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REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Regulation Gazette

No. 11675

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AIDS HELPLINE: 0800-0123-22 Prevention is the cure

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No FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.

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government
printing

Department:
Government Printing Works
REPUBLIC OF SOUTH AFRICA

HIGH ALERT: SCAM WARNING!!!

TO ALL SUPPLIERS AND SERVICE PROVIDERS OF THE GOVERNMENT PRINTING WORKS

It has come to the attention of the *GOVERNMENT PRINTING WORKS* that there are certain unscrupulous companies and individuals who are defrauding unsuspecting businesses disguised as representatives of the *Government Printing Works (GPW)*.

The scam involves the fraudsters using the letterhead of *GPW* to send out fake tender bids to companies and requests to supply equipment and goods.

Although the contact person's name on the letter may be of an existing official, the contact details on the letter are not the same as the *Government Printing Works*. When searching on the Internet for the address of the company that has sent the fake tender document, the address does not exist.

The banking details are in a private name and not company name. Government will never ask you to deposit any funds for any business transaction. *GPW* has alerted the relevant law enforcement authorities to investigate this scam to protect legitimate businesses as well as the name of the organisation.

Example of e-mails these fraudsters are using:

PROCUREMENT@GPW-GOV.ORG

Should you suspect that you are a victim of a scam, you must urgently contact the police and inform the *GPW*.

GPW has an official email with the domain as @gpw.gov.za

Government e-mails DO NOT have org in their e-mail addresses. All of these fraudsters also use the same or very similar telephone numbers. Although such number with an area code 012 looks like a landline, it is not fixed to any property.

GPW will never send you an e-mail asking you to supply equipment and goods without a purchase/order number. *GPW* does not procure goods for another level of Government. The organisation will not be liable for actions that result in companies or individuals being resultant victims of such a scam.

Government Printing Works gives businesses the opportunity to supply goods and services through RFQ / Tendering process. In order to be eligible to bid to provide goods and services, suppliers must be registered on the National Treasury's Central Supplier Database (CSD). To be registered, they must meet all current legislative requirements (e.g. have a valid tax clearance certificate and be in good standing with the South African Revenue Services - SARS).

The tender process is managed through the Supply Chain Management (SCM) system of the department. SCM is highly regulated to minimise the risk of fraud, and to meet objectives which include value for money, open and effective competition, equitability, accountability, fair dealing, transparency and an ethical approach. Relevant legislation, regulations, policies, guidelines and instructions can be found on the tender's website.

Fake Tenders

National Treasury's CSD has launched the Government Order Scam campaign to combat fraudulent requests for quotes (RFQs). Such fraudulent requests have resulted in innocent companies losing money. We work hard at preventing and fighting fraud, but criminal activity is always a risk.

How tender scams work

There are many types of tender scams. Here are some of the more frequent scenarios:

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to a company to invite it to urgently supply goods. Shortly after the company has submitted its quote, it receives notification that it has won the tender. The company delivers the goods to someone who poses as an official or at a fake site. The Department has no idea of this transaction made in its name. The company is then never paid and suffers a loss.

OR

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to Company A to invite it to urgently supply goods. Typically, the tender specification is so unique that only Company B (a fictitious company created by the fraudster) can supply the goods in question.

Shortly after Company A has submitted its quote it receives notification that it has won the tender. Company A orders the goods and pays a deposit to the fictitious Company B. Once Company B receives the money, it disappears. Company A's money is stolen in the process.

Protect yourself from being scammed

- If you are registered on the supplier databases and you receive a request to tender or quote that seems to be from a government department, contact the department to confirm that the request is legitimate. Do not use the contact details on the tender document as these might be fraudulent.
- Compare tender details with those that appear in the Tender Bulletin, available online at www.gpwonline.co.za
- Make sure you familiarise yourself with how government procures goods and services. Visit the tender website for more information on how to tender.
- If you are uncomfortable about the request received, consider visiting the government department and/or the place of delivery and/or the service provider from whom you will be sourcing the goods.
- In the unlikely event that you are asked for a deposit to make a bid, contact the SCM unit of the department in question to ask whether this is in fact correct.

Any incidents of corruption, fraud, theft and misuse of government property in the *Government Printing Works* can be reported to:

Supply Chain Management: Ms. Anna Marie Du Toit, Tel. (012) 748 6292.
Email: Annamarie.DuToit@gpw.gov.za

Marketing and Stakeholder Relations: Ms Bonakele Mbhele, at Tel. (012) 748 6193.
Email: Bonakele.Mbhele@gpw.gov.za

Security Services: Mr Daniel Legoabe, at tel. (012) 748 6176.
Email: Daniel.Legoabe@gpw.gov.za

Closing times for **ORDINARY WEEKLY** **REGULATION GAZETTE** **2024**

The closing time is 15:00 sharp on the following days:

- **28 December 2023**, Thursday for the issue of Friday **05 January 2024**
- **05 January**, Friday for the issue of Friday **12 January 2024**
- **12 January**, Friday for the issue of Friday **19 January 2024**
- **19 January**, Friday for the issue of Friday **26 January 2024**
- **26 January**, Friday for the issue of Friday **02 February 2024**
- **02 February**, Friday for the issue of Friday **09 February 2024**
- **09 February**, Friday for the issue of Friday **16 February 2024**
- **16 February**, Friday for the issue of Friday **23 February 2024**
- **23 February**, Friday for the issue of Friday **01 March 2024**
- **01 March**, Friday for the issue of Friday **08 March 2024**
- **08 March**, Friday for the issue of Friday **15 March 2024**
- **14 March**, Thursday for the issue of Friday **22 March 2024**
- **20 March**, Wednesday for the issue of Thursday **28 March 2024**
- **27 March**, Wednesday for the issue of Friday **05 April 2024**
- **05 April**, Friday for the issue of Friday **12 April 2024**
- **12 April**, Friday for the issue of Friday **19 April 2024**
- **19 April**, Friday for the issue of Friday **26 April 2024**
- **25 April**, Thursday for the issue of Friday **03 May 2024**
- **03 May**, Friday for the issue of Friday **10 May 2024**
- **10 May**, Friday for the issue of Friday **17 May 2024**
- **17 May**, Friday for the issue of Friday **24 May 2024**
- **24 May**, Friday for the issue of Friday **31 May 2024**
- **31 May**, Friday for the issue of Friday **07 June 2024**
- **07 June**, Friday for the issue of Friday **14 June 2024**
- **13 June**, Thursday for the issue of Friday **21 June 2024**
- **21 June**, Friday for the issue of Friday **28 June 2024**
- **28 June**, Friday for the issue of Friday **05 July 2024**
- **05 July**, Friday for the issue of Friday **12 July 2024**
- **12 July**, Friday for the issue of Friday **19 July 2024**
- **19 July**, Friday for the issue of Friday **26 July 2024**
- **26 July**, Friday for the issue of Friday **02 August 2024**
- **01 August**, Thursday for the issue of Thursday **08 August 2024**
- **08 August**, Thursday for the issue of Friday **16 August 2024**
- **16 August**, Friday for the issue of Friday **23 August 2024**
- **23 August**, Friday for the issue of Friday **30 August 2024**
- **30 August**, Friday for the issue of Friday **06 September 2024**
- **06 September**, Friday for the issue of Friday **13 September 2024**
- **13 September**, Friday for the issue of Friday **20 September 2024**
- **19 September**, Thursday for the issue of Friday **27 September 2024**
- **27 September**, Friday for the issue of Friday **04 October 2024**
- **04 October**, Friday for the issue of Friday **11 October 2024**
- **11 October**, Friday for the issue of Friday **18 October 2024**
- **18 October**, Friday for the issue of Friday **25 October 2024**
- **25 October**, Friday for the issue of Friday **01 November 2024**
- **01 November**, Friday for the issue of Friday **08 November 2024**
- **08 November**, Friday for the issue of Friday **15 November 2024**
- **15 November**, Friday for the issue of Friday **22 November 2024**
- **22 November**, Friday for the issue of Friday **29 November 2024**
- **29 November**, Friday for the issue of Friday **06 December 2024**
- **06 December**, Friday for the issue of Friday **13 December 2024**
- **12 December**, Thursday for the issue of Friday **20 December 2024**
- **18 December**, Wednesday for the issue of Friday **27 December 2024**

LIST OF TARIFF RATES FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2018

NATIONAL AND PROVINCIAL

Notice sizes for National, Provincial & Tender gazettes 1/4, 2/4, 3/4, 4/4 per page. Notices submitted will be charged at R1008.80 per full page, pro-rated based on the above categories.

Pricing for National, Provincial - Variable Priced Notices		
Notice Type	Page Space	New Price (R)
Ordinary National, Provincial	1/4 - Quarter Page	252.20
Ordinary National, Provincial	2/4 - Half Page	504.40
Ordinary National, Provincial	3/4 - Three Quarter Page	756.60
Ordinary National, Provincial	4/4 - Full Page	1008.80

EXTRA-ORDINARY

All Extra-ordinary National and Provincial gazette notices are non-standard notices and attract a variable price based on the number of pages submitted.

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at **R3026.32** per page.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

The **Government Printing Works (GPW)** has established rules for submitting notices in line with its electronic notice processing system, which requires the use of electronic *Adobe Forms*. Please ensure that you adhere to these guidelines when completing and submitting your notice submission.

CLOSING TIMES FOR ACCEPTANCE OF NOTICES

1. The *Government Gazette* and *Government Tender Bulletin* are weekly publications that are published on Fridays and the closing time for the acceptance of notices is strictly applied according to the scheduled time for each gazette.
2. Please refer to the Submission Notice Deadline schedule in the table below. This schedule is also published online on the Government Printing works website www.gpwonline.co.za

All re-submissions will be subject to the standard cut-off times.

All notices received after the closing time will be rejected.

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
National Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Petrol Price Gazette	Monthly	Tuesday before 1st Wednesday of the month	One day before publication	1 working day prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00 for next Friday	3 working days prior to publication
Unclaimed Monies (Justice, Labour or Lawyers)	January / September 2 per year	Last Friday	One week before publication	3 working days prior to publication
Parliament (Acts, White Paper, Green Paper)	As required	Any day of the week	None	3 working days prior to publication
Manuals	Bi- Monthly	2nd and last Thursday of the month	One week before publication	3 working days prior to publication
State of Budget (National Treasury)	Monthly	30th or last Friday of the month	One week before publication	3 working days prior to publication
<i>Extraordinary Gazettes</i>	As required	Any day of the week	<i>Before 10h00 on publication date</i>	<i>Before 10h00 on publication date</i>
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 15h00 - 3 working days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Gauteng	Weekly	Wednesday	Two weeks before publication	3 days after submission deadline
Eastern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
North West	Weekly	Tuesday	One week before publication	3 working days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 working days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 working days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 working days prior to publication

GOVERNMENT PRINTING WORKS - BUSINESS RULES

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 working days after submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days after submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days after submission deadline
Mpumalanga Liquor License Gazette	Bi-Monthly	Second & Fourth Friday	One week before publication	3 working days prior to publication

EXTRAORDINARY GAZETTES

3. *Extraordinary Gazettes* can have only one publication date. If multiple publications of an *Extraordinary Gazette* are required, a separate Z95/Z95Prov *Adobe* Forms for each publication date must be submitted.

NOTICE SUBMISSION PROCESS

4. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website www.gpwonline.co.za.
5. The *Adobe* form needs to be completed electronically using *Adobe Acrobat / Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.
6. The completed electronic *Adobe* form has to be submitted via email to submit.egazette@gpw.gov.za. The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.
7. Every notice submitted **must** be accompanied by an official **GPW** quotation. This must be obtained from the *eGazette* Contact Centre.
8. Each notice submission should be sent as a single email. The email **must** contain **all documentation relating to a particular notice submission**.
 - 8.1. Each of the following documents must be attached to the email as a separate attachment:
 - 8.1.1. An electronically completed *Adobe* form, specific to the type of notice that is to be placed.
 - 8.1.1.1. For National *Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form
 - 8.1.1.2. The notice content (body copy) **MUST** be a separate attachment.
 - 8.1.2. A copy of the official **Government Printing Works** quotation you received for your notice. (*Please see Quotation section below for further details*)
 - 8.1.3. A valid and legible Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order. **Non-Government Printing Works** account customer needs to submit the proof of payment for the notice
 - 8.1.4. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should **also** be attached as a separate attachment. (*Please see the Copy Section below, for the specifications*).
 - 8.1.5. Any additional notice information if applicable.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

9. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.
10. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE**.
11. Notices brought to **GPW** by “walk-in” customers on electronic media can only be submitted in *Adobe* electronic form format. All “walk-in” customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.
12. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

QUOTATIONS

13. Quotations are valid until the next tariff change.
 - 13.1. **Take note:** **GPW**'s annual tariff increase takes place on **1 April** therefore any quotations issued, accepted and submitted for publication up to **31 March** will keep the old tariff. For notices to be published from 1 April, a quotation must be obtained from **GPW** with the new tariffs. Where a tariff increase is implemented during the year, **GPW** endeavours to provide customers with 30 days' notice of such changes.
14. Each quotation has a unique number.
15. Form Content notices must be emailed to the *eGazette* Contact Centre for a quotation.
 - 15.1. The *Adobe* form supplied is uploaded by the Contact Centre Agent and the system automatically calculates the cost of your notice based on the layout/format of the content supplied.
 - 15.2. It is critical that these *Adobe* Forms are completed correctly and adhere to the guidelines as stipulated by **GPW**.
16. **APPLICABLE ONLY TO GPW ACCOUNT HOLDERS:**
 - 16.1. **GPW** Account Customers must provide a valid **GPW** account number to obtain a quotation.
 - 16.2. Accounts for **GPW** account customers **must** be active with sufficient credit to transact with **GPW** to submit notices.
 - 16.2.1. If you are unsure about or need to resolve the status of your account, please contact the **GPW** Finance Department prior to submitting your notices. (If the account status is not resolved prior to submission of your notice, the notice will be failed during the process).
17. **APPLICABLE ONLY TO CASH CUSTOMERS:**
 - 17.1. Cash customers doing **bulk payments** must use a **single email address** in order to use the **same proof of payment** for submitting multiple notices.
18. The responsibility lies with you, the customer, to ensure that the payment made for your notice(s) to be published is sufficient to cover the cost of the notice(s).
19. Each quotation will be associated with one proof of payment / purchase order / cash receipt.
 - 19.1. This means that **the quotation number can only be used once to make a payment.**

GOVERNMENT PRINTING WORKS - BUSINESS RULES**COPY (SEPARATE NOTICE CONTENT DOCUMENT)**

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03
- 20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.
- The content document should contain only one notice. (You may include the different translations of the same notice in the same document).
- 20.2. The notice should be set on an A4 page, with margins and fonts set as follows:
- Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;
- Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

CANCELLATIONS

21. Cancellation of notice submissions are accepted by **GPW** according to the deadlines stated in the table above in point 2. Non-compliance to these deadlines will result in your request being failed. Please pay special attention to the different deadlines for each gazette. Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.
22. Requests for cancellation must be sent by the original sender of the notice and must be accompanied by the relevant notice reference number (N-) in the email body.

AMENDMENTS TO NOTICES

23. With effect from 01 October 2015, **GPW** will not longer accept amendments to notices. The cancellation process will need to be followed according to the deadline and a new notice submitted thereafter for the next available publication date.

REJECTIONS

24. All notices not meeting the submission rules will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za). Reasons for rejections include the following:
- 24.1. Incorrectly completed forms and notices submitted in the wrong format, will be rejected.
- 24.2. Any notice submissions not on the correct *Adobe* electronic form, will be rejected.
- 24.3. Any notice submissions not accompanied by the proof of payment / purchase order will be rejected and the notice will not be processed.
- 24.4. Any submissions or re-submissions that miss the submission cut-off times will be rejected to the customer. The Notice needs to be re-submitted with a new publication date.

GOVERNMENT PRINTING WORKS - BUSINESS RULES**APPROVAL OF NOTICES**

25. Any notices other than legal notices are subject to the approval of the Government Printer, who may refuse acceptance or further publication of any notice.
26. No amendments will be accepted in respect to separate notice content that was sent with a Z95 or Z95Prov notice submissions. The copy of notice in layout format (previously known as proof-out) is only provided where requested, for Advertiser to see the notice in final Gazette layout. Should they find that the information submitted was incorrect, they should request for a notice cancellation and resubmit the corrected notice, subject to standard submission deadlines. The cancellation is also subject to the stages in the publishing process, i.e. If cancellation is received when production (printing process) has commenced, then the notice cannot be cancelled.

GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY

27. The Government Printer will assume no liability in respect of—
 - 27.1. any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;
 - 27.2. erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;
 - 27.3. any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

LIABILITY OF ADVERTISER

28. Advertisers will be held liable for any compensation and costs arising from any action which may be instituted against the Government Printer in consequence of the publication of any notice.

CUSTOMER INQUIRIES

Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While **GPW** deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.

GPW has a 2-working day turnaround time for processing notices received according to the business rules and deadline submissions.

Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

29. Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
30. Requests for Quotations (RFQs) should be received by the Contact Centre at least **2 working days** before the submission deadline for that specific publication.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

PAYMENT OF COST

31. The Request for Quotation for placement of the notice should be sent to the Gazette Contact Centre as indicated above, prior to submission of notice for advertising.
32. Payment should then be made, or Purchase Order prepared based on the received quotation, prior to the submission of the notice for advertising as these documents i.e. proof of payment or Purchase order will be required as part of the notice submission, as indicated earlier.
33. Every proof of payment must have a valid **GPW** quotation number as a reference on the proof of payment document.
34. Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the Gazette Contact Centre, **Government Printing Works**, Private Bag X85, Pretoria, 0001 email: info.egazette@gpw.gov.za before publication.
35. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and future notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or electronic funds transfer into the **Government Printing Works** banking account.
36. In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the **Government Printing Works**.
37. The **Government Printing Works** reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the List of Fixed Tariff Rates, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

PROOF OF PUBLICATION

38. Copies of any of the *Government Gazette* or *Provincial Gazette* can be downloaded from the **Government Printing Works** website www.gpwonline.co.za free of charge, should a proof of publication be required.
39. Printed copies may be ordered from the Publications department at the ruling price. The **Government Printing Works** will assume no liability for any failure to post or for any delay in despatching of such *Government Gazette*(s)

GOVERNMENT PRINTING WORKS CONTACT INFORMATION

Physical Address:
Government Printing Works

149 Bosman Street

Pretoria

Postal Address:

Private Bag X85

Pretoria

0001

GPW Banking Details:
Bank: ABSA Bosman Street

Account No.: 405 7114 016

Branch Code: 632-005

For Gazette and Notice submissions: Gazette Submissions:

For queries and quotations, contact: Gazette Contact Centre:

E-mail: submit.egazette@gpw.gov.za
E-mail: info.egazette@gpw.gov.za
Tel: 012-748 6200

Contact person for subscribers: Mrs M. Toka:

E-mail: subscriptions@gpw.gov.za
Tel: 012-748-6066 / 6060 / 6058

Fax: 012-323-9574

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**NO. R. 4474****8 March 2024****LIQUOR PRODUCTS ACT, 1989****(ACT No. 60 OF 1989)****WINE OF ORIGIN SCHEME: PROPOSED AMENDMENTS**

I, Angela Thokozile Didiza, Minister of Agriculture, Land Reform and Rural Development, acting under section 14 of the Liquor Products Act, 1989 (Act No. 60 of 1989), hereby make known that I intend to publish amendments to above-mentioned Wine of Origin Scheme published by Government Gazette Notice No. R. 1434 of 29 June 1990, as amended.

All interested parties are invited to submit comments or make representations concerning the proposed amendments to the Wine of Origin Scheme within **30 days** from the date of publication of this notice to the following address:

The Administering Officer (Act No. 60 of 1989)

Department of Agriculture, Land Reform and Rural Development

Private Bag X343, Pretoria, 0001

Harvest House Building, 30 Hamilton Street, Office No. HH 219-220, Arcadia, Pretoria

Tel. no. 012 319 6535; Fax no. 012 319 6505

Email: BillyM@dalrrd.gov.za and please Cc WendyJ@Dalrrd.gov.za

The proposed amendments are available on the Department's website at www.dalrrd.gov.za, go to "OLD WEBSITE", then to "Branches", then to "Agricultural Production, Health & Food Safety", then to "Food Safety & Quality Assurance" and then to

"Draft legislation for comments", or can be forwarded via electronic mail or posted on request.

Please note that comments or representations received after the closing date may be disregarded.

MRS A.T. DIDIZA, MP

Minister of Agriculture, Land Reform and Rural Development.

DEPARTEMENT VAN LANDBOU, GRONDHERVORMING EN LANDELIKE ONTWIKKELING

NO. R. 4474

8 Maart 2024

WET OP DRANKPRODUKTE, 1989

(WET No. 60 VAN 1989)

WYN VAN OORSPRONG SKEMA: VOORGESTELDE WYSIGINGS

Ek, Angela Thokozile Didiza, Minister van Landbou, Grondhervorming en Landelike Ontwikkeling, handelende kragtens artikel 14 van die Wet of Drankprodukte, 1989 (Wet No. 60 van 1989), maak dit hierby bekend dat ek beoog om wysigings te publiseer van bogenoemde Wyn van Oorsprong Skema gepubliseer by Goewermentskennisgewing No. R. 1434 van 29 Junie 1990, soos gewysig.

Alle belanghebbende partye word genooi om kommentaar in te dien of vertoë te rig aangaande die voorgestelde wysigings van die regulasies binne **30 dae** na datum van publikasie van hierdie kennisgewing aan die volgende adres:

Die Beherende Amptenaar (Wet No. 60 van 1989)

Departement van Landbou, Grondhervorming en Landelike Ontwikkeling

Privaatsak X343, Pretoria, 0001

Harvest House Gebou, Hamilton Straat 30, Kantoor No. HH 219-220, Arcadia, Pretoria

Tel. no. 012 319 6535; Faks no. 012 319 6505

Epos: BillyM@dalrrd.gov.za en Cc WendyJ@Dalrrd.gov.za asseblief

Die voorgestelde wysigings is beskikbaar op die Departement se webtuiste by www.dalrrd.gov.za, gaan na "OLD WEBSITE", dan na "Branches", dan na "Agricultural Production, Health & Food Safety", dan na "Food Safety & Quality Assurance" en dan na "Draft legislation for comments", of kan via elektroniese pos aangestuur word of op versoek gepos word.

Neem asseblief kennis dat kommentaar of verhoë wat na die sluitingsdatums ontvang word, buite rekening gelaat mag word.

MEV A.T. DIDIZA, LP

Minister van Landbou, Grondhervorming en Landelike Ontwikkeling.

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. R. 4475

8 March 2024

NATIONAL ENVIRONMENTAL MANAGEMENT: AIR QUALITY ACT, 2004
(ACT NO. 39 OF 2004)

DRAFT NATIONAL DUST CONTROL AMENDMENT REGULATIONS FOR PUBLIC COMMENT

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby, in terms of sections 32, 53(o), 55(3), 56 and 57 of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004), publish the draft National Dust Control Amendment Regulations for public comment, as set out in the Schedule hereto.

The purpose of the amendments is to address the regulatory shortfalls that were identified in the implementation of the existing National Dust Control Regulations. The proposed amendments are aimed at providing clarity by:

- (i) Defining activities that are applicable to the regulations.
- (ii) Updating the standard test method for the collection and measurement of dustfall to a locally accessible method as adopted by South African Bureau of Standards.
- (iii) Improving requirements for the development, implementation, and procedural matters with respect to dust management plans.
- (iv) Repealing the existing regulations published in Government Notice No. 827, Government Gazette No. 36974 of 1 November 2013.


Members of the public are invited to submit written comments within 30 (thirty) days from the date of publication of this notice in the *Government Gazette* or newspapers, whichever date is the last date, to the following addresses:

By post to: The Director-General: Department of Forestry, Fisheries and the Environment
Attention: Mr Mapitso Nkoko
Private Bag X477
PRETORIA
0001

By hand at: Ground Floor (Reception), Environment House, 473 Steve Biko Road, Arcadia
By email: MNkoko@dffe.gov.za

Any inquiries in connection with this Notice can be directed to Mr Victor Loate at Tel: 012 399 8507/ Cell: 066 081 6205 or by email: VLoate@dffe.gov.za

Comments received after the closing date may not be considered.


BARBARA DALLAS CREECY
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

SCHEDULE

1. Definitions

In these Regulations any word or expression to which a meaning has been assigned in the Act has that meaning, and unless the context indicates otherwise—

“**Dustfall**” means settleable particulate matter, including any material composed of particles small enough to pass through a 1 mm screen but large enough to settle by virtue of their weight into the sampling container from the ambient air;

“**Dust management plan**” means a plan with control measures for minimizing, managing and preventing dust emissions into the atmosphere;

“**Licensing authority**” means an authority referred to in sections 36(1), (2), 3A, (4) or (5) of the Act responsible for implementing the licensing system set out in chapter 5 of the Act;

“**Listed activity**” means an activity listed in terms of section 21 of the Act;

“**Mining activity**” has the meaning assigned to it in the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended;

“**Non-residential area**” means any area that its land is scheduled for agricultural, industrial and mining purposes as prescribed under schedule 2 of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013);

“**Person**” means any natural or juristic person, including an organ of state;

“**Premises**” means any building or other structure together with the land on which it is situated, and any adjoining land occupied or used in connection with any activities carried on in that building or structure, and includes any land without any buildings or other structures from which dust may be generated;

“**Residential area**” means any area that its land is used for the purposes as prescribed under schedule 2 of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013), excluding the land that is scheduled for agricultural, industrial and mining purposes;

“**SANAS**” means the South African National Accreditation System established by section 3 of the Accreditation for Conformity Assessment, Calibration and Good Laboratory Practice Act, 2006 (Act No. 19 of 2006);

“**SANS 1137**” means the latest version of South African National Standard 1137), which is the standard test method for the collection and measurement of dustfall (Settleable Particulate Matter); and

“The Act” means the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004).

2. Purpose of the Regulations

The purpose of these Regulations is to prescribe:

- (1) measures for the control of dust.
- (2) steps that must be taken to prevent nuisance by dust.

3. Application of the Regulations

These Regulations shall apply to any persons conducting activities that have the potential to generate dust, including —

- (1) any person conducting a mining activity.
- (2) any person conducting a listed activity.
- (3) a person conducting any other activity for a period exceeding 30 days.
- (4) any person storing and or handling stockpile materials of more than 8 000 tons throughput per month, that have the potential to generate dust.

4. Dustfall Standard Test Method

The standard test method for the collection and measurement of dustfall shall be SANS 1137. The latest version of this method shall apply.

5. Prescribed Dustfall Rates

Prescribed dustfall rates and permissible frequency of exceedances are set out in the table below -

Restriction Areas	Dustfall rate (D) (mg/m ² /day, 30-day period)	Permitted frequency of exceeding dustfall rate
Residential area	$D \leq 600$	Twice within a year, not occurring on sequential months.
Non-residential area	$D \leq 1200$	Twice within a year, not occurring on sequential months.

6. Dust Management Plan Development

- (1) A person in subregulation 3(1) must, within 30 days of the coming into operation of these Regulations, develop and submit a dust management plan to the relevant air quality officer for approval.

- (2) A person in subregulation 3(1) must within 30 days of the approval of a dust management plan, incorporate an approved dust management plan into the environmental management programme.
- (3) An air quality officer may, through a written notice instruct a person in regulation 3(2) or 3(3) to develop and submit a dust management plan for approval, if an air quality officer reasonably suspects that the activity may cause nuisance by dust.
- (4) The dust management plan contemplated in subregulation 6(3), must be submitted for approval, to an air quality officer within 30 days of the written notice.
- (5) An air quality officer must incorporate the approved dust management plan into the atmospheric emission license of a person in subregulation 3(2) for implementation.
- (6) The dust management plan contemplated in these Regulations must include the following—
 - (a) Person responsible for implementation.
 - (b) All possible sources of dust and activities that generate dust within the premises.
 - (c) Detailed and time-bound best practicable control measures to be undertaken to minimize, manage and prevent dust into the atmosphere.
 - (d) Measures that must be taken to prevent nuisance by dust.
 - (e) Records and management of the dust complaints.
 - (f) Dustfall monitoring programme.
 - (g) Any other relevant information as an air quality officer or the relevant authority may deem necessary.
- (7) The dustfall monitoring programme contemplated in subregulation 6(f) must include:
 - (a) Procedure for the collection and measurement of dustfall in terms of the standard test method.
 - (b) Dust monitoring sampling points sufficient in number to monitor identified or likely sensitive receptor locations in the vicinity of the premises.

7. Dust Management Plan Implementation and Reporting

- (1) A person in regulation 3 must commence with the implementation of an approved dust management plan within 30 days of approval.
- (2) A person in regulation 3 must submit report on the implementation of the dust management plan to an air quality officer or the relevant authority at three months intervals.

- (3) The implementation report contemplated in subregulation 7(2) must include—
- (a) Measures undertaken to minimize, prevent and manage dust emissions into the atmosphere.
 - (b) Actions taken and responses to address the dust complaints.
 - (c) Dustfall monitoring report that must comprise of:
 - i. information on the location of sampling sites, including latitudinal and longitudinal coordinates, and a position indicator on a topographic map.
 - ii. dustfall monitoring results, including a tabular summary of dustfall rates for the monitoring period compared to the limit values set out in regulation 5, and a comparison with monthly historical results for at least the previous year for each site, where historical data is available.
 - iii. meteorological information on wind speed; wind direction and rainfall for the sampling site.
 - iv. proof of SANAS accreditation on the use of SANS 1137 test method.
 - v. identification of sensitive receptors, if applicable.
 - vi. any other relevant information that might influence the monitoring results.

8. Dust Management Plan Monitoring and Review

- (1) An air quality officer or relevant authority must continuously evaluate the implementation of the dust management plan.
- (2) An air quality officer or relevant authority may, through a written notice, request a person contemplated in regulation 3 to review the approved dust management plan if:
 - (a) The report contemplated in subregulation 7(2) indicates non-compliance with the dustfall rates.
 - (b) There is reasonable suspicion that dust control measures in the approved plan are not adequately minimizing, managing and preventing dust including preventing nuisance by dust.
- (3) The approved dust management plan contemplated in subregulation 8(2), must be submitted to the air quality officer, licensing authority or relevant authority within 30 days of the written notice.

9. Offences

- (1) A person is guilty of an offence if that person contravenes or fails to comply with a provision of regulation 6(1); 6(2); 6(4); 7(1); 7(2) and 8(3).

10. Penalties

- (1) A person convicted of an offence referred to in regulation 9 is liable to a fine not exceeding R5 million rand, or to imprisonment for a period not exceeding five years and in the case of

a second or subsequent conviction, to a fine not exceeding R10 million or imprisonment for a period not exceeding 10 years or in both instances to both such fine and imprisonment.

11. Transitional provisions

- (1) Any requirements or matter relating to dust control pending before an air quality officer prior to the promulgation of these Regulations, must be concluded by an air quality officer in terms of the repealed Regulations as provided for by regulation 12.
- (2) A person in regulation 3(1) operating without a dust management plan, prior to the promulgation of these Regulations; must submit a dust management plan in line with these Regulations to an air quality officer or relevant authority for approval, within three months of the coming into operation of these Regulations.
- (3) A person in regulation 3, in possession of an approved dust management plan prior to the promulgation of these Regulations; must submit a reviewed plan in line with these Regulations to an air quality officer or relevant authority for approval, within three months of the coming into operation of these Regulations.
- (4) Pending the approval of the reviewed dust management plan prior to the coming into operation of these Regulations, the existing approved dust management plan shall remain valid with full legal force and effect.
- (5) A person in regulation 3, in possession of ASTM D1739: 1970 or equivalent method approved by any internationally recognized body; must obtain and use the SANS 1137 method within three months of the coming into operation of these Regulations.
- (6) Pending the obtainment of the SANS 1137 method, ASTM D1739: 1970 or equivalent method approved by any internationally recognized body shall remain valid for three months of the coming into operation of these Regulations.

12. Repeal of the Regulations

The National Dust Control Regulations, 2013 promulgated by Government Notice No. R. 827, published in *Government Gazette* No. 36974 of 1 November 2013 are hereby repealed.

13. Short title and commencement

These Regulations are called the National Dust Control Regulations, 2024 and will come into operation on the date of publication in the *Government Gazette*.

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 4476

8 March 2024

RULES BOARD FOR COURTS OF LAW ACT, 1985 (ACT NO. 107 OF 1985)

AMENDMENT OF RULES REGULATING THE CONDUCT OF THE PROCEEDINGS OF
THE MAGISTRATES' 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 Correctional Services, made the rules in the Schedule.

SCHEDULE

GENERAL EXPLANATORY NOTE:

[] Words or expressions in bold type in square brackets indicate omissions from the existing rules.

_____ Words or expressions underlined with a solid line indicate insertions into the existing rules.

1. In this Schedule "the Rules" means the Rules Regulating the Conduct of the Proceedings of the Magistrates' Courts of South Africa published under Government Notice No. R. 740 of 23 August 2010, as amended by Government Notice Nos. R. 1222 of 24 December 2010, R. 611 of 29 July 2011, R. 1085 of 30 December 2011, R. 685 of 31 August 2012, R. 115 of 15 February 2013, R. 263 of 12 April 2013, R. 760 of 11 October 2013, R. 183 of 18 March 2014, R. 215 of 28 March 2014, R. 507 of 27 June 2014, 571 of 18 July 2014, R. 5 of 9 January 2015, R. 32 of 23 January 2015, R. 33 of 23 January 2015, R. 318 of 17 April 2015, R. 545 of 30 June 2015, R. 2 of 19 February 2016, R. 1055 of 29 September 2017, R. 1272 of 17 November 2017, R. 632 of 22 June 2018, R. 1318 of 30 November 2018, R. 842 of 31 May 2019, R. 1343 of 18 October 2019, R. 107 of 7 February 2020, R. 858 of 7 August

2020, R. 1156 of 30 October 2020, R. 1602 of 17 December 2021, R. 2134 of 3 June 2022, R. 2298 of 22 July 2022, R. 2414 of 26 August 2022, R. 2434 of 2 September 2022, R. 3371 of 5 May 2023 and R. 3399 of 12 May 2023.

Amendment of rule 9 of the Rules

2. Rule 9 of the Rules is hereby amended by the substitution in sub-rule (3) for paragraph (d) of the following paragraph:

“(d) if the person so to be served has chosen a *domicilium citandi*, by delivering a copy thereof at the *domicilium* so chosen: Provided that, where possible, service at the *domicilium* so chosen shall be effected by delivering a copy of the process to a responsible person apparently not less than 16 years of age. Provided further that the sheriff shall set out in the return of service the details of the manner and circumstances under which [such] service was effected;”.

Amendment of rule 33 of the Rules

3. Rule 33 of the Rules is hereby amended by the substitution for subrule (1) of the following subrule:

“(1) (a) The court in giving judgment or in making any order, including any adjournment or amendment, may award costs as it deems fit.

(b) A costs order may upon application by any party indicate which portions of the proceedings are deemed urgent.”.

Amendment of rule 41 of Rules

4. Rule 41 of the Rules is hereby amended—

(a) by the substitution for sub-rule (1) of the following sub-rule:

"Execution against movable property

(1) An execution creditor may, at his or her own risk and subject to the provisions of rules 36 and 37, issue out of the office of the registrar or clerk of the court [one or more

warrants]a warrant of execution in a form corresponding substantially with form 32 of Annexure 1.”;

- (b) by the substitution for sub-rule (14) of the following sub-rule:

“(14)(a) Where movable property, other than money or documents, has been attached, the execution creditor or his or her attorney shall after notification of such attachment, instruct the sheriff in writing, whether the property shall be removed to a place of security or left upon the premises in the charge and custody of the judgment debtor or in the charge and custody of some other person acting on behalf of the sheriff.

(b) Upon the execution creditor or his or her attorney satisfying the registrar or clerk of the court in writing of the desirability for the immediate removal of goods attached or to be attached, either upon issue of the warrant of execution or at any time thereafter, the registrar or clerk of the court shall endorse his or her approval on the document containing the instructions, and authorise the sheriff in writing, to remove immediately from the possession of the judgment debtor all or any of the movable property attached.

(c) In the absence of any instruction under paragraph (a) or authorisation under paragraph (b), the sheriff shall leave the attached property, other than money or documents, on the premises and in the possession of the person in whose possession the said movable property is attached.”;

- (c) by the substitution for sub-rule (18) of the following sub-rule:

“(18)(a) Unless an order of court is produced to the sheriff requiring him or her to **[detain]**retain any movable property under attachment for such further period as may be stipulated in such order, the sheriff **[shall]**must release from attachment such property which has been **[detained]**retained for a period exceeding **[four]**six months unless a sale in execution of such property is pending.

(b) If such order was granted in terms of an *ex parte* application, such order shall not require confirmation.

(c) In the event of a claimant lodging an interpleader claim with the sheriff in accordance with rule 44, the period of **[four]**six months referred to in paragraph (a) shall

be suspended from the date on which the claimant delivers his or her affidavit to the sheriff until the final adjudication of the interpleader claim, including any review or appeal in respect of such interpleader claim."; and

(d) by the substitution for sub-rule (19) of the following sub-rule:

"(19)(a)(i) Any movable property to be sold in execution **[of process of the court]** shall be sold **[publicly]** by public auction for cash to the highest bidder by the sheriff who removed the goods in terms of sub-rule (17)(a) or, with the approval of the magistrate, by an auctioneer or other person appointed by the sheriff, at or as near to the place where same was attached or to which same had been so removed as aforesaid[.]; Provided that the auction may be conducted via electronic platform simultaneously with the physical auction, and the auction shall be conducted in accordance with the provisions of section 45 of the Consumer Protection Act, 2008 and the regulations promulgated thereunder.

(ii) The provisions of rule 43(10) shall apply with appropriate changes to the sale in execution of movable property under this rule.

(b) The execution creditor shall, after consultation with the sheriff, prepare a notice of sale and furnish two copies thereof to the sheriff in sufficient time to enable one copy to be affixed not later than 10 days before the day appointed for the sale on the notice board or door of the court-house or other public building in which the said court is held and the other at or as near as may be to the place where the said sale is to take place[.]; Provided that where an auction is conducted via electronic platform simultaneously with the physical auction the notice of sale shall comply with the provisions of section 45 of the Consumer Protection Act, 2008 and the regulations promulgated thereunder.

(c) In addition to the requirements of paragraph (b), if in the opinion of the sheriff the value of the goods attached exceeds an amount equivalent to the monetary jurisdiction of the Small Claims Court, the sheriff shall indicate and direct the execution creditor to publish the notice of sale in a local or other newspaper circulating in the region or district not later than 10 days before the date appointed for the sale and to furnish the

sheriff with a copy of the edition of the paper in which the publication appeared not later than the day preceding the date of sale.

(d) In lieu of paragraph (c), the sheriff may post the notice of sale on the sheriff's office's website, upon being so instructed in writing by the execution creditor: Provided that the sheriff shall not later than 10 days before the appointed date of sale, affix on the notice board, the door of the court-house or other public building in which the said court is held, and the other, at or as near as the case may be, to the place where the said sale is to take place, a notice stating the date of the sale in execution and the website on which the full details of the sale may be inspected."

Amendment of rule 43 of Rules

5. The following sub-rule is hereby substituted for sub-rule (7) of rule 43 of the Rules:

"(7)(a) The sheriff conducting the sale shall appoint a day and place for the sale of the attached immovable property, such day being, except by special leave of a magistrate, not less than 45 days after service of the notice of attachment and shall forthwith inform all other sheriffs appointed in the district of such day and place [.] Provided that—

- (i) the auction may be conducted via electronic platform simultaneously with the physical auction; and
- (ii) the auction shall be conducted in accordance with the provisions of section 45 of the Consumer Protection Act, 2008 and the regulations promulgated thereunder.

(b)(i) The execution creditor shall, after consultation with the sheriff conducting the sale, prepare a notice of sale containing a short description of the attached immovable property, its improvements, magisterial district and physical address, the time and place for the holding of the sale and the fact that the conditions may be inspected at the office of the sheriff conducting the sale.

- (ii) The execution creditor must furnish the sheriff with as many copies of the notice of sale as the sheriff may require.

(c) The execution creditor shall—

- (i) publish the notice once in a newspaper circulating daily or weekly in the district in which the attached immovable property is situated and in the *Gazette* not less than five days and not more than 15 days before the date of the sale; and
- (ii) provide the sheriff conducting the sale, by hand, or by facsimile or electronic mail, with one satisfactory photocopy of each of the notices published in the newspaper and the *Gazette*, respectively.

(d) Not less than 10 days prior to the date of the sale, the sheriff conducting the sale shall forward a copy of the notice of sale referred to in paragraph (b) to every execution creditor who had caused the said immovable property to be attached and to every mortgagee thereof whose address is known and shall simultaneously furnish a copy of the notice of sale to all other sheriffs appointed in that district.

(e) Not less than 10 days prior to the date of the sale, the sheriff conducting the sale shall affix—

- (i) one copy of the notice on the notice-board of the magistrate's court of the district in which the attached immovable property is situated, or if the said property is situated in the district where the court out of which the warrant was issued is situated, then on the notice-board of such court; and
- (ii) one copy at or as near as may be to the place where the said sale is actually to take place."

Amendment of rule 51 of the Rules

6. Rule 51 is hereby amended by the substitution for sub-rules (3), (4) and (5) of the following sub-rules, respectively: —

"(3) An appeal may be noted by the delivery of notice within 20 days after the date of a judgment appealed against or within 20 days after the registrar or clerk of the court has supplied a copy of the judgment in writing to the party applying therefor [**whichever period shall be the longer**].

[(4) An appeal shall be noted by the delivery of notice, and, unless the court of appeal shall otherwise order, by giving security for the respondent's costs of appeal to the amount of R1000: Provided that no security shall be required from the State or, unless the court of appeal otherwise orders, from a person to whom legal aid is rendered by a statutorily established legal aid board.]

(4)(a) Unless the respondent waives his or her right to security or the court subsequently on application to it has released the appellant wholly or partially from that obligation, the appellant shall, before lodging copies of the record on appeal with the registrar or clerk of the court, enter good and sufficient security for the respondent's costs of appeal.

(b) In the event of failure by the parties to agree on the amount of security, the registrar or clerk of the court shall fix the amount and the appellant shall enter security in the amount so fixed or such percentage thereof as the court has determined, as the case may be: Provided that no security shall be required from the State or, unless the court of appeal otherwise orders, from a person to whom legal aid is rendered by a statutorily established legal aid board.

(5) Money paid into court under sub-rule (4) and outstanding for more than three years, may be paid into the **[State] National Revenue Fund**, after three months' notice of such intention in writing has been given to the parties concerned, whereafter the parties concerned may apply for a refund of the amount paid into the said Fund."

Amendment of Part I of Table A of Annexure 2 to the Rules

7. Part I of Table A of Annexure 2 to the Rules is hereby amended by the insertion after item 18 of the following item:

"(19) The fees in Part IV shall be increased by 15% in accordance with any costs order made in terms of rule 33(1)(b) and as allowed at taxation."

Amendment of Part II of Table C of Annexure 2 to the Rules

8. Part II of Table C of Annexure 2 to the Rules is hereby amended by the substitution for item 6 of the following item:

“(6) (a) Making an inventory, including the making of all necessary copies and time spent on stock-taking: R45,00 per half-hour or part thereof.

(b) For assistance, if necessary, with the making of an inventory, R45,00 per half hour or part thereof.

(c) For the attendances referred to in rule 41(11): R52,50.”

Commencement

9. These rules come into operation on **12 April 2024**.

DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

NO. R. 4476

8 Maart 2024

WET OP DIE REËLSRAAD VIR GEREESHOWE, 1985 (WET NO. 107 VAN 1985)

WYSIGING VAN DIE REËLS WAARBY DIE VOER VAN DIE VERRIGTINGE VAN DIE
LANDDROSHOWE VAN SUID-AFRIKA GEREËL WORD

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

BYLAE

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde of uitdrukkings in vetdruk in vierkantige hakies dui op weglatings uit die bestaande reëls.

_____ Woorde of uitdrukkings met 'n volstreep daaronder dui op invoegings in die bestaande reëls.

1. In hierdie Bylae beteken "die Reëls" die Reëls waarby die voer van die verrigtinge van die Landdroshowe van Suid-Afrika gereël word, afgekondig in Goewermentskennisgewing No. R. 740 van 23 Augustus 2010, soos gewysig deur Goewermentskennisgewing No's. R. 1222 van 24 Desember 2010, R. 611 van 29 Julie 2011, R. 1085 van 30 Desember 2011, R. 685 van 31 Augustus 2012, R. 115 van 15 Februarie 2013, R. 263 van 12 April 2013, R. 760 van 11 Oktober 2013, R. 183 van 18 Maart 2014, R. 215 van 28 Maart 2014 en R. 507 van 27 Junie 2014, R. 5 van 9 Januarie 2015, R. 32 van 23 Januarie 2015, R. 33 van 23 Januarie 2015, R. 318 van 17 April 2015, R. 545 van 30 Junie 2015, R. 2 van 19 Februarie 2016, R. 1055 van 29 September 2017, R. 1272 van 17 November 2017, R. 632 van 22 Junie 2018, R. 1318 van 30 November 2018, R. 842 van 31 Mei 2019, R. 1343 van 18 Oktober 2019, R. 107 van 7 Februarie 2020, R. 858 van 7 Augustus 2020, R. 1156

van 30 Oktober 2020, R. 1604 van 17 Desember 2021, R 2134 van 3 Junie 2022, R. 2298 van 22 Julie 2022, R.2414 van 26 Augustus 2022, R. 2434 van 2 September 2022, R. 3371 van 5 Mei 2023 en R. 3399 van 12 Mei 2023.

Wysiging van reël 9 van die Reëls

2. Reël 9 van die Reëls word hierby gewysig deur in subreël (3) paragraaf (d) deur die volgende reël te vervang:

“(d) indien die persoon aan wie betekening gedoen moet word 'n *domicilium citandi* gekies het, deur 'n afskrif daarvan by die aldus gekose domicilium af te lewer: Met dien verstande dat, waar moontlik, betekening by die aldus gekose domicilium gedoen sal word deur 'n afskrif van die prosesstuk aan 'n verantwoordelike persoon wat klaarblyklik nie jonger as 16 jaar oud is nie, af te lewer: Met dien verstande verder dat die balju in die relaas van betekening die besonderhede sal uiteensit van die wyse waarop en omstandighede waaronder [sodanige] betekening gedoen is;”.

Wysiging van reël 33 van die Reëls

3. Reël 33 van die Reëls word hierby gewysig deur subreël (1) deur die volgende subreël te vervang:

“(1) (a) Die hof kan by die gee van 'n vonnis of 'n bevel, met inbegrip van enige verdaging of wysiging, die koste toeken wat die hof gepas ag.

(b) 'n Kostebevel kan by aansoek deur enige party aandui watter gedeeltes van die verrigtinge geag word dringend te wees.”.

Vir die bywonings in reël 41(11) bedoel: R52,50.”

Wysiging van reël 41 van die Reëls

4. Reël 41 van die Reëls word hierby gewysig—

(a) deur subreël (1) deur die volgende subreël te vervang:

"Tenuitvoerlegging teen onroerende eiendom

(1) 'n Eksekusieskuldeiser kan, op sy of haar eie risiko en behoudens die bepalings van reëls 36 en 37, uit die kantoor van die griffier of klerk van die hof **[een of meer lasbriewe]** 'n lasbrief vir eksekusie uitvaardig in 'n vorm wat wesenlik dieselfde is as vorm 32 van Aanhangsel 1.”;

(b) deur subreël (14) deur die volgende subreël te vervang:

“(14)(a) Waar op roerende eiendom, wat nie geld of dokumente is nie, beslag gelê is, gee die eksekusieskuldeiser of sy of haar prokureur ná kennisgewing van sodanige beslaglegging, die balju skriftelik instruksie hetsy die eiendom verwyder sal word na 'n veilige plek of op die perseel agtergelaat word in die beheer en bewaring van die Eksekusieskuldeiser of in die beheer en bewaring van 'n ander persoon wat namens die balju optree.

(b) Indien die eksekusieskuldeiser of sy of haar prokureur die griffier of klerk van die hof skriftelik oortuig dat dit wenslik is om die goedere waarop beslag gelê is, of waarop beslag gelê gaan word, onmiddellik te verwyder, hetsy by uitreiking van die lasbrief vir eksekusie of te eniger tyd daarna, endosseer die griffier of klerk van die hof sy of haar goedkeuring op die dokument wat die instruksies bevat, en magtig die balju skriftelik om al of enige van die roerende eiendom waarop beslag gelê is, onmiddellik uit die besit van die vonnisskuldenaar te verwyder.

(c) By gebrek aan enige instruksie kragtens paragraaf (a) of magtiging kragtens paragraaf (b), los die balju die eiendom waarop beslag gelê is, behalwe geld of dokumente, op die perseel en in die besit van die persoon in wie se besit die vermelde roerende eiendom op beslag gelê is.”;

(c) deur subreël (18) deur die volgende subreël te vervang:

“(18)(a) Tensy 'n hofbevel aan die balju voorgelê word waarin van die balju vereis word om enige roerende eiendom onder beslaglegging te hou vir sodanige verdere tydperk wat in sodanige bevel bepaal kan word, moet die balju die eiendom wat vir 'n tydperk van langer as **[vier]** ses maande onder beslaglegging gehou is, uit beslaglegging vrystel, tensy 'n verkoping in eksekusie van sodanige eiendom hangende is.

(b) Indien sodanige bevel ingevolge 'n ex parte-aansoek toegestaan is, benodig sodanige bevel nie bevestiging nie.

(c) Indien 'n eiser 'n tussenpleitvordering ingevolge reël 44 by die balju indien, word die tydperk van **[vier] ses** maande in paragraaf (a) bedoel, opgeskort vanaf die datum waarop die eiser sy of haar beëdigde verklaring aan die balju aflewer tot die finale beregting van die tussenpleitvordering, met inbegrip van enige hersiening of appèl ten opsigte van sodanige tussenpleitvordering."; en

(d) deur subreël (19) deur die volgende subreël te vervang:

"(19)(a)(i) Enige roerende eiendom wat ter tenuitvoerlegging **[van 'n geregtelike prosesstuk]** verkoop gaan word, word in **[die openbaar]** 'n publieke veiling vir kontant aan die hoogste bieder verkoop deur die balju wat die goedere ingevolge subreël (17)(a) verwyder het of, met die goedkeuring van die landdros, deur 'n afslaer of ander persoon deur die balju aangestel, by of so naby die plek waar daarop beslag gelê is of waarheen dit aldus verwyder is soos vermeld[.]; Met dien verstande dat die veiling terselfdertyd as die fisiese veiling via elektroniese platform gehou kan word, en die veiling word ooreenkomstig die bepalings van artikel 45 van die 'Consumer Protection Act, 2008' en die regulasies daarkragtens uitgevaardig, gehou.

(ii) Die bepalings van reël 43(10) is van toepassing met gepaste veranderinge op die verkoping in eksekusie van roerende eiendom kragtens hierdie reël.

(b) Die Eksekusieskuldeiser, ná raadpleging met die balju, berei 'n kennisgewing van verkoping voor en twee afskrifte daarvan word aan die balju voorsien met genoeg tyd dat een afskrif nie later nie as 10 dae as die dag wat vir die verkoping vasgestel is, op die kennisgewingbord of deur van die hofgebou of ander openbare gebou waarin die vermelde hof sit, opgesit kan word en die ander afskrif by of naby moontlik aan die plek waar die vermelde verkoping werklik gaan plaasvind, opgesit kan word; Met dien verstande dat waar 'n veiling terselfdertyd as die fisiese veiling via 'n elektroniese platform gehou word, die kennisgewing van verkoping aan die bepalings van artikel 45 van die 'Consumer Protection Act, 2008' en die regulasies daarkragtens uitgevaardig, moet voldoen.

(c) Benewens die vereistes van paragraaf (b), as die waarde van die goedere waarop beslag gelê is na mening van die balju meer is as 'n bedrag gelyk aan die

monetêre jurisdiksie van die hof vir klein eise, moet die balju dit aandui en die Eksekusieskuldeiser opdrag gee om die kennisgewing van verkoping in 'n plaaslike of ander koerant wat in die streek of distrik sirkuleer, te publiseer nie later nie as 10 dae voor die datum vir die verkoping aangewys en om 'n afskrif van die uitgawe van die koerant waarin die publikasie verskyn het aan die balju te voorsien, nie later nie as die dag voor die datum van die verkoping.

(d) In plek van paragraaf (c), kan die balju die kennisgewing van verkoping op die webwerf van die balju se kantoor plaas, indien die eksekusieskuldeiser so 'n instruksie gee: Met dien verstande dat die balju nie later nie as 10 dae voor die aangewese datum van verkoping, op die kennisgewingbord of deur van die hofgebou of ander openbare gebou waarin die vermelde hof sit, aanbring en die ander by of so naby moontlik aan die plek waar die vermelde verkoping werklik gaan plaasvind, 'n kennisgewing moet aanbring waarin die datum van die verkoping in eksekusie en die webwerf waarop die volle besonderhede van die verkoping gesien kan word, vermeld word."

Wysiging van reël 43 van Reëls

5. Subreël (7) van reël 43 van die Reëls word hierby deur die volgende subreël vervang:

"(7)(a) Die balju wat die verkoping hou, bepaal 'n dag en plek vir die verkoping van die inbeslaggenome onroerende eiendom, welke dag, behalwe met spesiale toestemming van 'n landdros, nie minder as 45 dae ná betekening van die kennisgewing van beslaglegging nie en moet onverwyld alle ander balju's wat in die distrik aangestel is, van sodanige dag en plek verwittig[.]: Met dien verstande dat—

- (i) die verkoping terselfdertyd as die fisiese verkoping via 'n elektroniese platform gehou kan word; en
- (ii) die verkoping ooreenkomstig die bepalings van artikel 45 van die 'Consumer Protection Act, 2008,' en die regulasies daarkragtens uitgevaardig, gehou word.

(b)(i) Die uitwinningskuldeiser moet, ná oorleg met die balju wat die verkoping hou, 'n verkopingskennisgewing voorberei met 'n kort beskrywing van die

inbeslaggenome roerende eiendom, verbeterings daaraan, landdrosdistrik en fisiese adres, die tyd en plek vir die verkoping en die feit dat insae gekry kan word in die voorwaardes by die kantoor van die balju wat die verkoping hou.

(ii) Die vonnisskuldeiser moet die balju voorsien van soveel afskrifte van die verkopingskennisgewing soos die balju kan vereis.

(c) Die vonnisskuldeiser—

(i) moet die kennisgewing een keer publiseer in 'n koerant wat daaglik of weekliks sirkuleer in die distrik waarin die inbeslaggenome roerende eiendom geleë is en in die Staatskoerant nie minder nie as vyf dae en nie meer nie as 15 dae voor die datum van die verkoping; en

(ii) die balju wat die verkoping hou, per hand of per faks of elektroniese pos, voorsien van een bevredigende fotokopie van elk van die kennisgewings in die koerant en die Staatskoerant, onderskeidelik, gepubliseer.

(d) Minstens 10 dae voor die datum van die verkoping, moet die balju wat die verkoping hou 'n afskrif van die kennisgewing verkoping in paragraaf (b) bedoel, aanstuur aan elke vonnisskuldeiser wat die vermelde inbeslaggenome in beslag laat lê het en aan elke verbandhouer daarvan wie se adres bekend is en moet terselfdertyd 'n afskrif van die kennisgewing van verkoping verstrek aan alle ander baljus wat in daardie distrik aangestel is.

(e) Minstens 10 dae voor die datum van die verkoping, moet die balju wat die verkoping doen—

(i) een afskrif van die kennisgewing aanbring op die kennisgewingbord van die landdroshof van die distrik waar die inbeslaggenome eiendom geleë is, of indien die gemelde eiendom in die distrik geleë is waar die hof waaruit die lasbrief uitgereik is, geleë is, op die kennisgewingbord van sodanige hof; en

- (ii) een afskrif aanbring op of so naby moontlik aan die plek waar die vermelde verkoping werklik gaan geskied."

Wysiging van reël 51 van die Reëls

6. Reël 51 word hierby gewysig deur subreëls (3), (4) en (5) deur die volgende subreëls, onderskeidelik, te vervang:

"(3) 'n Appèl kan by aflewering van kennisgewing binne 20 dae ná die datum van die vonnis waarteen geappelleer word of binne 20 dae nadat die griffier of klerk van die hof 'n afskrif van die skriftelike vonnis aan die party wat daarom aansoek doen aldus verskaf het **[welke tydperk ookal die langste is]**, aangeteken word.

[(4) 'n Appèl word aangeteken deur die aflewering van 'n kennisgewing en, tensy die hof van appèl anders bevel, deur sekerheid ten bedrae van R1000 vir die respondent se appèlkoste te stel: Met dien verstande dat geen sekerheid van die Staat vereis word nie of, tensy die hof van appèl anders gelas, van 'n persoon aan wie regshulp deur 'n statutêre regshulpraad gelewer word nie.]

(4)(a) Tensy die respondent sy of haar reg op sekerheid van die hand wys of die hof daarna by aansoek by die hof die appellant in die geheel of gedeeltelik verlig het van 'n verpligting, moet die appellant, voor afskrifte van die aantekening van appèl by die griffier of klerk van die hof ingedien, goeie en genoegsame sekerheid vir die respondent se kostes vir appèl gee.

(b) Indien die partye nie ooreenstem oor die bedrag van die sekerheid nie, moet die griffier of klerk van die hof die bedrag vasstel en die appellant moet sekerheid gee ten bedrae van die aldus vasgestelde bedrag of sodanige persentasie daarvan soos die hof bepaal het, na gelang van die geval: Met dien verstande dat geen waarborg van die Staat vereis sal word nie of, tensy die appèlhof anders gelas, van 'n persoon aan wie regshulp deur 'n statutêre regshulpraad gelewer word nie.

(5) Gelde wat kragtens subreël (4) geregteelik inbetaal is en wat vir meer as drie jaar onuitbetaal is, kan in die Nasionale Inkomstefonds inbetaal word nadat drie maande skriftelike kennis van sodanige voorneme aan die betrokke partye gegee is. Daarna kan

die betrokke partye aansoek doen om 'n terugbetaling van die bedrag in die genoemde Fonds inbetaal.”

Wysiging van Deel I van Tabel A van Aanhangsel 2 by die Reëls

7. Deel I van Tabel A van Aanhangsel 2 by die Reëls word hierby gewysig deur die volgende item na item 18 in te voeg:

“(19) Die gelde in Deel IV word met 15% verhoog ooreenkomstig enige kosbevel ingevolge reël 33(1)(b) en soos by taksasie toegelaat.”

Wysiging van Deel II van Tabel C van Aanhangsel 2 by die Reëls

8. Deel II van Tabel C van Aanhangsel 2 by die Reëls word hierby gewysig deur item 6 deur die volgende item te vervang:

“(6) (a) Vir die opstel van 'n inventaris, insluitende die maak van alle nodige afskrifte en tyd bestee aan voorraadopname: R45,00 per halfuur of deel daarvan.

(b) Vir bystand, indien nodig, met die opstel van 'n inventaris, R45,00 per halfuur of deel daarvan.

(c) Vir die bywonings in reël 41(11) bedoel: R52,50.”

Inwerkingtreding

9. Hierdie reëls tree in werking op **12 April 2024**.

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 4477

8 March 2024

RULES BOARD FOR COURTS OF LAW ACT, 1985 (ACT NO. 107 OF 1985)

AMENDMENT OF THE RULES REGULATING THE CONDUCT OF THE PROCEEDINGS OF
THE PROVINCIAL AND LOCAL DIVISIONS OF THE HIGH 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 for Justice and Correctional Services, made the rules in the Schedule.

SCHEDULE

GENERAL: EXPLANATORY NOTE:

[] Words or expressions in bold type in square brackets represent omissions from the existing rules.

_____ Words or expressions underlined with a solid line represent insertions into the existing rules.

Definition

1. In this Schedule "the Rules" means the Rules Regulating the Conduct of the Proceedings of the 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 Notice No. 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

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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, R. 591 of 09 July 2010, R. 980 of 19 November 2010, R. 981 of 19 November 2010, R. 464 of 22 June 2012, R. 992 of 7 December 2012, R. 114 of 15 February 2013, R. 262 of 12 April 2013, R. 471 of 12 July 2013, R. 472 of 12 July 2013, R. 759 of 11 October 2013, R. 212 of 28 March 2014, R. 213 of 28 March 2014, R. 214 of 28 March 2014, R. 30 of 23 January 2015, R. 31 of 23 January 2015, R. 317 of 17 April 2015, R. 781 of 31 August 2015, R. 3 of 19 February 2016, R. 678 of 3 June 2016, R. 1055 of 29 September 2017, R. 1272 of 17 November 2017, R. 1318 of 30 November 2018, R. 61 of 25 January 2019, R. 842 of 31 May 2019, R. 1343 of 18 October 2019, R. 107 of 7 February 2020, R. 1157 of 30 October 2020, R. 1603 of 17 December 2021, R. 2133 of 3 June 2022, R. 2413 of 26 August 2022 and R. 3398 of 12 May 2023.

Amendment of Rule 4 of the Rules

2. Rule 4 of the rules is hereby amended by the substitution in subrule (1) for subparagraphs (ii) and (iv) of paragraph (a) of the following subparagraphs, respectively:

- “(ii) by **[leaving]** delivering a copy thereof at the place of residence or business of the said person, guardian, tutor, curator or the like **[with]** to the person apparently in charge of the premises at the time of delivery, being a person apparently not less than sixteen years of age. For the purposes of this paragraph when a building, other than an hotel, boarding-house, hostel or similar residential building, is occupied by more than one person or family, ‘residence’ or ‘place of business’ means that portion of the building occupied by the person upon whom service is to be effected;
- (iv) if the person so to be served has chosen a *domicilium citandi*, by delivering **[or leaving]** a copy thereof to a person apparently not less than sixteen years of age at the *domicilium* so chosen;”.

Insertion of rule 67A in the Rules

3. The following rule is hereby inserted in the Rules after rule 67:

“67A Costs

(1) Subject to any order of the court awarding costs, the fees and disbursements as between party and party, which may be included in a bill of costs submitted for taxation, shall be—

(a) for attorneys, in accordance with the tariff in rule 70;

(b) for attorneys, with a right to appear in the Superior Courts and who appear in a matter, in accordance with rules 69 and 70, where applicable; and

(c) for advocates, in accordance with the tariff in rule 69: Provided that for services rendered by an advocate referred to in section 34(2)(a)(ii) of the Legal Practice Act, 2014 (Act No. 28 of 2014), for work which is ordinarily performed by an attorney, the fee for such work shall be in terms of rule 70.

(2) In considering all relevant factors when awarding costs, the court may have regard to —

(a) the provisions of rule 41A;

(b) failure by any party or such party's legal representative to comply with the provisions of rules 30A; 37 and 37A;

(c) unnecessary or prolix drafting, unnecessary annexures and unnecessary procedures followed;

(d) unnecessary time spent in leading evidence, cross examining witnesses and argument;

(e) the conduct of the litigation by any party's legal representative and whether such representative should be ordered to pay such costs in his or her personal capacity; and

(f) whether the litigation could have been conducted out of the magistrate's court.

(3)(a) A costs order shall indicate the scale in terms of rule 69, under which costs have been granted.

(b) In considering the factors to award an appropriate scale of costs, the court may have regard to:

(i) the complexity of the matter; and

(ii) the value of the claim or importance of the relief sought.

(c) If the scale in terms of paragraph (a) is not indicated in the order, scale A of rule 69(7) shall apply to the costs that the court has awarded.

(4) A costs order may upon application by any party indicate—

(a) which portions of the proceedings are deemed urgent; and

(b) whether the fees consequent upon the employment of more than one advocate or attorney having right of appearance in the Superior Courts and who appears, are allowed and the scale in terms of rule 69, under which such fees are allowed.

(5) The taxation of fees as between party and party shall be effected by the taxing master in accordance with rules 69 and 70 and the applicable tariffs therein.

(6) Where an item in the tariffs set out in rules 69 or 70 requires the taxing master to exercise a discretion in determining the amount of a fee or disbursement to be allowed for such item, the taxing master may have regard to any guidelines recommended by the Legal Practice Council .".

Amendment of rule 69 of the Rules

4. Rule 69 of the Rules is hereby amended by the substitution for the rule of the following rule:

"69. Tariff of [maximum] fees for [advocates] legal practitioners who appear in the Superior Courts [on party and party basis in certain civil matters]

(1) Save where the court authorizes fees consequent upon the employment of more than one advocate or attorney having right of appearance in the Superior Courts and who appears, to be

included in a party and party bill of costs, only such fees as are consequent upon the employment of one advocate or attorney having right of appearance in the Superior Courts and who appears, shall be allowed as between party and party.

(2) Where fees in respect of more than one advocate or attorney having right of appearance in the Superior Courts and who appears are allowed in a party and party bill of costs, the fees to be permitted in respect of any additional advocate or attorney having right of appearance in the Superior Courts and who appears, shall **[not exceed one half of those allowed in respect of the first advocate]** be on a scale in terms of subrule (7), as directed by the court.

[(3) Save where the defendant or respondent is awarded costs, the tariff of fees for advocates between party and party set out referred to in Part IV of Table A of Annexure 2 to the Rules for the Magistrates' Court, (hereunder referred to as 'the tariff') shall apply where the amount or value of the claim falls within the jurisdiction of the magistrates' court, unless the court, on request made before or immediately after the giving of judgment, otherwise directs.]

(4)...

[(5) The taxation of advocates' fees as between party and party shall be effected by the taxing master in accordance with this rule and, where applicable the tariff. Where the tariff does not apply, he shall allow such fees (not necessarily in excess thereof) as he considers reasonable.

[(6) For advocates referred to in section 34(2)(a)(ii) of the Legal Practice Act, 2014 (Act No. 28 of 2014), the tariff of fees as between party and party shall be in accordance with this rule and the tariff in Rule 70, whichever tariff items are applicable to the services rendered by the advocate: Provided that where an attendance performed by an advocate constitutes a service ordinarily performed by an attorney, the tariff in Uniform Rule 70 shall apply to that attendance.]

(7) The scales of fees contemplated by subrule (3) of rule 67A shall be:

<u>SCALE A</u>	<u>SCALE B</u>	<u>SCALE C</u>
<u>R375,00 per quarter of an hour or part thereof (maximum allowed)</u>	<u>R750,00 per quarter of an hour or part thereof (maximum allowed)</u>	<u>R1125, 00 per quarter of an hour or part thereof (maximum allowed)</u>

(8) The tariff of fees to be allowed for work performed by legal practitioners in terms of this rule shall be:

TARIFF OF FEES

1. (a) Appearances in court for trial: a day fee inclusive of preparation, consultation and appearance on the same day.

(b) Appearances in court for opposed applications:

(i) for the first day, a day fee inclusive of preparation, consultation and appearance on the same day; and

(ii) for subsequent days, per quarter of an hour or part thereof.

2. Appearances in court: unopposed applications: per quarter of an hour or part thereof subject to a minimum fee of one hour being allowed.

3. A per quarter of an hour or part thereof for-

(a) Preparation prior to the day of hearing;

(b) Conferences: pre-trial and case-management;

(c) Drafting or settling affidavits, pleadings, heads of argument and other necessary documents;

(d) Necessary consultations;

(e) Necessary perusal; and

(f) Any inspection *in loco, in situ*, or otherwise.

4. In the event that a trial or opposed application is postponed, settled or withdrawn at the instance of any party on the day of hearing or before the first day's hearing and a charge for the cancellation of the reservation of any day is levied, a reservation fee may be allowed as follows:

(a) If settled, withdrawn or postponed on the day of set down or two days before that, a full first day fee; or

(b) If settled, withdrawn or postponed three to seven days before the day of set down, two thirds of a day fee;

Provided that no reservation fee shall be allowed if a trial or opposed application is settled, postponed or withdrawn more than seven days before the day of set down."

Amendment of rule 70 of the Rules

5. Rule 70 of the rules is hereby amended—

(a) by the substitution for item 7 of Section A to the Tariff of Fees of Attorneys of the following item:

- "7. Any inspection *in loco, in situ*, or otherwise, per quarter of an hour or part thereof—
 - (a) by an attorney.....R388,00
 - (b) by a candidate attorneyR120,50

(b) by the addition in Section D to the Tariff of Fees of Attorneys of the following item:

"6 The fees in sections A, B, C and D shall be increased by 15% in accordance with any costs order made in terms of rule 67A(4)(a) and as allowed at taxation."

Substitution of Form 16A of the First Schedule to the Rules

6. The following Form is hereby substituted for Form 16A of the First Schedule to the Rules:

"Form 16A

SUBPOENA DUCES TECUM

IN THE HIGH COURT OF SOUTH AFRICA
(..... DIVISION)

Case No.....

In the matter between:

.....

Plaintiff

and

.....

Defendant

To the sheriff or deputy:

INFORM:

(1)

- (2)
- (3)
- (4)

(State names, [sex,] occupation and place of business or residence of each witness)

that each of such persons shall within 10 days of receipt of this subpoena, lodge with the registrar of the said Court (here describe accurately each document to be produced) or inform the registrar of the whereabouts of (here describe a thing to be produced)

- (1)
- (2)
- (3)

unless such person claims privilege in respect of any document or thing.

AND INFORM [each of the said persons further that] EACH OF THE SAID PERSONS FURTHER THAT:

- (a) Such person should on no account fail to comply with this subpoena as such person may become liable to a fine or to imprisonment not exceeding three months;
- (b) Such person/s may waive privilege, but [If] if privilege is claimed in respect of any document or thing, the party that caused the subpoena to be issued shall be informed within five days of receipt of the subpoena of the nature of the privilege claimed; and
- (c) Such person is entitled to the return of the document or thing after inspection or copying or photographing by the parties.

DATED at this day of 20

.....
Registrar of the High Court

.....
Plaintiff/Defendant/Attorney".

Commencement

- 7. These Rules come into operation on 12 April 2024.

DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

NO. R. 4477

8 Maart 2024

WET OP DIE REËLSRAAD VIR GEREESHOWE, 1985 (WET NO. 107 VAN 1985)

WYSIGING VAN DIE REËLS WAARBY DIE VOER VAN DIE VERRIGTINGE VAN DIE
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), en met die goedkeuring van die Minister van Justisie en Korrektiewe Dienste, die reëls in die Bylae gemaak.

BYLAE

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde of uitdrukkings in vetdruk in vierkantige hakies dui op weglatings uit die bestaande reëls.

_____ Woorde of uitdrukkings met 'n volstreep daaronder dui op invoegings in die bestaande reëls.

Woordomskrywing

1. In hierdie Bylae beteken die "reëls", die Reëls waarby die verrigtinge van die verskillende Provinsiale en Plaaslike Afdelings van die Hoë Hof van Suid-Afrika gereël word soos gepubliseer in Goewermenskennisgewing No. R. 48 van 12 Januarie 1965 en soos gewysig deur Goewermenskennisgewings No's. 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.

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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, R. 591 van 09 Julie 2010, R. 980 van 19 November 2010, R. 981 van 19 November 2010, R. 464 van 22 Junie 2012, R. 992 van 7 Desember 2012, R. 114 van 15 Februarie 2013, R. 262 van 12 April 2013, R. 471 van 12 Julie 2013, R. 472 van 12 Julie 2013, R. 759 van 11 Oktober 2013, R. 212 van 28 Maart 2014, R. 213 van 28 Maart 2014, R. 214 van 28 Maart 2014, R. 30 van 23 Januarie 2015, R. 31 van 23 Januarie 2015, R. 317 van 17 April 2015, R. 781 van 31 Augustus 2015, R. 3 van 19 Februarie 2016, R. 678 van 3 Junie 2016, R. 1055 van 29 September 2017, R. 1272 van 17 November 2017, R. 1318 van 30 November 2018, R. 61 van 25 Januarie 2019, R. 842 van 31 Mei 2019, R. 1343 van 18 Oktober 2019, R. 107 van 7 Februarie 2020, R. 1157 van 30 Oktober 2020, R. 1603 van 17 Desember 2021, R. 2133 van 3 Junie 2022, R. 2413 van 26 Augustus 2022 en R. 3397 van 12 Mei 2023.

Wysiging van reël 4 van die Reëls

2. Reël 4 van die reëls word hierby gewysig deur in subreël (1) subparagrafe (ii) en (iv) van paragraaf (a) deur die volgende subparagrafe, onderskeidelik, te vervang:

- “(ii) deur by die woon- of besigheidsplek van die betrokke persoon of van die persoon se voog, kurator of ander belangewaarnemer 'n afskrif daarvan **[by]** aan iemand af te **[laat]** lewer wat ten tye van die aflewering skynbaar in beheer van die perseel is en nie jonger as sestien jaar voorkom nie. As 'n gebou wat nie 'n hotel, losieshuis, hostel of soortgelyke woonplek is nie, deur meer as een persoon of gesin bewoon word, beteken 'woon- of besigheidsplek', vir die doel van hierdie paragraaf, dié gedeelte van die gebou wat deur die persoon aan wie betekening moet geskied, bewoon word;
- (iv) deur in die geval waar die betrokke persoon 'n *domicilium citandi* gekies het, 'n afskrif daarvan by die domicilium af te lewer **[of te laat]** aan 'n persoon wat nie jonger as sestien jaar voorkom nie;”.

Invoeging van reël 67A in die Reëls

3. Die volgende reël word hierby na reël 67 in die Reëls ingevoeg:

“67A Koste

(1) Behoudens enige ander bevel van die hof wat koste toestaan, is die gelde en uitbetalings soos tussen party en party toeken, wat in 'n kosterekening ingesluit kan word wat vir taksasie voorgelê word—

(a) vir prokureurs, ooreenkomstig die tarief in reël 70;

(b) vir prokureurs, met 'n reg om in die Hoër Howe te verskyn en wat in 'n aangeleentheid verskyn, ooreenkomstig reëls 69 en 70, waar van toepassing; en

(c) vir advokate, ooreenkomstig die tarief in reël 69: Met dien verstande dat vir dienste deur 'n advokaat in artikel 34(2)(a)(ii) van die Wet op Regspraktyk, 2014 (Wet No. 28 van 2014), bedoel, vir werk wat gewoonlik deur 'n prokureur gedoen word, word die gelde vir sodanige werk ingevolge reël 70 vasgestel.

(2) By oorweging van alle tersaaklike faktore wanneer koste toegestaan word, kan die hof die volgende in ag neem:

(a) die bepalings van reël 41A;

(b) versuim deur enige party of sodanige party se regsverteenwoordiger om aan die bepalings van reëls 30A; 37 en 37A te voldoen;

(c) onnodige of breedsprakige opstelling, onnodige aanhangsels en onnodige prosedures wat gevolg is;

(d) onnodige tyd gespandeer in die voer van getuienis, kruis-ondervraging van getuies en argumente;

(e) die voer van litigering deur enige party se regsverteenwoordiger en hetsy sodanige verteenwoordiger beveel moet word om sodanige koste in sy of haar persoonlike hoedanigheid te betaal; en

(f) hetsy die litigering uit die landdroshof gevoer kon gewees het.

(3) (a) 'n Kostebevel moet die skaal ingevolge reël 69 aandui waarkragtens koste toegeken is.

(b) By die oorweging van die faktore om 'n gepaste skaal van koste toe te ken, kan die hof die volgende in ag neem:

(i) hoe ingewikkeld die aangeleentheid is; en

(ii) die waarde van die eis of belangrikheid van die regshulp wat verlang word.

(c) Indien die skaal ingevolge paragraaf (a) nie in die bevel aangedui word nie, is skaal A van reël 69(7) van toepassing op die koste wat die hof toegestaan het.

(4) 'n Kostebevel kan by aansoek deur enige party aandui—

(a) watter gedeelte van die verrigtinge as dringend beskou word; en

(b) hetsy die gelde wat volg op die indiensneming van meer as een advokaat of prokureur wat die reg het op verskyning in die Hoër Howe het en wat verskyn, toegelaat word en die skaal ingevolge reël 69, waarkragtens sodanige gelde toegelaat word.

(5) Die taksasie van gelde soos tussen party en party word deur die takseermeester gedoen ooreenkomstig reëls 69 en 70 en die toepaslike tariewe wat daarin verskyn.

(6) Waar 'n item in die tariewe in reëls 69 of 70 uiteengesit, vereis dat die takseermeester diskresie uitoefen in die vasstelling van die bedrag van gelde of uitbetaling wat vir sodanige item toegelaat staan te word, kan die takseermeester enige riglyne wat deur die Regspraktykraad aanbeveel word, in ag neem."

Wysiging van reël 69 van die Reëls

4. Reël 69 van die Reëls word hierby gewysig deur die reël deur die volgende reël te vervang:

"69. [Advokaatsgelde in Siviele Sake in die Provinsiale en Plaaslike Afdelings van die Hooggeregshof] Tarief van gelde vir regspraktisyns wat in die Hoër Howe verskyn

(1) Die gelde van net een advokaat of prokureur wat die reg het om in die Hoër Howe te verskyn en wat verskyn, word as tussen party en party toegelaat, behalwe waar die hof gelde magtig wat voortspruit uit die diens van meer dan een advokaat **[tussen]** of prokureur wat die reg op verskyning in die Hoër Howe het en wat verskyn, vir 'n party en party [magtig] kosterekening.

(2) Waar gelde vir meer as een advokaat of prokureur wat die reg op verskyning in die Hoër Howe het en wat verskyn, vir 'n tussen party en party kosterekening toegelaat word, **[beloop]** is dié van 'n addisionele advokaat **[hoogstens die helfte van dié van die eerste]** of prokureur wat die reg op verskyning in die Hoër Howe het en wat verskyn, op 'n skaal ingevolge subreël (7), soos deur die hof gelas.

[(3) Behalwe waar koste aan die verweerder of respondent toegeken word, geld die tarief van maksimum gelde vir advokate tussen party en party genoem in Deel IV van Tabel A van Bylae 2 by die Landdroshofreëls (hieronder "die tarief" genoem), waar die bedrag of waarde van die eis binne die jurisdiksie van die landdroshof val, tensy die hof op versoek gedoen voor of onmiddellik nadat vonnis gegee is, anders gelas.]

(4)...

[(5) Die taksering van advokaatsgelde tussen party en party word deur die takseermeester in ooreenstemming met hierdie reël en waar van toepassing, die tarief, gedoen. Waar die tarief nie geld nie, laat hy soveel toe as wat hy redelik ag, en nie noodwendig meer as die tarief nie.

(6) Vir advokate in artikel 34(2)(a)(ii) van die Wet op Regspraktyk, 2014 (Wet 28 van 2014), bedoel, is die tarief van gelde soos tussen party en party ooreenkomstig hierdie reël en die

tarief in reël 70, welke tariefiteme ook al van toepassing is op die dienste deur die advokaat gelewer: Met dien verstande dat waar 'n bywoning deur 'n advokaat 'n diens daarstel wat gewoonlik deur 'n prokureur verrig word, die tarief in reël 70 op daardie bywoning van toepassing is.]

(7) Die skale van gelde in subreël (3) van reël 67A beoog, is:

<u>SKAAL A</u>	<u>SKAAL B</u>	<u>SKAAL C</u>
R375,00 per kwartier of gedeelte daarvan (maksimum toegelaat)	R750,00 per kwartier of gedeelte daarvan (maksimum toegelaat)	R1125,00 per kwartier of gedeelte daarvan (maksimum toegelaat)

(8) Die tarief van gelde wat ingevolge hierdie reël vir regspraktisyns toegelaat sal word, is:

TARIEF VAN GELDE

1. (a) Verskynings in die hof vir verhoor: Daggelde, inklusief van voorbereiding, konsultasie en verskyning op dieselfde dag.

(b) Verskynings in die hof vir bestrede aansoeke:

(i) vir die eerste dag, daggelde inklusief van voorbereiding, konsultasie en verskyning op dieselfde dag; en

(ii) vir opeenvolgende dae, per kwartier of gedeelte daarvan.

2. Verskynings in die hof: onbestrede aansoeke: per kwartier of gedeelte daarvan behoudens minimum gelde van een uur wat toegelaat word.

3. Per kwartier of gedeelte daarvan vir—

(a) Voorbereiding voor die dag van die verhoor;

(b) Konferensies: voorverhoor en saakbestuur;

(c) Opstel of skikking van beëdigde verklarings, pleitstukke, betooghoofde en ander nodige dokumentasie;

(d) Nodige konsultasies;

(e) Nodige sorgvuldige deurlesing; en

(f) Enige inspeksie ter plaatse, in die oorspronklike ligging, of andersins.

4. Indien 'n verhoor of bestrede aansoek uitgestel, geskik of teruggetrek word op aandrang van enige party op die dag van die verhoor of voor die eerste dag se verhoor en 'n heffing vir die kansellasië van die bespreking van die dag word gehef, kan 'n besprekingsfooi soos volg toegelaat word:

(a) Indien geskik, teruggetrek of uitgestel op die dag van terrolleplasing of twee dae voor dit, 'n volle eerste daggeld; of

(b) Indien geskik, teruggetrek of uitgestel drie of sewe dae voor die dag van terrolleplasing, twee derdes van 'n daggeld;

Met dien verstande dat geen besprekingsgeld toegelaat sal word nie as 'n verhoor of bestrede aansoek geskik, uitgestel of teruggetrek word voor die dag van terrolleplasing."

Wysiging van reël 70 van die Reëls

5. Reël 70 van die Reëls word hierby gewysig—

(a) deur die volgende item by item 7 van Afdeling A by die Tarief van Gelde van Prokureurs te voeg:

"7. Enige inspeksie ter plaatse, in die oorspronklike ligging of elders, per kwartier of gedeelte daarvan—

(a) deur 'n prokureur.....R388,50

(b) deur 'n kandidaatprokureurR120,50

(b) deur in Afdeling D die volgende item by die Tarief van Gelde van Prokureurs te voeg:

"6 Die gelde in afdelings A, B, C en D word met 15% verhoog ooreenkomstig enige kostebevel wat ingevolge reël 67A(4)(a) gemaak is en soos by taksasie toegelaat."

Vervanging van Vorm 16A van die Eerste Bylae van die Reëls

6. Vorm 16A van die Eerste Bylae van die Reëls word hierby deur die volgende vorm vervang:

“Vorm 16A

SUBPOENA DUCES TECUM

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA
(..... AFDELING)

Saakno.....

In die aangeleentheid tussen:

.....

Eiser

en

.....

Verweerder

Aan die balju of adjunk:

STEL:

- (1)
- (2)
- (3)
- (4)

(Vermeld naam, [geslag,] beroep en besigheids- of woonplek van elke getuie)

dat elkeen van daardie persone binne 10 dae vanaf ontvangs van hierdie dagvaarding, by die griffier van die genoemde hof (beskryf elke dokument wat beskikbaar gestel moet word akkuraat) moet indien of die griffier verwittig waar die (beskryf voorwerp wat beskikbaar gestel moet word).

- (1)
- (2)
- (3)

gevind kan word, tensy daardie persoon aanspraak maak op privilegie ten opsigte van enige dokument of voorwerp.

[En elk van die genoemde persone verder] EN ELK VAN DIE GENOEMDE PERSONE VERDER IN KENNIS STEL DAT:

- (a) Daardie persoon in geen omstandighede moet versuim om aan hierdie dagvaarding te voldoen nie aangesien die persoon aan 'n boete of aan gevangenisstraf van hoogstens drie maande blootgestel kan word;
- (b) **[Indien]** Sodanige persoon/persone kan van privilegie afstand doen, maar indien op privilegie aanspraak gemaak word ten opsigte van enige dokument of voorwerp, word die party wat die

dagvaarding laat uitreik het binne vyf dae vanaf ontvangs van die dagvaarding in kennis gestel van die aard van die privilegie waarop aanspraak gemaak word; en
(c) Sodanige persoon is geregtig daarop dat die dokument of ding ná insae of die maak van afskrifte of neem van foto's deur die partye, aan hom of haar terugbesorg word.

GEDATEER te op hede die dag van 20.....

.....
Griffier van die Hooggeregshof

.....
Eiser/Verweerde/Prokureur".

Inwerkingtreding

7. Hierdie reëls tree in werking op 12 April 2024.

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