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GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT
DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING**

No. R. 979

19 November 2010

**AMENDMENT OF THE RULES REGULATING THE CONDUCT OF THE
PROCEEDINGS OF THE SUPREME COURT OF APPEAL 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 and Constitutional Development, made the rules in the Schedule.

SCHEDULE

GENERAL EXPLANATORY NOTE:

[] Expressions in bold type in square brackets indicate omissions from existing rules.

____ Expressions underlined with a solid line indicate insertions into existing rules.

Definition

1. In this schedule "the Rules" means the Rules of the Supreme Court of Appeal published under Government Notice No. R. 1523 of 27 November 1998.

Substitution of the Table of Contents

2. The following Table of Contents is hereby substituted for the Table of Contents of the Rules:

"TABLE OF CONTENTS

<i>Rule No.</i>	<i>Heading</i>
1.	Definitions
2.	Court terms
3.	Registrar's office hours
4.	General powers and duties of registrar
5.	Power of attorney
6.	Application for leave to appeal
7.	Notice of appeal
8.	Record
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<u>10A.</u>	<u>Practice note</u>
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12.	Application for condonation
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14.	Oral argument
15.	<i>In forma pauperis</i>
16.	<i>Amicus curiae</i> submissions
17.	Taxation of costs
18.	Attorneys' fees
19.	Fees of the court
20.	Repeal of rules
21.	Short title and commencement
<u>Form 1</u>	<u>Notice of Motion".</u>

Amendment of rule 1 of the Rules

3. Rule 1 of the Rules is hereby amended by the deletion of the word "and" after the definition of "party" and the insertion after that definition of the following definition:

“President’ means the President of the Court and, in his or her absence, includes the Deputy President of the Court.”.

Amendment of rule 2 of the Rules

4. The following rule is hereby substituted for rule 2 of the Rules:

“Court Terms

Terms

2. (1) There shall be four terms in each year as follows:
- 15 February to 31 March, inclusive;
 - 1 May to 31 May, inclusive;
 - 15 August to 30 September, inclusive;
 - 1 November to 30 November, inclusive.

Hearing case out of term

- (2) A matter may be heard out of term if the **[Chief Justice]** President so directs.

Commencement of term

- (3) If the day fixed for the commencement of a term is not a court day, the term shall commence on the next succeeding court day and, if the day fixed for the end of a term is not a court day, the term shall end on the business day preceding.”.

Amendment of rule 3 of the Rules

5. Rule 3 of the Rules is hereby amended—

(a) by the insertion before subrule (1) of the following subheading:

“Hours”; and

(b) by the insertion before subrule (2) of the following subheading:

“Exceptional cases”.

Substitution of rule 4 of the Rules

6. The following rule is hereby substituted for rule 4 of the Rules:

“General powers and duties of registrar**Filing of documents**

4. (1) (a) The registrar may refuse to accept any document tendered for lodging if, in the registrar’s opinion, it does not comply with these rules: Provided that if proper copies of the rejected documents are submitted within 10 days of rejection, such lodging shall not be deemed untimely.
- (b) The registrar may provisionally accept, in lieu of the original document tendered for lodging, a copy (including a facsimile or other electronic copy) thereof, but the original shall be filed within 10 days thereafter.
- (c) The registrar may not accept documents in relation to an appeal on the date of the hearing of that appeal.

Maintaining of court records

- (2) (a) A notice of appeal or the first application in an intended appeal shall be numbered by the registrar with a consecutive number for the year during which it is filed.
- (b) Every document lodged afterwards in such a case shall be marked with that number by the party lodging it and shall not be received by the registrar until so marked.
- (c) All the documents delivered to the registrar to be filed in a case shall be filed by a registrar in a case file under the number of such case.
- (d) The registrar shall maintain the Court’s records and shall not permit any of them to be removed from the court building, except as authorised by the registrar.
- (e) Any document lodged with the registrar and made part of the Court’s records shall not thereafter be withdrawn permanently from the official court files.

Inspection and copying

- (3) **[Copies of any document forming part of the Court's records may be made by any person in the presence of the registrar: Provided that the registrar shall, at the request of a party, make a copy of a recorded order, settlement or judgment on payment of the prescribed court fees and the registrar shall certify that copy or photocopy to be a true copy of the original.]**
- (a) Documents filed for Court purposes are public documents and may be inspected by any person in the presence of the registrar.
- (b) Copies of any document forming part of the Court's records may be made by any person in the presence of the registrar.
- (c) The registrar shall, at the request of a party, make a copy of a recorded order, settlement or judgment on payment of the prescribed court fees and the registrar shall certify that copy or photocopy to be a true copy of the original.

Settlement of disputes with registrar

- (4) If a dispute arises as to the correctness of any ruling by the registrar, the registrar shall refer the dispute to a judge for a final ruling.

Communications with judges

- (5) Any communication directed to the President or any Judge must be done through the office of the registrar."

Substitution of rule 5 of the Rules

7. The following rule is hereby substituted for rule 5 of the Rules:

"Power of attorneyWhen required

5. (1) A power of attorney need not be filed, but the authority of a legal practitioner to act on behalf of any party may, within **[one month]** 10 days after it has come to the notice of any other party that the legal

practitioner is so acting, or with the leave of the Court on good cause shown at any time before judgment, be disputed by notice, whereafter upon expiry of **[one month] 10 days** after service of the notice the legal practitioner shall no longer so act, unless a power of attorney is lodged with the registrar within that **[month] period**.

Format

- (2) Every power of attorney shall be signed by or on behalf of the party giving it, and shall otherwise be executed according to law.

Exemptions

- (3) No power of attorney shall be required to be filed by—
- (a) **[an attorney-general] the National Prosecuting Authority;**
 - (b) a legal practitioner acting *pro deo* or *amicus curiae*; or
 - (c) the State Attorney, any deputy state attorney or any professional assistant to the State Attorney, or any attorney instructed in writing or by telegram or facsimile by or on behalf of the State Attorney or a deputy state attorney in any matter in which the State Attorney or deputy state attorney is acting as such by virtue of any statute.”

Substitution of rule 6 of the Rules

8. The following rule is hereby substituted for rule 6 of the Rules:

”Application for leave to appeal

Filing of application

6. (1) In every matter where leave to appeal is by law required of the Court, an application therefor shall be lodged in **[duplicate] triplicate** with the registrar within the time limits prescribed by that law.

Annexures required

- (2) Every such application shall be accompanied by—
- (a) a copy of the order of the court *a quo* appealed against;
 - (b) where leave to appeal has been refused by that court, a copy

of that order;

- (c) a copy of the judgment delivered by the court *a quo*; and
- (d) where leave to appeal has been refused by that court, a copy of the judgment refusing such leave:

Provided that the registrar may, on written request, extend the period for the filing of a copy of the judgment or judgments for a period not exceeding one month.

Answer

- (3) Every affidavit in answer to an application for leave to appeal shall be lodged in **[duplicate]** triplicate within one month after service of the application on the respondent.

Reply

- (4) An applicant who applied for leave to appeal shall, within 10 days after an affidavit referred to in subrule (3) has been received, be entitled to lodge an affidavit in reply dealing strictly only with new matters raised in the answer.

Format of application, answer and reply

- (5) Every application, answer and reply—
 - (a) shall—
 - (i) be clear and succinct and to the point;
 - (ii) furnish fairly all such information as may be necessary to enable the Court to decide the application;
 - (iii) deal with the merits of the case only in so far as is necessary for the purpose of explaining and supporting the particular grounds upon which leave to appeal is sought or opposed;
 - (iv) be properly and separately paginated; and
 - (b) shall not—
 - (i) be accompanied by the record[, or];
 - (ii) traverse extraneous matters; or
 - (iii) exceed, for the founding affidavit and answer 30 pages each and for the reply 10 pages.

Request for further documents

- (6) The judges considering the application may call for—
- (a) submissions or further affidavits;
 - (b) the record or portions of it; and
 - (c) additional copies of the application.

Time for filing further documents

- (7) The party concerned shall lodge the required documents within the period prescribed by the registrar.

Failure to comply

- (8) If the party concerned fails to comply with a direction by the registrar or fails to cure the defects in the application within the period directed, the **[registrar shall refer the matter to the judges assigned to the application who may dispose of it in its incomplete form] application shall lapse.**

Amendment of rule 9 of the Rules

9. Rule 9 of the Rules is hereby amended—

(a) by the insertion before subrule (1) of the following subheading:

“When required”; and

(b) by the insertion before subrule (2) of the following subheading:

“Form or amount of security”.

Substitution of rule 10 of the Rules

10. The following rule is hereby substituted for rule 10 of the Rules:

“Heads of argument**Filing**

10. (1) Unless the **[Chief Justice] President** otherwise directs—

- (a) the appellant shall lodge with the registrar six copies of his or her main heads of argument within **[three months] six weeks** from the lodging of the record; and
- (b) the respondent shall lodge with the registrar six copies of his or her main heads of argument within **[two months] one month** from the receipt of the appellant's heads of argument.

Urgency

- (2) When the lodging of an application or record of appeal with the registrar does not allow the heads of argument to be lodged and served in terms of subrule (1), the applicant or appellant, as the case may be, shall file the same without delay and the respondent shall thereafter file the argument in answer as soon as possible.

Failure to file

- (2A) (a) If the appellant fails to lodge heads of argument within the prescribed period or within the extended period, the appeal shall lapse.
- (b) If, after the appellant has filed heads of argument, the respondent fails to lodge heads of argument within the prescribed period or within the extended period, the appeal shall be enrolled for hearing and the Court may at the hearing in the absence of the defaulting party, and after hearing argument, make such order as it deems fit.

Format

- (3) (a) (i) The heads of argument shall be clear, succinct and without unnecessary elaboration.
- (ii) Each point should be numbered and be stated as concisely as the nature of the case allows and must be followed by a reference to the record or an authority in support of the point.
- (b) (i) The heads of argument shall not contain lengthy quotations from the record or authorities.
- (ii) The heads of argument must state, in respect of each

authority cited, the proposition of law that the authority states, and if more than one authority is cited for a proposition the reason for citing the additional authorities must be stated.

- (c) References to authorities and the record shall not be general but to specific pages and paragraphs.
- (d)
 - (i) The heads of argument of the appellant shall **[, if appropriate to the appeal,]** be accompanied by a chronology table, duly cross-referenced, without argument.
 - (ii) If the respondent disputes the correctness of the chronology table in a material respect, the respondent's heads of argument shall be accompanied by the respondent's version of the chronology table.
- (e)
 - (i) The heads of argument shall be accompanied by a list of the authorities to be quoted in support of the argument and shall indicate with an asterisk the authorities to which particular reference will be made during the course of argument.
 - (ii) If any such authority is not readily available, copies of the text relied upon shall accompany the heads of argument in a separate volume.
 - (iii) The heads of argument shall define the form of order sought from the Court.
- (f) **[If reliance is placed on subordinate legislation, a copy of such legislation.]** A photocopy, or a printout from an electronic database, of those provisions of any statute, regulation, rule, ordinance or by-law directly at issue, shall accompany the heads of argument in a separate volume.
- (g) The heads of argument of any appellant or respondent shall not exceed 40 pages, unless a judge, on request, otherwise orders.

Form

- (4) (a) The heads of argument shall be clearly typed on stout A4 standard paper in double-spacing in black record ink, on one side of the paper only.
- (b) All annexures to the heads of argument shall be bound separately.
- (c) Heads of argument and annexures thereto shall be bound with plastic comb binders and card covers, white for the appellant and blue for the respondent.

Cross-appeals

- (5) Cross-appeals do not require a separate set of heads of argument. In all cases where there is an appeal and a cross-appeal, the appellant's main heads of argument under rule 10(1)(b) shall follow the same pattern."

Insertion of rule 10A in the Rules

11. The following rule is hereby inserted in the Rules after rule 10:

"Practice note**Contents**

10A. The heads of argument of each party must be accompanied by—

- (a) a brief typed note indicating—
- (i) the name and number of the matter;
- (ii) the nature of the appeal;
- (iii) a concise statement of the basis for jurisdiction in this Court, including the statutory provisions and time factors on which jurisdiction rests;
- (iv) if that party wishes to raise a constitutional question relating to the constitutional validity or the constitutional applicability of any law or the constitutional validity or applicability or extension of a common law rule, a concise definition of the question;

- (v) the issues on appeal succinctly stated (for example 'negligence in MVA case', 'admissibility of a confession', 'interpretation of ...');
 - (vi) an estimate of the duration of the argument;
 - (vii) if more than one day is required for argument, the reasons for the request;
 - (viii) which portions or pages of the record are in a language other than English;
 - (ix) a list reflecting those parts of the record that, in the opinion of counsel, are necessary for the determination of the appeal;
 - (x) a summary of the argument, not exceeding 100 words;
 - (xi) if a core bundle is not appropriate for the appeal, the reasons for the conclusion;
 - (xii) that there was due and timeous compliance with rule 8(8) and (9), and if not, why not; and
- (b) a certificate signed by the legal practitioner responsible for the heads of argument that rules 10 and 10A(a) have been complied with."

Substitution of rule 11 of the Rules

12. The following rule is hereby substituted for rule 11 of the Rules:

"Powers of the [Chief Justice] President or the Court

Powers

11. (1) The [Chief Justice] President or the Court may mero motu, on request or on application—
- (a) **[mero motu, on request or on application,]** extend or reduce any time period prescribed in these rules and may condone non-compliance with these rules;
 - (b) give such directions in matters of practice, procedure and the disposal of any appeal, application or interlocutory matter as the [Chief Justice] President or the Court may consider just

and expedient.”.

Delegation

- (2) Any power or authority vesting in the **[Chief Justice]** President in terms of these rules may be exercised by a judge or judges designated by the **[Chief Justice]** President for that purpose.”

Insertion of rule 11A in the Rules

13. The following rule is hereby inserted in the Rules after rule 11:

“Non-compliance with rules

- 11A.** The Court may make an order for costs to be borne personally by any party or attorney or counsel if the hearing of the appeal is adversely affected by the failure of that party or his or her legal representative to comply with these rules.”

Substitution of rule 12 of the Rules

14. The following rule is hereby substituted for rule 12 of the Rules:

“Application for condonation

Filing

12. (1) In every matter where condonation is sought, the application shall be lodged in **[duplicate]** triplicate with the registrar.

Answer

- (2) Every affidavit in answer to an application for condonation shall be lodged in **[duplicate]** triplicate with the registrar within one month after service of the application on the respondent.

Reply

- (3) The applicant shall lodge with the registrar any reply in **[duplicate]** triplicate within 10 days of receipt of the answering affidavit.

Form

- (4) Every application, answer or reply shall—
- (a) be clear and succinct and to the point;
 - (b) furnish fairly all such information as may be necessary to enable the Court to decide the application; and
 - (c) deal with the merits of the case only in so far as is necessary for the purpose of explaining and supporting the particular grounds upon which the application is sought or opposed.

Request for further documents

- (5) The judges considering the application may call for—
- (a) submissions or further affidavits;
 - (b) the record or portions of it; and
 - (c) additional copies of the application,
- and the party concerned shall lodge with the registrar the required documents within the period prescribed.

Failure to comply

- (6) If the applicant fails to comply with a direction by the Court or the registrar or to complete the application within the period prescribed, the **[registrar shall refer the matter to the judges assigned to the application who may dispose of it in its incomplete form]** application shall lapse.”

Substitution of rule 13 of the Rules

15. The following rule is hereby substituted for rule 13 of the Rules:

“Set-downNotification

13. (1) The registrar shall, subject to the directions of the **[Chief Justice]** President, notify each party by registered letter of the date of hearing.

Address

- (2) A registered letter forwarded to a party's last-known address shall be

deemed to be sufficient notice of the date of the hearing.

Non-appearance

- (3) If the applicant or appellant fails to appear at the date thus notified, the application or appeal shall be dismissed for non-prosecution, unless the Court otherwise directs.

Unavailability of counsel

- (4) Where a pending appeal is awaiting enrolment the registrar must be informed immediately—
- (a) if counsel for either party is due to be unavailable in the next ensuing term; and
- (b) if enrolment may clash with religious holidays which any of the legal representatives or parties in the case wish to observe.”.

Amendment of rule 14 of the Rules

16. Rule 14 of the Rules is hereby amended—

(a) by the insertion before subrule (1) of the following subheading:
“Time limits”; and

(b) by the insertion before subrule (2) of the following subheading:
“Language”.

Amendment of rule 15 of the Rules

17. Rule 15 of the Rules is hereby amended by the substitution for subrule (4) of the following subrule:

- “(4) Any party dissatisfied with a ruling of the registrar under this rule may apply to the **[Chief Justice]** President for a revision in chambers.”.

Substitution of rule 16 of the Rules

18. The following rule is hereby substituted for rule 16 of the Rules:

"Amicus curiae submissions**Admission as amicus**

16. (1) Subject to this rule, any person interested in any matter before the Court may, with the written consent of all the parties in the matter before the Court given not later than the time specified in subrule (5), be admitted therein as an *amicus curiae* upon such terms and conditions and with such rights and privileges as may be agreed upon in writing with all the parties before the Court or as may be directed by the **[Chief Justice] President** in terms of subrule (3).

Admission by consent

(2) The written consent referred to in subrule (1) shall, within 10 days of it having been obtained, be lodged with the registrar and the *amicus curiae* shall, in addition to any other provision, comply with the times agreed upon for the lodging of written argument.

Amendment of consent

(3) The **[Chief Justice] President** may amend the terms, conditions, rights and privileges agreed upon in terms of subrule (1).

Application to be admitted

(4) If the written consent referred to in subrule (1) has not been secured, any person who has an interest in any matter before the Court may apply to the **[Chief Justice] President** to be admitted therein as an *amicus curiae*, and the **[Chief Justice] President** may grant such application upon such terms and conditions and with such rights and privileges as he or she may determine.

Time for application

(5) An application pursuant to the provisions of subrule (4) shall be made within one month after the record has been lodged with the registrar.

Format

- (6) An application to be admitted as an *amicus curiae* shall—
- (a) briefly describe the interest of the *amicus curiae* in the proceedings;
 - (b) briefly identify the position to be adopted by the *amicus curiae* in the proceedings;
 - (c) set out the submissions to be advanced by the *amicus curiae*, their relevance to the proceedings and his or her reasons for believing that the submissions will be useful to the Court and different from those of the other parties.

Argument

- (7) (a) An *amicus curiae* shall have the right to lodge written argument, provided that such written argument does not repeat any matter set forth in the argument of the other parties and raises new contentions which may be useful to the Court.
- (b) The heads of argument of an *amicus curiae* shall not exceed 20 pages unless a judge, on request, otherwise orders.

Limitations

- (8) An *amicus curiae* shall be limited to the record on appeal and may not add thereto and, unless otherwise ordered by the Court, shall not present oral argument.

Filing of heads

- (9) An order granting leave to be admitted as an *amicus curiae* shall specify the date of lodging the written argument of the *amicus curiae* or any other relevant matter.

Costs

- (10) An order of the Court dealing with costs may make provision for the payment of costs incurred by or as a result of the intervention of the *amicus curiae*."

Insertion of rule 16A in the Rules

19. The following rule is hereby inserted in the Rules after rule 16:

“Withdrawal or settlement

- 16A.** (1) The appellant shall inform the registrar immediately it becomes known that an appeal is to be postponed or has been settled.
- (2) An attorney who wishes to withdraw as attorney of record must comply with the procedure prescribed by Uniform rule 16(4).”.

Substitution of Rule 17 of the Rules

20. The following Rule is hereby substituted for Rule 17 of the Rules:

“Taxation of costs**Taxation**

17. (1) The costs incurred in any appeal or application shall be taxed by the registrar who, when exercising this function, shall be called the taxing master, but his or her taxation shall be subject to review **[of the court]** in terms of subrule (3).

VAT

- (2) Value-added tax may be added to all costs, fees, disbursements and tariffs in respect of which value-added tax is chargeable.

Statement of case

- (3) Any party dissatisfied with the ruling of the taxing master as to any item or part of an item which was objected to or disallowed *mero motu* by the taxing master may within 20 days of the *allocatur* require the taxing master to state a case for the decision of the **[court] President**, which case shall set out each item or part of an item together with the grounds of objection advanced at the taxation, and shall embody any relevant findings of facts by the taxing master.

Contentions of parties

- (4) The taxing master shall supply a copy of the stated case to each of

the parties who may within 15 days of receipt of the copy submit contentions in writing thereon, including grounds of objection not advanced at the taxation, in respect of any item or part of an item which was objected to before the taxing master or disallowed *mero motu* by the taxing master.

Report

- (5) Thereafter the taxing master shall frame his or her report and shall supply a copy thereof to each of the parties and shall forthwith lay the case, together with the contentions of the parties thereon and his or her report, before the **[Court] President**.

Hearing of review

- (6) **[After the taxing master has so laid his or her report before the Court he or she shall, subject to the directions of the Chief Justice, notify the parties or their respective attorneys of the date of hearing]**
- (a) The President or a judge or judges designated by him or her may—
- (i) decide the matter upon the merits of the case and submissions so submitted;
 - (ii) require any further information from the taxing master;
 - (iii) if deemed fit, hear the parties or their advocates or attorneys in chambers; or
 - (iv) refer the case for decision to the Court.
- (b) Any further information to be supplied by the taxing master to the judge or judges must also be supplied to the parties who may within 10 days after receipt thereof, make written submissions thereon to the taxing master, who shall forthwith lay such information together with any submissions of the parties thereon before the judge or judges.

Costs orders

- (7) The judge, judges or court deciding the matter may make such order as to costs of the case as deemed fit, including an order that the

unsuccessful party pay to the successful party the costs of review in a sum fixed by the judge, judges or Court.”.

Commencement

21. These rules shall come into operation on 24 December 2010.

No. R. 979

19 November 2010

WYSIGING VAN DIE REËLS WAARBY DIE VERRIGTINGE VAN DIE HOOGSTE HOF VAN APPEL 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 en Staatkundige Ontwikkeling, die reëls in die Bylae gemaak.

BYLAE**ALGEMENE VERDUIDELIKENDE NOTA:**

[] Uitdrukings in vet druk tussen vierkantige hakies dui skappings uit bestaande reëls aan.

_____ Uitdrukings met 'n volstreep daaronder dui invoegings in bestaande reëls aan.

Woordskrywing

In hierdie Bylae beteken "die Reëls" die Reëls van die Hoogste Hof van Appèl afgekondig by Goewermentskennisgewing No. R. 1523 van 27 November 1998.

Vervanging van die Inhoudsopgawe

2. Die Inhoudsopgawe van die Reëls word hierby deur die volgende Inhoudsopgawe vervang:

"INHOUDSOPGAWE

<i>Reël No.</i>	<i>Opskrif</i>
1.	Woordomskrywing
2.	Hoftermyne
3.	Kantoorure van griffier
4.	Algemene bevoegdhede en pligte van griffier
5.	Volmag
6.	Aansoek om verlof om te appelleer
7.	Kennisgewing van appèl
8.	Oorkonde
9.	Sekuriteit
10.	Betoogpunte
<u>10A.</u>	<u>Praktykkennisgewing</u>
11.	Bevoegdhede van die [Hoofregter] <u>President</u> of die Hof
<u>11A.</u>	<u>Nie-nakoming van reëls</u>
12.	Aansoek om kondonاسie
13.	Terrolleplasing
14.	Mondelinge betoog
15.	<i>In forma pauperis</i>
16.	<i>Amicus curiae</i> -voorleggings
17.	Taksasie van koste
18.	Prokureursgelde
19.	Hofgelde
20.	Herroeping van reëls
21.	Kort titel en inwerkingtreding
<u>Vorm 1</u>	<u>Kennisgewing van Mosie".</u>

Wysiging van reël 1 van die Reëls

3. Reël 1 van die Reëls word hierby gewysig deur die skraping van die woord

“en” na die definisie van “party” en die invoeging na daardie definisie van die volgende definisie:

“President’ beteken die President van die Hof en, in sy of haar afwesigheid, sluit in die Adjunk-President van die Hof;”.

Wysiging van reël 2 van die Reëls

4. Reël 2 van die Reëls word hierby deur die volgende reël vervang:

“Hoftermyne

Termyne

2. (1) Daar is vier sittingstermyne in elke jaar soos volg:
Van 15 Februarie tot en met 31 Maart;
Van 1 Mei tot en met 31 Mei;
Van 15 Augustus tot en met 30 September;
Van 1 November tot en met 30 November.

Aanhoor van ‘n saak buite die termyn

- (2) ‘n Saak kan buite die termyn aangehoor word indien die **[Hoofregter]** President aldus voorskryf.

Aanvang van termyn

- (3) Indien die dag bepaal vir die aanvang van ‘n termyn nie ‘n hofdag is nie, begin die termyn op die eersvolgende hofdag en, indien die dag bepaal vir die beëindiging van ‘n termyn nie ‘n hofdag is nie, eindig die termyn op die voorafgaande hofdag.”.

Wysiging van reël 3 van die Reëls

5. Reël 3 van die Reëls word hierby gewysig—

- (a) deur die invoeging van die volgende subopskrif voor subreël (1):
“Ure”; en

- (b) deur die invoeging van die volgende subopskrif voor subreël (2):
“Buitengewone sake”.

Vervanging van reël 4 van die Reëls

6. Reël 4 van die Reëls word hierby deur die volgende reël vervang:

“Algemene bevoegdhede en pligte van die griffier

Indien van dokumente

4. (1) (a) Die griffier kan weier om enige dokument wat vir indiening aangebied word te ontvang indien dit na die mening van die griffier nie aan hierdie reëls voldoen nie: Met dien verstande dat indien behoorlike afskrifte van die afgekeurde dokumente binne 10 dae na afkeuring heringedien word, sodanige indiening nie ontydig geag mag word nie.
- (b) Die griffier kan voorlopig, in die plek van die oorspronklike dokument wat vir indiening aangebied is, 'n afskrif daarvan (insluitende 'n faksimilee of ander elektroniese afskrif) aanvaar maar die oorspronklike moet binne 10 dae daarna ingedien word.
- (c) Die griffier kan nie dokumente wat verband hou met 'n appèl op die datum van die verhoor van sodanige appèl aanvaar nie.

Bewaring van oorkondes van die Hof

- (2) (a) 'n Kennisgewing van appèl of die eerste aansoek in 'n voorgenome appèl word deur die griffier genommer met die volgnommer vir die jaar waain dit ingedien word.
- (b) Elke daaropvolgende dokument wat in so 'n saak ingedien word, word deur die party wat dit indien, met daardie nommer gemerk en word nie deur die griffier in ontvangs geneem alvorens dit aldus gemerk is nie.
- (c) Alle dokumente wat in 'n saak vir liassering by die griffier ingedien word, word deur die griffier in 'n saakomslag onder die nommer van sodanige saak geliasseer.

- (d) Die griffier bewaar die oorkondes van die Hof en laat nie toe dat enige gedeelte daarvan uit die hofgebou verwyder word nie, behalwe soos deur die griffier gemagtig.
- (e) Enige dokument wat by die griffier ingedien is en deel uitmaak van die oorkonde van die Hof, mag nie daarna permanent uit die amptelike hoflêers verwyder word nie.

Besigtiging en kopiëring

- (3) **[Afskrifte van 'n dokument wat deel uitmaak van die oorkonde van die Hof, kan deur enige persoon in die teenwoordigheid van die griffier gemaak word: Met dien verstande dat die griffier op versoek van 'n party 'n afskrif van 'n genotuleerde bevel, skikking of uitspraak moet maak teen betaling van die voorgeskrewe hofgelde en die griffier daardie afskrif of fotokopie as 'n ware afskrif van die oorspronklike moet waarmerk.]**
 - (a) Dokumente wat vir Hofdoeleindes geliaseer word is openbare dokumente en kan deur enige persoon in die teenwoordigheid van die griffier besigtig word.
 - (b) Afskrifte van 'n dokument wat deel uitmaak van die oorkonde van die Hof kan deur enige persoon in die teenwoordigheid van die griffier gemaak word.
 - (c) Die griffier moet, op versoek van 'n party, 'n afskrif maak van 'n genotuleerde bevel, skikking of uitspraak teen betaling van die voorgeskrewe hofgelde en die griffier moet daardie afskrif of fotokopie as 'n ware afskrif van die oorspronklike waarmerk.

Skikking van geskille met griffier

- (4) Indien 'n geskil ontstaan met betrekking tot die korrektheid van enige beslissing deur die griffier, moet die griffier die geskil na 'n regter vir finale beslissing verwys

Woordvoering met regters

- (5) Enige woordvoering met die President of 'n Regter, moet aan die kantoor van die griffier gerig word."

Vervanging van reël 5 van die Reëls

7. Reël 5 van die Reëls word hierby deur die volgende reël vervang:

“Volmag

Wanneer benodig

5. (1) 'n Volmag hoef nie ingedien te word nie, maar die magtiging van 'n regspraktisyn om namens enige party op te tree kan binne **[een maand] 10 dae** nadat dit tot die kennis van enige party gekom het dat die regspraktisyn aldus optree, of met verloop van van die Hof indien goeie gronde te eniger tyd voor uitspraak aangevoer word, by kennisgewing betwis word waarna die regspraktisyn na verstryking van **[een maand] 10 dae** na betekening van die kennisgewing nie langer aldus mag optree nie, tensy 'n volmag binne daardie **[maand] tydperk** by die griffier ingedien word.

Formaat

(2) Elke volmag moet deur of namens die party wat dit gee, onderteken en origens behoorlik volgens die reg verly wees.

Vrystellings

(3) Geen volmag hoef ingedien te word nie deur—

- (a) **[‘n prokureur-generaal] die Nasionale Vervolgingsgesag;**
- (b) 'n regspraktisyn wat *pro deo* of *amicus curiae* optree; of
- (c) die Staatsprokureur, 'n adjunkstaatsprokureur of 'n professionele assistent van die Staatsprokureur, of 'n prokureur aan wie skriftelik of per telegram of faksimilee deur of namens die Staatsprokureur of adjunkstaatsprokureur opdrag gegee is in enige aangeleentheid waarin die Staatsprokureur of adjunkstaatsprokureur amptelik optree uit hoofde van enige wet.”

Vervanging van reël 6 van die Reëls

8. Reël 6 van die Reëls word hierby deur die volgende reël vervang:

"Aansoek om verlof om te appelleer

Indiening van 'n aansoek

6. (1) In elke aangeleentheid waarin verlof om te appelleer regtens van die Hof vereis word, moet 'n aansoek daarvoor in **[tweevoud]** drievoud binne die tydsbeperkinge wat deur sodanige wet voorgeskryf word, by die griffier ingedien word.

Aanhangsels benodig

- (2) Elke sodanige aansoek moet vergesel gaan van—
- (a) 'n afskrif van die bevel van die hof *a quo* waarteen geappelleer word;
 - (b) waar verlof om te appelleer deur daardie hof geweier is, 'n afskrif van daardie bevel;
 - (c) 'n afskrif van die uitspraak deur die hof *a quo* gegee; en
 - (d) waar verlof om te appelleer deur daardie hof geweier is, 'n afskrif van die uitspraak wat sodanige verlof weier:

Met dien verstande dat die griffier, op skriftelike versoek die tydperk vir die indiening van 'n afskrif van die uitspraak of uitsprake vir 'n tydperk wat nie een maand oorskry nie, kan verleng.

Antwoord

- (3) Elke beëdigde verklaring in antwoord op 'n aansoek om verlof om te appelleer, moet binne een maand na die betekening van die aansoek aan die respondent in **[tweevoud]** drievoud ingedien word.

Repliek

- (4) 'n Applikant wat aansoek gedoen het om verlof om te appelleer, is daarop geregtig om binne 10 dae nadat 'n beëdigde verklaring in subreël (3) bedoel, ontvang is, 'n beëdigde verklaring in repliek in te dien wat streng slegs oor nuwe aangeleenthede wat in die antwoord geopper word, handel.

Formaat van aansoek, antwoord en repliek

- (5) Elke aansoek, antwoord en repliek—
- (a) moet—
- (i) duidelik en saaklik en op die punt af wees;
 - (ii) 'n billike uiteensetting bevat van al die inligting wat nodig is om die Hof in staat te stel om die aansoek te oorweeg;
 - (iii) op die meriete van die saak ingaan alleen vir sover dit nodig is om die bepaalde gronde waarop verlof om te appelleer gevra of teengestaan word, te verduidelik en te staaf;
 - (iv) behoorlik en afsonderlike gepagineer wees; en
- (b) moet nie—
- (i) van die oorkonde vergesel gaan nie [**;** **of**];
 - (ii) ingaan op aangeleenthede wat nie ter sake is nie; of
 - (iii) vir die aanvanklike beëdigde verklaring en antwoord, 30 bladsye elk oorskry nie en vir die repliek, 10 bladsye oorskry nie.

Versoek om verdere dokumente

- (6) Die regters wat die aansoek oorweeg, mag 'n versoek rig vir—
- (a) voorleggings of verdere beëdigde verklarings;
 - (b) die oorkonde of dele daarvan; en
 - (c) addisionele afskrifte van die aansoek.

Tydperk vir die voorlegging van verdere dokumente

- (7) Die betrokke party moet die vereiste dokumente binne die tydperk deur die griffier voorgeskryf, indien.

Versuim om aan 'n voorskrif te voldoen

- (8) Indien die betrokke party versuim om aan 'n voorskrif van die griffier te voldoen of versuim om die gebreke in die aansoek reg te stel binne die voorgeskrewe tydperk, moet die **[griffier die aangeleentheid na die regters wat aangewys is om die aansoek**

**te hanteer, verwys, wat dit in onvolledige vorm kan afhandel]
aansoek verstryk.”**

Wysiging van reël 9 van die Reëls

9. Reël 9 van die Reëls word hierby gewysig—

(a) deur die invoeging voor subreël (1) van die volgende subopskrif:

“Wanneer nodig”; en

(b) deur die invoeging voor subreël (2) van die volgende subopskrif:

“Vorm of bedrag van sekuriteit”.

Vervanging van reël 10 van die Reëls

10. Reël 10 van die Reëls word hierby deur die volgende reël vervang:

“Betoogpunte

Indiening

10. (1) Tensy die **[Hoofregter] President** anders gelas—

(a) moet die appellant by die griffier ses afskrifte van sy of haar vernaamste punte van betoog binne **[drie maande] ses weke** na die indiening van die oorkonde indien; en

(b) moet die respondent by die griffier ses afskrifte van sy of haar vernaamste punte van betoog binne **[twee maande] een maand** na die ontvangs van die appellant se betoogpunte indien.

Dringendheid

(2) As die indiening van ‘n aansoek of die oorkonde van appèl by die griffier geen geleentheid laat vir die indiening en betekening van die betoogpunte ingevolge subreël (1) nie, moet die applikant of appellant, na gelang van die geval, dit sonder versuim indien en moet die respondent daarna die betoog in antwoord daarop so gou as moontlik

indien.

Versuim om in te dien

- (2A) (a) As die appellant versuim om die betoogpunte binne die voorgeskrewe tydperk of binne die verlengde tydperk in te dien, verstryk die appèl.
- (b) As die respondent, nadat die appellant die betoogpunte ingedien het, versuim om betoogpunte binne die voorgeskrewe tydperk of binne die verlengde tydperk in te dien, word die appèl op die rol geplaas vir 'n verhoor en kan die Hof tydens die verhoor in die afwesigheid van die versuimende party en nadat die betoog aangehoor is, sodanige belissing na sy goeddunke fel.

Formaat

- (3) (a) (i) Die betoogpunte moet duidelik, saaklik en sonder onnodige besonderhede wees.
- (ii) Elke punt moet genommer wees en moet so saaklik moontlik gestel word as wat die aard van die saak toelaat, en moet gevolg word deur 'n verwysing na die oorkonde of 'n bron ter ondersteuning van die punt.
- (b) (i) Die betoogpunte moet nie lang aanhalings van die oorkonde of bronne bevat nie.
- (ii) Die betoogpunte moet ten opsigte van elke bron wat aangehaal word, die bron se regsargument aanhaal, en indien meer as een bron vir 'n regsargument aangehaal word, moet die rede vir die aanhaling van die bykomende bronne gegee word.
- (c) Verwysings na bronne en die oorkonde moet nie algemeen wees nie maar moet na spesifieke bladsye en paragrawe verwys.
- (d) (i) Die betoogpunte van die appellant moet [, indien toepaslik vir die appèl,] vergesel gaan van 'n chronologietabel, met behoorlik kruisverwysings,

- sonder betoog.
- (ii) Indien die respondent die korrektheid van die chronologietabel met betrekking tot 'n wesenlike aspek betwis, moet die respondent se betoogpunte vergesel gaan van die respondent se weergawe van die chronologietabel.
- (e)
 - (i) Die betoogpunte moet vergesel gaan van 'n lys van die bronne wat ter staving van die betoog aangehaal sal word moet met 'n asterisk die bronne aandui waarna in die besonder verwys sal word gedurende die betoog.
 - (ii) Indien enige sodanige bronne nie geredelik beskikbaar is nie, moet afskrifte van die teks waarop gesteun word die betoog in 'n afsonderlike volume vergesel.
 - (iii) Die betoogpunte moet die vorm van die bevel wat van die Hof verlang word, omskryf.
 - (f) **[Indien op ondergeskikte wetgewing gesteun word, moet 'n afskrif van sodanige wetgewing.] 'n Fotokopie of uitdrukstuk vanaf 'n elektroniese databasis van die bepalinge van 'n statuut, regulasie, reël, ordinansie of verordening wat direk ter sprake is, moet die betoogpunte in 'n afsonderlike volume vergesel.**
 - (g) Die betoogpunte van 'n appellant of respondent moet nie 40 bladsye oorskry nie, behalwe as 'n regter op versoek anders beslis.

Formaat

- (4)
 - (a) Die betoogpunte moet duidelik getik wees op stewige A4 standaardpapier in dubbele spasiëring in swart ink, op slegs een kant van die papier.
 - (b) Alle aanhangsels tot die betoogpunte moet afsonderlik gebind wees.

- (c) Betoogpunte en aanhangsels tot sodanige betoogpunte moet gebind wees met plastiek kambinders en kartonoortreksels, wit vir die appellant en blou vir die respondent.

Teenappèlle

- (5) Teenappèlle benodig nie 'n afsonderlike stel betoogpunte nie. In alle gevalle waar daar 'n appèl en 'n teenappèl voorkom, moet die appellant se vernaamste betoogpunte kragtens reël 10(1)(b) dieselfde patroon volg."

Invoeging van reël 10A in die Reëls

11. Die volgende reël word hierby in die Reëls na reël 10 ingevoeg:

"Praktykkennisgewing

Inhoud

10A. Die betoogpunte van elke party moet vergesel gaan van—

- (a) 'n saaklike getikte nota wat die volgende aandui—
- (i) die naam en nommer van die aangeleentheid;
 - (ii) die aard van die appèl;
 - (iii) 'n bondige verklaring van die basis vir regsbevoegdheid in hierdie Hof, insluitende die statutêre bepalings en tydfaktore waarop die regsbevoegdheid rus;
 - (iv) indien sodanige party begerig is om 'n grondwetlike vraag te opper wat verband hou met die grondwetlike geldigheid of die grondwetlike toepaslikheid van enige wet of die grondwetlike geldigheid of toepaslikheid of verlenging van 'n algemene wetsreël, 'n bondige definisie van die vraag;
 - (v) die sake ter sprake in die appèl moet saaklik gestel wees, (byvoorbeeld 'nalatigheid in MVO-saak', 'toelaatbaarheid van 'n bekentenis', interpretasie van ...');
 - (vi) 'n raming van die duur van die betoog;

- (vii) indien meer as een dag benodig word vir die betoog, die rede vir die versoek;
 - (viii) watter gedeeltes of bladsye van die oorkonde in 'n taal anders as Engels verskyn;
 - (ix) 'n lys wat daardie gedeeltes van die oorkonde bevat wat, na die mening van die regsadviseurs, nodig is vir die beslissing van die appèl;
 - (x) 'n opsomming van die betoog, wat nie 100 woorde oorskry nie;
 - (xi) indien 'n kernbundel nie toepaslik is vir die appèl nie, die redes vir die insluiting daarvan;
 - (xii) dat daar behoorlike en tydige nakoming was van reël 8(8) en (9), en indien nie, waarom nie; en
- (b) 'n sertifikaat onderteken deur die regspraktisyn verantwoordelik vir die betoogpunte dat reëls 10 en 10A(a) nagekom is."

Vervanging van reël 11 van die Reëls

12. Reël 11 van die Reëls word hierby deur die volgende reël vervang:

"Bevoegdhede van die [Hoofregter] President of die Hof

Bevoegdhede

11. (1) Die [Hoofregter] President of die Hof kan mero motu, of op aansoek—
- (a) **[*mero motu, of op aansoek,*] enige tydperk in hierdie reëls voorgeskryf verleng of verkort en mag nie-nakoming van hierdie reëls kondoneer;**
 - (b) sodanige voorskrifte met betrekking tot aangeleenthede van praktyk, prosedure en die afhandeling van enige appèl, aansoek of tussentydse aangeleentheid gee as wat die **[Hoofregter] President of die Hof billik en dienstig ag."**

Delegasie

- (2) Enige bevoegdheid of mag wat ingevolge hierdie reëls aan die **[Hoofregter] President** verleen word, kan deur 'n regter of regters deur die **[Hoofregter] President** vir daardie doel aangewys, uitgeoefen word.”

Invoeging van reël 11A in die Reëls

13. Die volgende reël word hierby in die Reëls na reël 11 ingevoeg:

“Nie-nakoming van reëls

- 11A.** Die Hof kan gelas dat koste persoonlik deur enige party of prokureur of regsadviseur gedra word indien die aanhoor van die appèl nadelig beïnvloed word deur die versuim van sodanige party of sy of haar regsvertegenwoordiger om hierdie reëls na te kom.”

Vervanging van reël 12 van die Reëls

14. Reël 12 van die Reëls word hierby deur die volgende reël vervang:

“Aansoek om kondonاسie

Indiening

12. (1) In elke aangeleentheid waar kondonاسie versoek word, moet die aansoek in **[tweevoud] drievoud** by die griffier ingedien word.

Antwoord

- (2) Elke antwoordende verklaring op 'n aansoek om kondonاسie moet in **[tweevoud] drievoud** by die griffier ingedien word binne een maand nabetekening van die aansoek aan die respondent.

Repliek

- (3) Die applikant moet enige repliek in **[tweevoud] drievoud** by die griffier indien binne 10 dae na ontvangs van die antwoordende verklaring.

Formaat

- (4) Elke aansoek, antwoord of repliek moet—
- (a) duidelik en saaklik en op die punt af wees;
 - (b) 'n billike uiteensetting bevat van al die inligting wat nodig is om die Hof in staat te stel om die aansoek te oorweeg; en
 - (c) op die meriete van die saak ingaan alleen vir sover dit nodig is om die bepaalde gronde waarop verlof om te appelleer aangevra of teengestaan word, te verduidelik en te staaf.

Versoek om verdere dokumente

- (5) Die regters wat die aansoek oorweeg, mag 'n versoek rig vir—
- (a) voorleggings of verdere beëdigde verklarings;
 - (b) die oorkonde of dele daarvan; en
 - (c) addisionele afskrifte van die aansoek,
- en die betrokke party moet die vereiste dokumente binne die voorgeskrewe tydperk by die griffier indien.

Versuim om aan 'n voorskrif te voldoen

- (6) Indien die applikant versuim om aan 'n voorskrif van die Hof of die griffier te voldoen of om die aansoek binne die voorgeskrewe tydperk te voltooi, moet die **[griffier die aangeleentheid na die regters wat aangewys is om die aansoek te hanteer, verwys wat dit in onvolledige vorm kan afhandel] aansoek verstryk**.”.

Vervanging van reël 13 van die Reëls

15. Reël 13 van die Reëls word hierby deur die volgende reël vervang:

“Terrolleplasing

Kennisgewing

- 13.** (1) Die griffier moet, behoudens die opdragte van die **[Hoofregter] President**, elke party per geregistreerde brief van die datum van die verhoor in kennis stel.

Adres

- (2) 'n Geregistreerde brief gestuur aan 'n party se laasbekende adres,

word geag voldoende kennisgewing van die datum van die verhoor te wees.

Nie-verskyning

- (3) Indien die applikant of appellant versuim om te verskyn op die datum waarvan aldus kennis gegee is, word die aansoek of appèl afgewys weens nie-voortsetting, tensy die Hof anders gelas.

Nie-beskikbaarheid van regsadviseurs

- (4) Waar 'n hangende appèl terrolleplasing afwag, moet die griffier onmiddelik in kennis gestel word—
- (a) indien regsadvies vir iedere party nie beskikbaar sal wees in die daaropvolgende termyn nie; en
- (b) indien terrolleplasing mag bots met godsdienstige vakansiedae wat enige van die regsverteenwoordigers of partye in die saak begerig sou wees om te eerbiedig."

Wysiging van reël 14 van die Reëls

16. Reël 14 van die Reëls word hierby gewysig—

(a) deur die invoeging voor subreël (1) van die volgende subopskrif:
"Tydsbeperkings"; en

(b) deur die invoeging voor subreël (2) van die volgende subopskrif:
"Taal".

Wysiging van reël 15 van die Reëls

17. Reël 15 van die Reëls word hierby gewysig deur die vervanging van subreël (4) deur die volgende subreël:

"(4) Enige party wat ontevrede is met die beslissing van die griffier kragtens hierdie reël kan by die **[Hoofregter]** President aansoek doen om 'n hersiening daarvan in kamers."

Vervanging van reël 16 van die Reëls

18. Reël 16 van die Reëls word hierby vervang deur die volgende reël:

“Amicus curiae-voorleggings

Toelating as amicus

16. (1) Behoudens hierdie reël kan enige persoon wat by enige aangeleentheid voor die Hof belang het, met die skriftelike toestemming van al die partye in die aangeleentheid voor die Hof gegee nie later nie as die tydperk in subreël (5) vermeld, as 'n *amicus curiae* daarin toegelaat word ooreenkomstig sodanige bepalings en voorwaardes en met sodanige regte en voorregte as waarvoor skriftelik deur al die partye voor die Hof ooreengekom word of soos deur die **[Hoofregter] President** ingevolge subreël (3) beveel.

Toelating deur toestemming

(2) Die skriftelike toestemming bedoel in subreël (1) moet binne 10 dae nadat dit verkry is, by die griffier ingedien word en die *amicus curiae* moet, benewens enige ander bepaling, die ooreengekome tye vir die indiening van skriftelike betoog nakom.

Wysiging van toestemming

(3) Die **[Hoofregter] President** kan die bepalings, voorwaardes, regte en voorregte waarop ooreengekom is soos in subreël (1) bedoel, wysig.

Aansoek om toelating

(4) Indien die skriftelike toestemming bedoel in subreël (1) nie verkry is nie, kan 'n persoon wat by 'n aangeleentheid voor die Hof belang het, by die **[Hoofregter] President** aansoek doen om as 'n *amicus curiae*, daarin toegelaat te word en die **[Hoofregter] President** kan sodanige aansoek toestaan ooreenkomstig sodanige bepalings en voorwaardes en met sodanige regte en voorregte as wat hy of sy bepaal.

Tydperk van aansoek

- (5) 'n Aansoek kragtens die bepalings van subreël (4) word gedoen binne een maand nadat die oorkonde by die griffier ingedien is.

Formaat

- (6) 'n Aansoek om as *amicus curiae* toegelaat te word, moet—
- (a) kortliks die belang van die *amicus curiae* in die verrigtinge beskryf;
 - (b) kortliks die standpunt wat die *amicus curiae* in die verrigtinge gaan inneem, identifiseer;
 - (c) 'n uiteensetting gee van die voorleggings wat deur die *amicus curiae* gedoen sal word, die toepaslikheid daarvan op die verrigtinge en die redes waarom hy of sy meen dat die voorleggings die Hof van hulp sal wees en verskillend van dié van die ander partye sal wees.

Betoog

- (7) (a) 'n *Amicus curiae* het die reg om skriftelike betoog in te dien, met dien verstande dat sodanige betoog nie enige ander aangeleentheid in die betoog van die ander partye herhaal nie en nuwe beweringe opwerp wat die Hof van hulp kan wees.
- (b) Die betoogpunte van 'n *amicus curiae* moet nie 20 bladsye oorskry nie tensy 'n regter op versoek anders beveel.

Beperkinge

- (8) 'n *Amicus curiae* is beperk tot die oorkonde op appèl en mag niks byvoeg nie, en mag nie, tensy die Hof anders gelas, mondelinge betoog lewer nie.

Indiening van betoog

- (9) 'n Bevel waarin toestemming verleen word om as *amicus curiae* toegelaat te word, moet die datum vir indiening van die skriftelike betoog van die *amicus curiae* of enige ander tersaaklike aangeleentheid spesifiseer.

Koste

- (10) 'n Bevel van die Hof oor koste kan voorsiening maak vir die betaling van koste aangegaan deur of as gevolg van, die tussentrede van die *amicus curiae*."

Invoeging van reël 16A in die Reëls

19. Die volgende reël word hierby in die Reëls ingevoeg na reël 16:

"Onttrekking of skikking

- 16A.** (1) Die appellant moet die griffier onmiddellik in kennis stel indien dit bekend word dat 'n appèl uitgestel of geskik is.
- (2) 'n Prokureur wat begerig is om as prokureur van die oorkonde te onttrek, moet die prosedure voorgeskryf deur Eenvormige Reël 16(4) nakom."

Vervanging van reël 17 van die Reëls

20. Reël 17 van die Reëls word hierby deur die volgende reël vervang:

"Taksasie van koste**Taksasie**

17. (1) Die koste aangegaan in 'n appèl of aansoek moet getakseer word deur die griffier wat by die uitoefening van hierdie funksie die takseermeester genoem word, maar sy of haar taksasie is onderworpe aan hersiening **[deur die hof] kragtens subreël (3).**

BTW

- (2) Belasting op toegevoegde waarde kan by alle koste, gelde, uitbetalings en tariewe ten opsigte waarvan belasting op toegevoegde waarde betaalbaar is, gevoeg word.

Saakstelling

- (3) 'n Party wat ontevrede is met die beslissing van die takseermeester

ten aansien van 'n item of deel van 'n item waarteen beswaar gemaak is of wat *mero motu* deur die takseermeester geweier is, kan binne 20 dae na die *allocatur* eis dat die takseermeester 'n gestelde saak opstel vir beslissing deur die **[Hof] President**, waarin hy of sy elke item of deel van 'n item uiteensit tesame met die gronde van beswaar wat by die taksasie geopper is, en wat enige desbetreffende feitevindings van die takseermeester bevat.

Betoog van partye

- (4) Die takseermeester moet 'n afskrif van die gestelde saak aan elk van die partye verskaf en hulle kan binne 15 dae na ontvangs van die afskrif, skriftelike betoog daarvoor voorlê met inbegrip van gronde van beswaar wat nie by die taksasie geopper uis nie ten opsigte van 'n item of deel van 'n item waarteen daar voor die takseermeester beswaar gemaak s of wat *mero motu* deur die takseermeester geweier is.

Verslag

- (5) Daarna stel die takseermeester sy of haar verslag op en verskaf 'n afskrif daarvan aan elk van die partye, en lê onverwyld die gestelde saak voor die **[Hof] President** tesame met die betoog van die partye daarvoor en sy of haar verslag.

Aanhoor van hersiening

- (6) **[Nadat die takseermeester sy of haar verslag aldus aan die Hof voorgelê het, moet hy of sy behoudens die voorskrifte van die Hoofregter, die partye of hul onderskeie prokureurs van die verhoordatum in kennis stel]**
- (a) Die President of 'n regter of regters deur hom of haar aangewys kan—
- (i) die aangeleentheid op die meriete van die saak en voorleggings wat ingedien is, beslis;
 - (ii) enige verdere inligting van die takseermeester vereis;
 - (iii) indien dit wenslik geag word, die partye of hul advokate in kamers aanhoor; of

- (iv) die saak na die Hof verwys.
- (b) Enige verdere inligting wat deur die takseermeester aan die regter of regters voorsien moet word, moet ook aan die partye voorsien word, wat binne 10 dae na ontvangs daarvan skriftelike voorleggings daaroor aan die takseermeester kan indien, wat onverwyld sodanige inligting saam met enige voorleggings van die partye aan die regter of regters moet voorlê.

Kostebevele

- (7) Die regter, regters of hof wat die saak beslis, kan sodanige bevel ten opsigte van koste uitreik indien dit wenslik geag word, insluitende 'n bevel dat die onsuksesvolle party aan die suksesvolle party die koste van hersiening betaal in 'n som bepaal deur die regter, regters of die Hof."

Inwerkingtreding

21. Hierdie reëls tree in werking op 24 Desember 2010.

No. R. 980

19 November 2010

AMENDMENT OF THE RULES REGULATING THE CONDUCT OF THE PROCEEDINGS OF THE HIGH COURTS 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 and Constitutional Development, made the rules in the Schedule.

SCHEDULE**GENERAL EXPLANATORY NOTE:**

[] Expressions in bold type in square brackets indicate omissions from existing rules.

_____ Expressions underlined with a solid line indicate insertions into existing rules.

Definition

1. In this Schedule "the Rules" means the rules regulating the conduct of the proceedings of the several provincial and local divisions of the High Court of South Africa published under Government Notice No. R.48 of 12 January 1965, as amended by Government Notices Nos. 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, R.1746 of 25 October 1996, R.2047 of 13 December 1996, R.417 of 14 March 1997, R.491 of 27 March 1997, R.700 of 16 May 1997, R.798 of 13 June 1997, R.1352 of 10 October 1997, R.785 of 5 June 1998, R.881 of 26 June 1998, R.1024 of 7 August 1998, R.1723 of 30 December 1998, R.315 of 12 March 1999, R.568 of 30 April 1999, R.1084 of 10 September 1999, R.1299 of 29 October 1999, R.502 of 19 May 2000, R.849 of 25 August 2000, R.373 of 30 April 2001, R.1088 of 26 October 2001, R.1755 of 5 December 2003, R.229 of 20 February 2004, R.1343 of 12 December 2008, R.1345 of 12 December 2008, R.516 of 8 May 2009, R.518 of 8 May 2009, R.86 of 12 February 2010, R.87 of 12 February 2010, R.88 of 12 February 2010, R.89 of 12 February 2010, R.90 of 12 February 2010, R.500 of 11 June 2010 and R.591 of 9 July 2010.

Amendment of Rule 46 of the High Court Rules

2. Rule 46 of the Rules is hereby amended by the substitution for subrule (3) of the following subrule:

“(3) (a) The mode of attachment of immovable property shall be by notice in writing by the sheriff served upon the owner thereof, and upon the registrar of deeds or other officer charged with the registration of such immovable property, and if the property is in the occupation of some person other than the owner, also upon such occupier. **[Any such notice as aforesaid shall be served by means of a registered letter, duly prepaid and posted addressed to the person intended to be served.]**

(b) Any such notice as aforesaid shall be served according to the provisions of rule 4.”

Commencement

3. This rule shall come into operation on 24 December 2010.

No. R. 980

19 November 2010

**WYSIGING VAN DIE REËLS WAARBY DIE VERRIGTINGE IN DIE HOË HOWE
VAN SUID-AFRIKA GEREËL WORD**

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

BYLAE**ALGEMENE VERDUIDELIKENDE NOTA:**

[] Uitdrukings in vet druk tussen vierkantige hakies dui skrapings uit bestaande reëls aan.

_____ Uitdrukings met 'n volstreep daaronder dui invoegings in bestaande reëls aan.

Woordomskrywing

1. In hierdie Bylae beteken "die Reëls" die reëls wat die verrigtinge in die verskillende provinsiale en plaaslike afdelings van die Hoë Hof van Suid-Afrika reel afgekondig by Goewermentskennisgewing No. R.48 van 12 Januarie 1965, soos gewysig by Goewermentskennisgewings Nos. 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, R.1746 van 25 Oktober 1996, R.2047 van 13 Desember 1996, R.417 van 14 Maart 1997, R.491 van 27 Maart 1997, R.700 van 16 Mei 1997, R.798 van 13 Junie 1997, R.1352 van 10 Oktober 1997, R.785 van 5 Junie 1998, R.881 van 26 Junie 1998, R.1024 van 7 Augustus 1998, R.1723 van 30 Desember 1998, R.315 van 12 Maart 1999, R.568 van 30 April 1999, R.1084 van 10 September 1999, R.1299 van 29 Oktober 1999, R.502 van 19 Mei 2000, R.849 van 25 Augustus 2000, R.373 van 30 April 2001, R.1088 van 26 Oktober 2001, R.1755 van 5 Desember 2003, R.229 van 20 Februarie 2004, R.1343 van 12 Desember 2008, R.1345 van 12 Desember 2008, R.516 van 8 Mei 2009, R.518 van 8 Mei 2009, R.86 van 12 Februarie 2010, R.87 van 12 Februarie 2010, R.88 van 12 Februarie 2010, R.89 van 12 Februarie 2010, R.90 van 12 Februarie 2010, R.500 van 11 Junie 2010 en R.591 van 9 Julie 2010.

Wysiging van Reël 46 van die Reëls van die Hoë Hof

2. Reël 46 van die Reëls word hierby gewysig deur die vervanging van subreël (3) deur die volgende subreël:

“(3) (a) Die wyse van beslaglegging van onroerende goed sal wees deur middel van skriftelike kennisgewing deur die balju wat aan die eienaar daarvan beteken sal word, en aan die registrateur van akte of ander beamptes belas met die registrasie van sodanige onroerende goed, en indien die goed deur iemand anders as die eienaar geokkupeer word, ook aan sodanige okkupant. **[Enige sodanige kennisgewing soos voorheen vermeld sal beteken word deur middel van ‘n geregistreeerde brief, behoorlik vooraf betaald en gepos, geadresseer aan die persoon op wie sodanige betekening van toepassing is]**

(b) Enige sodanige kennisgewing soos voorheen vermeld sal beteken word behoudens reël 4.”

Inwerkingtreëding

3. Hierdie reël tree in werking op **24 Desember 2010**.

No. R. 981

19 November 2010

AMENDMENT OF THE RULES REGULATING THE CONDUCT OF THE PROCEEDINGS OF THE HIGH COURTS 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 and Constitutional Development, made the rules in the Schedule.

SCHEDULE**GENERAL EXPLANATORY NOTE:**

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Definition

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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, R.1746 of 25 October 1996, R.2047 of 13 December 1996, R.417 of 14 March 1997, R.491 of 27 March 1997, R.700 of 16 May 1997, R.798 of 13 June 1997, R.1352 of 10 October 1997, R.785 of 5 June 1998, R.881 of 26 June 1998, R.1024 of 7 August 1998, R.1723 of 30 December 1998, R.315 of 12 March 1999, R.568 of 30 April 1999, R.1084 of 10 September 1999, R.1299 of 29 October 1999, R.502 of 19 May 2000, R.849 of 25 August 2000, R.373 of 30 April 2001, R.1088 of 26 October 2001, R.1755 of 5 December 2003, R.229 of 20 February 2004, R.1343 of 12 December 2008, R.1345 of 12 December 2008, R.516 of 8 May 2009, R.518 of 8 May 2009, R.86 of 12 February 2010, R.87 of 12 February 2010, R.88 of 12 February 2010, R.89 of 12 February 2010, R.90 of 12 February 2010, R.500 of 11 June 2010 and R.591 of 9 July 2010.

Amendment of Rule 45 of the Rules

2. Rule 45 of the Rules is hereby amended by the substitution for subrule (1) of the following subrule:

“(1) [The party in whose favour any judgment of the court has been pronounced] A judgment creditor may, at his or her own risk, sue out of the office of the registrar one or more writs for execution thereof [as near as may be in accordance] corresponding substantially with Form 18 of the First Schedule. [Provided that, except where immovable property has been specially declared executable by the court or, in the case of a judgment granted in terms of rule 31 (5), by the registrar, no such process shall issue against the immovable property of any person until a return shall have been made of any process which may have been issued against his movable property, and the registrar perceives therefrom that the said person has not sufficient movable property to satisfy the writ.]”

Amendment of Rule 46 of the Rules

3. Rule 46 of the Rules is hereby amended by the substitution for subrule (1) of the following subrule:

“(1) (a) No writ of execution against the immovable property of any judgment debtor shall issue until –

(i) a return shall have been made of any process which may have been issued against the movable property of the judgment debtor from which it appears that

the said person has not sufficient movable property to satisfy the writ; or
(ii) such immovable property shall have been declared to be specially executable
by the court or, in the case of a judgment granted in terms of rule 31 (5), by the
registrar: Provided that, where the property sought to be attached is the primary
residence of the judgment debtor, no writ shall issue unless the court, having
considered all the relevant circumstances, orders execution against such
property.”

[(i)] (b) A writ of execution against immovable property shall contain a full description
of the nature and situation (including the address) of the immovable property to
enable it to be traced and identified by the sheriff; and shall be accompanied by
sufficient information to enable him or her to give effect to subrule (3) hereof.”

Commencement

4. These rules shall come into operation on 24 December 2010.

No. R. 981

19 November 2010

**WYSIGING VAN DIE REËLS WAARBY DIE VERRIGTINGE VAN DIE HOË HOWE
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 en Staatkundige Ontwikkeling, die reëls in die Bylae gemaak.

BYLAE**ALGEMENE VERDUIDELIKENDE NOTA:**

[] Uitdrukkinge in vet druk tussen vierkantige hakies dui skrapings uit bestaande reëls aan.

___ Uitdrukkinge met 'n volstreep daaronder dui invoegings in bestaande reëls aan.

Woordomskrywing

1. In hierdie Bylae beteken "die Reëls" die reëls wat die verrigtinge in die verskillende provinsiale en plaaslike afdelings van die Hoë Hof van Suid-Afrika reël, afgekondig by Goewermentskennisgewing No. R.48 van 12 Januarie 1965, soos gewysig by Goewermentskennisgewings Nos. 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, R.1746 van 25 Oktober 1996, R.2047 van 13 Desember 1996, R.417 van 14 Maart 1997, R.491 van 27 Maart 1997, R.700 van 16 Mei 1997, R.798 van 13 Junie 1997, R.1352 van 10 Oktober 1997, R.785 van 5 Junie 1998, R.881 van 26 Junie 1998, R.1024 van 7 Augustus 1998, R.1723 van 30 Desember 1998, R.315 van 12 Maart 1999, R.568 van 30 April 1999, R.1084 van 10 September 1999, R.1299 van 29 Oktober 1999, R.502 van 19 Mei 2000, R.849 van 25 Augustus 2000, R.373 van 30 April 2001, R.1088 van 26 Oktober 2001, R.1755 van 5 Desember 2003, R.229 van 20 Februarie 2004, R.1343 van 12 Desember 2008, R.1345 van 12 Desember 2008, R.516 van 8 Mei 2009, R.518 van 8 Mei 2009, R.86 van 12 Februarie 2010, R.87 van 12 Februarie 2010, R.88 van 12 Februarie 2010, R.89 van 12 Februarie 2010, R.90 van 12 Februarie 2010, R.500 van 11 Junie 2010 en R.591 van 9 Julie 2010.

Wysiging van Reël 45 van die Reëls

2. Reël 45 van die Reëls word hierby gewysig deur die vervanging van subreël (1) deur die volgende subreël:

“(1) [Die party in wie se guns enige uitspraak van die hof beslis is] ’n Vonnisskuldeiser kan, op sy of haar eie risiko, uit die kantoor van die griffier een of meer uitwinningslasbriewe uitneem [so na moontlik bewoord] wesenlik bewoord soos Vorm 18 in die Eerste Bylae. [Met dien verstande dat, behalwe waar **onroerende goed spesiaal as vatbaar vir eksekusie deur die hof verklaar is of, in die geval waar vonnis neergelê is ooreenkomstig reël 31 (5), deur die griffier, sal geen sodanige lasbrief teen die onroerende goed van enige persoon uitgereik word totdat ’n relaas gelewer is teen enige lasbrief wat uitgereik kon wees teen sy roerende goed, en die griffier daaruit kon aflei dat sodanige persoon nie voldoende roerende goed besit om die lasbrief na te kom nie.]”**

Wysiging van Reël 46 van die Reëls

3. Reël 46 van die Reëls word hierby gewysig deur die vervanging van subreël (1) deur die volgende subreël:

“(1) (a) Geen uitwinningslasbrief teen die onroerende goed van enige vonnisskuldenaar sal uitgeneem word nie totdat –

(i) ’n relaas gemaak is teen enige lasbrief wat uitgereik kon wees teen die roerende goed van die vonnisskuldenaar en waaruit dit voorkom dat sodanige

persoon nie voldoende roerende goed besit om die lasbrief na te kom nie; of
(ii) sodanige onroerende goed spesiaal as vatbaar vir eksekusie deur die hof
verklaar is of, in die geval waar vonnis neergelê is ooreenkomstig reël 31 (5), deur
die griffier: Met dien verstande dat, waar die eiendom waarop beslag gelê gaan
word, die primêre woning van die vonnisskuldenaar is, geen lasbrief uitgereik sal
word nie behalwe as die hof, nadat alle toepaslike omstandighede in oorweging
gebring is, 'n bevel teen sodanige eiendom uitvaardig."

[(i)] (b) 'n Uitwinningslasbrief teen onroerende goed moet 'n volledige beskrywing
bevat van die aard en ligging (insluitend die adres) van die onroerende goed om die
balju in staat te stel om dit op te spoor en te identifiseer, en moet vergesel gaan van
voldoende inligting om hom of haar in staat te stel om uitvoering te gee aan subreël
(3) hiervan."

Inwerkingtreding

4. Hierdie reëls tree in werking op 24 Desember 2010.
