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VAN
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GOEWERMENSKENNISGEWING

DEPARTEMENT VAN JUSTISIE

No. R. 2365 10 Desember 1993

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

Woordskrywing

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 Goewermenskennisgewing No. R. 48 van 12 Januarie 1965, soos gewysig by Goewermenskennisgewings 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

GOVERNMENT NOTICE

DEPARTMENT OF JUSTICE

No. R. 2365 10 December 1993

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,

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 en R. 1843 van 1 Oktober 1993.

Wysiging van reël 31 van die Reëls

2. Reël 31 van die Reëls word hierby gewysig deur die volgende subreël by te voeg:

“(5) (a) Wanneer ’n verweerder in verstek is met sy kennisgewing van voorneme om te verdedig, moet die eiser wat vonnis by verstek verlang, waar elk van die eise vir skuld of andersins likwied is, ’n skriftelike aansoek om vonnis teen die verweerder by die griffier indien.

(b) Die griffier kan—

(i) vonnis soos versoek gee;

(ii) vonnis vir slegs ’n gedeelte van die eis of op gewysigde voorwaardes gee;

(iii) vonnis in die geheel of gedeeltelik weier;

(iv) die aansoek om vonnis op die voorwaardes wat hy billik ag, uitstel;

(v) mondelinge of skriftelike voorleggings aanvra of ontvang;

(vi) vereis dat die saak ter rolle geplaas word vir verhoor in die ope hof.

(c) Die griffier notuleer ’n vonnis of voorskrif deur hom gegee.

(d) ’n Party wat ontevrede is met ’n vonnis of voorskrif deur die griffier gegee, kan binne 20 dae nadat so ’n vonnis of voorskrif tot sy kennis gekom het die saak vir herooring deur die hof ter rolle plaas.

(e) Die griffier staan vonnis vir koste toe ten bedrae van R200 plus baljugele indien die waarde van die eis volgens die dagvaarding, afgesien van enige toestemming tot jurisdiksie, binne die jurisdiksie van die landdroshof val, en in ander gevalle, tensy in die aansoek om vonnis by verstek vir taksasie gevra word of die griffier ’n beslissing omtrent koste van die hof verlang, R650 plus baljugele.”

Wysiging van reël 70 van die Reëls

3. Reël 70 van die Reëls word hierby gewysig deur die volgende Afdeling by die Tarief van Gelde van Prokureurs te voeg:

“H—TENUITVOERLEGGING

	R
1. Opstel, uitreiking en uitvoering van ’n lasbrief vir eksekusie en alle opwagtinge in verband daarmee, uitgesonderd baljugele (indien nie getakseer)... 150,00	
2. Heruitreiking	30,00”.

Inwerkingtreding

4. Hierdie reëls tree op 10 Januarie 1994 in werking.

R. 406 of 7 Februarie 1992, R. 1883 of 3 Julie 1992, R. 109 of 22 Januarie 1993, R. 960 of 28 Mei 1993, R. 974 of 1 Junie 1993, R. 1356 of 30 Julie 1993 and R. 1843 of 1 Oktober 1993.

Amendment of rule 31 of the Rules

2. Rule 31 of the Rules is hereby amended by the addition of the following subrule:

“(5) (a) Whenever a defendant is in default of delivery of notice of intention to defend, the plaintiff, if he wishes to obtain judgment by default, shall where each of the claims is for a debt or liquidated demand, file with the registrar a written application for judgment against such defendant.

(b) The registrar may—

(i) grant judgment as requested;

(ii) grant judgment for part of the claim only or on amended terms;

(iii) refuse judgment wholly or in part;

(iv) postpone the application for judgment on such terms as he may consider just;

(v) request or receive oral or written submissions;

(vi) require that the matter be set down for hearing in open court.

(c) The registrar shall record any judgment granted or direction given by him.

(d) Any party dissatisfied with a judgment granted or direction given by the registrar may, within 20 days after he has acquired knowledge of such judgment or direction, set the matter down for reconsideration by the court.

(e) The registrar shall grant judgment for costs in an amount of R200 plus the sheriff's fees if the value of the claim as stated in the summons, apart from any consent to jurisdiction, is within the jurisdiction of the magistrate's court and, in other cases, unless the application for default judgment requires costs to be taxed or the registrar requires a decision on costs from the Court, R650 plus the sheriff's fees.”

Amendment of rule 70 of the Rules

3. Rule 70 of the Rules is hereby amended by the addition to the Tariff of Fees of Attorneys of the following Section:

“H—EXECUTION

	R
1. Drafting, issue and execution of a warrant of execution and all attendances in connection therewith, excluding sheriff's fees (if not taxed)	150,00
2. Reissue	30,00”.

Commencement

4. These rules shall come into operation on 10 January 1994.

BELANGRIK!!

Plasing van tale: *Staatskoerante*

1. Hiermee word bekendgemaak dat die omruil van tale in die *Staatskoerant* jaarliks geskied met die eerste uitgawe in Oktober.
2. Vir die tydperk 1 Oktober 1993 tot 30 September 1994 word Afrikaans EERSTE geplaas.
3. Hierdie reëling is in ooreenstemming met dié van die Parlement waarby koerante met Wette ens. die taalvolgorde deurgaans behou vir die duur van die sitting.
4. ***Dit word dus van u, as adverteerder, verwag om u kopie met bogenoemde reëling te laat strook om onnodige omskakeling en stylredigering in ooreenstemming te bring.***

—oOo—

IMPORTANT!!

Placing of languages: *Government Gazettes*

1. Notice is hereby given that the interchange of languages in the *Government Gazette* will be effected annually from the first issue in October.
2. For the period 1 October 1993 to 30 September 1994, Afrikaans is to be placed FIRST.
3. This arrangement is in conformity with Gazettes containing Act of Parliament etc. where the language sequence remains constant throughout the sitting of Parliament.
4. ***It is therefore expected of you, the advertiser, to see that your copy is in accordance with the above-mentioned arrangement in order to avoid unnecessary style changes and editing to correspond with the correct style.***

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