

REPUBLIC
OF
SOUTH AFRICAREPUBLIEK
VAN
SUID-AFRIKA

Government Gazette Staatskoerant

Regulation Gazette

No. 5734

Regulasiekoerant

Vol. 373

PRETORIA, 5 JULY
JULIE 1996

No. 17313

GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

DEPARTMENT OF JUSTICE DEPARTEMENT VAN JUSTISIE

No. R. 1130

5 July 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, R. 710 of 12 April 1994 and R. 1062 of 28 June 1996.

Amendment of rule 30 of the Rules**2. Rule 30 of the Rules is hereby amended—****(a) by the substitution for paragraph (a) of subrule (7) of the following paragraph:**

"(a) In any case in which no transcription was directed in terms of subrule (6) any person may on notice to the clerk of the court request a transcription of any shorthand note taken by virtue of a direction given under subrule (4) and shall pay, in respect of proceedings made by mechanical means, the full cost thereof as predetermined by agreement between the contractor concerned and the State for such transcription"; and

(b) by the substitution for subrule (9) of the following subrule:

"(9) Subject to subrule (7)(b), a copy of any transcript made simultaneously with the transcription of proceedings made by mechanical means may, upon application to the clerk of the court, be supplied to any person upon payment of the full cost thereof as predetermined by agreement between the contractor concerned and the State, in the case of a copy of a transcript referred to in subrules (6) and (7)."

Amendment of rule 41 of the Rules

3. Rule 41 of the Rules is hereby amended by the substitution in paragraph (c) of subrule (8) for the expression "R500" of the expression "R3 000".

Amendment of rule 51 of the Rules

4. Rule 51 of the Rules is hereby amended by the substitution in subrule (1) for the expression "R50" of the expression "R70".

Amendment of rule 66 of the Rules**5. Rule 66 of the Rules is hereby amended—****(a) by the substitution for paragraph (a) of subrule (4) of the following paragraph:**

"(a) In any case in which no transcription was directed in terms of subrule (3), any person may, on notice to the clerk of the court, request a transcription of any shorthand note taken by virtue of a direction given under subrule (1) and shall, in respect of proceedings made by mechanical means, save in the case of the State, pay the full cost thereof as predetermined by agreement between the contractor concerned and the State for such transcript."; and

(b) by the substitution for subrule (7) of the following subrule:

"(7) Subject to subrule (4)(b), a copy of any transcript made simultaneously with the transcription of proceedings made by mechanical means may, upon application to the clerk of the court be supplied to any person upon payment, save in the case of the State, of the full cost thereof as predetermined by agreement between the contractor concerned and the State, in the case of a copy of a transcript referred to in subrules (3) and (4)(a)."

Commencement**6. These rules shall come into operation on 5 August 1996.****No. R. 1130****5 Julie 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 Goewermmentskennisgewing No. R. 1108 van 21 Junie 1968, soos gewysig by Goewermmentskennisgewings 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, R. 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, R. 710 van 12 April 1994 en R. 1062 van 28 Junie 1996.

Wysiging van reël 30 van die Reëls**2. Reël 30 van die Reëls word hierby gewysig—****(a) deur paragraaf (a) van subreël (7) deur die volgende paragraaf te vervang:**

“(a) In enige geval waar geen transkripsie ingevolge subreël (6) gelas is nie, kan enigiemand by kennisgewing aan die klerk van die hof ’n transkripsie versoek van enige snelskrifaantekening wat uit hoofde van ’n lasgewing kragtens subreël (4) afgeneem is en betaal ten opsigte van verrigtinge wat op meganiese wyse afgeneem is die volle koste daarvan soos vooraf bepaal by ooreenkoms tussen die betrokke kontrakteur en die Staat vir sodanige transkripsie.”; en

(b) deur subreël (9) deur die volgende subreël te vervang:

“(9) Behoudens subreël (7)(b) kan ’n afskrif van ’n oorskrif wat gelyktydig met die transkripsie van verrigtinge wat op meganiese wyse afgeneem is, op aansoek by die klerk van die hof, aan enigiemand verskaf word teen ’n betaling van die volle koste daarvan soos vooraf bepaal by ooreenkoms tussen die betrokke kontrakteur en die Staat in die geval van ’n afskrif van ’n oorskrif in subreëls (6) en (7) bedoel.”.

Wysiging van reël 41 van die Reëls

3. Reël 41 van die Reëls word hierby gewysig deur in paragraaf (c) van subreël (8) die uitdrukking “R500” deur die uitdrukking “R3 000” te vervang.

Wysiging van reël 51 van die Reëls

4. Reël 51 van die Reëls word hierby gewysig deur in subreël (1) die uitdrukking “R50” deur die uitdrukking “R70” te vervang.

Wysiging van reël 66 van die Reëls**5. Reël 66 van die Reëls word hierby gewysig—****(a) deur paragraaf (a) van subreël (4) deur die volgende paragraaf te vervang:**

“(a) In enige geval waar geen transkripsie ingevolge subreël (3) gelas is nie, kan enigiemand by kennisgewing aan die klerk van die hof ’n transkripsie versoek van enige snelskrifaantekening wat uit hoofde van ’n lasgewing kragtens subreël (1) afgeneem is en betaal, ten opsigte van verrigtinge wat op ’n meganiese wyse afgeneem is, behalwe in die geval van die Staat, die volle koste daarvan soos vooraf bepaal by ooreenkoms tussen die betrokke kontrakteur en die Staat vir sodanige transkripsie.”; en

(b) deur subreël (7) deur die volgende subreël te vervang:

“(7) Behoudens subreël (4)(b), kan ’n afskrif van ’n oorskrif wat gelyktydig met die transkripsie van enige verrigtinge wat op meganiese wyse afgeneem is, op aansoek by die klerk van die hof, aan enigiemand verskaf word teen betaling, behalwe in die geval van die Staat, van die volle koste daarvan soos vooraf bepaal by ooreenkoms tussen die betrokke kontrakteur en die Staat, in die geval van ’n afskrif van ’n oorskrif in subreëls (3) en (4) (a) bedoel.”.

Inwerkingtreding

6. Hierdie reëls tree op 5 Augustus 1996 in werking.

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