1993, R. 959 of 28 May 1993, R. 1134 of 25 June 1993, R. 1355 of 30 July 1993, R. 1844 of 1 October 1993, R. 2530 of 31 December 1993, R. 150 of 28 January 1994, R. 180 of 28 January 1994, R. 498 of 11 March 1994, R. 625 of 28 March 1994 and R. 710 of 12 April 1994.

Substitution of Part II of Table C of Annexure 2 to the Rules

2. Part II of Table C of Annexure 2 to the Rules is hereby substituted for the following Part:

"PART II

SHERIFFS WHO ARE NOT OFFICERS OF THE PUBLIC SERVICE

1A. For registration of any document for service or execution upon receipt thereof: R3,25.

1B. (a) For the service of a summons, subpoena, notice, order or other document not being a document mentioned in item 2, the journey to and from the place of service of any of the above-mentioned documents—

(i) within a distance of 6 kilometres from the court-house of the district for which the sheriff is appointed: R16,25;

- (ii) within a distance of 12 kilometres but further than 6 kilometres from the court-house of the district for which the sheriff is appointed: R19,50;
 - (iii) within a distance of 20 kilometres but further than 12 kilometres from the court-house of the district for which the sheriff is appointed: R26,00;
 - (iv) where a mandator instructs the sheriff in writing to serve a document referred to in item 1B (a) urgently on the day of receipt of such document or after normal office hours, the costs shall be calculated at double the tariff in item 1B (a) (i), (ii) and (iii) respectively, which additional costs shall be paid by the mandator, save where the court orders otherwise.
- (b) For the attempted service of the documents mentioned in paragraph (a), the journey to and from the place of attempted service of any of the above-mentioned documents—
- (i) within a distance of 6 kilometres from the court-house of the district for which the sheriff is appointed: R13,00;
 - (ii) within a distance of 12 kilometres but further than 6 kilometres from the court-house of the district for which the sheriff is appointed: R16,25;
 - (iii) within a distance of 20 kilometres but further than 12 kilometres from the court-house of the district for which the sheriff is appointed: R22,75;
 - (iv) where a mandator instructs the sheriff in writing to serve a document referred to in item 1B (a) urgently on the day of receipt of such document or after normal office hours and the sheriff is unsuccessful in his or her attempt to effect service, the costs shall be calculated at double the tariff in item 1B (b) (i), (ii) and (iii) respectively, which additional costs shall be paid by the mandator, save where the court orders otherwise.
- (c) (i) Where a document must be served together with a process of the court and is mentioned in such process or is an annexure thereto, no additional fees shall be charged for service of the document, otherwise R4,00 may be charged for every separate document served.
- (ii) No fees shall be charged for a separate document when process in criminal matters are served.
 - (iii) The service of a notice referred to in rule 54 (1) simultaneously with the summons shall not be regarded as a separate service.
2. (a) For the execution of a warrant, interdict or garnishee order, the journey to and from the place of execution of the above-mentioned documents—
- (i) within a distance of 6 kilometres from the court-house of the district for which the sheriff is appointed: R22,75;
 - (ii) within a distance of 12 kilometres but further than 6 kilometres from the court-house of the district for which the sheriff is appointed: R26,00;
 - (iii) within a distance of 20 kilometres but further than 12 kilometres from the court-house of the district for which the sheriff is appointed: R32,50;
 - (iv) where a mandator instructs the sheriff in writing to execute a document referred to in item 2 (a) urgently on the day of receipt of such document or after normal office hours, the costs shall be calculated at double the tariff in item 2 (a) (i), (ii) and (iii) respectively, which additional costs shall be paid by the mandator, save where the court orders otherwise.
- (b) For the attempted execution of the documents mentioned in paragraph (a), the journey to and from the place of attempted execution of the above-mentioned documents—
- (i) within a distance of 6 kilometres from the court-house of the district for which the sheriff is appointed: R19,50;
 - (ii) within a distance of 12 kilometres but further than 6 kilometres from the court-house of the district for which the sheriff is appointed: R22,75;
 - (iii) within a distance of 20 kilometres but further than 12 kilometres from the court-house of the district for which the sheriff is appointed: R29,25;
 - (iv) where a mandator instructs the sheriff in writing to execute a document referred to in item 2 (a) urgently on the day of receipt of such document or after normal office hours and the sheriff is unsuccessful in his or her attempt to effect execution, the costs shall be calculated at double the tariff in item 2 (b) (i), (ii) and (iii) respectively, which costs shall be paid by the mandator, save where the court orders otherwise.
- (c) (i) For the ejectment of a defendant from the premises referred to in the warrant of ejectment: R15,00 per half hour or part thereof (except extraordinary expenses necessarily incurred).
- (ii) A further fee of R10,00 shall be paid after execution for every person over and above the person named or referred to in the process of ejectment, in fact ejected from separate premises: Provided that where service on any person other than the judgment debtor, respondent or garnishee is necessary in order to complete the execution, the fee laid down in item 1B (a) may be charged in respect of each such service.

(d) For the arrest of a defendant *tanquam suspectus de fuga* to found jurisdiction, shall in addition to the tariff in item 2 (a), an amount of R15,00 per half hour or part thereof be payable for waiting time during negotiations between the several parties.

3. Compilation of any return in terms of rule 8, in duplicate: R6,50.

4. If it is necessary for the sheriff to travel further than 20 kilometres from the court-house of the district for which he or she is appointed, a travelling allowance of R1,65 per kilometre for each kilometre or part thereof travelled further than the aforesaid distance to and from the place of service or execution shall be allowed in addition to the fees mentioned in item 1B (a) (iii), 1B (b) (iii), 2 (a) (iii) or 2 (b) (iii) as the case may be.

5. (a) In respect of the discharge of any official duty other than those mentioned in items 1 and 2, a travelling allowance of R1,65 per kilometre for every kilometre or part thereof, shall be payable to the sheriff for going and returning, and it shall be calculated from the court-house of the district for which the sheriff is appointed.

(b) A travelling allowance shall include all the expenses incurred in travelling, including train fares.

(c) A travelling allowance shall be calculated in respect of each separate service, except that—

(i) where more services than one can be done on the same journey beyond a radius of 20 kilometres from the court-house, the distance from the radius of 20 kilometres to the first place of service may be taken into account only once, and shall be apportioned equally to the respective services, and the distance from the first place of service to the remaining places of service shall similarly be apportioned equally to the remaining services; and

(ii) where service of the same process has to be effected on more than one person by a sheriff within the area served by him or her, only one charge for travelling shall be allowed.

(d) When it is necessary for the sheriff to convey any person under arrest for any distance of more than 20 kilometres, an allowance of R1,65 per kilometre in respect of that portion of his or her journey on which he or she was necessarily accompanied by such person shall be allowed.

(e) (i) The drawing up and handing over of a warrant of liberation or certificate of liberation to the officer-in-charge of a prison: R16,25.

(ii) A travelling allowance at the tariff mentioned in item 5 (a) shall be payable for the execution of this duty.

6. (a) Making an inventory, including the making of all necessary copies and time spent on stock-taking: R15,00 per half hour or part thereof.

(b) For assistance, if necessary, with the making of an inventory, R15,00 per half hour or part thereof.

7. The perusing, drawing up or completing of a bail bond, deed of suretyship or indemnity bond: R3,25.

8. Charge or custody of property (money excluded):

(a) (i) For each officer necessarily left in possession, a reasonable inclusive amount not exceeding R48,75 per day.

(ii) Travelling allowances, to include board in every case.

(b) If livestock is attached, only the necessary expenses of herding and preserving the stock shall be allowed.

(c) If the goods are removed and stored, only the cost of removal and storage shall be allowed.

9. (a) "Possession" shall mean actual physical possession by a person employed and paid by the sheriff, whose sole work for the time being is to remain on the premises where the goods have been attached, and who, in fact, remains in possession for the period for which possession is charged.

(b) "Cost of removal" shall mean the amount actually and necessarily disbursed for removal or attempted removal if the goods were removed by a third party or an attempt was made to remove them, if they were removed by the sheriff him- or herself, such amount as would fairly be allowable in the ordinary course of business if the goods were removed by a third party, or an attempt was made to so remove them.

(c) "Cost of storage" shall mean the amount actually and necessarily paid for storage if the goods were stored with a third person or, if the sheriff provided the storage, such amount as would fairly be allowable in the ordinary course of business if the goods were stored with the third person.

10. (a) (i) Where a warrant of execution or garnishee order is paid in full, or in part, to the sheriff or moneys attached in execution against movables, 7,5 per cent of the amount so paid or attached, with a minimum of R26,00 and a maximum of R260,00.

(ii) Notice of attachment to defendant and to each person to be notified: R3,25.

(b) (i) Where an execution debtor at the attempted execution of a warrant of arrest and detention, pays the amount due in full or in part to the sheriff, 7,5 per cent of the amount so paid, with a minimum of R26,00 and a maximum of R260,00.

(ii) The rules that apply to the collection of money on warrants of execution or garnishee orders shall apply *mutatis mutandis* to money received in terms of this paragraph.

11. Where property is released from attachment in terms of rule 41 (7) (e), or the warrant of execution is withdrawn or stayed, or the judgment debtor's estate is sequestrated after the attachment, but before the sale, 2 per cent of the value of the goods attached, subject to a maximum of R78,00: Provided that if a sale subsequently takes place in consequence of the said attachment, the amount so paid shall be deducted from the commission payable under item 12.
12. Where the warrant of execution against movables is completed by sale, 7,5 per cent for the first R15 000,00 or part thereof and thereafter 5 per cent, with a maximum of R4 000,00.
13. For the insurance of attached property if deemed necessary and on written instructions of the judgment creditor to the sheriff, in addition to the premium to be paid, an all inclusive amount of R13,00.
14. (a) When immovable property has been attached in execution and is not sold, either by reason of the warrant having been withdrawn or stayed or of the sequestration of the estate of the execution debtor, the expenses in connection with the attempted sale and the sum of R78,00 shall be payable to the sheriff or to the person in fact authorised to act as auctioneer, as the case may be.
 - (b) The drawing up of a report of the improvements on the property for the purpose of sale, R15,00 per half hour or part thereof.
 - (c) Written notice to the purchaser who has failed to comply with the conditions of sale: R19,50.
 - (d) Consideration of conditions of sale: R39,00.
15. When immovable property has been attached in execution and the attachment lapses as referred to in section 66 (4) of the Act: R22,75.
16. When an execution against immovable property is completed by sale, the following fees shall be allowed to the sheriff on the proceeds of the sale:
 - (a) On the sale of immovable property by the sheriff as auctioneer 5 per cent on the first R30 000,00 of the proceeds of the sale and 3 per cent on the balance thereof, subject to a maximum commission of R7 000,00 in total and a minimum of R260,00 (inclusive in all instances of the sheriff's bank charges and other expenses incurred in paying the proceeds into his or her trust account), which commission shall be paid by the purchaser.
 - (b) If an auctioneer is employed as provided in rule 43 (9), 2,5 per cent on the first R30 000,00 of the proceeds of the sale and 1,5 per cent on the balance thereof, subject to a maximum commission of R4 000,00 in total and a minimum of R260,00 (inclusive in all instances of the sheriff's bank charges and other expenses incurred in paying the proceeds into his or her trust account), which commission shall be paid by the purchaser.
17. In addition to the fees allowed by items 10 to 15, both inclusive, there shall be allowed—
 - (a) the sum actually and reasonably paid by the sheriff or the auctioneer for printing, advertising and giving publicity to any sale or intended sale in execution;
 - (b) the sum of R9,75 to the sheriff for giving transfer to the purchaser.
18. Where the sheriff is in possession under more than one warrant of execution, he or she may charge fees for only one possession, and such possession shall, as far as possible, be apportioned equally to the several warrants issued during the same period: Provided that each execution creditor shall be jointly and severally liable for such possession to an amount not exceeding what would have been due under his or her execution if it had stood alone.
19. Fees payable on the value of goods attached or on the proceeds of the sale of goods in execution shall not be chargeable on such value or proceeds so far as they are in excess of the amount of the warrant.
20. The fees and expenses of the sheriff in execution of a garnishee order, shall be added to the amount to be recovered under the order, and shall be chargeable against the judgment debtor.
21. If it is necessary for the sheriff to return a document received by him or her for service or execution to the mandator because—
 - (a) the address of service which appears on the process does not fall within his or her jurisdiction; or
 - (b) the mandator requested, before an attempted service or execution of the process, that it be returned to him or her,an amount of R3,25 shall be payable.
22. For the conveyance of any person arrested by the sheriff or committed to his or her custody from the place of custody to the court on a day subsequent to the day of arrest: R13,00 per journey and R30,00 per hour or part thereof for attending at court.
23. For the examination of indicated newspapers and the *Gazette* in which the notice of sale has been published as referred to in rule 43 (6) (c) and rule 41 (8) (c): R3,25.

24. For forwarding a copy of the notice of sale to every execution creditor who has lodged a warrant of execution and to every mortgagee in respect of the immovable property concerned whose address is reasonably ascertainable, for each copy: R3,25.
25. (a) For affixing a copy of the notice of sale on the noticeboard or door of the court-house or other public building referred to in rule 43 (6) (e) and rule 41 (8) (b): R9,75.
(b) For affixing a copy of the notice of sale on the property due to be sold, the amount in paragraph (a) above and travelling costs referred to in item 5 (a).
26. For the drawing up and issuing of an interpleader summons: R39,00.
27. In addition to the fees prescribed in this Table, the sheriff shall be entitled to the amount actually disbursed for postage and telephone calls.
28. For the writing of each necessary letter, excluding formal letters accompanying process or returns: R3,25.
29. Each necessary attendance by telephone (in addition to prescribed trunk charges and cellular charges): R3,25.
30. Sending and receiving of each necessary facsimile per A4 size page (in addition to telephone charges): R2,00.
31. For the perusal of the records of the Registrar of Deeds in terms of rule 43 (3) to determine the order of precedence of creditors:
 - (a) if investigated by the sheriff him- or herself: R22,75 per case.
 - (b) If the sheriff utilises the services of a third party for the investigation, the actual cost as required by the third party, provided that it is reasonable.
32. For the making of all necessary copies of documents: R1,25 per A4 size page.
33. For the drawing up of the bill for taxation and attendance of the taxation by the sheriff: R26,00.
34. Bank charges: Actual costs incurred relating to bank charges and cheque forms."

Commencement

3. These rules shall come into operation on **29 July 1996**.

No. R. 1062

28 Junie 1996

LANDDROSHOWE: WYSIGING VAN DIE REËLS VAN DIE HOF

Die Reëlsraad vir Geregshowe het kragtens artikel 6 van die Wet op die Reëlsraad vir Geregshowe, 1985 (Wet No. 107 van 1985), met die goedkeuring van die Minister van Justisie, die reëls in die Bylae gemaak.

BYLAE

Woordomskrywing

1. In hierdie Bylae beteken "die Reëls" die reëls afgekondig by Goewermentskennisgewing No. R. 1108 van 21 Junie 1968, soos gewysig by Goewermentskennisgewings Nos. R. 3002 van 25 Julie 1969, R. 490 van 26 Maart 1970, R. 947 van 2 Junie 1972, R. 1115 van 28 Junie 1974, R. 1285 van 19 Julie 1974, R. 689 van 23 April 1976, R. 261 van 25 Februarie 1977, R. 2221 van 28 Oktober 1977, R. 327 van 24 Februarie 1978, R. 2222 van 10 November 1978, R. 1449 van 29 Junie 1979, R. 1314 van 27 Junie 1980, R. 1800 van 28 Augustus 1981, R. 1139 van 11 Junie 1982, R. 1689 van 29 Julie 1983, R. 1946 van 9 September 1983, 1338 van 29 Junie 1984, R. 1994 van 7 September 1984, R. 2083 van 21 September 1984, R. 391 van 7 Maart 1986, R. 2165 van 2 Oktober 1987, R. 1451 van 22 Julie 1988, R. 1765 van 26 Augustus 1988, R. 211 van 10 Februarie 1989, R. 607 van 31 Maart 1989, R. 2629 van 1 Desember 1989, R. 186 van 2 Februarie 1990, R. 1887 van 8 Augustus 1990, R. 1928 van 10 Augustus 1990, R. 1967 van 17 Augustus 1990, R. 1261 van 30 Mei 1991, R. 2407 van 27 September 1991, R. 2409 van 30 September 1991, R. 405 van 7 Februarie 1992, R. 1510 van 29 Mei 1992, R. 1882 van 3 Julie 1992, R. 871 van 21 Mei 1993, R. 959 van 28 Mei 1993, R. 1134 van 25 Junie 1993, R. 1355 van 30 Julie 1993, R. 1844 van 1 Oktober 1993, R. 2530 van 31 Desember 1993, R. 150 van 28 Januarie 1994, R. 180 van 28 Januarie 1994, R. 498 van 11 Maart 1994, R. 625 van 28 Maart 1994 en R. 710 van 12 April 1994.

Vervanging van Deel II van Tabel C van Bylae 2 by die Reëls

2. Deel II van Tabel C van Bylae 2 by die Reëls word hierby deur die volgende Deel vervang:

"DEEL II

BALJU'S WAT NIE AMPTENARE VAN DIE STAATSDIENS IS NIE

- 1A. Vir die registrasie van 'n dokument vir betekening of tenuitvoerlegging, by ontvangs daarvan: R3,25.

1B. (a) Vir die betekening van 'n dagvaarding, getuiedagvaarding, kennisgewing, bevel of ander dokument wat nie 'n dokument is wat in item 2 vermeld word nie, die heenreis na en terugreis van die plek van betekening van die dokumente hierbo bedoel—

- (i) binne 'n afstand van 6 kilometer vanaf die hofgebou van die distrik waarvoor die balju aangestel is: R16,25;

- (ii) binne 'n afstand van 12 kilometer maar verder as 6 kilometer vanaf die hofgebou van die distrik waarvoor die balju aangestel is: R19,50;
 - (iii) binne 'n afstand van 20 kilometer maar verder as 12 kilometer vanaf die hofgebou van die distrik waarvoor die balju aangestel is: R26,00;
 - (iv) wanneer 'n opdraggewer skriftelik van die balju vereis om 'n dokument in item 1B (a) bedoel, dringend op dieselfde dag van ontvangs of buite normale kantoorure te beteken, word die koste bereken teen dubbel die tarief in item 1B (a) (i), (ii) en (iii) onderskeidelik, welke addisionele koste deur die opdraggewer betaalbaar is, tensy die hof anders gelas.
- (b) Vir die gepoogde betekening van die dokumente in paragraaf (a) bedoel, die heenreis na en terugreis van die plek van gepoogde betekening van die dokumente hierbo bedoel—
- (i) binne 'n afstand van 6 kilometer vanaf die hofgebou van die distrik waarvoor die balju aangestel is: R13,00;
 - (ii) binne 'n afstand van 12 kilometer maar verder as 6 kilometer vanaf die hofgebou van die distrik waarvoor die balju aangestel is: R16,25;
 - (iii) binne 'n afstand van 20 kilometer maar verder as 12 kilometer vanaf die hofgebou van die distrik waarvoor die balju aangestel is: R22,75;
 - (iv) wanneer 'n opdraggewer skriftelik van die balju vereis om 'n dokument in item 1B (a) bedoel, dringend op dieselfde dag van ontvangs of buite normale kantoorure te beteken en die balju onsuksesvol is in sy of haar poging om te beteken, word die koste bereken teen dubbel die tarief in item 1B (b) (i), (ii) en (iii) onderskeidelik, welke addisionele koste deur die opdraggewer betaalbaar is, tensy die hof anders gelas.
- (c) (i) Wanneer 'n dokument saam met 'n prosesstuk beteken moet word en in die prosesstuk genoem word of 'n aanhangsel daarvan is, word geen addisionele gelde gevorder vir betekening van die dokument nie, maar origins mag R4,00 gevorder word vir elke afsonderlike dokument wat beteken word.
- (ii) Geen geld word gevorder by die betekening van prosesstukke in strafsake vir 'n aparte dokument nie.
- (iii) Die betekening van 'n kennisgewing in reël 54 (1) genoem, gelyktydig met die dagvaarding, word nie as 'n afsonderlike betekening geag nie.
2. (a) Vir die tenuitvoerlegging van 'n lasbrief, interdik of skuldbeslagbevel, die heenreis na en terugreis van die plek van tenuitvoerlegging van die dokumente hierbo bedoel—
- (i) binne 'n afstand van 6 kilometer vanaf die hofgebou van die distrik waarvoor die balju aangestel is: R22,75;
 - (ii) binne 'n afstand van 12 kilometer maar verder as 6 kilometer vanaf die hofgebou van die distrik waarvoor die balju aangestel is: R26,00;
 - (iii) binne 'n afstand van 20 kilometer maar verder as 12 kilometer vanaf die hofgebou van die distrik waarvoor die balju aangestel is: R32,50;
 - (iv) wanneer 'n opdraggewer skriftelik van die balju vereis om 'n dokument in item 2 (a) bedoel, dringend op dieselfde dag van ontvangs of buite normale kantoorure ten uitvoer te lê, word die koste bereken teen dubbel die tarief in item 2 (a) (i), (ii) en (iii) onderskeidelik, welke addisionele koste deur die opdraggewer betaalbaar is, tensy die hof anders gelas.
- (b) Vir die gepoogde tenuitvoerlegging van die dokumente in paragraaf (a) bedoel, die heenreis na en terugreis van die plek van gepoogde tenuitvoerlegging van die dokumente hierbo bedoel—
- (i) binne 'n afstand van 6 kilometer vanaf die hofgebou van die distrik waarvoor die balju aangestel is: R19,50;
 - (ii) binne 'n afstand van 12 kilometer maar verder as 6 kilometer van die hofgebou van die distrik waarvoor die balju aangestel is: R22,75;
 - (iii) binne 'n afstand van 20 kilometer maar verder as 12 kilometer vanaf die hofgebou van die distrik waarvoor die balju aangestel is: R29,25;
 - (iv) wanneer 'n opdraggewer skriftelik van die balju vereis om 'n dokument in item 2 (a) bedoel, dringend op dieselfde dag van ontvangs of buite normale kantoorure ten uitvoer te lê en die balju onsuksesvol is in sy of haar poging om die tenuitvoerlegging te bewerkstellig, word die koste bereken teen dubbel die tarief in item 2 (b) (i), (ii) en (iii) onderskeidelik, welke addisionele koste deur die opdraggewer betaalbaar is, tensy die hof anders gelas.
- (c) (i) Vir die uitsetting van 'n verweerder uit die perseel in die lasbrief vir uitsetting vermeld: R15,00 per halfuur of gedeelte daarvan (benewens buitengewone uitgawes noodsaaklikerwys aangegaan).
- (ii) 'n Verdere bedrag van R10,00 moet na die tenuitvoerlegging betaal word vir elke persoon, bo en behalwe die een wat in die lasbrief vir uitsetting genoem word of bedoel word, wat werklik uit 'n afsonderlike perseel uitgesit is: Met dien verstande dat waar dit nodig is dat betekening aan iemand anders as die vonnisskuldenaar, respondent of beslagskuldenaar geskied ten einde tenuitvoerlegging te voltooi, die tarief in item 1B (a) vir elke sodanige betekening betaalbaar is.

(d) Vir die arres van 'n verweerder *tanquam suspectus de fuga* om jurisdiksie te vestig, is, benewens die tarief in item 2 (a), 'n verdere bedrag van R15,00 per halfuur of gedeelte daarvan betaalbaar vir wagtyd tydens onderhandelinge tussen die onderskeie partye.

3. Vir die opstel van 'n relaas ingevolge reël 8, in tweevoud: R6,50.

4. Indien dit vir 'n balju nodig is om verder as 20 kilometer te reis vanaf die hofgebou van die distrik waarvoor hy of sy aangestel is, word, benewens die gelde in item 1B (a) (iii), 1B (b) (iii), 2 (a) (iii) of 2 (b) (iii) vermeld, na gelang van die geval, reisgeld van R1,65 per kilometer vir elke kilometer of gedeelte daarvan wat verder as die voormelde afstand na en van die plek van betekening of tenuitvoerlegging gereis word, toegelaat.

5. (a) As enige ander ampsplig as dié in items 1 en 2 bedoel, vervul moet word, is reisgeld van R1,65 per kilometer vir elke kilometer of gedeelte daarvan, aan die balju betaalbaar vir die heen- en terugreis, en word dit bereken vanaf die hofgebou van die distrik waarvoor die balju aangestel is.

(b) Reistoelae omvat alle uitgawes wat in verband met die reis aangegaan is, met inbegrip van treingeld.

(c) Reistoelae word bereken met betrekking tot elke afsonderlike betekening, behalwe dat—

(i) waar meer as een betekening gedoen kan word op dieselfde rit buite 'n straal van 20 kilometer van die hofgebou af, die afstand van die straal van 20 kilometer na die eerste plek van betekening slegs een maal in berekening gebring kan word en gelykop verdeel word tussen die onderskeie betekeninge, en die afstand van die eerste plek van betekening na die ander plekke van betekening word eweneens gelyk verdeel tussen die ander betekeninge; en

(ii) waar dieselfde prosesstuk aan meer as een persoon deur 'n balju binne die gebied deur hom of haar bedien, beteken moet word, reiskoste slegs een maal in berekening gebring word.

(d) Wanneer dit vir die balju nodig is om iemand onder arres oor enige afstand van meer as 20 kilometer te vervoer, word 'n geld van R1,65 per kilometer ten opsigte van daardie gedeelte van sy of haar reis waarop hy of sy noodsaaklikerwys deur sodanige persoon vergesel is, toegelaat.

(e) (i) Die opstel en oorhandiging van 'n lasbrief vir invryheidstelling of 'n invryheidstellingsertifikaat aan die hoof van 'n gevangenis: R16,25.

(ii) 'n Reistoelae teen die tarief in item 5 (a) vermeld, is vir die uitvoering van hierdie plig betaalbaar.

6. (a) Vir die opstel van 'n inventaris, insluitende die maak van alle nodige afskrifte en tyd bestee aan voorraadopname: R15,00 per halfuur of gedeelte daarvan.

(b) Vir bystand, waar nodig, by die opstel van 'n inventaris, R15,00 per halfuur of gedeelte daarvan.

7. Vir die deurlees, opstel en voltooiing van 'n akte van borgstelling, sekerheidstelling of vrywaring: R3,25.

8. Toesig en bewaring van goed (geld uitgesluit):

(a) (i) Vir elke beamppte wat noodsaaklikerwys in besit gelaat is, 'n redelike allesinsluitende bedrag van hoogstens R48,75 per dag.

(ii) Reistoelae, met inbegrip van losies in elke geval.

(b) Indien op lewende hawe beslag gelê word, word slegs die nodige onkoste om die diere op te pas en te onderhou, toegestaan.

(c) Indien die goedere verwyder en geberg word, word slegs die verwyderings- en bergingskoste toegestaan.

9. (a) "Besit" beteken werklike liggaamlike besit deur 'n persoon deur die balju in diens geneem en betaal, wie se enigste werk as dan is om te bly op die perseel waar daar goedere op beslag gelê is, en wat in werklikheid in besit is vir die tydperk waarvoor besit bereken word.

(b) "Verwyderingskoste" beteken die bedrag in werklikheid en noodsaaklikerwys vir verwydering of gepoogde verwydering uitbetaal as die goedere deur 'n derde party verwyder is of gepoog is om verwyder te word, of, as die balju die verwydering onderneem het, die bedrag wat billikerwys in die gewone loop van besigheid toegestaan sou kon word as die goedere deur 'n derde party verwyder is of gepoog is om aldus verwyder te word.

(c) "Bergingskoste" beteken die bedrag in werklikheid en noodsaaklikerwys vir berging uitbetaal as die goedere by 'n derde persoon geberg is, of, as die balju die bergplek verskaf het, die bedrag wat billikerwys in die gewone loop van besigheid toegestaan sou kon word as die goedere by 'n derde persoon geberg is.

10. (a) (i) Indien 'n lasbrief vir eksekusie of 'n skuldbeslagorder ten volle of gedeeltelik aan die balju betaal word, of indien daar in tenuitvoerlegging teen roerende goed op geld beslag gelê word, 7,5 persent van die bedrag wat aldus betaal word of waarop beslag gelê word, met 'n minimum van R26,00 en 'n maksimum van R260,00.

(ii) Kennisgewing van beslaglegging aan verweerder en aan elke persoon wat kennis moet kry: R3,25.

(b) (i) Indien 'n vonnisskuldenaar by die gepoogde tenuitvoerlegging van 'n lasbrief vir inhegtenisneming en aanhouding die volle verskuldigde bedrag of 'n gedeelte daarvan aan die balju betaal, 7,5 persent van die bedrag aldus betaal met 'n minimum van R26,00 en 'n maksimum van R260,00.

(ii) Die reëls van toepassing op die invordering van geld op lasbriewe vir eksekusie of skuldbeslagbevele, is *mutatis mutandis* van toepassing op geld ingevolge hierdie paragraaf ontvang.

11. Indien goed ingevolge reël 41 (7) (e) van beslaglegging vrygestel word, of die lasbrief vir eksekusie teruggetrek of opgeskort word, of die vonnisskuldenaar se boedel gesekwestreer word na beslagleggings, maar voor verkoop, 2 persent van die waarde van die goed waarop beslag gelê is, behoudens 'n maksimum van R78,00: Met dien verstande dat indien 'n verkoping daarna ingevolge genoemde beslaglegging plaasvind, die bedrag aldus betaal, afgetrek word van die kommissie kragtens item 12 betaalbaar.

12. Waar die lasbrief vir eksekusie teen roerende goed uitgevoer word deur verkoping, 7,5 persent vir die eerste R15 000,00 of deel daarvan en daarna 5 persent, met 'n maksimum van R4 000,00.

13. Vir die versekering van inbeslaggenome goed wanneer dit nodig geag word en in skriftelike opdrag van die vonnisskuldeiser aan die balju, benewens die premie wat betaal word, 'n allesinsluitende bedrag van R13,00.

14. (a) Wanneer op onroerende goed in tenuitvoerlegging beslag gelê is en dié onroerende goed nie verkoop word nie of omrede die lasbrief of opgeskort of gestuit is of omrede die boedel van die eksekusieskuldenaar gesekwestreer is, is die uitgawes in verband met die poging om te verkoop en die bedrag van R78,00 aan die balju of die persoon wat inderdaad gemagtig was om as afslaer op te tree, na gelang van die geval, betaalbaar.

(b) Vir die opstel van 'n verslag van die verbeterings op die eiendom vir die doel van 'n verkoping, R15,00 per halfuur of gedeelte daarvan.

(c) Vir 'n skriftelike kennisgewing aan die koper wat versuim het om aan die verkoopvoorwaardes te voldoen: R19,50.

(d) Oorweging van verkoopvoorwaardes: R39,00.

15. Wanneer op onroerende goed in tenuitvoerlegging beslag gelê is en die inbeslagneming verval soos bedoel in artikel 66 (4) van die Wet: R22,75.

16. Wanneer tenuitvoerlegging teen onroerende goed deur verkoping voltooi is, word die volgende afslaersgelde op die opbrengs van die verkoping aan die balju toegestaan:

(a) By die verkoop van onroerende goed deur die balju as afslaer, 5 persent op die eerste R30 000,00 van die opbrengs van die verkoping en 3 persent op die balans daarvan, onderhewig aan 'n maksimum kommissie van R7 000,00 in totaal en 'n minimum van R260,00 (insluitende in alle gevalle die balju se bankkoste en ander uitgawes aangegaan om die opbrengs in sy of haar trustrekening in te betaal), welke kommissie deur die koper betaalbaar is.

(b) Indien 'n afslaer in diens geneem is soos in reël 43 (9) bepaal, 2,5 persent op die eerste R30 000,00 van die opbrengs van die verkoping en 1,5 persent op die balans daarvan, onderhewig aan 'n maksimum kommissie van R4 000,00 in totaal en 'n minimum van R260,00 (insluitende in alle gevalle die balju se bankkoste en ander uitgawes aangegaan om die opbrengs in sy of haar trustrekening in te betaal), welke kommissie deur die koper betaalbaar is.

17. Benewens die gelde in items 10 tot en met 15 toegestaan, word—

(a) die bedrag in werklikheid en redelikerwys deur die balju of die afslaer betaal vir drukwerk, advertensie en bekendmaking van 'n verkoping of voorgenome verkoping in tenuitvoerlegging, toegestaan;

(b) die bedrag van R9,75 aan die balju betaal, vir die gee van transport aan die koper.

18. Waar die balju in besit is uit hoofde van meer as een lasbrief vir eksekusie, kan hy of sy slegs vir een besit gelde vra of sodanige besit moet, sover doenlik, gelykop tussen die verskillende lasbriewe wat gedurende dieselfde tydperk uitgereik is, verdeel word: Met dien verstande dat elke eksekusieskuldeiser gesamentlik en afsonderlik aanspreeklik is vir sodanige besit tot hoogstens 'n bedrag wat verskuldig sou gewees het ingevolge sy of haar tenuitvoerlegging as dit die enigste was.

19. Gelde wat betaalbaar is op die waarde van die goedere waarop beslag gelê is of op die opbrengs van die verkoping van goed in tenuitvoerlegging, word nie bereken op sodanige waarde of opbrengs vir sover dit die bedrag van die lasbrief te bowe gaan nie.

20. Die balju se gelde en uitgawes in tenuitvoerlegging van 'n skuldbeslagorder word by die bedrag gevoeg wat kragtens die order verhaal moet word, en kan teen die vonnisskuldenaar in berekening gebring word.

21. Indien dit vir die balju nodig is om 'n dokument wat hy of sy vir betekening of tenuitvoerlegging ontvang, aan sy of haar opdraggewer terug te stuur omrede—

(a) die adres van betekening wat op die prosesstuk verskyn, nie binne sy of haar jurisdiksie ressorteer nie; of

(b) die opdraggewer, voor die gepoogde betekening of tenuitvoerlegging van die prosesstuk, versoek dat dit aan hom of haar teruggestuur word,

is 'n bedrag van R3,25 betaalbaar.

22. Vir die vervoer van 'n persoon wat deur die balju in hegtenis geneem is of wat in sy of haar bewaring gestel is, vanaf die plek van aanhouding na die hof op 'n dag ná die dag van arres: R13,00 per rit en R30,00 per uur of gedeelte daarvan vir bywoning van die hof.
23. Vir die nagaan van aangeduide koerante en die *Staatskoerant* waarin die kennisgewing van verkoping gepubliseer is soos in reël 43 (6) (c) en reël 41 (8) (c) bedoel: R3,25.
24. Vir die stuur van 'n afskrif van die kennisgewing van verkoping aan elke eksekusieskuldeiser wat 'n lasbrief vir eksekusie ingedien het, en aan elke verbandhouer, ten opsigte van die betrokke onroerende goed, wie se adres redelikerwys vasgestel kan word, vir elke afskrif: R3,25.
25. (a) Vir die aanbring van 'n afskrif van die kennisgewing van verkoping op die kennisgewingbord of die deur van die hofgebou of 'n ander openbare gebou bedoel in reël 43 (6) (e) en reël 41 (8) (b): R9,75.
(b) Vir die aanbring van 'n eksemplaar van die kennisgewing van verkoping op die eiendom wat verkoop staan te word, die bedrag soos in paragraaf (a) hierbo en reiskoste soos in item 5 (a) vermeld.
26. Vir die opstel en uitreiking van 'n tussenpleitdagvaarding: R39,00.
27. Benewens die gelde voorgeskryf in hierdie Tabel, is die balju geregtig op die bedrag in werklikheid aan posgeld en telefoonoproep uitbetaal.
28. Vir die skryf van elke noodsaaklike brief, behalwe formele briewe wat prosesstukke of relase vergesel: R3,25.
29. Vir elke noodsaaklike telefoonoproep (benewens voorgeskrewe hooflyngelde en sellulêre gelde): R3,25.
30. Vir die stuur en ontvangs van elke noodsaaklike faksimile per A4-grootte bladsy, benewens telefoonkoste: R2,00.
31. Vir die nagaan van die rekords van die Registrateur van Aktes ingevolge reël 43 (3), om die voorrangorde van skuldeisers te bepaal:
 - (a) Indien die balju self die ondersoek onderneem: R22,75 per saak.
 - (b) Indien die balju die dienste van 'n derde party gebruik om die ondersoek te doen, die werklike koste soos deur die derde party gevra, mits dit redelik is.
32. Vir die maak van alle noodsaaklike afskrifte van dokumente: R1,25 per A4-grootte bladsy.
33. Vir die opstel van rekening vir taksasie en bywoning van die taksasie deur die balju: R26,00.
34. Bankkoste: Werklike koste aangegaan met betrekking tot bankkoste en tjekvorms."

Inwerkingtreding

3. Hierdie reëls tree op **29 Julie 1996** in werking.

No. R. 1063

28 June 1996

AMENDMENT OF THE RULES REGULATING THE CONDUCT OF THE PROCEEDINGS OF THE SEVERAL PROVINCIAL AND LOCAL DIVISIONS OF THE SUPREME COURT OF SOUTH AFRICA

The Rules Board for Courts of Law has, under section 6 of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985), with the approval of the Minister of Justice, made the rules in the Schedule.

SCHEDULE

Definitions

1. In this Schedule "the Rules" means the rules regulating the conduct of the proceedings of the several provincial and local divisions of the Supreme Court of South Africa published under Government Notice No. R. 48 of 12 January 1965, as amended by Government Notices Nos. R. 235 of 18 February 1966, R. 2004 of 15 December 1967, R. 3553 of 17 October 1969, R. 2021 of 5 November 1971, R. 1985 of 3 November 1972, R. 480 of 30 March 1973, R. 639 of 4 April 1975, R. 1816 of 8 October 1976, R. 1975 of 29 October 1976, R. 2477 of 17 December 1976, R. 2365 of 18 November 1977, R. 1546 of 28 July 1978, R. 1577 of 20 July 1979, R. 1535 of 25 July 1980, R. 2527 of 5 December 1980, R. 500 of 12 March 1982, R. 773 of 23 April 1982, R. 775 of 23 April 1982, R. 1873 of 3 September 1982, R. 2171 of 6 October 1982, R. 645 of 25 March 1983, R. 841 of 22 April 1983, R. 1077 of 20 May 1983, R. 1996 of 7 September 1984, R. 2094 of 13 September 1985, R. 810 of 2 May 1986, R. 2164 of 2 October 1987, R. 2642 of 27 November 1987, R. 1421 of 15 July 1988, R. 210 of 10 February 1989, R. 608 of 31 March 1989, R. 2628 of 1 December 1989, R. 185 of 2 February 1990, R. 1929 of 10 August 1990, R. 1262 of 30 May 1991, R. 2410 of 30 September 1991, R. 2845 of 29 November 1991, R. 406 of 7 February 1992, R. 1883 of 3 July 1992, R. 109 of 22 January 1993, R. 960 of 28 May 1993, R. 974 of 1 June 1993, R. 1356 of 30 July 1993, R. 1843 of 1 October 1993, R. 2365 of 10 December 1993, R. 2529 of 31 December 1993, R. 181 of 28 January 1994, R. 411 of 11 March 1994 and R. 873 of 31 May 1996.

Amendment of rule 68 of the Rules

2. Rule 68 of the Rules is hereby amended by the substitution for the Tariff of the following Tariff:

"TARIFF"

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1. For registration of any document for service or execution, upon receipt thereof.....	3,25
2. (a) For service of summonses, petitions together with notice of motion or notice of set down, other notices, orders or any other documents, each	26,00
Provided that—	
(i) whenever any document to be served with any such process is mentioned in the process or forms an annexure thereto, no additional fee shall be charged for the service of such document, but otherwise a fee of R4,00 may be charged in respect of each separate document served;	
(ii) no fee for the service of a separate document shall be charged in respect of the service of process in criminal cases.	
(b) Attempted service of summonses, petitions together with notice of motion or notice of set down, other notices, orders and any other documents	19,50
Provided that an attempted service of more than one document on the same person shall be treated as an attempted service of one document only.	
3. Travelling allowance:	
(a) For the distance actually and necessarily travelled by the sheriff or his or her officer, reckoned from the office of the sheriff, both on the forward and the return journey, per kilometre or fraction of a kilometre	1,65
(b) When two or more summonses or other process, whether at the instance of the same party or of different parties, are capable of being served on one and the same journey, the travelling allowance for performing the round of service shall be fairly and equitably apportioned among the several cases, regard being had to the distance at which the parties against whom such process is directed respectively reside from the office of the sheriff, but the fee for service shall be payable for each service made or attempted to be made.	
(c) This allowance shall be payable only in cases where the duty in question is to be performed beyond a radius of one kilometre from the office of the sheriff: Provided that if the office of the sheriff is situated more than three kilometres from the office of the magistrate of his or her district the allowance shall be payable only where such duty is to be performed beyond a distance of one kilometre from the magistrate's office.	
(d) The restriction imposed by the proviso in paragraph 3 (c) above may be relaxed by the Minister of Justice, in his or her discretion, where circumstances warrant this.	
4. (a) Postage in civil matters, as per postal tariff.	
(b) Postage in criminal matters, free.	
NOTE: The sheriff may take any postal matter to the registrar of the Supreme Court, or if there is no registrar in his or her town or city, to the magistrate, who shall frank the envelope with his or her official franking stamp.	
5. For the execution of any writ—	
(a) (i) of personal arrest, including the conveyance of the person concerned to court, to an attorney's office or to a prison, per person	32,50
(ii) for conveying the person concerned to court from a place of custody on a day subsequent to the day of arrest and attending at court, per hour or part thereof	40,00
(iii) for attachment of property <i>ad fundandam jurisdictionem</i> or <i>ad confirmandam jurisdictionem</i> .	32,50
(iv) where an attachment in terms of item 5 (a) (iii) is withdrawn or suspended	9,75
(b) of ejectment: R40,00 per hour or part thereof, subject to a minimum of	60,00
which shall include the first hour (in addition to reasonable expenses necessarily incurred);	
(c) against immovable property—	
(i) for execution, including service of notice of attachment upon the owner of the immovable property and upon the registrar of deeds or other officer charged with the registration of such property, and if the property is in occupation of some person other than the owner, also upon such occupier	78,00

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(ii) for notice of attachment to a single lessee or occupier.....	6,50
(identical notices where there are several lessees, occupiers or owners, for each after the first	1,90)
(iii) for making valuation or report for purposes of sale, per hour or part thereof	40,00
(iv) when a sheriff has been authorized to sell property and the property is not sold by reason of the fact that the attachment is withdrawn or stayed, irrespective of the amount of the writ, all the necessary notice for the withdrawal of the attachment	78,00
(v) for ascertaining and recording what bonds or other encumbrances are registered against the property, together with the names and addresses of the persons in whose favour such bonds and encumbrances are so registered, including any correspondence in connection therewith (in addition to reasonable expenses necessarily incurred)	39,00
(vi) for notifying the execution creditor of such bonds or other encumbrances and of the names and addresses of the persons in whose favour such bonds or other encumbrances are registered.....	6,50
(vii) for consideration of proof that a preferent creditor has complied with the requirements of rule 46 (5) (a).....	3,25
(viii) for the notice referred to in rule 46 (6)	6,50
(ix) for consideration of notice of sale prepared by the execution creditor in consultation with the sheriff; and	
(x) for verifying that notice of sale has been published in the newspapers indicated and in the <i>Gazette</i> ; and	
(xi) for forwarding a copy of the notice of sale to every judgment creditor who has caused the immovable property to be attached and to every mortgagee thereof whose address is known, for each copy, inclusive fee for (ix), (x) and (xi)	39,00
(xii) for affixing a copy of the notice of sale to the notice board of the magistrate's court referred to in rule 46 (7) (e) and at or as near as may be to the place where the sale is actually to take place, an inclusive fee of.....	13,00
(xiii) for considering the conditions of sale.....	32,50
(xiv) on the sale of immovable property by the sheriff as auctioneer 5 per cent on the first R30 000,00 of the proceeds of the sale and 3 per cent on the balance thereof, subject to a maximum commission of R7 000,00 in total and a minimum of R260,00 (inclusive in all instances of the sheriff's bank charges and other expenses incurred in paying the proceeds into his or her trust account), which commission shall be paid by the purchaser;	
(xv) for any report referred to in rule 46 (11).....	19,50
(xvi) for giving transfer to the purchaser	9,75
(xvii) for preparing a plan of distribution of the proceeds (including the necessary copies) and for forwarding a copy to the registrar	39,00
(xviii) for giving notice to all parties who have lodged writs and to the execution debtor that the plan of distribution will lie for inspection, for every notice	6,50
(xix) for request to magistrate to pay out in accordance with the plan of distribution.....	3,25
(d) against movable property—	
(i) when a writ is paid on presentation, 7,5 per cent on the amount so paid, with a minimum fee of R26,00 and a maximum of.....	260,00
(ii) for any abortive attempt at attachment, including one hour's search and enquiry	26,00
(iii) when a writ is withdrawn or stayed before any property is attached	9,75
(iv) for making an attachment, including one hour's search and enquiry.....	65,00
(v) notice of attachment, if necessary, to a single person	6,50
(identical notices, when there is more than one person to be given notice, for each after the first)	3,25
(vi) when an attachment is withdrawn by a judgment creditor or stayed before sale, 2,5 per cent of the value of the property attached or the amount of the writ, whichever is the lesser, but subject to a maximum of.....	195,00
(vii) when a writ is paid by the debtor to the sheriff after attachment but before sale, 7,5 per cent on the amount so paid, with a minimum fee of R26,00 and a maximum of.....	260,00

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(viii) when moneys are taken in execution, 7,5 per cent of the amount so taken, but subject to a maximum of.....	260,00
(ix) for drawing up advertisements of sale of goods attached	26,00
(x) for selling in execution (whether auctioneer employed or not), including distribution of the proceeds, on the first R15 000,00 or part thereof, 7,5 per cent, and thereafter, 5 per cent, with a maximum of	4 000,00
(xi) the sheriff him- or herself shall sell movable property in execution, but he or she shall engage the services of an auctioneer if directed thereto in writing by the judgment creditor, provided the judgment creditor bears the additional commission, if any;	
(xii) commission shall not be chargeable against a judgment debtor on the value of movable property attached and subsequently claimed by a person other than the judgment debtor and released in consequence of such claim, unless such property has been attached at the express direction of the judgment creditor, in writing, in which event the judgment creditor shall be liable to the sheriff for the commission;	
(xiii) for insuring movable property attached when it is considered necessary and when the sheriff is directed thereto in writing by the judgment creditor, in addition to the amount of premium paid, an inclusive fee of	13,00
(e) for keeping possession of property (money excluded)—	
(i) for each officer necessarily left in possession, a reasonable inclusive fee per officer per day not exceeding	48,75
NOTE: "Possession" means the continuous and necessary presence on the premises for the period in respect of which possession is reckoned, of a person employed and paid by the sheriff for the sole purpose of retaining possession.	
(ii) for removal and storage, the reasonable and necessary expenses for such removal and storage, and if an animal is to be stabled or fed, the reasonable charges for such stabling and feeding;	
(iii) for tending livestock, the necessary expenses for tending such stock;	
(iv) when no officer is left in possession and no security bond is taken, but movable property attached remains under the supervision of the sheriff, per day.....	0,80
6. (a) For making an inventory, including all necessary copies and time spent in stocktaking, per hour or part thereof	48,75
(b) For assistance, where necessary, in taking inventory, a reasonable and inclusive fee per day, not exceeding.....	48,75
7. (a) For making return of service or execution, including drawing up and typing of original for court, limited to one person upon each original process; and	
(b) copy thereof for party desiring service or execution.....	13,00
8. Drawing and completing of bail bond, deed of suretyship or indemnity bond	9,75
9. For the making of all necessary copies of documents per A4 size page.....	1,25
10. Taking statement from accused, who is not represented and who desires witnesses to be subpoenaed at the expense of the State, as to his or her means, the names and addresses of the witnesses and what they can say in his or her defence, in order to enable the registrar or the clerk of the court on circuit to decide whether the witnesses should be subpoenaed.....	9,75
NOTE: This information is to be obtained at the time of serving the notice of trial and indictment and conveyed to the registrar or clerk of the court in the same letter under cover of which the documents are returned.	
11. Attending any criminal session of a superior court or any circuit court, R40,00 per hour, or part thereof, with a maximum per day of	195,00
12. Each necessary letter, excluding formal letters accompanying process or returns	6,50
13. Each necessary attendance by telephone (in addition to prescribed trunk charges)	3,25
14. Sending and receiving of each necessary facsimile per A4 size page (in addition to telephone charges)	2,00
15. Bank charges: Actual costs incurred regarding bank charges and cheque forms."	

Commencement

3. These rules shall come into operation on 29 July 1996.

No. R. 1063

28 Junie 1996

**WYSIGING VAN DIE REËLS WAARBY DIE VERRIGTINGE VAN DIE VERSKILLENDEN PROVINSIALE EN
PLAASLIKE AFDELINGS VAN DIE HOOGGEREGSHOF VAN SUID-AFRIKA GEREËL WORD**

Die Reëlsraad vir Geregshowe het kragtens artikel 6 van die Wet op die Reëlsraad vir Geregshowe, 1985 (Wet No. 107 van 1985), met die goedkeuring van die Minister van Justisie, die reëls in die Bylae gemaak.

BYLAE

Woordomskrywing

1. In hierdie Bylae beteken "die Reëls" die reëls waarby die verrigtinge van die verskillende provinsiale en plaaslike afdelings van die Hooggeregshof van Suid-Afrika gereël word, afgekondig by Goewermentskennisgewing No. R. 48 van 12 Januarie 1965, soos gewysig by Goewermentskennisgewings Nos. R. 235 van 18 Februarie 1966, R. 2004 van 15 Desember 1967, R. 3553 van 17 Oktober 1969, R. 2021 van 5 November 1971, R. 1985 van 3 November 1972, R. 480 van 30 Maart 1973, R. 639 van 4 April 1975, R. 1816 van 8 Oktober 1976, R. 1975 van 29 Oktober 1976, R. 2477 van 17 Desember 1976, R. 2365 van 18 November 1977, R. 1546 van 28 Julie 1978, R. 1577 van 20 Julie 1979, R. 1535 van 25 Julie 1980, R. 2527 van 5 Desember 1980, R. 500 van 12 Maart 1982, R. 773 van 23 April 1982, R. 775 van 23 April 1982, R. 1873 van 3 September 1982, R. 2171 van 6 Oktober 1982, R. 645 van 25 Maart 1983, R. 841 van 22 April 1983, R. 1077 van 20 Mei 1983, R. 1996 van 7 September 1984, R. 2094 van 13 September 1985, R. 810 van 2 Mei 1986, R. 2164 van 2 Oktober 1987, R. 2642 van 27 November 1987, R. 1421 van 15 Julie 1988, R. 210 van 10 Februarie 1989, R. 608 van 31 Maart 1989, R. 2628 van 1 Desember 1989, R. 185 van 2 Februarie 1990, R. 1929 van 10 Augustus 1990, R. 1262 van 30 Mei 1991, R. 2410 van 30 September 1991, R. 2845 van 29 November 1991, R. 406 van 7 Februarie 1992, R. 1883 van 3 Julie 1992, R. 109 van 22 Januarie 1993, R. 960 van 28 Mei 1993, R. 974 van 1 Junie 1993, R. 1356 van 30 Julie 1993, R. 1843 van 1 Oktober 1993, R. 2365 van 10 Desember 1993, R. 2529 van 31 Desember 1993, R. 181 van 28 Januarie 1994, R. 411 van 11 Maart 1994 en R. 873 van 31 Mei 1996.

Wysiging van reël 68 van die Reëls

2. Reël 68 van die Reëls word hierby gewysig deur die Tarief deur die volgende Tarief te vervang:

"TARIEF

	R
1. Registrasie van 'n dokument vir betekening of tenuitvoerlegging, by ontvangs daarvan.....	3,25
2. (a) Betekening van dagvaardings, petisies tesame met kennisgewing van mosie of van terrolleplasing, ander kennisgewings, bevels of enige ander dokumente, elk.....	26,00
Met dien verstande dat—	
(i) wanneer 'n dokument saam met 'n prosesstuk beteken moet word en in die prosesstuk genoem word of 'n aanhangsel daarvan is, geen addisionele gelde gevorder mag word vir betekening van die dokument nie. Origiens mag R4,00 gevorder word vir elke afsonderlike dokument wat beteken word;	
(ii) geen geld vir 'n aparte dokument gevorder word vir die betekening van prosesstukke in strafsake nie.	
(b) Gepoogde betekening van dagvaardings, petisies tesame met kennisgewing van mosie of van terrolleplasing, ander kennisgewings, bevels en enige ander dokumente.....	19,50
Met dien verstande dat 'n gepoogde betekening van meer as een dokument aan dieselfde persoon beskou word as 'n gepoogde betekening van slegs een dokument.	
3. Reistoelae:	
(a) Vir die afstand werklik en noodsaaklikerwys deur die balju of sy of haar verteenwoordiger afgelê, bereken van die kantoor van die balju af vir die heen-en terugreis, per kilometer of deel van 'n kilometer	1,65
(b) Wanneer twee of meer dagvaardings of ander prosesstukke, in opdrag van dieselfde party of van verskillende partye, met een en dieselfde reis beteken kan word, moet die reistoelae redelik en billik verdeel word tussen die verskillende sake met inagneming van die afstand wat die onderskeie partye aan wie die prosesstukke gerig is van die kantoor van die balju af woon, maar die gelde is betaalbaar vir elke betekening of gepoogde betekening.	
(c) Hierdie toelae is alleen betaalbaar in gevalle waar die betrokke diens meer as een kilometer van die kantoor van die balju af verrig moet word: Met dien verstande dat as die kantoor van die balju meer as drie kilometer van die landdroskantoor van sy of haar distrik is, die toelae betaalbaar is slegs wanneer sodanige diens meer as een kilometer van die landdroskantoor af verrig moet word.	

- (d) Die beperking opgelê deur die voorbehoud by paragraaf 3 (c) hierbo, kan deur die Minister van Justisie na goeiddunke verslap word waar omstandighede dit regverdig.

4. (a) Posgeld in siviele sake, volgens die postarief.
(b) Posgeld in strafsake, posvry.

LET WEL: Die balju kan enige posstuk na die griffier van die Hooggeregshof neem of, as daar geen griffier in sy of haar dorp of stad is nie, na die landdros, wat die koever met sy of haar amptelike frankeerstempel moet merk.

5. Tenuitvoerlegging van enige lasbrief—

- | | |
|---|-------|
| (a) (i) vir die arres van 'n persoon, insluitende sy of haar vervoer na die hof, na 'n prokureur se kantoor of na die gevangenis, per persoon..... | 32,50 |
| (ii) vir vervoer van die betrokke persoon na die hof van die plek van aanhouding op 'n dag na die dag van arres, en bywoning van die hof per uur of gedeelte daarvan..... | 40,00 |
| (iii) vir beslaglegging op goed <i>ad fundandam jurisdictionem</i> of <i>ad confirmandam jurisdictionem</i> . | 32,50 |
| (iv) waar 'n beslaglegging ingevolge item 5 (a) (iii) teruggetrek of opgeskort word..... | 9,75 |
| (b) vir uitsetting, R40,00 per uur of gedeelte daarvan, met 'n minimum van..... | 60,00 |
| wat die eerste uur insluit (benewens redelike uitgawes noodsaaklikerwys aangegaan); | |
| (c) teen onroerende goed— | |
| (i) vir tenuitvoerlegging, insluitende betekening van kennisgewing van beslaglegging aan die eienaar van die onroerende goed en die registrateur van aktes of ander beaampte belas met registrasie van sodanige goed, en as die onroerende goed deur iemand anders as die eienaar geokkupeer word, ook aan die okkupant | 78,00 |
| (ii) vir kennisgewing van beslaglegging aan 'n enkele huurder of okkupant..... | 6,50 |
| (identiese kennisgewings waar daar meer as een huurder, okkupant of eienaar is, vir elkeen na die eerste | 1,90) |
| (iii) vir waardasie of verslag vir die doel van 'n verkoping, per uur of gedeelte daarvan..... | 40,00 |
| (iv) waar 'n balju gemagtig is om goed te verkoop en die goed nie verkoop word nie omdat die beslaglegging teruggetrek, opgeskort, gestaak of gestuit word, afgesien van die bedrag van die lasbrief, en al die nodige kennisgewing van terugtrekking van die beslaglegging | 78,00 |
| (v) vir die vasstelling en aantekening van watter verband of ander beswarings teen die eiendom geregistreer is, asook die name en adresse van die persone in wie se guns dit geregistreer is, insluitende enige briefwisseling in verband daarmee (benewens redelike uitgawes noodsaaklikerwys aangegaan)..... | 39,00 |
| (vi) om die vonnisskuldeiser in kennis te stel van sodanige verbande of beswarings en van die name en adresse van die persone in wie se guns dit geregistreer is..... | 6,50 |
| (vii) vir oorweging van bewys dat preferente skuldeiser aan die vereistes van reël 46 (5) (a) voldoen het..... | 3,25 |
| (viii) vir die kennisgewing in reël 46 (6) bedoel..... | 6,50 |
| (ix) vir oorweging van kennisgewing van verkoping wat deur vonnisskuldeiser in oorleg met balju opgestel word; en | |
| (x) vir die nagaan van aangeduide koerante en die <i>Staatskoerant</i> om seker te maak dat kennisgewing van verkoping geplaas is; en | |
| (xi) vir die stuur van 'n eksemplaar van die kennisgewing van verkoping aan elke vonnisskuldeiser wat op die onroerende goed beslag laat lê het en aan elke verbandhouer wie se adres bekend is, vir elke eksemplaar, insluitende geld van (ix), (x) en (xi)..... | 39,00 |
| (xii) vir die aanbring van 'n eksemplaar van die kennisgewing van verkoping op die kennisgewingbord van die landdroshof bedoel in reël 46 (7) (e) en op of so na moontlik aan die plek waar die verkoping sal plaasvind, 'n allesinsluitende bedrag van..... | 13,00 |
| (xiii) vir oorweging van die verkoopvoorwaardes..... | 32,50 |
| (xiv) by die verkoop van onroerende goed deur die balju as afslaer, 5 persent op die eerste R30 000,00 van die opbrengs van die verkoping en 3 persent op die balans daarvan, onderhewig aan 'n maksimum kommissie van R7 000,00 in totaal en 'n minimum van R260,00 (insluitende in alle gevalle die balju se bankkoste en ander uitgawes aangegaan om die opbrengs in sy of haar trustrekening in te betaal), welke kommissie deur die koper betaalbaar is. | |

		R
(xv)	vir 'n verslag in reël 46 (11) bedoel	19,50
(xvi)	vir die gee van transport aan die koper	9,75
(xvii)	vir die opstel van 'n distribusieplan van die opbrengs (insluitende die nodige afskrifte) en afsending van 'n afskrif aan die griffier	39,00
(xviii)	vir kennisgewing aan alle partye wat lasbriewe ingedien het en aan die vonnissskulde-naar dat distribusieplan ter insae sal lê, vir elke kennisgewing	6,50
(xix)	vir versoek aan landdros om ooreenkomstig distribusieplan uit te betaal	3,25
(d)	teen roerende goed—	
(i)	wanneer 'n lasbrief by aanbidding betaal word, 7,5 persent van die bedrag aldus betaal, met 'n minimum van R26,00 en 'n maksimum van	260,00
(ii)	vir 'n onsuksesvolle poging om beslag te lê, insluitende opsporing vir een uur en navraag	26,00
(iii)	waar 'n lasbrief teruggetrek, opgeskort, gestaak of gestuit word voordat daar op enige goed beslag gelê is	9,75
(iv)	vir 'n beslaglegging, insluitende opsporing vir een uur en navraag	65,00
(v)	kennisgewing van beslaglegging, indien nodig, aan een persoon	6,50
	(identiese kennisgewing waar daar meer as een persoon is wat kennis moet kry, vir elkeen na die eerste	3,25)
(vi)	waar beslaglegging deur die vonnissskuldeiser teruggetrek word of opgeskort, gestaak of gestuit word voor die verkoping, 2,5 persent van die waarde van die inbeslaggenome goed of die bedrag van die lasbrief, watter ook al die minste is, maar met 'n maksimum van	195,00
(vii)	waar die lasbrief aan die balju betaal word deur die skuldenaar na beslaglegging maar vóór verkoping, 7,5 persent van die bedrag betaal, met 'n minimum geld van R26,00 en 'n maksimum van	260,00
(viii)	waar beslag op geld gelê word, 7,5 persent van die betrokke bedrag, maar met 'n maksimum van	260,00
(ix)	vir opstel van advertensie van verkoping van inbeslaggenome goed	26,00
(x)	vir verkoping vir uitwinning (met of sonder afslaer), insluitende verdeling van die opbrengs, vir die eerste R15 000,00 of deel daarvan 7,5 persent, en daarna 5 persent, met 'n maksimum van	4 000,00
(xi)	die balju moet roerende goed self uitwin maar 'n afslaer aanstel indien skriftelik daartoe deur die vonnissskuldeiser versoek, en mits die vonnissskuldeiser die addisionele kommissie, as daar is, betaal;	
(xii)	kommissie is nie op 'n vonnissskuldenaar verhaalbaar op die waarde van inbeslaggenome roerende goed wat daarna deur 'n derde opgeëis en gevolglik vrygegee is nie, tensy die goed in beslag geneem is op die uitdruklike skriftelike versoek van die vonnissskuldeiser, in welke geval die vonnissskuldeiser teenoor die balju aanspreeklik is vir die kommissie;	
(xiii)	vir die versekering van inbeslaggenome roerende goed wanneer dit nodig geag word en in skriftelike opdrag van die vonnissskuldeiser aan die balju, benewens die premie wat betaal word, 'n allesinsluitende bedrag van	13,00
(e)	vir bewaring van goed (geld uitgesluit)—	
(i)	vir elke beampte wat noodsaaklikerwys in besit gelaat is, 'n redelike allesinsluitende bedrag per beampte per dag van hoogstens	48,75
	LET WEL: "Bewaring" beteken die voortdurende en noodsaaklike teenwoordigheid op die perseel vir die tydperk waarvoor bewaring bereken word, van iemand in diens van en betaal deur die balju vir die uitsluitlike doel om besit te behou.	
(ii)	vir vervoer en opberging, die redelike en noodsaaklike uitgawes daaraan verbonde en, as 'n dier op stal geplaas of gevoer moet word, die redelike uitgawes daaraan verbonde;	
(iii)	vir die oppas van lewende hawe, die nodige uitgawes daaraan verbonde;	
(iv)	waar geen beampte in besit gelaat word en geen akte van sekerheidstelling verkry is nie, maar die inbeslaggenome roerende goed onder toesig van die balju bly, per dag	0,80

	R
6. (a) Vir die opstel van 'n inventaris, insluitende die maak van alle nodige afskrifte en tyd bestee aan voorraadopname, per uur of gedeelte daarvan	48,75
(b) vir bystand, waar nodig, by die opstel van 'n inventaris, 'n redelike allesinsluitende bedrag per dag van hoogstens.....	48,75
7. (a) Vir opstel van relaas van betekening of tenuitvoerlegging, insluitende opstel en tik van oorspronklike vir die hof, beperk tot een persoon op elke oorspronklike prosesstuk; en	
(b) afskrif daarvan vir die party wat betekening of tenuitvoerlegging verlang.....	13,00
8. Opstel en voltooiing van 'n akte van borgstelling, sekerheidstelling of vrywaring	9,75
9. Vir die maak van alle noodsaaklike afskrifte van dokumente per A4-grootte bladsy	1,25
10. Afneem van 'n verklaring van 'n beskuldigde wat nie verteenwoordig is nie en wat verlang dat getuies op koste van die Staat gedagvaar moet word, betreffende sy of haar middele, die name en adresse van die getuies en wat hulle ter verdediging van hom of haar kan sê, ten einde die griffier of die klerk van die hof op rondgang in staat te stel om te oordeel of die getuies gedagvaar moet word.....	9,75
LET WEL: Hierdie inligting moet verkry word wanneer die kennisgewing van verhoor en akte van beskuldiging beteken word en aan die griffier of die klerk van die hof oorgedra word in dieselfde brief onder dekking waarvan die dokumente teruggestuur word.	
11. Bywoning van strafsittings van 'n hoër hof of 'n rondgaande hof, R40,00 per uur of gedeelte daarvan met 'n maksimum per dag van	195,00
12. Elke noodsaaklike brief behalwe formele briewe wat prosesstukke of relase vergesel	6,50
13. Maak of beantwoording van elke noodsaaklike telefoonoproep (benewens voorgeskrewe hooflyngelde)	3,25
14. Afstuur en ontvangs van elke noodsaaklike faksimile per A4-grootte bladsy (benewens telefoongelde)	2,00
15. Bankkoste: Werklike koste aangegaan in verband met bankkoste en tjekvorms."	

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