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GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

DEPARTMENT OF JUSTICE DEPARTEMENT VAN JUSTISIE

No. R. 2047

13 December 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 these rules "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, R. 873 of 31 May 1996, R. 1063 of 28 June 1996, R. 1557 of 20 September 1996 and R. 1746 of 25 October 1996.

Amendment of rule 4 of the Rules

2. Rule 4 of the Rules is hereby amended by the substitution for subparagraph (i) of paragraph (a) of subrule (3) of the following subparagraph:

“(i) the head of any South African diplomatic or consular mission, any person in the administrative or professional division of the public service serving at a South African diplomatic or consular mission or trade office abroad;”.

Amendment of rule 13 of the Rules

3. Rule 13 of the Rules is hereby amended by the substitution for subrule (3) of the following subrule:

“(3) (a) The third party notice, accompanied by a copy of all pleadings filed in the action up to the date of service of the notice, shall be served on the third party and a copy of the third party notice, without a copy of the pleadings filed in the action up to the date of service of the notice, shall be filed with the registrar and served on all other parties before the close of pleadings in the action in connection with which it was issued.

(b) After the close of pleadings, such notice may be served only with the leave of the court.”.

Amendment of rule 30 of the Rules

4. Rule 30 of the Rules is hereby amended—

(a) by the substitution in paragraph (c) of subrule (2) for the expression “five days” of the expression “15 days”; and

(b) by the deletion of subrule (5).

Amendment of rule 35 of the Rules

5. Rule 35 of the Rules is hereby amended by the deletion in the Afrikaans text of subrule (13) of the word “en”.

Amendment of rule 63 of the Rules

6. Rule 63 of the Rules is hereby amended—

(a) by the substitution for paragraph (a) of subrule (2) of the following paragraph:

“(a) of the head of a South African diplomatic or consular mission or a person in the administrative or professional division of the public service serving at a South African diplomatic, consular or trade office abroad; or”; and

(b) by the substitution for paragraph (d) of subrule (2) of the following paragraph:

“(d) of any person in such foreign place who shall be shown by a certificate of any person referred to in paragraph (a), (b) or (c) or of any diplomatic or consular officer of such foreign country in the Republic to be duly authorised to authenticate such document under the law of that foreign country; or”.

Commencement

7. These rules shall come into operation on **13 January 1997**.

No. R. 2047

13 Desember 1996

WYSIGING VAN DIE REËLS WAARBY DIE VERRIGTINGE VAN DIE VERSKILLENDSE 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 reëls 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, R. 873 van 31 Mei 1996, R. 1063 van 28 Junie 1996, R. 1557 van 20 September 1996 en R. 1746 van 25 Oktober 1996.

Wysiging van reël 4 van die Reëls

2. Reël 4 van die Reëls word hierby gewysig deur subparagraaf (i) van paragraaf (a) van subreël (3) deur die volgende subparagraaf te vervang:

“(i) die hoof van ’n Suid-Afrikaanse diplomatieke of konsulêre missie, iemand in die administratiewe of vakkundige afdeling van die Staatsdiens wat by ’n Suid-Afrikaanse diplomatieke of konsulêre missie of handelskantoor in die buiteland diens doen;”.

Wysiging van reël 13 van die Reëls

3. Reël 13 van die Reëls word hierby gewysig deur subreël (3) deur die volgende subreël te vervang:

“(3) (a) Die derdepartykennisgewing, tesame met ’n afskrif van alle pleitstukke wat tot op datum van betekening van die kennisgewing in die aksie ingedien is, moet op die derde party beteken word en ’n afskrif van die derdepartykennisgewing, sonder ’n afskrif van die pleitstukke wat tot op datum van betekening van die kennisgewing ingedien is, moet by die griffier ingedien word en op alle ander partye beteken word voor sluiting van pleitstukke in die aksie in verband waarmee dit uitgereik is.

(b) Na sluiting van pleitstukke mag sodanige kennisgewing slegs met verlof van die hof beteken word.”.

Wysiging van reël 30 van die Reëls

4. Reël 30 van die Reëls word hierby gewysig—

(a) deur in paragraaf (c) van subreël (2) die uitdrukking “vyf dae” deur die uitdrukking “15 dae” te vervang; en

(b) deur subreël (5) te skrap.

Wysiging van reël 35 van die Reëls

5. Reël 35 van die Reëls word hierby gewysig deur in subreël (13) die woord “en” te skrap.

Wysiging van reël 63 van die Reëls

6. Reël 63 van die Reëls word hierby gewysig—

(a) deur paragraaf (a) van subreël (2) deur die volgende paragraaf te vervang:

“(a) van die hoof van ’n Suid-Afrikaanse diplomatieke of konsulêre missie of van iemand in die administratiewe of vakkundige afdeling van die Staatsdiens wat by ’n Suid-Afrikaanse diplomatieke of konsulêre of handelskantoor in die buiteland diens doen; of”; en

(b) deur paragraaf (d) van subreël (2) deur die volgende paragraaf te vervang:

“(d) van iemand in so ’n vreemde plek wat volgens ’n sertifikaat van ’n persoon in paragrawe (a), (b) of (c) genoem of van ’n diplomatieke of konsulêre beampte van so ’n vreemde land in die Republiek behoorlik gemagtig is om so ’n dokument ingevolge die reg van daardie vreemde land te waarmerk; of”.

Inwerkingtreding

7. Hierdie reëls tree op **13 Januarie 1997** in werking.

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