

REPUBLIC  
OF  
SOUTH AFRICA



REPUBLIEK  
VAN  
SUID-AFRIKA

# Government Gazette Staatskoerant

*Regulation Gazette*

**No. 5883**

*Regulasiekoerant*

Vol. 381

PRETORIA, 14 MARCH  
MAART 1997

**No. 17853**

## GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

### DEPARTMENT OF JUSTICE DEPARTEMENT VAN JUSTISIE

**No. R. 417**

**14 March 1997**

#### 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 by 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, R. 1746 of 25 October 1996 and R. 2047 of 13 December 1996.

**Amendment of rule 31 of the Rules**

2. Rule 31 of the Rules is hereby amended—

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

“(2) (a) Whenever in an action the claim or, if there is more than one claim, any of the claims is not for a debt or liquidated demand and a defendant is in default of delivery of notice of intention to defend or of a plea, the plaintiff may set the action down as provided in subrule (4) for default judgment and the court may, after hearing evidence, grant judgment against the defendant or make such order as to it seems meet.

(b) A defendant may within 20 days after he or she has knowledge of such judgment apply to court upon notice to the plaintiff to set aside such judgment and the court may, upon good cause shown, set aside the default judgment on such terms as to it seems meet.”; and

(b) by the substitution for paragraph (a) of subrule (5) of the following paragraph:

“(5) (a) Whenever a defendant is in default of delivery of notice of intention to defend or of a plea, the plaintiff, if he or she 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.”.

**Amendment of rule 36 of the Rules**

3. Rule 36 of the Rules is hereby amended by the substitution in paragraph (b) of subrule (2) for the expression “R15,00” of the expression “R75,00”.

**Commencement**

4. These rules shall come into operation on 14 April 1997.

No. R. 417

14 Maart 1997

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

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

**BYLAE****Woordomskrywing**

1. In hierdie 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, R. 1746 van 25 Oktober 1996 en R. 2047 van 13 Desember 1996.

**Wysiging van reël 31 van die Reëls****2. Reël 31 van die Reëls word hierby gewysig—**

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

“(2) (a) Wanneer die eis in 'n aksie of, indien daar meer as een eis is, enige van die eise nie vir skuld of andersins likwied is nie en 'n verweerder in verstek is met sy of haar kennisgewing van voorneme om te verdedig of met sy of haar pleit, kan die eiser die aksie ter rolle plaas soos in subreël (4) vir verstekvonnisse voorgeskryf en die hof kan, na die aanhoor van getuienis, vonnis teen die verweerder gee of na goeddunke 'n ander bevel gee.

(b) 'n Verweerder kan binne 20 dae nadat so 'n vonnis tot sy of haar kennis gekom het, met kennisgewing aan die eiser by die hof aansoek doen om tersydestelling van die vonnis en die hof kan by aanvoering van gegronde redes, die verstekvonniss tersyde stel op die voorwaardes wat hy goedvind.”; en

(b) deur paragraaf (a) van subreël (5) deur die volgende paragraaf te vervang:

“(5) (a) Wanneer 'n verweerder in verstek is met sy of haar kennisgewing van voorneme om te verdedig of met sy of haar pleit, 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.”.

**Wysiging van reël 36 van die Reëls**

**3.** Reël 36 van die Reëls word hierby gewysig deur die uitdrukking “R15,00” in paragraaf (b) van subreël (2) deur die uitdrukking “R75,00” te vervang.

**Inwerkingtreding**

**4.** Hierdie reëls tree op **14 April 1997** in werking.

No. R. 418

14 March 1997

**AMENDMENT OF THE RULES REGULATING THE CONDUCT OF THE PROCEEDINGS OF THE  
APPELLATE DIVISION 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 published under Government Notice No. R. 1207 of 15 December 1961, as amended by Government Notices Nos. R. 980 of 22 June 1962, R. 120 of 31 January 1969, R. 679 of 30 April 1971, R. 1815 of 8 October 1976, R. 2476 of 17 December 1976, R. 1547 of 28 July 1978, R. 248 of 8 February 1980, R. 1120 of 30 May 1980, 2170 of 6 October 1982, R. 644 of 25 March 1983, R. 840 of 22 April 1983, R. 1995 of 7 September 1984, R. 2093 of 13 September 1985, R. 2137 of 20 September 1985, R. 2643 of 12 December 1986, R. 1766 of 2 September 1988, R. 1930 of 10 August 1990, R. 2408 of 30 September 1991, R. 407 of 7 February 1992, R. 1884 of 3 July 1992, R. 872 of 21 May 1993 and R. 410 of 11 March 1994.

**Amendment of rule 4 of the Rules**

**2.** Rule 4 of the Rules is hereby amended by the substitution for subrule (5) of the following subrule:

“(5) Such petition shall set forth fully the financial position of the petitioner and in particular shall state that the petitioner is unable to provide sureties and that excepting household goods, wearing apparel, tools of trade and his or her interest in the subject matter of the appeal, the petitioner is not possessed of property to the amount of R10 000,00.”.

**Commencement**

**3.** These rules shall come into operation on **14 April 1997**.



No. R. 418

14 Maart 1997

# WYSIGING VAN DIE REËLS WAARBY DIE VERRIGTINGE VAN DIE APPELAFDELING 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 afgekondig by Goewermentskennisgewing No. R. 1207 van 15 Desember 1961, soos gewysig by Goewermentskennisgewings Nos. R. 980 van 22 Junie 1962, R. 120 van 31 Januarie 1969, R. 679 van 30 April 1971, R. 1815 van 8 Oktober 1976, R. 2476 van 17 Desember 1976, R. 1547 van 28 Julie 1978, R. 248 van 8 Februarie 1980, R. 1120 van 30 Mei 1980, 2170 van 6 Oktober 1982, R. 644 van 25 Maart 1983, R. 840 van 22 April 1983, R. 1995 van 7 September 1984, R. 2093 van 13 September 1985, R. 2137 van 20 September 1985, R. 2643 van 12 Desember 1986, R. 1766 van 2 September 1988, R. 1930 van 10 Augustus 1990, R. 2408 van 30 September 1991, R. 407 van 7 Februarie 1992, R. 1884 van 3 Julie 1992, R. 872 van 21 Mei 1993 en R. 410 van 11 Maart 1994.

### Wysiging van reël 4 van die Reëls

2. Reël 4 van die Reëls word hierby gewysig deur subreël (5) deur die volgende subreël te vervang:

"(5) Sodanige petisie moet die petitioner se finansiële posisie volledig uiteensit en moet uitdruklik vermeld dat die petitioner nie by magte is om borge te verskaf nie en dat, behalwe huishoudelike besittings, klerasie, gereedskap vir sy of haar ambag en sy of haar belang in die onderhawige appèl, die petitioner nie eiendom ter waarde van R10 000,00 besit nie."

### Inwerkingtreding

3. Hierdie reëls tree op 14 April 1997 in werking.

No. R. 419

14 March 1997

## 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 these rules "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 of 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, R. 1062 of 28 June 1996 and R. 1130 of 5 July 1996.

### Amendment of rule 24 of the Rules

2. Rule 24 of the Rules is hereby amended by the substitution in subparagraph (ii) of paragraph (c) of sub-rule (2) for the expression "R6" of the expression "R75".

**Amendment of rule 33 of the Rules**

3. Rule 33 of the Rules is hereby amended by the substitution for subrule (18) of the following subrule:
- "(18) (a) When more than one-fourth of the bill (excluding expenses) is taxed off, the party presenting the bill shall not be allowed any costs of taxation.
- (b) Where a party to whom a bill of costs is presented makes a written offer of payment in respect of such costs, and such offer is refused, the party presenting the bill shall not be allowed any costs of taxation if the bill is taxed in an amount which is smaller than the amount of the offer."

**Amendment of rule 34 of the Rules**

4. Rule 34 of the Rules is hereby amended by the substitution for paragraph (c) of subrule (3) of the following paragraph:

- "(c) A fee for the attending of the taxation shall be allowed—
- (i) to the sheriff if the sheriff's fees or charges are taxed and passed in full, as allowed for in Table C;
- (ii) to the interested party concerned if the sheriff's fees or charges are taxed but not passed in full, on the same basis as the fee allowed to the sheriff under subparagraph (i) above."

**Amendment of Table D of Annexure 2 of the Rules**

5. Table D of Annexure 2 of the Rules is hereby amended by the substitution for item 5 of the following item:

"5. An assessor shall be entitled to the following travelling allowance for each journey actually and necessarily taken between the courthouse and his or her residence or place of business:

- (a) R1,10 per kilometre in the case of a motorcar with an engine swept volume of 2 150 cm<sup>3</sup> or less;
- (b) R1,14 per kilometre in the case of a motorcar with an engine swept volume of 2 151 cm<sup>3</sup> up to and including 2 500 cm<sup>3</sup>;
- (c) R1,27 per kilometre in the case of a motorcar with an engine swept volume of 2 501 cm<sup>3</sup> up to and including 3 500 cm<sup>3</sup>;
- (d) R1,42 in the case of a motorcar with an engine swept volume of more than 3 500 cm<sup>3</sup>."

**Commencement**

6. These rules shall come into operation on **14 April 1997**.

No. R. 419

14 Maart 1997

**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 reëls beteken "die Reëls" die reëls afgekondig by Goewermentskennisgewing No. R. 1108 van 21 Junie 1968, soos gewysig by Goewermentskennisgewings Nos. R. 3002 van 25 Julie 1969, R. 490 van 26 Maart 1970, R. 947 van 2 Junie 1972, R. 1115 van 28 Junie 1974, R. 1285 van 19 Julie 1974, R. 689 van 23 April 1976, R. 261 van 25 Februarie 1977, R. 2221 van 28 Oktober 1977, R. 327 van 24 Februarie 1978, R. 2222 van 10 November 1978, R. 1449 van 29 Junie 1979, R. 1314 van 27 Junie 1980, R. 1800 van 28 Augustus 1981, R. 1139 van 11 Junie 1982, R. 1689 van 29 Julie 1983, R. 1946 van 9 September 1983, 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, R. 1062 van 28 Junie 1996 en R. 1130 van 5 Julie 1996.

**Wysiging van reël 24 van die Reëls**

2. Reël 24 van die Reëls word hierby gewysig deur die uitdrukking "R6" in subparagraaf (ii) van paragraaf (c) van subreël (2) deur die uitdrukking "R75" te vervang.

**Wysiging van reël 33 van die Reëls**

3. Reël 33 van die Reëls word hierby gewysig deur subreël (18) deur die volgende subreël te vervang:

"(18) (a) Wanneer meer as een kwart van die kosterekening (uitgesonder uitgawes) afgetakseer word, word geen taksasiekoste aan die party wat die rekening voorlê, toegestaan nie.

(b) Wanneer 'n party aan wie 'n kosterekening voorgelê word, 'n skriftelike aanbod om betaling in verband met sodanige koste maak, en sodanige aanbod word geweier, word die party wat die rekening voorlê, geen taksasiekoste toegelaat nie indien die rekening getakseer word vir 'n bedrag wat kleiner is as die bedrag van die aanbod."

**Wysiging van reël 34 van die Reëls**

4. Reël 34 van die Reëls word hierby gewysig deur paragraaf (c) van subreël (3) deur die volgende paragraaf te vervang:

"(c) Geld vir die bywoning van die taksasie word toegelaat—

- (i) aan die balju indien die baljugelde of vorderings getakseer en ten volle toegelaat word, soos toegelaat in Tabel C;
- (ii) aan die betrokke belanghebbende party indien die baljugelde of vorderings getakseer maar nie ten volle toegelaat word nie, op dieselfde basis as die gelde toegelaat aan die balju kragtens subparagraaf (i) hierbo."

**Wysiging van Tabel D van Bylae 2 by die Reëls**

5. Tabel D van Bylae 2 by die Reëls word hierby gewysig deur item 5 deur die volgende item te vervang:

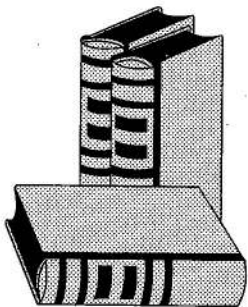
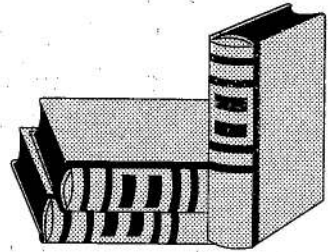
"5. 'n Assessor is geregtig op die volgende reistoelae vir elke rit wat hy of sy werklik en noodsaaklikerwys tussen die hofgebou en sy of haar woon- of besigheidsplek aflê:

- (a) R1,10 per kilometer in geval van 'n motor met 'n enjinslagvolume van 2 150 cm<sup>3</sup> of minder;
- (b) R1,14 per kilometer in die geval van 'n motor met 'n enjinslagvolume van 2 151 cm<sup>3</sup> tot en met 2 500 cm<sup>3</sup>;
- (c) R1,27 per kilometer in die geval van 'n motor met 'n enjinslagvolume van 2 501 cm<sup>3</sup> tot en met 3 500 cm<sup>3</sup>;
- (d) R1,42 in die geval van 'n motor met 'n enjinslagvolume van meer as 3 500 cm<sup>3</sup>."

**Inwerkingtreding**

6. Hierdie reëls tree op 14 April 1997 in werking.

*Where is the largest amount of meteorological information in the whole of South Africa available?*



*Waar is die meeste weerkundige inligting in die hele Suid-Afrika beskikbaar?*

*Department of Environmental Affairs and Tourism*  
*Departement van Omgewingsake en Toerisme*

**CONTENTS****INHOUD**

No.		Page No.	Gazette No.	No.		Bladsy No.	Koerant No.
<b>GOVERNMENT NOTICES</b>				<b>GOEWERMENSKENNISGEWINGS</b>			
<b>Justice, Department of</b>				<b>Justisie, Departement van</b>			
<i>Government Notices</i>				<i>Goewermenskennisgewings</i>			
R. 417	Rules Board for Courts of Law Act (107/1985): Amendment of the rules regulating the conduct of the proceedings of the several provincial and local divisions of the Supreme Court of South Africa.....	1	17853	R. 417	Wet op die Reëlsraad vir Geregshowe (107/1985): Wysiging van die reëls waarby die verrigtinge van die verskillende provinsiale en plaaslike afdelings van die Hooggeregshof van Suid-Afrika gereël word .....	2	17853
R. 418	do.: Amendment of the rules regulating the conduct of the proceedings of the Appellate Division of the Supreme Court of South Africa.....	3	17853	R. 418	do.: Wysiging van die reëls waarby die verrigtinge van die Appèlafdeling van die Hooggeregshof van Suid-Afrika gereël word .....	4	17853
R. 419	do.: Magistrates' Courts: Amendment of the Rules of Court.....	4	17853	R. 419	do.: Landdroshowe: Wysiging van die reëls van die Hof .....	5	17853