

REGULASI
GAZETTE

REGULASIE
KOERANT



Regulation Gazette

No. 10763

Regulasiekoerant

Vol. 627

**29 September
September 2017**

No. 41142

PART 1 OF 2

Contents

<i>No.</i>		<i>Gazette No.</i>	<i>Page No.</i>
	GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS		
	Communications, Department of/ Kommunikasie, Departement van		
R. 1054	Films and Publications Act (61/1996) as amended: Government Gazette notice for public comment: Films and Publications Board Draft Tariffs Review.....	41142	11
	Justice and Constitutional Development, Department of/ Justisie en Staatkundige Ontwikkeling, Departement van		
R. 1055	Rules Board for Courts of Law Act (107/1985): Amendment of the Rules of SCA, High Court and Magistrate's Courts of South Africa.....	41142	23
R. 1055	Wet op die Reëlsraad vir Geregshowe (107/1985): "Amendment of the Rules of SCA, High Court and Magistrate's Courts of South Africa"	41142	29

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF COMMUNICATIONS**NO. R. 1054****29 SEPTEMBER 2017****GOVERNMENT GAZETTE NOTICE FOR PUBLIC COMMENT: FILMS AND
PUBLICATIONS BOARD DRAFT TARIFFS REVIEW****REPUBLIC OF SOUTH AFRICA**

I, Ms. N.T.F. Mpumlwana, hereby publish for public comment, the Draft Tariffs Review developed under section 31(1) A of the Films and Publications Act, 61 of 1996, as amended.

Any person who wishes to submit representations or comments in connection with the Draft Tariffs Review is invited to do so within 30 (thirty) days from the date of publication in the Government Gazette and by no later than 16h00 on the last day. Comments received after this time may not be considered.

Hand deliver to: The Film and Publication Board
Eco Glade 2, 420 Witch Hazel Avenue
Centurion, 1609
Attention: Tshepo Mogale

Or e-mail to: tariffs.submissions@fpb.org.za

A copy of the Draft Tariffs Review is also available free online at www.fpb.org.za

SCHEDULE

1. The Film and Publication Board (Board) is a public entity of the Department of Communications, established in terms of the Films and Publications Act 65, 1996 (as amended in 2004 and in 2009).
2. **The mandate of the Board can be summarised as follows:**
 - 2.1 To regulate the creation, production, possession and distribution of films, games and certain publications by way of classification;
 - 2.2 To protect children from exposure to disturbing and harmful material and from premature exposure to adult material; and
 - 2.3 To criminalise child pornography and the use and exposure of children to pornography.
3. Section 18(1) of the Films and Publications Act requires any person who intends to distribute any film or game and certain publications in the Republic of South Africa first to register with the Board and to submit to the Board for examination and classification such film, game or publication.
4. Although the current legislation is not platform-specific, the Board's compliance and classification activities have over the years focused more on physical platforms and less on the online space, resulting in children being exposed to unclassified content accessed through the internet and other mobile platforms.
5. Media convergence – a new technology trend enabled by the digitisation of media content, the widespread availability of high-speed broadband

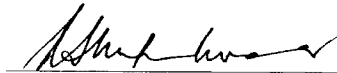
connections, and the proliferation of Internet-enabled devices has fundamentally transformed the way media content is distributed and consumed. Consumers can now access media content across geographic boundaries, anytime, anywhere, and however they want it.

6. Section 31(1)A of the Act empowers the Minister in consultation with the Minister of Finance, make regulations regarding fees payable in respect of any application, exemption, permit or appeal under this Act. The current tariff structure does not make adequate provision for the increasing volumes of online content and growth and development of the video on demand industry as a whole. As a public entity, the grant received from National Treasury through the Department of Communications is largely used to subsidize the cost of the administrative functions performed by the FPB pursuant to the provisions of the Act. Thus in the financial year 2015/16 strategy FPB resolved to review the tariffs by appointing Enterprises of the University of Pretoria, to conduct in-depth research on the market trends and legislative framework review. Enterprise included on this exercise industry engagements through round table discussions held in Gauteng and Durban to assess the relevancy of the current tariffs, and also issue directives on how the FPB Board must charge classification and registration of content distributed online for the South African market. This is to ensure online content distributors that fall under our jurisdiction register with the Board and pay the justifiable fee and have their content classified pre distribution. Against this background, in order to give effect to the Act, the Minister of Communications in consultation with the Minister of Finance, intends to adopt the attached Draft Tariffs.

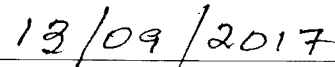
7. The purpose of the Draft Tariffs is to ensure that tariffs payable by distributors are justifiable, fair and relevant.
8. This Draft Tariffs Review is also available for free online at **www.fpb.org.za**

Annexure

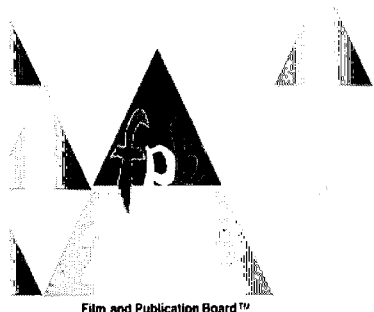
Annexure A	Physical Content and General Penalties (tariffs)
Annexure B	Online Distribution and General Penalties (tariffs)



Ms. N.T.F. Mpumlwana
FPB Council Chairperson



Date



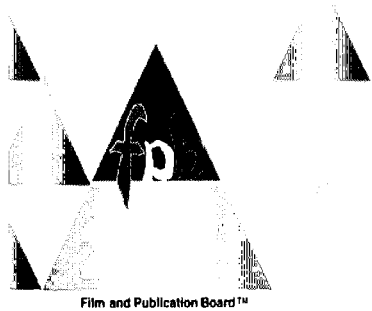
Head Office:
Eco Glades 2, 420 Witch Hazel Avenue, Eco Park, Centurion, 0169
Private Bag X31, Highveld Park, 0169
Tel: +27 12 003 1400 | Fax: +27 12 661 0074
Email: clientsupport@fpb.org.za | Website: www.fpb.org.za

FPB DRAFT TARIFFS 2017

Annexure A (Physical Content and Distributor Size)

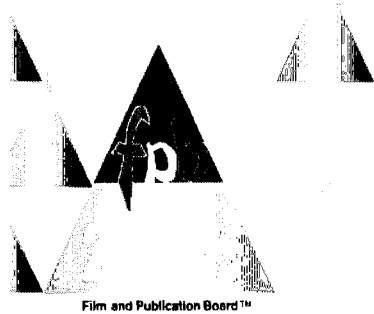
1. Physical Content tariffs

Tariff number	Serial No	Description	Tariff category	Proposed Fee (no size differentiation)	Proposed Fees with size differentiation		
					Small client	Medium client	Large client
1	1.1	Distributor or exhibitor of films or interactive computer games, and mobile cellular and internet content	Registration	R1 222.00	R1 222	R1 222	R1 222
2	1.1.1	Distributor or exhibitor of films or interactive computer games, and mobile cellular and internet content	Registration	R1 635.00	R1 635	R1 635	R1 635
3	1.2	Internet Service Provider	Registration	R611.00	R611	R611	R611
4	1.3	Annual renewal of distribution certificate: Online	Registration	R166.00	R83	R166	R249
5	1.3.1	Annual renewal of distribution certificate: Manual	Registration	R218.00	R109	R218	R327
6	1.4	Issue of new certificate on change of details	Registration	R261.00	R131	R261	R392
7	2.1.1	Periodical (annual fee)	Classification - Publication submitted in terms of Section 16(4) of the Act	R16 426.00	R8 213	R16 426	R24 639
8	2.1.2	Single Issue	Classification - Publication submitted in terms of Section 16(4) of the Act	R1 851.00	R926	R1 851	R2 777
9	2.2.1.1	New release of original English - language film	Classification - Films - Public entertainment format	R3 423.00	R1 712	R3 423	R5 135
10	2.2.1.2	New release of original non-English language film	Classification - Films - Public entertainment	R1 711.00	R856	R1 711	R2 567



Head Office:
Eco Glades 2, 420 Witch Hazel Avenue, Eco Park, Centurion, 0169
Private Bag X31, Highveld Park, 0169
Tel: +27 12 003 1400 | Fax: +27 12 661 0074
Email: clientsupport@fpb.org.za | Website: www.fpb.org.za

		(Subtitled) - 50% of the original language	format				
11	2.2.1.3	New release of an adult movie (First 3 hours)	Classification - Films - Public entertainment format	R3 423.00	R1 712	R3 423	R5 135
12	2.2.1.4	New release of an adult movie (3 to 4 hours)	Classification - Films - Public entertainment format	R4 441.00	R2 221	R4 441	R6 662
13	2.2.1.5	New release of an adult movie (4 to 6 hours)	Classification - Films - Public entertainment format	R5 459.00	R2 730	R5 459	R8 189
14	2.2.1.6	Trailer of a film	Classification - Films - Public entertainment format	R34.00	R17	R34	R51
15	2.2.1.7	Re - release of original English language film - 50% of the applicable tariffs	Classification - Films - Public entertainment format	R1 711.00	R856	R1 711	R2 567
16	2.2.1.8	Re - release of original non-English language films (Subtitled) - 50% of the applicable tariffs	Classification - Films - Public entertainment format	R926.00	R463	R926	R1 389
17	2.2.2.1	New release of original English - language film (First 1 hours)	Classification - Films - Home Entertainment format	R1 537.00	R769	R1 537	R2 306
18	2.2.2.2	New release of original English - language film (2 to 3 hours)	Classification - Films - Home Entertainment format	R2 306.00	R1 153	R2 306	R3 459
19	2.2.2.3	New release of original English - language film (3 to 5 hours)	Classification - Films - Home Entertainment format	R3 075.00	R1 538	R3 075	R4 613
20	2.2.2.4	New release of original non-English language film (Subtitled)	Classification - Films - Home Entertainment format	R2 289.00	R1 145	R2 289	R3 434
21	2.2.2.5	New release of original non-English language film (Not Subtitled)	Classification - Films - Home Entertainment format	R7 630.00	R3 815	R7 630	R11 445
22	2.2.2.6	New release of an adult movie (First 3 hours)	Classification - Films - Home Entertainment format	R3 423.00	R1 712	R3 423	R5 135
23	2.2.2.7	New release of an adult movie (3 to 4 hours)	Classification - Films - Home Entertainment format	R4 441.00	R2 221	R4 441	R6 662



Head Office:

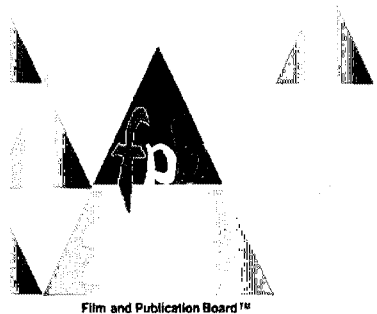
Eco Glades 2, 420 Witch Hazel Avenue, Eco Park, Centurion, 0169

Private Bag X31, Highveld Park, 0169

Tel: +27 12 003 1400 | Fax: +27 12 661 0074

Email: clientsupport@fpb.org.za | Website: www.fpb.org.za

24	2.2.2.8	New release of an adult movie (4 to 6 hours)	Classification - Films - Home Entertainment format	R5 459.00	R2 730	R5 459	R8 189
25	2.2.2.9	Re - release of original English - language film	Classification - Films - Home Entertainment format	R769.00	R385	R769	R1 154
26	2.2.2.10	Re- release of original non-English language film (Subtitled)	Classification - Films - Home Entertainment format	R1 145.00	R573	R1 145	R1 718
27	2.2.2.11	Re- release of original non-English language film (Not Subtitled)	Classification - Films - Home Entertainment format	R3 815.00	R1 908	R3 815	R5 723
28	2.2.3.1	Foreign Productions (First 3 hours)	Classification - Films - Serials in any language or format	R3 423.00	R1 712	R3 423	R5 135
29	2.2.3.2	Foreign Productions (3 to 4 hours)	Classification - Films - Serials in any language or format	R610.00	R305	R610	R915
31	2.2.3.4	South African Productions (First 5 hours)	Classification - Films - Serials in any language or format	R3 423.00	R1 712	R3 423	R5 135
32	2.2.3.5	South African Productions (5 hours and more)	Classification - Films - Serials in any language or format	R610.00	R305	R610	R915
33	2.2.4.1	Public entertainment format	Classification - Films - Films produced in Africa (including Bollywood)	R913.00	R457	R913	R1 370
34	2.2.4.2	Home Entertainment format	Classification - Films - Films produced in Africa (including Bollywood)	R830.00	R415	R830	R1 245
35	2.3.1	New release in original format	Classification - Interactive Computer Games	R2 794.00	R1 397	R2 794	R4 191
36	2.3.2	New release in different format	Classification - Interactive Computer Games	R2 794.00	R1 397	R2 794	R4 191
37	2.3.3	Re- release in original format	Classification - Interactive Computer Games	R1 396.00	R698	R1 396	R2 094
38	2.3.4	Re- release in different format	Classification - Interactive Computer Games	R1 396.00	R698	R1 396	R2 094
39	2.3.5	Re-classification of games distributed with magazine	Classification - Interactive Computer Games	R1 398.00	R699	R1 398	R2 097



Head Office:

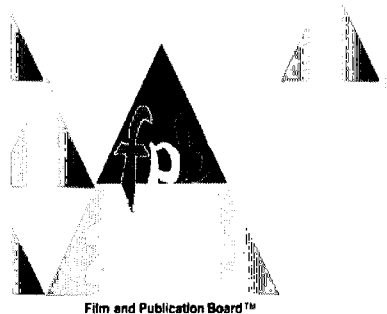
Eco Glades 2, 420 Witch Hazel Avenue, Eco Park, Centurion, 0169

Private Bag X31, Highveld Park, 0169

Tel: +27 12 003 1400 | Fax: +27 12 661 0074

Email: clientsupport@fpb.org.za | Website: www.fpb.org.za

40	2.3.6	Posters of films and interactive computer games	Classification - Interactive Computer Games	R46.00	R23	R46	R69
41	2.4.1	Exemption of Films for Film Festival	Classification - Exemptions	R2 281.00	R1 141	R2 281	R3 422
42	2.4.2	Exemption of a film in home - entertainment format	Classification - Exemptions	R1 100.00	R550	R1 100	R1 650
43	2.4.3	Exemption of a film in home - entertainment format (additional disc)	Classification - Exemptions	R278.00	R139	R278	R417
44	2.4.4	Exemption of an Interactive computer Game	Classification - Exemptions	R1 369.00	R685	R1 369	R2 054
45	2.4.5	Copy of a certificate of registration, classification or exemption or decision	Classification - Exemptions	R261.00	R261	R261	R261
46	2.4.6	List of all titles classified by the Board (per year)	Classification - Exemptions	R2 281.00	R1 141	R2 281	R3 422
48	2.5.1	Trailer of a film	Classification - Appeal to Appeal Tribunal	R67.00	R34	R67	R101
49	2.5.2	New release of a film	Classification - Appeal to Appeal Tribunal	R6 846.00	R3 423	R6 846	R10 269
50	2.5.3	New release of an adult movie	Classification - Appeal to Appeal Tribunal	R10 917.00	R5 459	R10 917	R16 376
51	2.5.4	Copy of report of Appeal Tribunal	Classification - Appeal to Appeal Tribunal	R82.00	R41	R82	R123
52	2.6	Expedited Classification @ 25% above standard classification fees	Expedited Classification				



Head Office:
Eco Glades 2, 420 Witch Hazel Avenue, Eco Park, Centurion, 0169
Private Bag X31, Highveld Park, 0169
Tel: +27 12 003 1400 | Fax: +27 12 661 0074
Email: clientsupport@fpb.org.za | Website: www.fpb.org.za

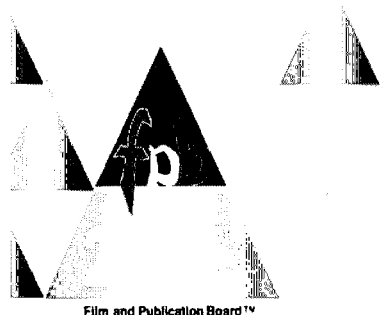
2. SPLIT OF REVENUE BY CLIENT SIZE

DISTRIBUTOR SIZE	NUMBER OF TITLES SUBMITTED PREVIOUS YEAR
SMALL	LESS THAN 5
MEDIUM	5 – 99
LARGE	100+

Annexure B (online distribution and general penalties)

1. ONLINE DISTRIBUTOR ANNUAL LICENSE FEES (FILMS/GAMES)

NUMBER OF TITLES	FILMS	SERIALS
0 – 499	R 259.31/TITLE	R1,037.24/SEASON
500 – 999	R 207.45/TITLE	R 829.79/SEASON
1,000+	R 165.96/TITLE	R 663.83/SEASON



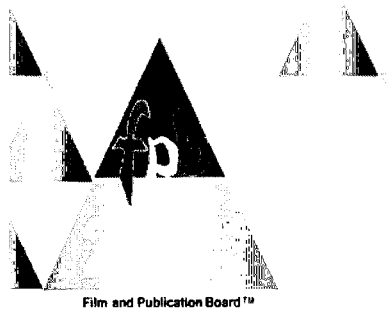
Head Office:
Eco Glades 2, 420 Witch Hazel Avenue, Eco Park, Centurion, 0169
Private Bag X31, Highveld Park, 0169
Tel: +27 12 003 1400 | Fax: +27 12 661 0074
Email: clientsupport@fpb.org.za | Website: www.fpb.org.za

The fees above are applied in a stepped fashion (i.e. If a distributor offers more than 1,000 titles, the "0-499" fee is applied for the first 499 titles, the "500-999" fee is applied for the next 500 titles, and the "1,000+" fee is applied for the remaining titles).

2. NON-COMPLIANCE PENALTY FEES

2.1 NON-COMPLIANCE PENALTY FEES PER TITLE (ONLINE DISTRIBUTORS - FILM CONTENT)

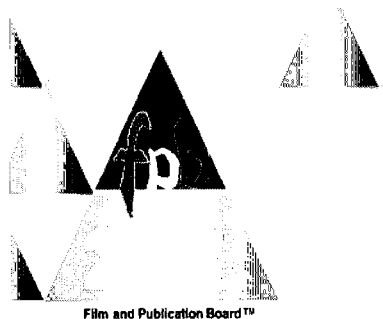
Offence	Number of film titles offered by distributor		
	0 – 499	500 - 999	1,000+
Failure to register	R518.62	R414.90	R331.92
Failure to renew license			
Failure to display classification decision	R43.22	R34.58	R27.66
Incorrect display of classification decision			
Failure to submit for classification			



Head Office:
 Eco Glades 2, 420 Witch Hazel Avenue, Eco Park, Centurion, 0169
 Private Bag X31, Highveld Park, 0169
 Tel: +27 12 003 1400 | Fax: +27 12 661 0074
 Email: clientsupport@fpb.org.za | Website: www.fpb.org.za

2.2 NON-COMPLIANCE PENALTY FEES PER TITLE (ONLINE DISTRIBUTORS - SERIAL CONTENT)

Offence	Number of serial titles offered by distributor		
	0 – 499	500 - 999	1,000+
Failure to register Failure to renew license	R2,074.88	R1,659.58	R1,327.66
Failure to display classification decision Incorrect display of classification decision Failure to submit for classification	R172.87	R138.30	R110.64



Head Office:
Eco Glades 2, 420 Witch Hazel Avenue, Eco Park, Centurion, 0169
Private Bag X31, Highveld Park, 0169
Tel: +27 12 003 1400 | Fax: +27 12 661 0074
Email: clientsupport@fpb.org.za | Website: www.fpb.org.za

The first penalty fee outlined in the tables above is to be applied in the same stepped fashion as the tariff in respect of all title. Where a distributor offers both film and serial content, the penalty must be applied in respect of both types of content. This fee is set in line with the expected annual tariff cost related to the content.

The second penalty fee outlined in the tables is to be applied per title for which there was a failure, based on the number of total titles offered at the time. this penalty must be applied per title for which there was a failure, based on the number of total titles offered at the time. This penalty must be applied per month for which there was a failure. this represents double the monthly cost that must be paid in respect of those titles.

2.3 NON-COMPLIANCE PENALTY FEES PER TITLE (EXCLUDING ONLINE DISTRIBUTORS)

Offence	Penalty fee recommendation
1. Failure to register with FPB	Twice the registration fee
2. Failure to display classification decision on classified content	Twice the relevant classification fee
3. Incorrect display of classification decision	Twice the relevant classification fee
4. Failure to renew distributor license	Twice the renewal fee
5. Failure to submit content for classification	Twice the relevant classification fee

3. Accreditation of international rating agencies

The tariff review also focused on accrediting international rating agencies, this is subject to the FPB bill being passed.

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT**NO. R. 1055****29 SEPTEMBER 2017****RULES BOARD FOR COURTS OF LAW ACT, (ACT NO. 107 OF 1985)****AMENDMENT OF RULES REGULATING THE CONDUCT OF THE
PROCEEDINGS OF THE SUPREME COURT OF APPEAL OF SOUTH AFRICA**

The Rules Board for Courts of Law has under section 6 of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985), with the approval of the Minister of Justice and Correctional Services, made the rules in the Schedule.

SCHEDULE**Definition**

1. In this Schedule “the Rules” mean the Rules Regulating the Conduct of the Proceedings of the Supreme Court of Appeal of South Africa published under Government Notice No. R. 1523 of 27 November 1998, as amended by Government Notice Nos. R. 979 of 19 November 2010, R. 191 of 11 March 2011 and R. 113 of 15 February 2013.

Amendment of Rule 18 of the Rules

2. The Rules are hereby amended by the substitution for rule 18 of the following rule:

"18 Attorneys' fees

The following fees shall be allowed to attorneys conducting appeals or other matters before the Court:

A - TAKING INSTRUCTIONS

R.c

- | | | |
|-------|---|--------|
| 1.(a) | To note an appeal or cross-appeal when leave to appeal is not required per quarter of an hour | |
| (i) | by an attorney | 263,00 |
| (ii) | by a candidate attorney | 81,00 |
| (b) | To prosecute or defend an appeal, including continuation of a cross-appeal per quarter of an hour | |
| (i) | by an attorney | 263,00 |
| (ii) | by a candidate attorney | 81,00 |
| (c) | To make or oppose an application per quarter of an hour | |
| (i) | by an attorney | 263,00 |
| (ii) | by a candidate attorney | 81,00 |
| 2. | To draft any application or affidavit per page | 105,50 |

B - PREPARATION OF RECORDS

R.c

1. Making, for the purpose of preparing copies of the record on appeal (except where a charge is made under paragraph 5 hereof), a copy of such particulars of the record as were not in the possession of the appellant or his or her attorney at

	the time when the order appealed from was made, per page	3,50
2.	Arranging record for printing or typing, excluding unnecessary documents therefrom, and preparing an index and list of documents not included in the record on appeal, per quarter of an hour or part thereof	
(i)	by an attorney	263,00
(ii)	by a candidate attorney	81,00
3.	Correcting typed copy, per quarter of an hour or part thereof	
(i)	by an attorney	263,00
(ii)	by a candidate attorney	81,00
4.	Attending at the office of the registrar or officer of the court appealed from to peruse or authenticate the record, per quarter of an hour or part thereof	
(i)	by an attorney	263,00
(ii)	by a candidate attorney	81,00
5.	Making copies of record on appeal and heads of arguments, per page	3,50

C - PERUSAL

R.c

1.(a)	Perusing judgment of court <i>a quo</i> when taking instructions for the continuation of an appeal or cross-appeal, where leave to appeal is not required, per page	53,00
(b)	Perusing record of appeal, for each page	4,50
(c)	Perusing judgment of court <i>a quo</i> by which leave to appeal was denied, when taking instructions to apply for leave to appeal to the Court, per page	4,50
2.	Perusing any plan, diagram, photograph or other annexure	

	to the record to which the remuneration hereinbefore set out	
	cannot be applied per page	53,00
3.(a)	Attendance on and perusal of any application or affidavit	
	or any other document not elsewhere provided for, per page	53,00
(b)	Attendance on and perusal of any annexure to an	
	application and answering affidavit, per page	4,50
(c)	Attendance on and perusal of an application or	
	affidavit composed or corrected by counsel, per page	12,00
4.	Attendance on and perusal of heads of argument, excluding	
	annexures for example unreported judgments of court or	
	copies of publications attached as confirmation of heads of	
	arguments, per page	53,00

D - ATTENDANCE

		R.c
1.	Any formal attendance on an acknowledgement, receipt, etc	53,00
2.(a)	Attendance on any letter or document	53,00
(b)	Necessary telephone calls made, the actual costs thereof, plus	
	for every five minutes or part thereof	
(i)	by an attorney	88,00
(ii)	by a candidate attorney	27,00
(c)	Attendance on telephone calls for every five minutes or part	
	thereof	
(i)	by an attorney	88,00
(ii)	by a candidate attorney	27,00
3.(a)	Attendance at office of registrar to deliver a letter or document,	
	or to uplift an order, etc, per quarter of an hour or part thereof	
(i)	by an attorney	263,00
(ii)	by a candidate attorney	81,00
(b)	Attendance on business other than formal business, per	

	quarter of an hour or part thereof	
(i)	by an attorney	263,00
(ii)	by a candidate attorney	81,00
4.(a)	Attendance at any consultation with counsel or client, per quarter of an hour or part thereof	
(i)	by an attorney	263,00
(ii)	by a candidate attorney	81,00
(b)	A comprehensive fee for attendance, obtaining and payment of counsel for noting of judgment	
(i)	by an attorney	263,00
(ii)	by a candidate attorney	81,00
5.	Attendance at court to note judgment per quarter of an hour	
(a)	by an attorney	263,00
(b)	by a candidate attorney	81,00
6.	Attendance at court on hearing of appeal or application, per quarter of an hour or part thereof-	
(a)	by an attorney	263,00
(b)	by a candidate attorney	81,00

E-DRAWING UP OF DOCUMENTS

R c

1.	Any application or affidavit, per page	105,50
2.	Instructions to counsel	
(a)	on appeal per page	105,50
(b)	on application per page	105,50
(c)	in justifiable cases, for the drawing up or correcting of application or affidavit for an application for leave to appeal or disputing thereof per page	105,50
3.	Drawing up of notice of appeal or other necessary notices, per page	105,50
4.	Letters per page, including copy to keep	105,50
5.	Drawing up power of attorney, per page	105,50
6.	Drawing up short brief to counsel per page	105,50
7.	Drawing up bond of security, per page	105,50

F-COPYING

Other documents not specially provided for, per page 3,50

G-BILLS OF COSTS

In connection with a bill of costs for work done or services rendered by an attorney, such attorney shall be entitled to charge the following:

1. For drawing up the bill of costs, making the necessary copies and attending settlement: 11,00 per cent of the attorney's fees, either as charged in bill if not taxed or as allowed on taxation.
2. For arranging and attending taxation: 11,00 per cent on the first R10 000,00 or portion thereof, 6 per cent on the next R10 000,00 or portion thereof and 2,12 percent on the balance of the total amount of the bill.”.

Commencement

3. These rules shall come into operation on **1 November 2017**.

DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

NO. R. 1055

29 SEPTEMBER 2017

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

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

BYLAE

Woordomskrywing

1. In hierdie Bylae beteken “die Reëls” die Reëls Waarby die Verrigtinge van die Hoogste Hof van Appèl van Suid-Afrika, gepubliseer in Goewermentskennisgewing No. R. 1523 van 27 November 1998, soos gewysig deur Goewermentskennisgewing No's. R. 979 van 19 November 2010, R. 191 van 11 Maart 2011 en R. 113 van 15 Februarie 2013.

Wysiging van Reël 18 van die Reëls

2. Die Reëls word hierby gewysig deur reël 18 deur die volgende reël te vervang:

"18 Prokureursgelde

Die volgende gelde word toegelaat vir prokureurs wat appèlle of ander sake voor die Hof voer:

A - NEEM VAN INSTRUKSIES

R.s.

1.(a) Om 'n appèl of teenappèl aan te teken wanneer verlop om te

appelleer nie 'n vereiste is nie per kwartier van 'n uur

(iii)	deur 'n prokureur	263,00
-------	-------------------	--------

(iv)	deur 'n kandidaatprokureur	81,00
------	----------------------------	-------

(b) Om 'n appèl voort te sit of te verdedig, insluitende

voortsetting van 'n teenappèl per kwartier van 'n uur

(iii)	deur 'n prokureur	263,00
-------	-------------------	--------

(iv)	deur 'n kandidaatprokureur	81,00
------	----------------------------	-------

(c) Om 'n aansoek te doen of dit te bestry per kwartier van 'n uur

(iii)	deur 'n prokureur	263,00
-------	-------------------	--------

(iv)	deur 'n kandidaatprokureur	81,00
------	----------------------------	-------

2.	Om enige aansoek of beëdigde verklaring op te stel per bladsy	105,50
----	---	--------

B - VOORBEREIDING VAN STUKKE

R.s.

1. Die maak van 'n afskrif van besonderhede van die stukke

wat nie in besit van die appellant of sy of haar prokureur was toe die

bevel waarteen geappelleer word, uitgevaardig is nie, met die doel

om afskrifte van die oorkonde van appèl (behalwe waar 'n bedrag

kragtens paragraaf 5 hiervan gevorder word) voor te berei, per

bladsy	3,50
2. Rangskikking van stukke vir druk of tik, met uitsluiting van onnodige dokumente, en voorbereiding van 'n inhoudsopgawe en lys van dokumente nie ingesluit in die oorkonde van appèl nie, per kwartier van 'n uur of gedeelte daarvan	
(iii) deur 'n prokureur	263,00
(iv) deur 'n kandidaatprokureur	81,00
3. Nasien van getikte afskrif, per kwartier van 'n uur of gedeelte daarvan	
(iii) deur 'n prokureur	263,00
(iv) deur 'n kandidaatprokureur	81,00
4. Opwagting by die kantoor van die griffier of beampte van die hof waarvandaan geappelleer word, om die oorkonde na te gaan of te laat waarmerk, per kwartier van 'n uur of gedeelte daarvan	
(iii) deur 'n prokureur	263,00
(iv) deur 'n kandidaatprokureur	81,00
5. Maak van getikte afskrifte van die oorkonde van appèl en betoogpunte, per bladsy	3,50

C - NAGAAN

R.s.

- 1.(a) Nagaan van die hofuitspraak *a quo* wanneer instruksies geneem word vir die voortsetting van 'n appèl of teenappèl, waar verlof om te appelleer nie 'n vereiste is nie, per bladsy 53,00
- (b) Nagaan van die oorkonde van appèl vir elke bladsy 4,50
- (c) Nagaan van die hofuitspraak *a quo* waarby verlof om te appelleer

geweier word, wanneer instruksies geneem word om aansoek te doen	
om verlof om na die Hof te appelleer, per bladsy	4,50
2. Nagaan van enige plan, skets, foto of ander aanhangsel	
van die stukke waarop die vergoeding hierbo uiteengesit, nie	
toegepas kan word nie, per bladsy	53,00
3.(a) Aandag gee aan en nagaan van enige aansoek of beëdigde	
verklaring of enige ander dokument waarvoor nie elders	
voorsiening gemaak word nie, per bladsy	53,00
(b) Aandag gee aan en nagaan van enige aanhangsel van 'n	
aansoek en antwoordende verklaring, per bladsy	4,50
(c) Aandag geen aan en nagaan van 'n aansoek of beëdigde	
verklaring wat deur 'n advokaat opgestel of nagesien is, per bladsy	12,00
4. Aandag geen aan en nagaan van betoogpunte met uitsluiting van	
aanhangsels soos byvoorbeeld ongerapporteerde hofuitsprake of	
afskrifte van publikasies wat ter staving van betoogpunte	
aangeheg is, per bladsy	53,00

D - BEHARTIGING

	R.s.
2. Enige formele behartiging van 'n erkenning, ontvangs, ens.	53,00
2.(a) Behartiging van enige brief of dokument	53,00
(b) Nodige telefoonoproepe gemaak, die werklike koste daarvan, plus	
vir elke vyf minute of gedeelte daarvan	
(i) deur 'n prokureur	88,00
(ii) deur 'n kandidaatprokureur	27,00
(c) Behartiging van telefoonoproepe vir elke vyf minute of	
gedeelte daarvan	

(i)	deur 'n prokureur	88,00
(ii)	deur 'n kandidaatprokureur	27,00
3.(a)	Opwagting by kantoor van griffier om 'n brief of dokument af te lewer of om 'n bevel af te haal, ens., per kwartier van 'n uur of gedeelte daarvan	
(i)	deur 'n prokureur	263,00
(ii)	deur 'n kandidaatprokureur	81,00
(b)	Behartiging van besigheid wat nie formeel is nie, per kwartier van 'n uur of gedeelte daarvan	
(i)	deur 'n prokureur	263,00
(ii)	deur 'n kandidaatprokureur	81,00
4.(a)	Opwagting by enige samesprekings met 'n advokaat of kliënt per kwartier van 'n uur of gedeelte daarvan	
(i)	deur 'n prokureur	263,00
(ii)	deur 'n kandidaatprokureur	81,00
(b)	'n Allesinsluitende bedrag vir opwagtings, verkryging en betaling van 'n advokaat om 'n uitspraak te noteer	
(i)	deur 'n prokureur	263,00
(ii)	deur 'n kandidaatprokureur	81,00
5.	Opwagting by hof om vonnis te noteer per kwartier van 'n uur	
(a)	deur 'n prokureur	263,00
(b)	deur 'n kandidaatprokureur	81,00
6.	Opwagting by hof by verhoor van appèl of aansoek, per kwartier van 'n uur of gedeelte daarvan-	
(a)	deur 'n prokureur	263,00
(b)	deur 'n kandidaatprokureur	81,00

E-OPSTEL VAN DOKUMENTE

R c

1.	Enige aansoek of beëdigde verklaring, per bladsy	105,50
2.	Instruksies aan advokaat	
(a)	by appèl per bladsy	105,50
(b)	by aansoek per bladsy	105,50
(c)	in geregverdigde gevalle, vir die opstel of nasien van 'n aansoek of beëdigde verklaring vir 'n aansoek om verlof om te appelleer of bestryding daarvan per bladsy	105,50

3.	Opstel van kennisgewing van appèl of ander nodige kennisgewings, per bladsy	105,50
4.	Briewe, per bladsy, insluitende afskrif om te hou	105,50
5.	Opstel van volmag, per bladsy	105,50
6.	Opstel van kort opdrag aan advokaat, per bladsy	105,50
7.	Opstel van borgakte, per bladsy	105,50

F- MAAK VAN AFSKRIFTE

Ander dokumente waarvoor nie spesiaal voorsiening gemaak is nie, per bladsy	3,50
---	------

G-KOSTEREKENINGE

In verband met 'n kosterekening vir werk gedoen of dienste gelewer deur 'n prokureur, is sodanige prokureur daarop geregtig om die volgende te vorder:

3. Vir die opstel van die kosterekening, die maak van die nodige afskrifte en opwagting by afrekening: 11,00 persent van die prokureursgelde, hetsy soos in die rekening gehef indien nie getakseer nie of soos by taksasie toegelaat.
4. Vir reëling en behartiging van taksasie: 11,00 persent op die eerste R10 000,00 of gedeelte daarvan, 6 persent op die volgende R10 000,00 of gedeelte daarvan en 2,12 persent op die balans van die totale bedrag van die rekening.”.

Inwerkingtreding

3. Hierdie reëls tree in werking op **1 November 2017**.

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 SEVERAL 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 of Justice and Correctional Services, made the rules in the Schedule.

SCHEDULE**GENERAL EXPLANATORY NOTES:**

Expressions in [] **in bold** indicate omissions from existing rules.

Expressions with **solid underline** indicate insertions into existing rules.

Definition

1. In this Schedule the “Rules” means the rules regulating the conduct of the proceedings of the several provincial and local divisions of the High Court of South Africa published under Government Notice No. R. 48 of 12 January 1965, as amended by Government Notices 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 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 and 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 and R. 678 of 3 June 2016.

Amendment of rule 4 of the Rules

2. Rule 4 of the Rules is hereby amended by the substitution for subrule (9) of the following subrule:

"Service

4. (9) **[In every proceeding in which the State, the administration of a province or a Minister, Deputy Minister or Administrator in his official capacity is the defendant or respondent, the summons or notice instituting such proceeding may be served at the Office of the State Attorney situated in the area of jurisdiction of the court from which such summons or notice has been issued: Provided that such summons or notice issued in the Transvaal Provincial Division shall be served at the Office of the State Attorney, Pretoria, and such summons or notice issued in the Northern Cape Division shall be served at the Bloemfontein Branch Office of the State Attorney.] In proceedings in which the State or an organ of state, a Minister, a Deputy Minister, a Premier or a Member of an Executive Council in such person's official capacity is the defendant or respondent, the summons or notice instituting such proceedings shall be served in accordance with the provisions of any law regulating proceedings against and service of documents upon the State or organ of state, a Minister, a Deputy Minister, a Premier or a Member of an Executive Council."]**

Amendment of rule 6 of the Rules

3. Rule 6 of the Rules is hereby amended by the substitution in subrule (5) for paragraph (b) of the following paragraph:

“(b) In a notice of motion the applicant must—

- (i) appoint an address within 15 kilometres of the office of the registrar, at which applicant will accept notice and service of all documents in such proceedings;
- (ii) state the applicant’s postal, facsimile or electronic mail addresses where available; and
- (iii) set forth a day, not less than five days after service thereof on the respondent, on or before which such respondent is required to notify the applicant, in writing, whether respondent intends to oppose such application, and must further state that if no such notification is given the application will be set down for hearing on a stated day, not being less than 10 days after service on the said respondent of the said notice[.]:

Provided that—

(aa) for the purposes of this subrule, the days between 21 December and 7 January, both inclusive, shall not be counted in the time allowed for delivery of the notice of intention to oppose or delivery of any affidavit;

(bb) the provisions of subparagraph (aa) shall not apply to applications brought under subrule 6(12) of this rule and applications brought under rule 43.”

Amendment of rule 43 of the Rules

4. Rule 43 of the Rules is hereby amended by the repeal of subrules (7) and (8).

Amendment of rule 68 of Rules

5. Rule 68 of the Rules is hereby amended by the amendment of the Tariff as follows:

"Tariff

Item	R c
1. For registration of any document for service or execution, upon receipt thereof	[8,00] <u>10,00</u>
2. (a) For service of summonses, petitions together with notice of motion or set down, other notices, orders or any other documents, each	[55,00] <u>63,00</u>
Provided that—	
(i) Whenever any document to be served with any such process is mentioned in the process or forms an annexure thereto, no additional fee shall be charged for the service of such document, but otherwise a fee of [R8,00] <u>R10,00</u> may be charged in respect of each separate document served;	
(ii) No fee for the service of a separate document shall be charged in respect of the service of process in criminal cases.	
(b) Attempted service of summonses, petitions together with notice of motion or notice of set down, other notices, orders and any other documents; Provided that an attempted service of more than one document on the same person shall be treated as an attempted service of one document only.	[41,00] <u>47,00</u>
3. Travelling allowance:	

(a)	For the distance actually and necessarily travelled by the sheriff or his or her officer, reckoned, subject to item 3(c) and (d), from the office of the sheriff, both on the forward and the return journey, per kilometre or part thereof.	5,00
(b)	When two or more summonses or other process, whether at the instance of the same party or of different parties, are capable of being served on one and the same journey, the travelling allowance for performing the round of service shall be fairly and equitably apportioned among the several cases, regard being had to the distance at which the parties against whom such process is directed respectively reside from the office of the sheriff, but the fee for service shall be payable for each service made or attempted to be made.	
(c)	<p>The travelling allowance mentioned in item 3(a) and (b) shall be calculated on the distance reckoned from the office of the sheriff if—</p> <p>(i) the sheriff's office is situated within the area of jurisdiction allocated to the sheriff by the Minister; and</p> <p>(ii) the distance from the sheriff's office is less than the distance reckoned from the court-house closest to the address for service,</p>	
(d)	If the requirement in item 3(c) is not met, then the travelling allowance mentioned in item 3(a) and (b) shall be calculated on the distance reckoned from the court-house closest to the address for service.	

4. (a)	Postage in civil matters, as per postal tariff.	
(b)	Postage in criminal matters, free.	
	NOTE: The sheriff may take any postal matter to the registrar of the High Court, or if there is no registrar in his or her town or city, to the magistrate, who shall frank the envelope with his or her official franking stamp.	
5.	For the execution of any writ—	
(a) (i)	of personal arrest, including the conveyance of the person concerned to court, to an attorney's office or to a prison, per person	[68,50] <u>78,50</u>
(ii)	for conveying the person concerned to court from a place of custody on a day subsequent to the day of arrest and attending at court, per hour or part thereof	[81,50] <u>93,50</u>
(iii)	for attachment of property <i>ad fundandam jurisdictionem</i> or <i>ad confirmandam jurisdictionem</i>	[68,50] <u>78,50</u>
(iv)	where an attachment in terms of item 5(a)(iii) is withdrawn or suspended	[20,00] <u>23,00</u>
(b)	of ejectment: [R81,50] <u>R93,50</u> per hour or part thereof, subject to a minimum of which shall include the first hour (in addition to reasonable expenses necessarily incurred);	[122,50] <u>139,00</u>
(c)	against immovable property—	

(i) for execution, including service of notice of attachment upon the owner of the immovable property and upon the registrar of deeds or other officer charged with the registration of such property, and if the property is in occupation of some person other than the owner, also upon such occupier	[164,00] <u>186,00</u>
(ii) for notice of attachment to a single lessee or occupier (identical notices where there are several lessees, occupiers or owners, for each after the first)	[14,50] <u>17,50</u> [4,50] <u>5,50</u>
(iii) for making valuation report for purposes of sale per hour or part thereof.	[81,50] <u>93,50</u>
(iv) when a sheriff has been [authorized] <u>authorised</u> to sell property and the property is not sold by reason of the fact that the attachment is withdrawn or stayed, irrespective of the amount of the writ, all the necessary notice for the withdrawal of the attachment	[164,00] <u>186,00</u>
(v) for ascertaining and recording what bonds or other encumbrances are registered against the property, together with the names and addresses of the persons in whose favour such bonds and encumbrances are so registered, including any correspondence in connection therewith (in addition to reasonable expenses necessarily incurred)	[81,50] <u>93,50</u>

(vi)	for notifying the execution creditor of such bonds or other encumbrances and of the names and addresses of the persons in whose favour such bonds or other encumbrances are registered	[14,50] <u>17,50</u>
(vii)	for consideration of proof that a preferent creditor has complied with the requirements of rule[s] 46(5)(a)	[8,00] <u>10,00</u>
(viii)	for the notice referred to in rule 46(6)	[14,50] <u>17,50</u>
(ix)	for consideration of notice of sale prepared by the execution creditor in consultation with the sheriff; and	
(x)	for verifying that notice of sale has been published in the newspapers indicated and in the <i>Gazette</i> ; and	
(xi)	for forwarding a copy of the notice of sale to every judgment creditor who had caused the immovable property to be attached and to every mortgagee thereof whose address is known, for each copy, inclusive fee for (ix), (x), and (xi).	[81,50] <u>93,50</u>
(xii)	for affixing a copy of the notice of sale to the notice board of the magistrate's court referred to in rule 46(7)(e) and at or as near as may be to the place where the sale is actually to take place, an inclusive fee of	[28,50] <u>33,50</u>

(xiii) for considering the conditions of sale	[68,50] <u>78,50</u>
(xiv) On the sale of immovable property by the sheriff as auctioneer, 6 per cent on the first [R30 000,00 of the proceeds of the sale and] <u>R100 000,00</u> , 3,5 per cent on <u>R100 001,00</u> to <u>R400 000,00</u> and 1,5 per cent on the balance [thereof,] <u>of the proceeds of the sale</u> , subject to a maximum commission of [R10 777,00] <u>R40 000,00</u> in total and a minimum of [R542,00] <u>R3 000,00</u> (inclusive in all instances of the sheriff's bank charges and other expenses incurred in paying the proceeds into his or her trust account), which commission shall be paid by the purchaser;	
(xv) for any report referred to in rule 46(11)	[41,00] <u>47,00</u>
(xvi) for giving transfer to the purchaser	[20,00] <u>23,00</u>

(xvii) for preparing a plan of distribution of the proceeds (including the necessary copies) and for forwarding a copy to the registrar	[81,50] <u>93,50</u>
(xviii) for giving notice to all parties who have lodged writs and to the execution debtor that the plan of distribution will lie for inspection, for every notice	[14,50] <u>17,50</u>
(xix) for request to magistrate to pay out in accordance with the plan of distribution	[8,00] <u>10,00</u>
(d) against movable property—	
(i) when a writ is paid on presentation, 9 per cent on the amount so paid, with a minimum fee of [R55,00] <u>R63,00</u> and a maximum of	[543,00] <u>614,50</u>
(ii) for any abortive attempt at attachment, including one hour's search and enquiry	[55,00] <u>63,00</u>
(iii) when a writ is withdrawn or stayed before any property is attached	[20,00] <u>23,00</u>
(iv) for making an attachment, including one hour's search and enquiry	[136,00] <u>153,50</u>

<p>(v) notice of attachment, if necessary, to a single person</p> <p>(identical notices, when there is more than one person to be given notice, for each after the first)</p>	<p>[14,00] <u>16,00</u></p> <p>[8,00] <u>10,00</u></p>
<p>(vi) when an attachment is withdrawn by a judgment creditor or stayed before sale, 3 per cent on the value of the property attached or the amount of the writ, whichever is the lesser, but subject to a maximum of</p>	<p>[407,00] <u>460,00</u></p>
<p>(vii) when a writ is paid by the debtor to the sheriff after attachment but before sale, 9 per cent on the amount so paid, with a minimum fee of [R55,00] <u>R63,00</u> and a maximum of</p>	<p>[543,00] <u>614,00</u></p>
<p>(viii) when moneys are taken in execution, 9 per cent of the amount so taken, but subject to a maximum of</p>	<p>[543,00] <u>614,00</u></p>
<p>(ix) for drawing up advertisements of sale of goods attached</p>	<p>[55,00] <u>63,00</u></p>

<p>(x) for selling in execution [(whether auctioneer employed or not)], including distribution of the proceeds, on the first R15 000,00 or part thereof, 9 per cent, and thereafter, 6 per cent, with a maximum of</p>	<p>[7 548,50] <u>8 531,50</u></p>
<p>(xi) ...: [the sheriff him- or herself shall sell movable property in execution, but he or she shall engage the services of an auctioneer if directed thereto in writing by the judgment creditor, provided the judgment creditor bears the additional commission, if any;]</p>	
<p>(xii) commission shall not be chargeable against a judgment debtor on the value of movable property attached and subsequently claimed by a person other than the judgment debtor and released in consequence of such claim, unless such property has been attached at the express direction of the judgment creditor, in writing, in which event the judgment creditor shall be liable to the sheriff for the commission;</p>	

<p>(xiii) for insuring movable property attached when it is considered necessary and when the sheriff is directed thereto in writing by the judgment creditor, in addition to the amount of premium paid, an inclusive fee of</p>	<p>[28,50] <u>33,50</u></p>
<p>(e) for keeping possession of property (money excluded)—</p>	
<p>(i) for each officer necessarily left in possession, a reasonable inclusive fee per officer per day not exceeding</p>	<p>[103,00] <u>117,00</u></p>
<p>NOTE: 'Possession' means the continuous and necessary presence on the premises for the period in respect of which possession is reckoned, of a person employed and paid by the sheriff for the sole purpose of retaining possession</p>	
<p>(ii) for removal and storage, the reasonable and necessary expenses for such removal and storage, and if an animal is to be stabled or fed, the reasonable charges for such stabling and feeding;</p>	
<p>(iii) for tending livestock, the necessary expenses for tending such stock;</p>	

<p>(iv) when no officer is left in possession and no security bond is taken, but movable property attached remains under the supervision of the sheriff, per day</p>	<p>[2,00]</p> <p><u>3,00</u></p>
<p>6. (a) For making an inventory, including all necessary copies and time spent in stocktaking, per hour or part thereof</p>	<p>[103,00]</p> <p><u>117,00</u></p>
<p>(b) For assistance, where necessary, in taking inventory, a reasonable and inclusive fee per day, not exceeding</p>	<p>[103,00]</p> <p><u>117,00</u></p>
<p>7. (a) For making return of service or execution, including drawing up and typing of original for court, limited to one person upon each original process; and</p>	
<p>(b) copy thereof for party desiring service or execution.</p>	<p>[28,50]</p> <p><u>33,50</u></p>
<p>8. Drawing and completing of bail bond, deed of suretyship or indemnity bond</p>	<p>[20,00]</p> <p><u>23,50</u></p>
<p>9. For the making of all necessary copies of documents per A4 size page</p>	<p>[3,50]</p> <p><u>4,00</u></p>

<p>[10. Taking statement from accused, who is not represented and who desires witnesses to be subpoenaed at the expense of the State, as to his or her means, the names and addresses of the witnesses and what they can say in his or her defence, in order to enable the registrar or the clerk of the court on circuit to decide whether the witnesses should be subpoenaed</p>	<p>[20,00]</p>
<p>NOTE: This information is to be obtained at the time of serving the notice of trial and indictment and conveyed to the registrar or clerk of the court in the same letter under cover of which the documents are returned.]</p>	
<p>11. Attending any criminal session of a superior court or any circuit court, [R81,50] <u>R93,50</u> per hour or part thereof, with a maximum per day of</p>	<p>[407,00] <u>460,00</u></p>
<p>12. Each necessary letter, excluding formal letters accompanying process or returns</p>	<p>[14,50] <u>17,50</u></p>
<p>13. Each necessary attendance by telephone (in addition to prescribed trunk charges)</p>	<p>[8,00] <u>10,00</u></p>

14. Sending and receiving of each necessary facsimile per A4 size page (in addition to telephone charges)	[4,50] <u>5,50</u>
15. Bank charges: Actual costs incurred regarding bank charges and cheque forms.	
16. For the drawing up and issuing of an interpleader summons	[81,50] <u>93,50.</u>

Amendment of rule 70 of the Rules

6. Rule 70 of the Rules is hereby amended—

(a) by the substitution for sub-rule (4), of the following sub-rule:

“(4) The taxing master shall not proceed with the taxation of any bill of costs unless he or she is satisfied that the party liable to pay the costs has received—

- (a) due notice in terms of sub-rule (3B); and
- (b) not less than 10 days’ notice of the date, time and place of such taxation and that he or she is entitled to be present thereat: Provided that such notice shall not be necessary—
 - (i) if the party liable to pay the costs has consented in writing to taxation in his or her absence;
 - (ii) if the party liable to pay the costs failed to give notice of intention to oppose in terms of sub-rule (3B); or
 - (iii) for the taxation of writ and post-writ bills:

Provided further that, if any party fails to appear after having given notice of opposition in terms of sub-rule (3B)(b), the taxation may proceed in their absence.”.

- (b) by the substitution for the Tariff of Fees of Attorneys of the following Tariff of Fees of Attorneys:

“TARIFF OF FEES OF ATTORNEYS

A - CONSULTATIONS, APPEARANCES, CONFERENCES AND INSPECTIONS

1. Consultation with a client and witnesses to institute or to defend an action, for advice on evidence or advice on commission, for obtaining an opinion or an advocate's guidance in preparing pleadings, including exceptions, and to draft a petition or affidavit, per quarter of an hour or part thereof—
 - (a) by an attorney R292,50
 - (b) by a candidate attorney R90,50
2. Consultation to note, prosecute or defend an appeal, per quarter of an hour or part thereof—
 - (a) by an attorney R292,50
 - (b) by a candidate attorney R90,50
3. Attendance by an attorney in court at proceedings in terms of rule 37 of these Rules, per quarter of an hour or part thereof R292,50
4. Attendance by a candidate attorney, where necessary, to assist at a contested proceeding, per quarter of an hour or part thereof R90,50
5. Any conference with an advocate, with or without witnesses, on pleadings, including exceptions and particulars to pleadings, applications, petitions, affidavits and testimony, and on any other matter which the taxing officer may consider necessary, per quarter of an hour or part thereof—
 - (a) by an attorney R292,50
 - (b) by a candidate attorney R90,50
6. Any other conference which the taxing officer may consider necessary, per quarter of an hour or part thereof—

(a) by an attorney	R292,50
(b) by a candidate attorney	R90,50
7. Any inspection <i>in situ</i> , or otherwise, per quarter of an hour or part thereof—	
(a) by an attorney	R292,50
(b) by a candidate attorney	R90,50
8. Attending to give or take disclosure, per quarter of an hour or part thereof—	
(a) by an attorney	R292,50
(b) by a candidate attorney	R90,50
9. Inclusive fee for necessary consultations and discussions with a client, witness, other party or advocate not otherwise provided for, per quarter of an hour or part thereof—	
(a) by an attorney	R292,50
(b) by a candidate attorney	R90,50
10. Appearance by an attorney in court or the performance by an attorney of any of the other functions of an advocate, in terms of the Right of Appearance in Courts Act, 1995 (Act No. 62 of 1995)	The tariff under rule 69 shall apply.
11. The rates of remuneration in items 1 to 9 do not include time spent travelling or waiting and the taxing officer may, in respect of time necessarily so spent, allow such additional remuneration as he or she in his or her discretion considers fair and reasonable, but not exceeding R292,50 per quarter of an hour or part thereof in the case of an attorney and R90,50 per quarter of an hour or part thereof in the case of a candidate attorney plus a reasonable amount for necessary conveyance.	

B - DRAFTING AND DRAWING

1. The drawing up of a formal statement in a matrimonial matter, verifying affidavits, affidavits of service or other formal affidavits, index to brief, short brief, statements of witnesses, powers of attorney to sue or defend, as well as other formal documents and summonses, including all documents such as the prescribed forms in the First Schedule to these Rules, but not the particulars of claim in an annexure to the summons: an inclusive tariff - drawing up, checking, typing, printing, copies, delivery and filing thereof, per

- page of the original only R117,50
2. The drawing up of other necessary documents, including—
- (a) instructions for an opinion, for an advocate's guidance in preparing pleadings, including further particulars and requests for same, including exceptions;
 - (b) instructions to advocate in respect of all classes of pleadings;
 - (c) a petition, exception or affidavit, any notice (except a formal notice), particulars of claim or an annexure to the summons, opinion by an attorney or any other important document not otherwise provided for,
- an inclusive tariff - drawing up, checking, typing, printing, copies, delivery and filing thereof, per page of the original only R292,00
3. Letters, telegrams and facsimiles: Inclusive tariff for drawing up, checking, typing, printing, delivery, copies, postage, posting thereof, per page R117,50

NOTE 1: Particulars of dispatched letters, telegrams and facsimiles need not be specified in a bill of costs. The number of letters written must be specified, as well as the total amount charged. The opposing party, as well as the taxing officer, is entitled to inspect the papers should the correctness of the item be disputed.

NOTE 2: Whenever an attorney performs any of the work listed in this section, the fees set out herein in respect of such work shall apply and not any fees which would be applicable in terms of the tariff under rule 69 if an advocate had performed the work in question.

C - ATTENDANCE AND PERUSAL

1. Attending the receipt, entry, perusing, considering and filing of—
- (a) any summons, petition, affidavit, pleading, advocate's advice and drafts, report, important letter, notice or document;
 - (b) any formal letter, record stock sheets in voluntary surrenders, judgments or any other material document not elsewhere specified;
 - (c) any plan or exhibit or other material document which was necessary for the conduct of the action,
- per page. R59,50
2. Sorting, arranging and paginating papers for pleadings, advice on evidence or brief on trial or appeal, per quarter of an hour or part thereof—
- (a) by an attorney 292,50

(b) by a candidate attorney R90,50

NOTE: Particulars of received papers need not be specified in bills of costs. The number of papers and pages received, as well as the total amount charged therefor, must be specified. The opposing party as well as the taxing officer is entitled to inspect the papers received if the correctness of the item is disputed.

D - MISCELLANEOUS

1. For making necessary copies, including photocopies, of any document or papers not already provided for in this tariff, per A4 size page R4,00

2. Attending to arrange translation and thereafter to procure same, per quarter of an hour or part thereof—

(a) by an attorney R292,50

(b) by a candidate attorney R90,50

3. Necessary telephone calls: The actual cost thereof, plus for every five minutes or part thereof—

(a) by an attorney R98,00

(b) by a candidate attorney R30,00

4. Sending facsimile letters: The actual cost of sending the facsimile letter, in addition to the fee allowed for the drawing thereof under item B3 above.

5. Testimony: Fair and reasonable charges and expenses which in the opinion of the taxing officer were duly incurred in the procurement of the evidence and the attendance of witnesses whose witness fees have been allowed on taxation: Provided that the preparation fees of a witness shall not be allowed without an order of the court or the consent of all interested parties.

E - BILL OF COSTS

In connection with a bill of costs for services rendered by an attorney, the attorney shall be entitled to charge:

1. For drawing the bill of costs, making the necessary copies and attending settlement, 10,60 per cent of the attorney's fees, either as charged in the bill, if not taxed, or as allowed on taxation.

2. In addition to the fees charged under item 1, if recourse is had to taxation for arranging and attending taxation and obtaining consent to taxation, 10,60 per cent on the first R10 000,00 or portion thereof, 5,10 per

cent on the next R10 000,00 or portion thereof and 2,12 per cent on the balance of the total amount of the bill.

3.(a) Whenever an attorney employs the services of another person to draft his or her bill of costs, a certificate shall accompany that bill of costs in which that attorney certifies that—

- (i) the bill of costs thus drafted was properly perused by him or her and found to be correct; and
- (ii) every description in such bill with reference to work, time and figures is consistent with what was necessarily done by him or her.

(b) The taxing officer may—

- (i) if he or she is satisfied that one or more of the requirements referred to in item 3(a) has not been complied with, refuse to tax such bill;
- (ii) if he or she is satisfied that fees are being charged in a party-and-party bill of costs—
 - (aa) for work not done;
 - (bb) for work for which fees are to be charged in an attorney-and-client bill of costs; or
 - (cc) which are excessively high,

deny the attorney the remuneration referred to in items 1 and 2 of this section, if more than 20 per cent of the number of items in the bill of costs, including expenses, or of the total amount of the bill of costs, including expenses, is taxed off.

NOTE: The minimum fees under items 1 and 2 shall be R234,50 for each item.

F - EXECUTION

- | | |
|--|------------|
| 1. Drafting, issue and execution of a warrant of execution and attendances in connection therewith, excluding sheriffs fees (if not taxed) | R583,50 |
| 2. Reissue | R146,00.”. |

7. These rules shall come into operation on **1 November 2017**.

WET OP DIE REËLSRAAD VIR GEREESHOWE, 1985 (WET NO. 107 VAN 1985)**WYSIGING VAN DIE REËLS WAARBY DIE VERRIGTINGS VAN DIE VERSKILLEND
PROVINSIALE EN PLAASLIKE AFDELINGS VAN DIE HOË HOF 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), met die goedkeuring van die Minister van Justisie en Staatkundige Ontwikkeling, die reëls in die Bylae gemaak.

BYLAE**ALGEMENE VERDUIDELIKENDE NOTAS:**

Uitdrukkings in vierkantige hakies in **vetdruk** [] dui skappings uit bestaande reëls aan.

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

Omskrywing

1. In hierdie Bylae beteken die "Reëls" die reëls waarby die verrigtings van die verskillende provinsiale en plaaslike afdelings van die Hoë Hof van Suid-Afrika gereël word, gepubliseer kragtens Goewermentskennisgewing No. R. 48 van 12 Januarie 1965, soos gewysig deur Goewermentskennisgewings Nos. R. 235 van 18 Februarie 1966, R. 2004 van 15 Desember 1967, R. 3553 van 17 Oktober 1969, R. 2021 van 5 November 1971, R. 1985 van 3 November 1972, R. 480 van 30 Maart 1973, R. 639 van 4 April 1975, R. 1816 van 8 Oktober 1976, R. 1975 van 29 Oktober 1976, R. 2477 van 17 Desember 1976, R. 2365 van 18 November 1977, R. 1546 van 28 Julie 1978, R. 1577 van 20 Julie 1979, R. 1535 van 25 Julie 1980, R. 2527 van 5 Desember 1980, R. 500 van 12 Maart 1982, R. 773 van 23 April 1982, R. 775 van 23 April 1982, R. 1873 van 3 September 1982, R. 2171 van 6 Oktober 1982, R. 645 van 25 Maart 1983, R. 841 van 22 April 1983, R. 1077 van 20 Mei 1983, R. 1996 van 7 September 1984, R. 2094 van 13 September 1985, R. 810 van 2 Mei 1986, R. 2164 van 2 Oktober 1987, R. 2642 van 27 November 1987, R. 1421 van 15 Julie 1988, R. 210 van 10 Februarie 1989, R. 608 of 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 of 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 en 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 en R. 678 van 3 Junie 2016.

Wysiging van reël 4 van die Reëls

2. Reël 4 van die Reëls word hierby gewysig deur die vervanging van subreël (9) met die volgende subreël:

“Betekening

4. (9) **[In elke geding waarin die Staat, die administrasie van ’n provinsie of ’n Minister, Adjunk-minister of Administrateur in sy amptelike hoedanigheid die verweerder of respondent is, kan die dagvaarding of kennisgewing waarby sodanige geding ingestel word aan die Kantoor van die Staatsprokureur wat geleë is binne die regsgebied van die hof waaruit sodanige dagvaarding of kennisgewing uitgereik is, beteken word: Met dien verstande dat sodanige dagvaarding of kennisgewing uitgereik in die Transvaalse Provinsiale Afdeling aan die Kantoor van die Staatsprokureur, Pretoria beteken moet word en dat sodanige dagvaarding of Kennisgewing uitgereik in die Noord-Kaapse Afdeling aan die Bloemfonteinse Takkantoor van die Staatsprokureur beteken moet word.]** In gedinge waarin die Staat of ’n staatsorgaan, ’n Minister, ’n Adjunk-minister, ’n Premier of ’n Lid van die Uitvoerende Raad in sodanige persoon se amptelike hoedanigheid die verweerder of respondent is, sal die dagvaarding of kennisgewing waarby sodanige gedinge ingestel word, in ooreenstemming met die bepalings van enige wet wat gedinge teen en betekening van dokumente aan die Staat of staatsorgaan, ’n Minister, ’n Adjunk-minister, ’n Premier of ’n Lid van die Uitvoerende Raad, beteken word.”.

Wysiging van reël 6 van die Reëls

3. Reël 6 van die Reëls word hierby gewysig deur die vervanging in subreël (5) vir paragraaf (b) van die volgende paragraaf:

“(b) In ’n kennisgewing van mosie moet die applikant—

(i) ’n adres binne 15 kilometer van die kantoor van die griffier noem waar die applikant kennisgewing en betekening van alle dokumente in sodanige geding sal aanvaar;

(ii) die applikant se pos-, faksimilee- of elektroniese posadresse indien beskikbaar, verskaf; en

(iii) ’n dag vermeld, minstens vyf dae na betekening daarvan aan die respondent, waarbinne die respondent na betekening die applikant skriftelik kennis moet gee of die respondent van voorneme is om die aansoek te bestry, en verder vermeld dat as kennis nie aldus gegee word nie, die aansoek op ’n bepaalde dag, minstens 10 dae na betekening van die kennisgewing aan die respondent, vir beregting ter rolle geplaas sal word[.].

Met dien verstande dat—

(aa) vir die doeleindes van hierdie subreël, sal die dae tussen 21 Desember en 7 Januarie, albei ingesluit, nie by die toegelate tyd vir die aflewering van ’n kennisgewing van voorneme om te bestry of die aflewering van enige beëdigde verklaring ingereken word nie;

(bb) die bepalinge van subparagraaf (aa) sal nie op aansoeke wat ingevolge subreël 6(12) van hierdie reël en aansoeke wat ingevolge reël 43 gebring word, van toepassing wees nie.”

Wysiging van reël 43 van die Reëls

4. Reël 43 van die Reëls word hierby gewysig deur die herroeping van subreëls (7) en (8).

Wysiging van reël 68 van die Reëls

5. Reël 68 van die Reëls word hierby gewysig deur die wysiging van die Tarief soos volg:

“Tarief

Item	R c
1. Registrasie van 'n dokument vir betekening of tenuitvoerlegging, by ontvangs daarvan	[8,00] <u>10,00</u>
2. (a) Betekening van dagvaardings, petisies tesame met kennisgewing van mosie of van terrolleplasing, ander kennisgewings, bevele of enige ander document, elk	[55,00] <u>63,00</u>
Met dien verstande dat—	
(i) Wanneer 'n dokument saam met 'n posstuk beteken moet word en in die prosesstuk genoem word of 'n aanhangsel daarvan is, geen addisionele gelde gevorder mag word vir betekening van die dokument nie. Origens mag [R8,00] <u>R10,00</u> gevorder word vir elke afsonderlike dokument wat beteken word;	
(ii) Geen geld vir 'n aparte dokument gevorder word vir die betekening van prosesstukke in strafsake nie.	
(b) Gepoogde betekening van dagvaardings, petisies met kennisgewing van mosie of van terrolleplasing, ander kennisgewings, bevele en enige ander dokumente: Met dien verstande dat 'n gepoogde betekening van meer as een dokument aan dieselfde persoon as 'n gepoogde betekening van slegs een dokument beskou word.	[41,00] <u>47,00</u>

3.	Reistoelae:	
(a)	Vir die afstand werklik en noodsaaklikerwys deur die balju of sy of haar verteenwoordiger afgelê, behoudens paragraaf 3 (c) en (d) bereken, van die kantoor van die balju af vir die heen- en terugreis, per kilometer of gedeelte daarvan.	5,00
(b)	Wanneer twee of meer dagvaardings of ander prosesstukke, in opdrag van dieselfde partye, met een en dieselfde reis beteken kan word, moet die reistoelae redelik en billik verdeel word tussen die verskillende sake met inagneming van die afstand wat die onderskeie partye aan wie die prosesstukke gerig is van die kantoor van die balju af woon, maar die gelde is betaalbaar vir elke betekening of gepoogde betekening.	
(c)	Die reistoelae soos in paragraaf 3(a) en (b) beoog, moet bereken word volgens die afstand van die kantoor van die balju af, indien— (i) die balju se kantoor geleë is binne die regsgebied wat deur die Minister aan die balju toegewys is; en (ii) die afstand van die balju se kantoor af minder is as die afstand bereken vanaf die hofgebou naaste aan die adres van betekening,	
(d)	Indien daar nie aan die vereiste in paragraaf 3(c) voldoen word nie, moet die reistoelaag soos beoog in paragraaf 3(a) en (b) bereken word volgens die afstand vanaf die	

hofgebou naaste aan die adres van betekening.	
4. (a) Posgeld in siviele sake, volgens die postarief.	
(b) Posgeld in strafsake, posvry.	
LET WEL: Die balju kan enige posstuk na die griffier van die Hoë Hof neem of, as daar geen griffier in sy of haar dorp of stad is nie, na die landdros, wat die koevert met sy of haar amptelike frankeerstempel moet merk.	
5. Tenuitvoerlegging van enige lasbrief—	
(a) (i) vir die arres van 'n persoon, insluitende sy of haar vervoer na die hof, na 'n prokureur se kantoor of na die gevangenis, per persoon	[68,50] <u>78,50</u>
(ii) vir vervoer van die betrokke persoon na die hof van die plek van aanhouding op 'n dag na die dag van arres, en bywoning van die hof per uur of gedeelte daarvan	[81,50] <u>93,50</u>
(iii) vir beslaglegging op goed <i>ad fundandam jurisdictionem</i> of <i>ad confirmandam jurisdictionem</i>	[68,50] <u>78,50</u>
(iv) waar 'n beslaglegging ingevolge artikel 5(a)(iii) teruggetrek of opgeskort word	[20,00] <u>23,00</u>
(b) vir uitsetting: [R81,50] <u>R93,50</u> per uur of gedeelte daarvan, met 'n minimum van wat die eerste uur insluit (benewens redelike uitgawes noodsaaklikerwys aangegaan);	[122,50] <u>139,00</u>

(c) teen onroerende goed—	
(i) vir tenuitvoerlegging, insluitende betekening van kennisgewing van beslaglegging aan die eienaar van die onroerende goed en die registrateur van aktes of ander beampte belas met registrasie van sodanige goed, en as die onroerende goed deur iemand anders as die eienaar geokkupeer word, ook aan die okkupant	[164,00] <u>186,00</u>
(ii) vir kennisgewing van beslaglegging aan 'n enkele huurder of okkupant (identiese kennisgewings waar daar meer as een huurder, okkupant of eienaar is, vir elkeen na die eerste)	[14,50] <u>17,50</u> [4,50] <u>5,50</u>
(iii) vir waardasie of verslag vir die doel van 'n verkoping, per uur of gedeelte daarvan.	[81,50] <u>93,50</u>
(iv) waar 'n balju gemagtig is om eiendom te verkoop en die eiendom nie verkoop nie, omdat die beslaglegging teruggetrek, opgeskort, gestaak of gestuit word, afgesien van die bedrag van die lasbrief, en al die nodige kennisgewing van terugtrekking van die beslaglegging	[164,00] <u>186,00</u>

(v)	vir die vasstelling en aantekening van watter verband of ander beswarings teen die eiendom geregistreer is, asook die name en adresse van die persone in wie se guns dit geregistreer is, insluitende enige briefwisseling in verband daarmee (benewens redelike uitgawes noodsaaklikerwys aangegaan)	[81,50] <u>93,50</u>
(vi)	om die vonnisskuldeiser in kennis te stel van sodanige verbande of beswarings en van die name en adresse van die persone in wie se guns dit geregistreer is	[14,50] <u>17,50</u>
(vii)	vir oorweging van bewys dat 'n preferente skuldeiser aan die vereistes van reël 46(5)(a) voldoen	[8,00] <u>10,00</u>
(viii)	vir die kennisgewing in reël 46(6) bedoel	[14,50] <u>17,50</u>
(ix)	vir oorweging van kennisgewing van verkoping wat deur die vonnisskuldeiser in oorleg met die balju opgestel word; en	
(x)	vir die nagaan van aangeduide koerante en die <i>Staatskoerant</i> om seker te maak dat kennisgewing van verkoping geplaas is; en	
(xi)	vir die stuur van 'n eksemplaar van die kennisgewing van verkoping aan elke vonnisskuldeiser wat op die onroerende goed beslag laat lê het en aan elke verbandhouer wie se adres bekend is, vir elke eksemplaar, insluitende geld van (ix), (x) en (xi)	[81,50] <u>93,50</u>

(xii)	vir die aanbring van 'n eksemplaar van die kennisgewing van verkoping op die kennisgewingbord van die landdroshof bedoel in reël 46(7)(e) en op of so na moontlik aan die plek waar die verkoping sal plaasvind, 'n allesinsluitende bedrag van	[28,50] <u>33,50</u>
(xiii)	vir oorweging van die verkoopvoorwaardes	[68,50] <u>78,50</u>
(xiv)	by die verkoop van onroerende goed deur die balju as afslaer, 6 persent op die eerste [R30 000,00 van die opbrengs van die verkoping] <u>R100 000,00</u> , en 3,5 persent op <u>R100 001,00 tot R400 000,00</u> en 1,5 persent op die balans [daarvan,] <u>van die opbrengs van die verkoping</u> , onderhewig aan 'n maksimum kommissie van [R10 777,00] <u>R40 000,00</u> in totaal en 'n minimum van [R542,00] <u>R3 000,00</u> (insluitende in alle gevalle die balju se bankkoste en ander uitgawes aangegaan om die opbrengs in sy of haar trustrekening in te betaal), welke kommissie deur die koper betaalbaar is;	
(xv)	vir 'n verslag in reël 46(11) bedoel	[41,00] <u>47,00</u>
(xvi)	vir die gee van transport aan die koper	[20,00] <u>23,00</u>
(xvii)	vir die opstel van 'n distribusieplan van die opbrengs (insluitende die nodige afskrifte) en afsending van 'n afskrif aan die griffier	[81,50] <u>93,50</u>

(xviii)	vir kennisgewing aan alle partye wat lasbriewe ingedien het en aan die vonnisskuldenaar dat die distribusieplan ter insae sal lê, vir elke kennisgewing	[14,50] <u>17,50</u>
(xix)	vir versoek aan 'n landdros om ooreenkomstig die distribusieplan uit te betaal	[8,00] <u>10,00</u>
(d)	teen roerende goed—	
(i)	wanneer 'n lasbrief by aanbieding betaal word, 9 persent van die bedrag aldus betaal, met 'n minimum van [R55,00] <u>R63,00</u> en 'n maksimum van	[543,00] <u>614,50</u>
(ii)	vir 'n onsuksesvolle poging om beslag te lê, insluitende opsporing vir een uur en navraag	[55,00] <u>63,00</u>
(iii)	waar 'n lasbrief teruggetrek, opgeskort, gestaak of gestuit word voordat daar op enige goed beslag gelê is	[20,00] <u>23,00</u>
(iv)	vir 'n beslaglegging, insluitende opsporing vir een uur en navraag	[136,00] <u>153,50</u>
(v)	kennisgewing van beslaglegging, indien nodig, aan een persoon	[14,00] <u>16,00</u>
	(identiese kennisgewings waar daar meer as een persoon is wat kennis moet kry, vir elkeen na die eerste)	[8,00] <u>10,00</u>

(vi)	waar beslaglegging deur die vonnisskuldeiser teruggetrek word of opgeskort, gestaak of gestuit word voor die verkoping, 3 persent van die waarde van die inbeslaggenome goed of die bedrag van die lasbrief, watter ook al die minste is, maar met 'n maksimum van	[407,00] <u>460,00</u>
(vii)	waar die lasbrief aan die balju betaal word deur die skuldenaar na beslaglegging, maar voor verkoping, 9 persent van die bedrag betaal, met 'n minimum fooi van [R55,00] <u>R63,00</u> en 'n maksimum van	[543,00] <u>614,00</u>
(viii)	waar beslag op geld gelê word, 9 persent van die betrokke bedrag, maar met 'n maksimum van	[543,00] <u>614,00</u>
(ix)	vir die opstel van 'n advertensie van verkoping van inbeslaggenome goed	[55,00] <u>63,00</u>
(x)	vir die verkoping vir uitwinning [(met of sonder afslaer)] , insluitende verdeling van die opbrengs, vir die eerste R15 000,00 of deel daarvan, 9 persent, en daarna 6 persent, met 'n maksimum van	[7 548,50] <u>8 531,50</u>
(xi)	...; [die balju moet roerende goed self uitwin, maar 'n afslaer aanstel indien skriftelik daartoe deur die vonnisskuldeiser versoek, en mits die vonnisskuldeiser die addisionele kommissie, as daar is, betaal;]	

<p>(xii) kommissie is nie op 'n vonnisskuldenaar verhaalbaar op die waarde van inbeslaggenome roerende goed wat daarna deur 'n derde opgeëis en gevolglik vrygegee is nie, tensy die goed in beslag geneem is op die uitdruklike skriftelike versoek van die vonnisskuldeiser, in welke geval die vonnisskuldeiser teenoor die balju aanspreeklik is vir die kommissie;</p>	
<p>(xiii) vir die versekering van inbeslaggenome roerende goed wanneer dit nodig geag word en in skriftelike opdrag van die vonnisskuldeiser aan die balju is, benewens die premie wat betaal word, 'n allesinsluitende bedrag van</p>	<p>[28,50] <u>33,50</u></p>
<p>(e) vir bewaring van goed (geld uitgesluit)—</p>	
<p>(i) vir elke beampte wat noodsaaklikerwys in besit gelaat is, 'n redelike allesinsluitende bedrag per beampte per dag van hoogstens</p>	<p>[103,00] <u>117,00</u></p>
<p>LET WEL: 'Bewaring' beteken die voortdurende en noodsaaklike teenwoordigheid op die perseel vir die tydperk waarvoor bewaring bereken word, van iemand in diens van en betaal deur die balju, vir die uitsluitlike doel om besit te behou</p>	
<p>(ii) vir vervoer en opberging, die redelike en noodsaaklike uitgawes daaraan verbonde en, as 'n dier op stal geplaas of gevoer moet word, die redelike uitgawes daaraan verbonde;</p>	
<p>(iii) vir die oppas van lewende hawe, die nodige uitgawes daaraan verbonde;</p>	

<p>(iv) waar geen beampte in besit gelaat word en geen akte van sekerheidstelling verkry is nie, maar die inbeslaggenome roerende goed onder toesig van die balju bly, per dag</p>	<p>[2,00]</p> <p><u>3,00</u></p>
<p>6. (a) Vir die opstel van 'n inventaris, insluitende die maak van alle nodige afskrifte en tyd bestee aan voorraadopname, per uur of gedeelte daarvan</p>	<p>[103,00]</p> <p><u>117,00</u></p>
<p>(b) Vir bystand, waar nodig, by die opstel van 'n inventaris, 'n redelike allesinsluitende bedrag per dag van hoogstens</p>	<p>[103,00]</p> <p><u>117,00</u></p>
<p>7. (a) Vir opstel van relaas van betekening of tenuitvoerlegging, insluitende opstel en tik van die oorspronklike vir die hof, beperk tot een persoon op elke oorspronklike prosesstuk; en</p>	
<p>(b) afskrif daarvan vir die party wat betekening of tenuitvoerlegging verlang</p>	<p>[28,50]</p> <p><u>33,50</u></p>
<p>8. Opstel en voltooiing van 'n akte van borgstelling, sekerheidstelling of vrywaring</p>	<p>[20,00]</p> <p><u>23,50</u></p>
<p>9. Vir die maak van alle noodsaaklike afskrifte van dokumente per A4-grootte bladsy</p>	<p>[3,50]</p> <p><u>4,00</u></p>

<p>[10. Afneem van 'n verklaring van 'n beskuldigde wat nie verteenwoordig is nie en wat verlang dat getuies op koste van die Staat gedagvaar moet word, betreffende sy of haar middele, die name en adresse van die getuies en wat hulle ter verdediging van hom of haar kan sê, ten einde die griffier of die klerk van die hof op rondgang in staat te stel om te oordeel of die getuies gedagvaar moet word</p>	<p>[20,00]</p>
<p>LET WEL: Hierdie inligting moet verkry word wanneer die kennisgewing van verhoor en akte van beskuldiging beteken word en aan die griffier of die klerk van die hof oorgedra word in dieselfde brief onder dekking waarvan die dokumente teruggestuur word.]</p>	
<p>11. Bywoning van strafsittings van 'n hoër hof of 'n rondgaande hof, [R81,50] <u>R93,50</u> per uur of gedeelte daarvan met 'n maksimum per dag van</p>	<p>[407,00] <u>460,00</u></p>
<p>12. Elke noodsaaklike brief behalwe formele briewe wat prosesstukke of relase vergesel</p>	<p>[14,50] <u>17,50</u></p>
<p>13. Maak of beantwoording van elke noodsaaklike telefoonoproep (benewens voorgeskrewe hooflyngelde)</p>	<p>[8,00] <u>10,00</u></p>
<p>14. Afstuur en ontvangs van elke noodsaaklike faksimile per A4-grootte bladsy (benewens telefoongelde)</p>	<p>[4,50] <u>5,50</u></p>
<p>15. Bankkoste: Werklike koste aangegaan in verband met bankkoste en tjekevorms.</p>	

16. Vir die opstel en uitreik van 'n tussenpleitdagvaarding	<p>[81,50]</p> <p><u>93,50</u>."</p>
---	---

Wysiging van reël 70 van die Reëls

6. Reël 70 van die Reël word hierby gewysig—

(a) deur die vervanging van subreël (4), vir die volgende subreël:

“(4) Voordat die takseermeester 'n kosterekening vir dienste takseer, moet hy of sy oortuig wees dat die party wat die rekening moet betaal—

- (a) behoorlik kennis gekry het ingevolge subreël (3B); en
- (b) nie minder as 10 dae kennis gekry het van die datum, tyd en plek van sodanige taksasie en kennis gekry het dat hy of sy geregtig is om daar teenwoordig te wees: Met dien verstande dat so 'n kennisgewing nie nodig is nie—
 - (i) as die party wat vir die betaling van koste aanspreeklik is, skriftelik toegestem het tot taksasie in sy of haar afwesigheid;
 - (ii) as die party wat vir die betaling van koste aanspreeklik is, versuim het om kennis van voorneme om te verdedig te gee ingevolge subreël (3B); of
 - (iii) vir die taksasie van lasbriefrekeninge en uitwinningsrekeninge:

Met dien verstande verder dat as enige party versuim om te verskyn, nadat hy of sy kennis van voorneme om te verdedig gegee het, ingevolge subreël (3B)(b), die taksering mag voortgaan in die party se afwesigheid.”

(b) deur die vervanging van die Tarief van Gelde van Prokureurs deur die volgende Tarief van Gelde van Prokureurs:

“TARIEF VAN GELDE VAN PROKUREURS

A – KONSULTASIES, BYWONINGS, SAMESPREKINGS EN ONDERSOEKE

1. Konsultasie met 'n kliënt en getuies om 'n geding in te stel of te verdedig, vir advies oor getuienis of advies op kommissie, vir die verkryging van opinie of die leiding van 'n advokaat by die voorbereiding van pleitstukke, insluitende eksepsies, en om 'n petisie of beëdigde verklaring op te stel, per kwartier of gedeelte daarvan—
 - (a) deur 'n prokureur R292,50
 - (b) deur 'n kandidaatprokureur R90,50
2. Konsultasie om appèl aan te teken, voort te sit of te verdedig, per kwartier of gedeelte daarvan—
 - (a) deur 'n prokureur R292,50
 - (b) deur 'n kandidaatprokureur R90,50
3. Bywoning deur 'n prokureur in die hof by verrigtinge ingevolge reël 37 van hierdie Reëls, per kwartier of gedeelte daarvan R292,50
4. Bywoning deur 'n kandidaatprokureur om, waar noodsaaklik, by bestrede verrigtinge te help, per kwartier of gedeelte daarvan R90,50
5. Enige samespreking met 'n advokaat, met of sonder getuies, ten opsigte van pleitstukke, met inbegrip van eksepsies en besonderhede by pleitstukke, aansoeke, petisies, beëdigde verklarings en getuienis, en ten opsigte van enige ander aangeleenthede wat die takseermeester noodsaaklik ag, per kwartier of gedeelte daarvan—
 - (a) deur 'n prokureur R292,50
 - (b) deur 'n kandidaatprokureur R90,50
6. Enige ander samespreking wat die takseermeester noodsaaklik mag ag, per kwartier of gedeelte daarvan—
 - (a) deur 'n prokureuras R292,50
 - (b) deur 'n kandidaatprokureur R90,50
7. Enige inspeksie *in situ*, of elders, per kwartier of gedeelte daarvan—
 - (a) deur 'n prokureur R292,50
 - (b) deur 'n kandidaatprokureur R90,50
8. Opwagting by blootlegging of insae, per kwartier of gedeelte daarvan—
 - (a) deur 'n prokureur R292,50

(b) deur 'n kandidaatprokureur	R90,50
9. Allesinsluitende gelde vir noodsaaklike konsultasies en samesprekings met 'n kliënt, getuie, ander party of advokaat waarvoor nie andersins voorsiening gemaak is nie, per kwartier of gedeelte daarvan—	
(a) deur 'n prokureur	R292,50
(b) deur 'n kandidaatprokureur	R90,50
10. Verskyning deur 'n prokureur in die hof of die verrigting deur 'n prokureur van enige van die ander werksaamhede van 'n advokaat kragtens die bepalings van die Wet op Verskyning in Howe, 1995 (Wet No. 62 van 1995)	Die tarief ingevolge reël 69 is van toepassing
11. Die skale van vergoeding in items 1 tot 9 sluit nie reis- en wagtyd in nie en die takseermeester kan ten opsigte van tyd noodsaaklikerwys daaraan bestee, na goeddunke soveel addisionele vergoeding toestaan as wat hy of sy billik en redelik ag, maar hoogstens R292,50 per kwartier of gedeelte daarvan in die geval van 'n prokureur en R90,50 per kwartier of gedeelte daarvan in die geval van 'n kandidaatprokureur, plus 'n redelike bedrag vir noodsaaklike vervoerkoste.	

B – OPSTEL VAN DOKUMENTE

1. Die opstel van 'n formele verklaring in 'n huweliksgeding, bevestigende beëdigde verklarings, beëdigde verklarings, beëdigde verklarings ten opsigte van betekening of ander formele beëdigde verklarings, inhoudsopgawe vir advokaatsopdrag, kort opdrag, getuieverklarings, prokurasie om te dagvaar of te verdedig, asook ander formele dokumente en dagvaardings, insluitende alle dokumente soos die voorgeskrewe vorms in die Eerste Bylae van hierdie Reëls, maar nie die besonderhede van 'n vordering in 'n aanhangsel by die dagvaarding nie: 'n allesinsluitende tarief vir opstel, nasien, tik, uitdruk, afskrifte, aflewering en indiening daarvan, per bladsy van slegs die oorspronklike	R117,50
2. Die opstel van ander noodsaaklike dokumente, insluitende—	
(a) instruksies vir die opinie, vir die leiding van 'n advokaat by die voorbereiding van pleitstukke, insluitende verdere besonderhede en versoeke daarom, insluitende eksepsies;	
(b) instruksies aan 'n advokaat ten opsigte van alle klasse pleitstukke;	

- (c) 'n petisie, eksepsie of beëdigde verklaring, enige kennisgewing (uitgesonderd 'n formele kennisgewing), besonderhede van vordering of 'n aanhangsel by die dagvaarding, 'n opinie deur 'n prokureur of enige ander belangrike dokument waarvoor andersins nie voorsiening gemaak is nie,

'n allesinsluitende tarief vir die opstel, nasien, tik, uitdruk, afskrifte, aflewering en indiening daarvan, per bladsy van slegs die oorspronklike

R292,00

3. Briewe, telegramme en faksimilees: 'n allesinsluitende tarief vir die opstel, nasien, tik, uitdruk, aflewering, afskrifte, posgeld en pos daarvan, per bladsy

R117,50

OPMERKING 1: Besonderhede van briewe wat afgestuurd is, telegramme en faksimilees hoef nie in 'n kosterekening gespesifiseer te word nie. Die aantal briewe wat geskryf is, moet vermeld word, asook die totale bedrag wat daarvoor gehef word. Die teenparty sowel as die takseermeester is daarop geregtig om die stukke in te sien, indien die korrektheid van die item betwis word.

OPMERKING 2: Wanneer 'n prokureur ook al enige van die werk gelys in hierdie afdeling verrig, is die gelde hierin uiteengesit ten opsigte van sodanige werk van toepassing en nie enige gelde wat van toepassing sou wees kragtens die tarief ingevolge Reël 69 indien 'n advokaat die betrokke werk verrig het nie.

C – OPWAGTING EN DEURLESING

1. Ontvangs, inskrywing, deurlesing, oorweging en liassering van—

- (a) enige dagvaarding, petisie, beëdigde verklaring, pleitstuk, advokaat se advies en konsep, verslag, belangrike brief, kennisgewing of dokument;
- (b) enige formele brief, oorkonde, voorraadlyste by vrywillige oorgawe, uitsprake of enige ander belangrike dokument nie elders vermeld nie;
- (c) enige plan of bewysstuk of ander belangrike dokument wat noodsaaklik vir die voer van die geding was;

per bladsy.

R59,50

2. Sortering, rangskikking en paginerings van stukke vir die opstel van pleitstukke, advies oor getuieis of opdrag vir 'n verhoor of appèl, per kwartier of gedeelte daarvan—

(a) deur 'n prokureur	R292,50
(b) deur 'n kandidaatprokureur	R90,50

OPMERKING: Besonderhede van stukke wat ontvang word, hoef nie in kosterekenings gespesifiseer te word nie. Die aantal stukke en bladsye wat ontvang is, asook die totale bedrag wat daarvoor gehef word, moet vermeld word. Die teenparty sowel as die takseermeester is daarop geregtig om die stukke in te sien, indien die korrektheid van die item betwis word.

D – DIVERSE

1. Vir die maak van noodsaaklike afskrifte, insluitende fotostate, van enige dokument of stukke waarvoor daar nie reeds in hierdie tarief voorsiening gemaak is nie, per A4-grootte bladsy	R4,00
2. Opwagting om vertaling te reël en daarna te verkry, per kwartier of gedeelte daarvan—	
(a) deur 'n prokureur	R292,50
(b) deur 'n kandidaatprokureur	R90,50
3. Noodsaaklike telefoonoproepe: Die werklike koste daarvan plus per vyf minute of gedeelte daarvan—	
(a) deur 'n prokureur	R98,00
(b) deur 'n kandidaatprokureur	R30,00
4. Versending van faksimileebriewe: Die werklike koste om die faksimileebrief te versend, benewens die gelde toegelaat vir die opstel daarvan ingevolge item B3 hierbo.	
5. Getuienis: Billike en redelike vorderings en uitgawes wat volgens die mening van die takseermeester behoorlik aangegaan is vir die verkryging van die getuienis en die bywoning van getuies wie se getuiegelde by taksasie toegestaan is: Met dien verstande dat die voorbereidingsgelde van 'n getuie nie sonder 'n bevel van die hof of die toestemming van alle belanghebbende partye toegestaan word nie.	

E - KOSTEREKENING

In verband met 'n kosterekening vir dienste gelewer deur 'n prokureur, is die prokureur daarop geregtig om te vorder:

1. Vir die opstel van die kosterekening, die maak van die nodige afskrifte en opwagting by afrekening, 10,60 persent van die

prokureursgelde, hetsy soos gevra in die kosterekening indien nie getakseer nie, of soos toegestaan by taksasie.

2. Benewens die gelde kragtens item 1 gevra, indien tot taksasie oorgegaan word, vir die reëling en bywoning van taksasie en verkryging van toestemming tot taksasie, 10,60 persent op die eerste R10 000,00 of 'n gedeelte daarvan, 5,10 persent op die tweede R10 000,00 of 'n gedeelte daarvan en 2,12 persent op die balans van die totale bedrag van die rekening.

3.(a) Wanneer 'n prokureur van die dienste van 'n ander persoon gebruik maak om sy of haar kosterekening op te stel, moet daardie kosterekening van 'n sertifikaat vergesel gaan waarin daardie prokureur sertifiseer dat—

- (i) die kosterekening aldus opgestel, behoorlik deur hom of haar nagegaan en korrek bevind is; en
- (ii) elke beskrywing in sodanige rekening met betrekking tot werk, tye en syfers in ooreenstemming is met dit wat noodsaaklikerwys deur hom of haar verrig is.

(b) Die takseermeester kan—

- (i) wanneer hy of sy oortuig is dat aan een of meer vereistes bedoel in item 3(a) nie voldoen is nie, weier om so 'n rekening te takseer;
- (ii) wanneer hy of sy oortuig is dat gelde in 'n party-en-partykosterekening gevorder word—
 - (aa) vir werk wat nie gedoen is nie;
 - (bb) vir werk waarvoor gelde in 'n prokureur-en-kliëntekosterekening gevorder moet word; of
 - (cc) wat buitensporig hoog is,

die prokureur die vergoeding bedoel in items 1 en 2 van hierdie afdeling ontsê, indien meer as 20 persent van die aantal items in die kosterekening, insluitend uitgawes, of van die totale bedrag van die kosterekening, insluitend uitgawes, afgetakseer word.

OPMERKING: Die minimum gelde onder items 1 en 2 is R234,50 per item.

F – TENUITVOERLEGGING

1. Opstel, uitreiking en uitvoering van 'n lasbrief vir eksekusie en alle opwagtinge in verband daarmee, uitgesonderd baljugelde (indien nie getakseer nie)

R583,50

2. Heruitreiking

R146,00"

7. Hierdie reëls tree in werking op 1 November 2017.

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:**

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

Expressions with **solid underline** indicate insertions into the existing rules.

Definition

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 and R. 507 of 27 June 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 and R. 2 of 19 February 2016.

Amendment of rule 2 of the Rules

2. Subrule (1) of rule 2 of the Rules is hereby amended by the insertion of the following definition after the definition of “clerk of the court”:

““Consumer Protection Act, 2008” means the Consumer Protection Act, 2008 (Act No. 68 of 2008).”

Amendment of rule 9 of the Rules

3. Rule 9 of the Rules is hereby amended by the substitution for subrule (2) of the following subrule:

“(2)(a) Except as provided in paragraph **[(b)] (c)** or in the case of service by post or upon order of the court, process, notices or other documents shall not be served on a Sunday or public holiday.

(b) Service shall be effected as near as possible between the hours of 7:00 and 19:00.

[(b)] (c) An interdict, a warrant of arrest, and a warrant of attachment of property under section 30*bis* of the Act may be executed on any day at any hour and at any place.”

Substitution of rule 12 of the Rules

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

“12. Judgment by default

(1)(a) If a defendant has failed to deliver the notice of intention to defend within the time stated in the summons or before the lodgement of the request provided for in this paragraph, and has not consented to judgment, the plaintiff may lodge with the registrar or clerk of the court a request in writing similar to Form 5 of Annexure 1, in duplicate, together with the original summons and the return of service, for judgment against such defendant for-

- (i) any sum not exceeding the sum claimed in the summons or for other relief so claimed;
- (ii) the costs of the action; and

- (iii) interest at the rate specified in the summons to the date of payment or, if no rate is specified, at the rate prescribed under section 1(2) of the Prescribed Rate of Interest Act, 1975 (Act No. 55 of 1975).
- (b) When the defendant has been barred in terms of rule **[21B(3)] 21B** from delivering a plea, the plaintiff may lodge with the registrar or clerk of the court a request in writing for judgment in the same manner as when the defendant has failed to deliver the notice of intention to defend.
- (c) When the defendant has failed to deliver the notice of intention to defend or, having delivered such notice, has been barred in terms of rule **[21B(3)] 21B** from delivering a plea and the plaintiff has in either case lodged a request for judgment, the registrar or clerk of the court shall process the request in terms of the provisions of subrules (2), (3), (4), (5), (6), (6A) and (7), and notify the plaintiff of the outcome of the request by returning the duplicate copy duly endorsed as to the result and the date thereof.
- (d) When **[a]** the defendant has delivered the notice of intention to defend but has been barred in terms of rule **[21B(3)] 21B** from delivering a plea and the registrar or clerk of the court has entered judgment in terms of a request lodged by the plaintiff, costs shall be taxed as if it had been a defended action.
- (e) If the original summons cannot be filed together with the request for judgment as required by paragraph (a), the plaintiff may-
 - (i) file with the registrar or clerk of the court a copy or duplicate original of the summons and a copy of the signed return of service received from the sheriff; and
 - (ii) file an affidavit together with the documents mentioned in subparagraph (i) stating the reasons why the original summons and return of service cannot be filed: **[Provided that in divorce actions or actions for nullity of marriage, rule 22(5) shall apply.]**

Provided that in divorce actions or actions for nullity of marriage, rule 22(5) shall apply.

- (2)(a) If it appears to the registrar or clerk of the court that the defendant intends to defend the action but that his or her notice of intention to defend is defective, in that the notice-
 - (i) has not been properly delivered; or
 - (ii) has not been properly signed; or
 - (iii) does not set out the postal address of the person signing it or an address for service as provided in rule 13; or

(iv) exhibits any two or more of such defects or any other defect of form, he or she must not enter judgment against the defendant unless the plaintiff has delivered notice in writing to the defendant calling upon him or her to deliver the notice of intention to defend in due form within 5 days of the receipt of such notice.

(b) The notice provided for in subrule (2)(a) must set out in what respect the defendant's notice of intention to defend is defective.

(c) On failure of the defendant to deliver the notice of intention to defend as provided in paragraph (a), the plaintiff may lodge with the registrar or clerk of the court a written request for judgment in default of due notice of intention to defend: Provided that in divorce actions or actions for nullity of marriage, rule 22(5) shall apply.

(3) Judgment in default of the notice of intention to defend must not be entered in an action in which the summons has been served by registered post unless the acknowledgement of receipt referred to in rule 9(13)(a) has been filed by the sheriff with his or her return of service.

(3A) When a claim is for a debt or liquidated amount in money and the defendant has failed to deliver the notice of intention to defend or, having delivered the notice of intention to defend, has failed to deliver a plea within the period specified in the notice delivered in terms of rule **[21B(2)] 21B** and the plaintiff has in either case lodged a request for judgment, the registrar or clerk of the court may, subject to the provisions of subrules (2), (4), (5), (6) and (6A) grant judgment or refer the matter to the court in terms of sub-rule (7).

(4) The registrar or clerk of the court shall refer to the court any request for judgment for an unliquidated amount and the plaintiff shall furnish to the court evidence either oral or by affidavit of the nature and extent of the claim, whereupon the court shall assess the amount recoverable by the plaintiff and **[shall]** give an appropriate judgment.

(5) The registrar or clerk of the court must refer to the court any request for judgment on a claim founded on any cause of action arising out of or based on an agreement governed by the National Credit Act, 2005, **[or]** the Credit Agreements Act, 1980 (Act No. 75 of 1980), or the Consumer Protection Act, 2008, and the court shall thereupon make such order or give such judgment as it may deem fit.

(6) If the action **[be]** is based on a liquid document or any agreement in writing the plaintiff shall together with the request for default judgment file the original of such document or the original agreement in writing or an affidavit setting out reasons to the satisfaction of the court or the registrar or clerk of the court, as the case may be, why such original cannot or should not be filed.

(6A) If a claim is founded on any cause of action arising out of or regulated by legislation, then the plaintiff shall together with the request for default judgment file evidence confirming compliance with the provisions of such legislation to the satisfaction of the court.

(7) The registrar or clerk of the court may refer to the court any request for judgment and the court may thereupon-

- (a) if a default judgment be sought, call upon the plaintiff to produce such evidence either in writing or oral in support of his or her claim as it may deem necessary;
- (b) if a judgment by consent be sought, call upon the plaintiff to produce evidence to satisfy the court that the consent has been signed by the defendant and is a consent to the judgment sought;
- (c) give judgment in terms of plaintiff's request or for so much of the claim as has been established to its satisfaction;
- (d) give judgment in terms of defendant's consent;
- (e) refuse judgment; or
- (f) make such other order as it may deem fit.

(7A) When the registrar or clerk of the court refers a request for judgment to the court, it shall be recorded, dated and signed by the registrar or clerk of the court on the cover of the court file.

(8) When one or more of several defendants in an action consent to judgment or fail to deliver notice of intention to defend or to deliver a plea, judgment may be entered against the defendant or defendants who have consented to judgment or are in default, and the plaintiff may proceed on such judgment without prejudice to his or her right to continue the action against another defendant or other defendants.

(9) Judgment shall be **[entered]** recorded by making a minute **[of record]** thereof on the cover of the court file, dated and signed."

Amendment of rule 17 of the Rules

5. Rule 17 of the Rules is hereby amended by the insertion in rule 17 after subrule (6) of the following subrule:

"(7) Any defence which can be adjudicated upon without the necessity of going into the main case may be set down by either party for a separate hearing upon 10 days' notice at any time after such defence has been raised."

Substitution of rule 58 of the Rules

6. The following rule is hereby substituted for rule 58 of the Rules:

“58. [Maintenance *pendente lite*, contribution towards costs, interim custody and access to children] Interim relief in matrimonial matters

(1) This rule shall apply whenever a spouse seeks relief from the court in respect of one or more of the following matters:

- (a) **[Maintenance *pendente lite*] Interim maintenance**;
- (b) a contribution towards the costs of a pending matrimonial action;
- (c) interim care of any child; or
- (d) interim contact with any child.

(2)(a) An applicant for any relief contemplated in subrule (1) shall deliver a sworn or an affirmed statement in the nature of a declaration, setting out the relief claimed and the grounds therefor, together with a notice to the respondent which shall substantially correspond with Form 42 of Annexure 1.

[(b) A statement and notice contemplated in paragraph (a) shall be signed by the applicant or his or her legal practitioner, and contain an address for service and shall be served by the sheriff.]

(b) The applicant or his or her attorney shall sign the notice referred to in paragraph (a), and shall indicate in the notice if the applicant prefers to be served with all documents in the application at a physical (residential or business), postal, an electronic mail address, or by facsimile, and give full details of such address: Provided that if a physical address is preferred for the purpose of service, that address shall, in places where there are three or more attorneys or firms of attorneys practicing independently of one another, be within 15 kilometres of the courthouse.

(c)(i) In the case of an unrepresented respondent, the statement and notice referred to in paragraph (a) shall be served by the sheriff on the respondent personally, unless the court orders otherwise.

(ii) Where the respondent is represented by an attorney of record, service may be effected on such attorney by the applicant, the applicant's attorney or the sheriff, unless the court orders otherwise.

[(3) The respondent shall within 10 court days after receiving a statement and notice contemplated in subrule (2) deliver a sworn reply in the nature of a plea, signed and giving an address for service, in default of which he or she shall be *ipso facto* barred.]

(3)(a) The respondent shall deliver a sworn or affirmed reply in the nature of a plea within 10 days after receiving the statement and notice contemplated in subrule (2).

(b) The respondent shall indicate in the reply referred to in paragraph (a) if he or she prefers to be served with all documents in the application at a physical (residential or business), postal, an electronic mail address, or by facsimile and give full details of such address: Provided that if a physical address is preferred for the purpose of such service, that address shall, in places where there are three or more attorneys or firms of attorneys practicing independently of one another, be within 15 kilometres of the courthouse.

[(4) As soon as possible after subrule (3) has been complied with the registrar shall bring the matter before the court for summary hearing, on 10 court days' notice to the parties, unless the respondent is in default.]

(4) As soon as possible after the 10 days period referred to in subrule (3)(a) has expired, either of the parties may set the matter down for summary hearing on 10 days' notice to all the parties.

(5) The court may hear such evidence as is considered necessary and may dismiss the application or make such order as it deems fit to ensure a just and expeditious decision.

(6) The court may, on the same procedure, vary a decision referred to in subrule (5) in the event of a material change taking place in the circumstances of either party or a child, or the contribution towards costs proving inadequate.

[(7) No attorney or advocate appearing in a case under this rule shall charge a fee of more than R404.00 if the claim is undefended or R929.00 if it is defended, unless the court in an exceptional case otherwise directs.]

[(8) No instructing attorney in cases under this rule shall charge a fee of more than R1 414.00 if the claim is undefended or R2 020.00 if it is defended, unless the court in an exceptional case otherwise directs.]

Amendment of Annexure 1 to the Rules

7. Annexure 1 to the Rules is hereby amended by the substitution for Form 42 of the form contained in the Annexure to this Schedule.

ANNEXURE**“No. 42 –****Notice in terms of Rule 58(2)(a)**IN THE REGIONAL COURT FOR THE REGIONAL DIVISION OFHELD AT CASE NO:In the matter between.....Applicantand.....RespondentTo the above-mentioned respondent:

TAKE NOTICE that (hereinafter called the applicant) intends to make application to this Court for an order (1) (2) (3) (here set forth the form of order prayed) and that the accompanying sworn/affirmed statement of will be used in support thereof.

TAKE NOTICE FURTHER that if you intend to oppose this application you shall, within 10 court days of receiving this notice: –

- (a) draft a sworn or affirmed reply in the nature of a plea;
- (b) serve a copy of the sworn or affirmed reply on the applicant or his or her attorney; and
- (c) file the original of the sworn or affirmed reply with the registrar of the court.

TAKE NOTICE FURTHER that–

- (i) in your reply you are required to give your full physical, residential or business address, postal address and where available, facsimile and electronic mail address;
- (ii) in your reply you are further required to indicate the preferred address for service upon you of all documents in the application, and service thereof at the address so given shall be valid and effectual, except where personal service is required by an order or practice of the court.
- (iii) if a physical address is given by you in the reply referred to as your preferred address for the purpose of service, that address shall, in places where

there are three or more attorneys or firms of attorneys practicing independently of one another, be within 15 kilometres of the courthouse; and
(iv) your reply shall indicate what averments in the applicant's statement you admit or deny, and shall concisely set out your defence.

AND TAKE NOTICE FURTHER that upon the expiration of the 10 days period within which you may deliver your reply, the matter may be set down for summary hearing on 10 days' notice, regardless of whether or not you have delivered your reply.

AND TAKE NOTICE FURTHER that you have a right to be assisted by a legal representative (a lawyer) of your own choice. **IF YOU CANNOT AFFORD THE SERVICES OF A LEGAL REPRESENTATIVE, YOU ARE ENTITLED TO APPLY FOR LEGAL AID IN ORDER TO BE ALLOCATED A LAWYER IF YOU QUALIFY.**

DATED atthis.....day of.....20.....

.....

Applicant/Applicant's attorney

Physical address (within 15 kilometres of the courthouse):

.....

.....

.....

Postal address:

Electronic mail address:

Facsimile:

Indicate the preferred address for service:

.....”

Amendment of Annexure 2 to the Rules

8. Annexure 2 to the Rules is hereby amended by the substitution for Tables A and B of the following Tables, respectively:

**“TABLE A
COSTS
PART I
GENERAL PROVISIONS**

1. When the amount in dispute is less than or equal to the amount of R7 000, costs shall be taxed on Scale A; when the amount in dispute exceeds the amount of R7 000, but is less than or equal to R50 000, costs shall be taxed on Scale B; when the amount in dispute exceeds R50 000, but is less than or equal to the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts, costs shall be taxed on Scale C; when the amount in dispute exceeds the maximum jurisdictional amount so determined by the Minister in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division or when the matter is in respect of a cause of action in terms of section 29(1B)(a) of the Act, costs shall be taxed on Scale D.

2. (a) For the purpose of computing costs, the expression 'amount in dispute' means, where costs are awarded to the plaintiff, the amount or value of the judgment and 'amount or value of the judgment' means, where more than one claim is involved in the action, the total of the amounts involved in the judgment. Where costs are awarded to the defendant, the expression 'amount in dispute' means, the amount or value of the claim, and 'amount or value of the claim' means, where more than one claim is involved in the action, the total of the amounts of all the claims. The amount or value of the judgment or claim shall be inclusive of interest but exclusive of costs. If a matter is settled at any time the costs shall be taxed on the scale laid down in the agreement of settlement.

(b) Where the amount in dispute is not apparent on the face of the proceedings, costs shall, unless the court orders otherwise, be computed at the higher rate.

3. Costs taxable in terms of rule 33(19) shall be deemed to have been awarded under a judgment for the amount offered or a judgment in the terms of the settlement, as the case may be.

4. Claims for ejectment shall be computed at two months' rent of the premises.

5. The rate at which costs are computed shall not be increased by reason of any claim for confirmation of any interdict or interlocutory order.

6. Fees to counsel shall be allowed on taxation only in cases falling within Scale B, C or D or where the court has made an order in terms of rule 33(8) and shall not be so allowed unless payment thereof is vouched by the signature of counsel.

7. Where the amount allowed for an item is specified, the amount shall be inclusive of all necessary copies, attendances and services (other than services by the sheriff for the magistrate's court) in connection therewith.

8. Where the amount allowed for an item is left blank—

(a) the drawing of documents (not pleadings) shall be allowed at R27,00 for each folio;

(b) copies for filing, service and an attorney's copy to retain shall also be allowed;

(c) R17, 00 shall be allowed for each necessary service;

9. (a) Where any document appears to the court to be unnecessary prolix, the court may disallow the whole or any part of the fee therefor.

(b) Where printed forms of documents to be copied are available, the fees for copying shall be limited to the necessary particulars inserted in such printed forms.

10.(a) A folio shall consist of 100 written or printed words or figures or part thereof.

(b) Four figures shall be reckoned as one word.

11.(a) Unless otherwise provided, a charge for perusal shall be allowed at R10,00 per folio in respect of any document or pleading necessarily perused.

(b) Where a charge is allowed for copying, it shall be allowed at R4, 00 per page, regardless of the number of words, unless otherwise provided.

12. Where there are more defendants than one R17, 00 shall be added in respect of each additional defendant for each of items 2 and 3 of Part II and items 2 and 7 of Part III.

13. Where the judgment debt is payable in instalments in terms of the judgment or an agreement, a fee of 10% on each instalment collected in redemption of the capital, costs and interest shall be allowed, subject to a maximum of R411,00 on each instalment. No

additional fee shall be charged for any attendance in connection with the receipt or payment of any instalment.

14. The clerk or registrar of the court shall on taxation disallow any charge unnecessarily incurred.

15. Where the fee under any item is calculated on a time basis, the total time spent on any one day shall be calculated and the fee for that day calculated on such total.

16. Any amount necessarily and actually disbursed in tracing the debtor.

PART II UNDEFENDED ACTIONS

	R
Item 1 - Registered letter of demand in terms of section 56 of the Act	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts	R40,00
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts	R54,00
Item 2 - Summons, inclusive of a letter of demand other than the letter of demand referred to in item 1:	
(a) Claim or claims where the aggregate amount of the claim or claims does not exceed R7 000,00	R135,50
(b) Claim or claims where the aggregate amount of the claim or claims exceeds R7 000,00 but does not exceed R50 000	R449,50
(c) Claim or claims where the aggregate of the claim or claims exceeds R50 000 but does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts	R665,00
(d) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division or when the matter is in respect of a cause of action in terms of section 29(1B)(a) of the Act	R866,50
Item 3 - Judgment:	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the amount in 2(a)	R135,50
(b) Claim or claims where the aggregate of the claim or claims exceeds the amount in 2(b) but is not more than R50 000	R343,50
(c) Claim or claims where the aggregate of the claim or claims exceeds R50 000 but does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts.	R560,00
(d) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in	R728,00

respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division or when the matter is in respect of a cause of action in terms of section 29(1B)(a) of the Act	
Item 4 - Notice in terms of rule 12(2)	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts.	R64,50
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division or when the matter is in respect of a cause of action in terms of section 29(1B)(a) of the Act.	R84,00
Item 5 - Notice in terms of rule 54(1)	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts.	R64,50
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division.	R84,00
Item 6 - Affidavit or certificate	-
Item 7 - Attending court at the request of the magistrate when claim is referred to court for judgment or to obtain provisional sentence when claim is undefended	as allowed under item 15 on the scale for defended actions.
Item 8 - For each registered letter forwarded to the debtor in terms of section 57(1) or (3) or section 58(2), of the Act by the creditor or his or her attorney, including copies	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts.	R41,50
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division.	R55,50
Item 9 - Admission of liability and undertaking to pay debt in instalments or otherwise (section 57 of the Act)	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts.	R108,50
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in	R141,00

respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division.	
Item 10 - Consent to judgment or to judgment and an order for the payment of judgment debt in instalments (section 58 of the Act)	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts.	R108,50
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division.	R141,00

Note: The amount of fees allowable under items 4, 5, 6, 7, 8, 9 and 10 shall be included without taxation in the amount of the costs for which judgment is entered

PART III

DEFENDED ACTIONS (AND INTERPLEADER PROCEEDINGS)

Item	Scale A R	Scale B R	Scale C R	Scale D R
1 Instructions to sue or defend or to counterclaim or defend a counterclaim, perusal of all documentation and consideration of merits and all necessary consultations to issue summons	R542,00	R719,50	R865,50	R1125,00
2 Summons	R272,50	R378,00	R452,50	R587,00
2A Particulars of Claim or Declaration	R272,50	R378,00	R452,50	R587,00
3 Appearance	R45,50	R45,50	R56,00	R72,00
4 Notice under rules 12(2) and 21B(2)	R45,50	R45,50	R56,00	R72,00
5 Plea	R272,50	R378,00	R452,50	R587,00
6 Claim in reconvention	R272,50	R378,00	R452,50	R587,00
7 Reply, if necessary	R272,50	R378,00	R452,50	R587,00
8 Drawing up of all documents not specifically mentioned, including request for further particulars, schedule of documents, all affidavits, subpoenas, any notice not otherwise provided for and drawing up of statements by witnesses	-	-	-	-
9 Production of documents for inspection, or inspecting documents, per quarter of an hour or part thereof of the time spent	R160,50	R160,50	R202,50	R261,00
10 Each copy of service, per page	R4,00	R4,00	R4,00	R4,00

11 The recording of statements by witnesses, per quarter of an hour or part thereof	R160,50	R160,50	R202,50	R261,00
12 Notice of trial or reinstatement	R45,50	R45,50	R56,00	R72,00
13 Preparing for trial (if counsel not employed)	R900,00	R1 225,00	R1469,00	R1 910,00
14 Attendance at settlement negotiations, for each quarter of an hour or part thereof actually spent in such negotiations	R160,50	R160,50	R202,50	R261,00
15 Attending court during trial, or at an on-the-spot inspection, or at postponement or examination on commission, for each quarter of an hour or part thereof spent in court while the case is actually being heard-				
(a) if counsel not employed	R160,50	R160,50	R202,50	R261,00
(b) if counsel employed	Nil	R64,50	R79,00	R101,00
16 Attending pre-trial conference, for each quarter of an hour or part thereof actually spent in such conference	R160,50	R160,50	R202,50	R261,00
17 Attending court to hear reserved judgment, per quarter of an hour or part thereof	R33,00	R33,00	R39,50	R51,50
18 Correspondence-				
(a) for each necessary letter or telegram, per folio	R25,50	R25,50	R33,00	R41,50
(b) for each letter or telegram received, provided that a fee for perusal shall not be allowed in addition to the fee herein provided for	R17,50	R25,50	R33,00	R41,50
19 Attendances: For each necessary attendance not otherwise provided for, per attendance	R17,50	R25,50	R33,00	R41,50
20 Necessary formal telephone calls, per call	R17,50	R25,50	R33,00	R41,50
21 Telephone consultations: For every 5 minutes or part thereof, subject to a maximum fee per consultation of R156,50 for Scales A to C and R 201,50 for Scale D	R45,50	R45,50	R56,00	R72,00
22 Each necessary consultation, per quarter of an hour or part thereof	R160,50	R160,50	R202,50	R261,00
23 The court may, on request made at the hearing, allow in addition to the fee prescribed in item 13 above a refresher fee in postponed or partly heard trials	R560,00	R793,00	R951,50	R1 235,00
24 Time spent waiting at court (owing to no	R108,00	R108,00	R131,50	

court being available) per quarter of an hour or part thereof				R171,00
25 Travelling time [subject to the provisions of rule 33(9)] per quarter of an hour or part thereof	R108,00	R108,00	R131,50	R171,00
26 Subsistence and travelling expenses as laid down in rule 33(9)	The actual reasonable subsistence and travelling expenses as laid down in rule 33(9)			

PART IV

OTHER MATTERS

Exceptions, applications to strike out, applications for summary judgment, appearance to obtain provisional sentence when claim is defended, interlocutory applications, arrest, interdict, applications under rule 27(9), applications to review judgment, order or taxation, applications for liquidation of close corporations and applications in terms of section 65J of the Act, applications under rule 58 and any other applications.

Item	Scale A R	Scale B R	Scale C R	Scale D R
1 (a) Instructions to make application or to oppose or to show cause (the court may on request allow a higher amount)	R136,00	R272,50	R323,50	R421,00
(b) Instructions to make application for liquidation of close corporation, perusal of all documentation and consideration of merits, and all necessary consultations	R665,00	R665,00	R796,50	R1035,00
2 Drawing up of all documents, affidavits, applications and notices, orders, etc	-	-	-	-
3 Attending court on hearing:				
(a) If unopposed or opposed (if counsel not employed), for each quarter of an hour or part thereof actually spent in court	R160,50	R160,50	R202,50	R261,00
(b) If opposed (if counsel employed), for each quarter of an hour actually spent in court or part thereof	Nil	R64,50	R79,50	R101,00
4(a) Fee for preparation for argument when opposed	R560,00	R661,00	R796,50	R1035,00
(b) Fee for preparation for trial where proceedings are referred to trial or oral evidence	R560,00	R661,00	R796,50	R1035,00

5 Consultations and settlement negotiations – when opposed, per quarter of an hour or part thereof	R160,50	R160,50	R202,50	R261,00

Item	Scale
TAXATION OF COSTS	R
6 Drawing up bill of costs:	5% of the fees allowed
7 Attending taxation:	5% of the total of the bill allowed
8 Attending on review of taxation, for each quarter of an hour or part thereof in court while review is actually being heard	R160,50
9 Notice of application for review of taxation and service	-
10 Affidavit, where necessary	-

EXECUTION

11 (a) Issue of warrant of execution, ejectment, and delivery up of possession	R108,50
(b) For each reissue thereof	R45,50
12 Inclusive fee for work done in connection with releasing of immovable property attached	R135,50
13 Inclusive fee for work done in connection with sale in execution of immovable property only (excluding work in respect of which fees are already provided for elsewhere and the drawing up of the conditions of sale)	R344,00
14 (a) Drawing up of notice of sale in terms of rule 41(8) or rule 43(6), or conditions of sale in terms of rule 43(7)	-
(b) For all other work done and papers and documents supplied to the sheriff of the magistrate's court in connection with a sale in execution of movable property, an inclusive fee of	R235,00
15 Security for restitution, where necessary	R88,50

WHERE COUNSEL IS EMPLOYED

16 Instructions for exception or application, where allowed	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts	R160,50

(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division	R209,50
17 Instructions on trial	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts	R206,50
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division	R259,00
18 Drawing brief on exception or application, where allowed	-
19 Drawing brief on trial	-
20 Attending each necessary consultation with counsel, per quarter of an hour or part thereof	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts	R67,00
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division	R84,00

FEES TO COUNSEL	
21 With brief to argue exception or application	R793,00
<i>Note:</i> A fee to counsel on application shall be allowed only where the court certifies that the briefing of counsel was warranted	
22 With trial brief for the first day, not exceeding	R2248,50
23 In any court held more than 30 km from the nearest town where a provincial or local division (other than a Circuit Court) of the High Court sits, a travelling allowance (in addition to the fee on brief) may be allowed by special order of the court at	R5,50 per km
24 Each necessary consultation, per quarter of an hour	R160,50
25 For every day exceeding one on which evidence is taken or arguments heard, a refresher not exceeding	R1351,50
26 Drawing up pleadings	R361,50
<i>Notes:</i>	
(a) In regard to items 22 and 25 a fee in lieu of the fee for the first day's hearing shall be allowed as follows when the case is settled or withdrawn or postponed at the instance of any party on or before the date of hearing:	

(i) not more than two days prior to the date of hearing: The fee otherwise allowable on taxation for the first day's hearing;	
(ii) not less than three days and not more than seven days prior to the date of hearing: Two thirds of the fee under (i); and	
(iii) not less than eight days and not more than 21 days prior to the date of hearing: Half of the fee under (i).	
(b) The court may on request allow a higher fee for counsel in regard to items 22, 24, 25 and 26.	
(c) A fee for travelling time by counsel shall be allowed at the same rate as for attorneys under rule 33(9).	

MISCELLANEOUS	
27 Obtaining certified copy of judgment	R82,00
28 Obtaining payment in terms of rule 18(4)	R56,00
29 Request for security in terms of rule 62(1)	-
30 Furnishing security in terms of rule 62(1)	-

TABLE B
COSTS
PART I

**GENERAL PROVISIONS IN RESPECT OF PROCEEDINGS IN TERMS OF SECTIONS 65
AND 65A TO 65M OF THE ACT**

1. Subject to the provisions of paragraph 3, no fees other than those in the Tariff to this Part shall be allowed.

2. Subject to the provisions of section 65K of the Act, the fees laid down in items (a), (b) or (c) of the Tariff to this Part, as the case may be, shall be payable for the drawing up of the notice referred to in section 65A(1), including appearance at the inquiry into the judgment debtor's financial position referred to in section 65D, or any appearance at subsequent suspension, amendment or rescission proceedings, and shall, with the exception of the fee allowed under item (m) of the tariff, be chargeable only once for the drawing up, issue and all reissues of the notice and all postponements of the inquiry, irrespective of the number of days on which the proceedings are heard in court: Provided that where the debtor leaves the area of jurisdiction of the court after issue of the notice referred to in section 65A(1) and the notice is reissued in any other district, the aforesaid fee may also be charged in such other district if the court so orders.

3. The following shall be allowed in addition to the fees laid down in the Tariff to this Part:

(a) All necessary disbursements incurred in connection with the proceedings.

(b) A fee of 10% on each instalment collected in redemption of the capital and costs of the action, subject to a maximum amount of R410, 00 on every instalment. Where the amount is payable in instalments the collection fees shall be recoverable only on payment of

every instalment. Such fees shall be in substitution for and not in addition to the collection fees prescribed in paragraph 13 of Part 1 of Table A.

(c) All necessary disbursements incurred in connection with any prior abortive proceedings under section 72, if the court has so ordered.

(d) Any amount necessarily and actually disbursed in tracing the judgment debtor, where the capital amount of the debt at the time the tracing agent was employed was not less than R449, 00. The total amount to be allowed for each tracing shall not exceed R343, 50.

4. For the purpose of the Tariff to this Part the amount of the claim shall, subject to the provisions of paragraph 3(d), be the total of the capital amount and costs outstanding at the date of the first institution of proceedings under section 65A(1) of the Act.

5. Items 1 to 5 of Part IV of Table A of Annexure 2 are applicable in terms of section 65J of the Act.

TARIFF		
		R
(a)	Where the claim does not exceed the amount of R1 000,00	R226,00
(b)	Where the claim exceeds the amount of R1 000,00 but is not more than R2 000,00	R343,50
(c)	Where the claim exceeds the amount of R2 000,00	R405,00
(d)	Warrant of arrest (Form 40A)	R88,50
(e)	(i) Emoluments attachment order (Form 38)	R180,00
	(ii) Reissue (Certificates included)	R144,00
(f)	Application for costs on notice (including appearance in court)	R88,50
(g)	Obtaining a certified copy of a judgment	R88,50
(h)	Affidavit or certificate by the judgment creditor or his or her attorney	R64,00
(i)	For each registered letter forwarded to the debtor in terms of sections 65A(2), 65E(6) or 65J(2) of the Act by the creditor or his or her attorney	R41,00
(j)	Affidavit or affirmation by debtor [Rule 45(7)]	R108,00
(k)	Request for an order under section 65 of the Act	R64,00
(l)	Attending postponed proceedings in terms of section 65E(3) of the Act or attending proceedings at court pursuant to the arrest of a judgment debtor, director or officer or pursuant to a notice referred to in 65A(8)(b)	R88,50
(m)	Subpoena:	

	(i) Drawing up of subpoena, per folio	R25,50
	(ii) Every necessary attendance, per attendance	R17,00
(n)	(i) Correspondence: For every necessary letter or telegram written or received, including copy to retain, provided that a fee for perusal shall not be allowed in addition to the fee herein provided for, per folio	R25,50
	(ii) Attendances: For each necessary attendance not otherwise provided for, per attendance	R25,50
	(iii) Necessary formal telephone calls, per call	R25,50

PART II
GENERAL PROVISIONS IN RESPECT OF PROCEEDINGS IN TERMS OF SECTION 72
OF THE ACT

1. Subject to the provisions of paragraphs 2 and 3 no fees other than those laid down in the Tariff to this Part shall be allowed.
2. Paragraph 3(a), (b) and (d) of the general provisions under Part 1 of this Table shall apply *mutatis mutandis* to this Part.
3. All necessary disbursements incurred in connection with any prior abortive proceedings under section 65 shall be allowed if the court has so ordered.
4. For the purpose of the Tariff to this Part the amount of the claim shall, subject to the provisions of paragraph 3(d) of the general provisions under Part 1 of this Table, be the total of the capital amount outstanding at the date of the first institution of proceedings in terms of section 72 of the Act.

TARIFF	
(a) Where the claim does not exceed R200.00	R136,00
(b) Where the claim exceeds R200.00	R289,00
(c) Obtaining certified copy of a judgment	R82,00
(d) Application for an order of execution against the garnishee	R82,00
(e) Garnishee order (Form 39)	R108,00

PART III
GENERAL PROVISIONS IN RESPECT OF PROCEEDINGS IN TERMS OF SECTION 74
OF THE ACT

1. The following fees shall be allowed in addition to those laid down in the Tariff to this Part:
 - (a) All necessary disbursements incurred in connection with the proceedings.
 - (b) In addition to the fees stated below, the administrator shall be entitled to a fee of 10% on each instalment collected for the redemption of capital and costs.
2. For the purposes of items 4 and 5 of the Tariff to this Part, a folio shall consist of 100 written or printed words or figures and four figures shall be reckoned as one word.

TARIFF			
Item	One to ten creditors	Eleven to twenty creditors	Twenty-one or more creditors
	R	R	R
1. Instructions to apply for administration order, including the necessary perusal of summonses, demands, etc, and ascertaining the amount of assets and liabilities, including all attendances and correspondence necessary in connection therewith	R160,50	R225,50	R360,50
2. Instructions on application under section 74Q(1) or to oppose such application or the granting of administration order	R127,00	R127,00	R127,00
3. Drawing up application for administration order or review thereof and affidavit, including all annexures thereto and all attendances, excluding attendance in court	R225,00	R225,00	R225,00
4. Making copies of application, affidavit and annexures for creditors, per page	R4,00	R4,00	R4,00
5. Perusal of application and other documents served, if any, per folio. <i>Note: The fees under this item are only claimed by the attorney or an opposing party.</i>	R9,50	R9,50	R9,50
6. Attending court:			
(a) On postponement or setting aside, if not occasioned by the attorney or his or her client;	R61,00	R61,00	R61,00
(b) On any other hearing	R127,00	R242,00	R242,00
7. For furnishing to a creditor by the administrator of the information referred to in section 74 m(a) of the Act, per application	R17,00	R17,00	R17,00
8. For furnishing of a copy of the debtor's statement of affairs referred to in sections 74 and 74A(1) of the Act by the administrator in terms of section 74M(b) or of a list or account referred to in section 74G(1) or 74J of the Act or of the debtor's statement of affairs referred to in section 65I(2) of the Act, per page	R4,00	R4,00	R4,00
9. Correspondence and attendances	R26,00	R26,00	R26,00

Amendment of Annexure 2 to Rules

9. Annexure 2 to the Rules is hereby amended by the substitution for Part II of Table C of the following part:

“PART II

SHERIFFS WHO ARE NOT OFFICERS OF THE PUBLIC SERVICE

1A. For registration of any document for service or execution upon receipt thereof:

[R8,00] R10,00.

1B. (a) For the service of a summons, subpoena, notice, order or other document not being a document mentioned in item 2, the journey to and from the place of service of any of the above-mentioned documents—

- (i) within a distance of 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R35,00]** R40,00;
- (ii) within a distance of 12 kilometres, but further than 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R41,00]** R47,00;
- (iii) within a distance of 20 kilometres, but further than 12 kilometres from the court-house of the district for which the sheriff is appointed: **[R55,00]** R63,00;
- (iv) where a mandator instructs the sheriff in writing to serve a document referred to in item 1B(a) urgently on the day of receipt of such document or after normal office hours, the costs shall be calculated at double the tariff in item 1B(a)(i), (ii) and (iii), respectively, which additional costs shall be paid by the mandator, save where the court orders otherwise.

(b) For the attempted service of the documents mentioned in paragraph (a), the journey to and from the place of attempted service of any of the above-mentioned documents—

- (i) within a distance of 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R28,50]** R33,50;
- (ii) within a distance of 12 kilometres but further than 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R35,00]** R40,00;
- (iii) within a distance of 20 kilometres but further than 12 kilometres from the court-house of the district for which the sheriff is appointed: **[R49,00]** R56,00;
- (iv) where a mandator instructs the sheriff in writing to serve a document referred to in item 1B(a) urgently on the day of receipt of such document or after normal office hours and the sheriff is unsuccessful in his or her attempt to effect service, the costs shall be calculated at double the tariff in item 1B(b)(i), (ii) and (iii) respectively, which additional costs shall be paid by the mandator, save where the court orders otherwise.

- (c)
 - (i) Where a document must be served together with a process of the court and is mentioned in such process or is an annexure thereto, no additional fees shall be charged for service of the document, otherwise **[R8,00]** R10,00 may be charged for every separate document served.
 - (ii) No fees shall be charged for a separate document when process in criminal matters is served.

- (iii) The service of a notice referred to in rule 54(1) simultaneously with the summons shall not be regarded as a separate service.

2. (a) For the execution of a warrant, interdict, garnishee order or emoluments attachment order, the journey to and from the place of execution of the above-mentioned documents—

- (i) within a distance of 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R49,00]** R56,00;
- (ii) within a distance of 12 kilometres, but further than 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R55,00]** R63,00;
- (iii) within a distance of 20 kilometres, but further than 12 kilometres from the court-house of the district for which the sheriff is appointed: **[R68,50]** R78,50;
- (iv) where a mandator instructs the sheriff in writing to execute a document referred to in item 2(a) urgently on the day of receipt of such document or after normal office hours, the costs shall be calculated at double the tariff in item 2(a)(i), (ii) and (iii), respectively, which additional costs shall be paid by the mandator, save where the court orders otherwise.

(b) For the attempted execution of the documents mentioned in paragraph (a), the journey to and from the place of attempted execution of the above-mentioned documents —

- (i) within a distance of 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R41,00]** R47,00;

- (ii) within a distance of 12 kilometres, but further than 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R49,00]** R56,00;
 - (iii) within a distance of 20 kilometres, but further than 12 kilometres from the court-house of the district for which the sheriff is appointed: **[R62,00]** R70,50;
 - (iv) where a mandator instructs the sheriff in writing to execute a document referred to in item 2(a) urgently on the day of receipt of such document or after normal office hours and the sheriff is unsuccessful in his or her attempt to effect execution, the costs shall be calculated at double the tariff in item 2(b)(i), (ii) and (iii) respectively, which costs shall be paid by the mandator, save where the court orders otherwise.
- (c)
 - (i) For the ejectment of a defendant from the premises referred to in the warrant of ejectment: **[R28,50]** R33,50 per half hour or part thereof (except extraordinary expenses necessarily incurred).
 - (ii) A further fee of **[R19,50]** R22,50 shall be paid after execution for every person over and above the person named or referred to in the process of ejectment, in fact ejected from separate premises: Provided that where service on any person other than the judgment debtor, respondent or garnishee is necessary in order to complete the execution, the fee laid down in item 1B(a) may be charged in respect of each such service.

3. Compilation of any return in terms of rule 8, in duplicate: **[R14,00]** R16,00.

4. (a) The Sheriff shall, in addition to the fees mentioned in items 1B(a), 1B(b), 2(a) and 2(b), but subject to item 4(b) and (c), be allowed a travelling allowance of R5,00 per kilometre, or part thereof, for the shortest possible forward and return journey from the office of the Sheriff to the place of service or execution and back.
- (b) The travelling allowance mentioned in items 4(a), 5(a) ~~and~~ 5(c)(i) shall be calculated on the distance reckoned from the office of the sheriff if—
- (i) the sheriff's office is situated within the area of jurisdiction allocated to the sheriff by the Minister; and
 - (ii) the distance from the sheriff's office is less than the distance reckoned from the court-house closest to the address for service.
- (c) If the requirement in item 4(b) is not met, then the travelling allowance mentioned in items 4(a), 5(a) and 5(c)(i) shall be calculated on the distance reckoned from the court-house closest to the address for service.
5. (a) In respect of the discharge of any official duty other than those mentioned in items 1 and 2, but subject to item 4(b) and (c), a travelling allowance of R5,00 per kilometre for every kilometre, or part thereof, shall be payable to the sheriff for going and returning.
- (b) A travelling allowance shall include all the expenses incurred in travelling, including train fares.
- (c) A travelling allowance shall be calculated in respect of each separate service, except that—
- (i) where more services than one can be done on the same journey, the distance from the sheriff's office to the first place of service may be taken into account only once, and shall be apportioned equally to the respective services, and the

distance from the first place of service to the remaining places of service shall similarly be apportioned equally to the remaining services; and

- (ii) where service of the same process has to be effected by a sheriff on more than one person at the same service address, only one charge for travelling shall be allowed.

(d) When it is necessary for the sheriff to convey any person under arrest, an allowance of R5,00 per kilometre in respect of that portion of his or her journey on which he or she was necessarily accompanied by such person shall be allowed.

6. (a) Making an inventory, including the making of all necessary copies and time spent on stock-taking: **[R28,50]** R33,50 per half hour or part thereof.

(b) For assistance, if necessary, with the making of an inventory, **[R28,50]** R33,50 per half hour or part thereof.

7. The perusing, drawing up and completing of a bail bond, deed of suretyship or indemnity bond: **[R8,00]** R10,00.

8. Charge or custody of property (money excluded):

(a) (i) For each officer necessarily left in possession, a reasonable inclusive amount not exceeding **[R103,00]** R117,00 per day.

(ii) Travelling allowances, to include board in every case.

(b) If livestock is attached, only the necessary expenses of herding and preserving the stock shall be allowed.

(c) If the goods are removed and stored, only the cost of removal and storage shall be allowed.

9. (a) **'possession'** shall mean actual physical possession by a person employed and paid by the sheriff, whose sole work for the time being is to remain on the premises where the goods have been attached, and who, in fact, remains in possession for the period for which possession is charged.
- (b) **'cost of removal'** shall mean the amount actually and necessarily disbursed for removal or attempted removal if the goods were removed by a third party or an attempt was made to remove them, if they were removed by the sheriff him- or herself, such amount as would fairly be allowable in the ordinary course of business if the goods were removed by a third party, or an attempt was made to so remove them.
- (c) **'cost of storage'** shall mean the amount actually and necessarily paid for storage if the goods were stored with a third person or, if the sheriff provided the storage, such amount as would fairly be allowable in the ordinary course of business if the goods were stored with a third person.
10. (a) Where a warrant of execution or garnishee order is paid in full, or in part, to the sheriff or moneys attached in execution against movables, 9 per cent of the amounts so paid or attached, with a minimum of **[R55,00]** R63,00 and a maximum of **[R542,00]** R614,00.
- (b) Notice of attachment to defendant and to each person to be notified: **[R8,00]** R10,00.
11. Where property is released from attachment in terms of rule **[41(7)(e)]** 41(7)(f)(i), or the warrant of execution is withdrawn or stayed, or the judgment debtor's estate is sequestrated after the attachment, but before the sale, 2.3 per cent of the value of the goods attached, subject to a maximum of **[R164,00]** R186,00: Provided that if a sale subsequently takes place in consequence of the said attachment, the amount so paid shall be deducted from the commission payable under item 12.

12. Where the warrant of execution against movables is completed by sale, 9 per cent for the first R15 000,00 or part thereof, and thereafter 6 per cent, with a maximum of **[R7 237,00]** R8 178,50.

13. For the insurance of attached property, if deemed necessary, and on written instructions of the judgment creditor to the sheriff, in addition to the premium to be paid, an all-inclusive amount of **[R28,50]** R33,50.

14. (a) When immovable property has been attached in execution and is not sold, either by reason of the warrant having been withdrawn or stayed, or of the sequestration of the estate of the execution debtor, the expenses in connection with the attempted sale and the sum of **[R164,00]** R186,00 shall be payable to the sheriff or the person in fact authorised to act as auctioneer, as the case may be.

(b) The drawing up of a report of the improvements on the property for the purpose of sale: **[R28,50]** R33,50 per half hour or part thereof.

(c) Written notice to the purchaser who has failed to comply with the conditions of sale: **[R41,00]** R47,00.

(d) Consideration of conditions of sale: **[R81,50]** R93,50.

15. When immovable property has been attached in execution and the attachment lapses, as referred to in section 66(4) of the Act: **[R49,00]** R56,00.

16. When an execution against immovable property is completed by sale, the following fees shall be allowed to the sheriff on the proceeds of the sale:

(a) On the sale of immovable property by the sheriff as auctioneer, 6 per cent on the first **[R30 000,00 of the proceeds of the sale and]** R100 000,00, 3.5 per cent on R100 001,00 to R400 000,00 and 1.5 per cent on the balance

~~[thereof,] of the proceeds of the sale,~~ subject to a maximum commission of ~~[R10 777,00]~~ R40 000,00, in total, and a minimum of ~~[R542,00]~~ R3 000,00 (inclusive in all instances of the sheriff's bank charges and other expenses incurred in paying the proceeds into his or her trust account), which commission shall be paid by the purchaser.

(b) If an auctioneer is employed as provided in rule 43(9), 3 per cent on the first ~~[R30 000,00 of the proceeds of the sale and]~~ R100 000,00, 2 per cent on R100 001,00 to R400 000,00 and 1 per cent on the balance thereof, subject to a maximum commission of ~~[R6 158,00]~~ R22 850,00, in total, and a minimum of ~~[R542,00]~~ R3 000,00 (inclusive in all instances of the sheriff's bank charges and other expenses incurred in paying the proceeds into his or her trust account), which commission shall be paid by the purchaser.

17. In addition to the fees allowed by items 10 to 15, both inclusive, there shall be allowed—

- (a) the sum actually and reasonably paid by the sheriff or the auctioneer for printing, advertising and giving publicity to any sale or intended sale in execution; and
- (b) the sum of ~~[R20,00]~~ R23,50 to the sheriff for giving transfer to the purchaser.

18. Where the sheriff is in possession under more than one warrant of execution, he or she may charge fees for only one possession, and such possession shall, as far as possible, be apportioned equally to the several warrants issued during the same period: Provided that each execution creditor shall be jointly and severally liable for such possession to an amount not exceeding what would have been due under his or her execution if it had stood alone.

19. Fees payable on the value of goods attached or on the proceeds of the sale of goods in execution shall not be chargeable on such value or proceeds so far as they are in excess of the amount of the warrant.

20. The fees and expenses of the sheriff in execution of a garnishee order shall be added to the amount to be recovered under the order, and shall be chargeable against the judgment debtor.

21. If it is necessary for the sheriff to return a document received by him or her for service or execution to the mandator because—

(a) the address of service which appears on the process does not fall within his or her jurisdiction; or

(b) the mandator requested, before an attempted service or execution of the process, that it be returned to him or her,

an amount of **[R8,00]** R10,00 shall be payable.

22. For the conveyance of any person arrested by the sheriff or committed to his or her custody from the place of custody to the court on a day subsequent to the day of arrest: **[R28,50]** R33,50 per journey and **[R55,00]** R63,00 per hour, or part thereof, for attending at court.

23. For the examination of indicated newspapers and the *Gazette* in which the notice of sale has been published, as referred to in rule 43(6)(c) and rule 41(8)(c): **[R8,00]** R10,00.

24. For forwarding a copy of the notice to every execution creditor who has lodged a warrant of execution and to every mortgagee in respect of the immovable

property concerned whose address is reasonably ascertainable, for each copy: **[R8,00]**
R10,00.

25. (a) For affixing a copy of the notice of sale on the notice board or door of the court-house or other public building₁ referred to in rule 43(6)(e) and rule 41(8)(b): **[R20,00]** R23,50.

(b) For affixing a copy of the notice of sale on the property due to be sold, the amount in paragraph (a) **[above]** and travelling costs₁ referred to in item 5(a).

26. For the drawing up and issuing of an interpleader summons: **[R81,50]**
R93,50.

27. In addition to the fees prescribed in this Table, the sheriff shall be entitled to the amount actually disbursed for postage and telephone calls.

28. For the writing of each necessary letter, excluding formal letters accompanying process or returns: **[R8,00]** R10,00.

29. Each necessary attendance by telephone (in addition to prescribed trunk charges and cellular charges): **[R8,00]** R10,00.

30. Sending and receiving of each necessary facsimile₁ per A4 size page (in addition to telephone charges): **[R4,50]** R5,50.

31. For the perusal of the records of the Registrar of Deeds₁ in terms of rule 43(3)₁ to determine the order of precedence of creditors:

(a) If investigated by the sheriff him or herself: **[R49,00]** R56,00 per case.

- (b) If the sheriff utilises the services of a third party for the investigation, the actual cost₁ as required by the third party, provided that it is reasonable.

32. For the making of all necessary copies of documents: **[R3,50]** R4,00, per A4 size page.

33. (a) A request to tax an account of a sheriff shall be done within 90 days after the date on which the account of which the fees are disputed, has been rendered.

(b) For the drawing up of the bill for taxation and attendance of the taxation by the sheriff: **[R55,00]** R63,00.

34. Bank charges: Actual costs incurred relating to bank charges and cheque forms.

35. (a) Drafting of notice to the judgment debtor in terms of section 65A(8)(b) of the Act: **[R14,50]** R17,50.

(b) Service of the notice referred to in paragraph (a): Tariff as prescribed in item 1B(a).

(c) Attempted service of the notice referred to in paragraph (a): Tariff as prescribed in item 1B(b).

(d) The tariff₁ as prescribed in item 4₁ shall apply to paragraphs (b) and (c).

36. (a) For the arrest or attempted arrest of a judgment debtor in terms of section 65A(6) of the Act:

- (i) The tariff as prescribed in item 2(a) or item 2(b), as the case may be.
 - (ii) The tariff₁ as prescribed in item 4₁ shall apply to this item.
- (b) For the handing over of the judgment debtor to the South African Police Service, prisoners' friend or clerk of the court or other lawful place of detention:
- (i) The tariff₁ as prescribed in item 2(a).
 - (ii) Travelling costs from place of arrest to place of handing over to the relevant authority₁ referred to in paragraph (b), per kilometre or part thereof: R5,00.
 - (iii) Waiting time in regard to handing over the judgment debtor to the relevant authority₁ referred to in paragraph (b): **[R28,50]** R33,50, per half hour or part thereof₁ with a maximum of **[R109,00]** R124,00."

Commencement

10. These rules come into operation on 1 **November 2017**.

**ISIHLOKOMISO SIKARHULUMENTE
ISEBE LOBULUNGISA NOKUPHUCULWA KOMGAQO-SISEKO**

I-RULES BOARD FOR COURTS OF LAW ACT 107 KA-1985

**KWENZIWA UTSHINTSHO KWIMIGAQO ELAWULA UKUQHUTYWA KWAMATYALA
KWIINKUNDLA ZEEMANTYI ZASEMZANTSI-AFRIKA**

Ngokugunyazwa sisiqendu 6 se*Rules Board for Courts of Law Act 107 ka-1985*, nangemvume yoMphathiswa Wobulungisa Nokuphuculwa KoMgaqo-siseko, iBhodi Yemigaqo Yeenkundla Zomthetho iqulunqe imigaqo ekwiSihlomelo.

ISIHLOMELO

INKCAZELO NGOKUBANZI:

Amagama akwizibiyeli ezisisikweri ezingqindilili [] abonisa okukhutshiweyo kwimigaqo ekhoyo

Amagama akrwelwe umgca ngaphantsi abonisa okufakelweyo kwimigaqo ekhoyo

Ukuchazwa kwamagama

1. Kwesi Sihlomelo “IMigaqo” yiMigaqo Elawula Ukuqhutywa Kwamatyala Kwiinkundla Zeemantyi ZaseMzantsi-Afrika epapashwe kwiSihlokomiso SikaRhulumente esinguNombolo R. 740 somhla wama-23 kuAgasti 2010, esathi sona senziwa utshintsho siSihlokomiso SikaRhulumente esinguNombolo R. 1222 somhla wama-24 kuDisemba 2010, R. 611 womhla wama-29 kuJulayi 2011, R. 1085 womhla wama-30 kuDisemba 2011, R. 685 womhla wama-31 kuAgasti 2012, R. 115 womhla we-15 kuFebruwari 2013, R. 263 womhla we-12 kuEpreli 2013, R. 760 womhla we-11 kuOktobha 2013, R. 183 womhla we-18

kuMatshi 2014, R. 215 womhla wama-28 kuMatshi 2014, no-R. 507 womhla wama-27 kuJuni 2014, R. 5 womhla we-9 kuJanuwari 2015, R. 32 womhla wama-23 kuJanuwari 2015, R. 33 womhla wama-23 kuJanuwari 2015, R. 318 womhla we-17 kuEpreli 2015, R. 545 womhla wama-30 kuJuni 2015 no-R. 2 womhla we-19 kuFebruwari 2016.

Kwenziwa utshintsho kuMgaqo 2

2. Kwenziwa utshintsho kumgaqwana (1) woMgaqo 2 ngokuthi kufakelwe ukuchazwa kwegama okulandelayo emva kokuchazwa kwegama elithi “umabhalane wenkundla” (clerk of the court):

“i-Consumer Protection Act yiConsumer Protection Act 68 ka-2008.”

Kwenziwa utshintsho kuMgaqo 9

3. Kwenziwa utshintsho kuMgaqo 9 ngokuthi indawo yomgaqwana (2) ithatyathwe ngumgaqwana olandelayo:

“(2)(a) Amaxwebhu abizela umntu enkundleni akavumelekanga ukuba asiwe emntwini ngeCawa okanye ngemini yeholide, ngaphandle kokuba kwenziwa njalo ngendlela exelwe kwisiqendu [(b)] (c), kuze kuthi ukuba athunyelwa ngeposi, kwenziwe njalo ngomyalelo wenkundla kuphela.

(b) Amaxwebhu makasiwe emntwini phakathi kwentsimbi yesi-7 kusasa nentsimbi yesi-7 ngokuhlwa okanye ngexesha elisondele kweli kangangoko kunokwenzeka.

[(b)] (c) Isithinteli senkundla, isigunyazisi sokubamba, nesigunyazisi sokuthimba impahla ngokwesiqendu 30bis salo Mthetho singaphunyezwa nangaluphi na usuku, nangayiphi na iyure, nakweyiphi na indawo.”

Kufakelwa uMgaqo 12 owahlukileyo

4. Indawo yoMgaqo 12 ithatyathwa ngumgaqo olandelayo:

“12. Ukukhutshwa kwesigqibo yinkundla ummangalelwa engekho

(1)(a) Ukuba ummangalelwa akasithumelanga isaziso sokuba uzimisele ukuzithethelela kwisithuba sexesha esixelwe kwisamani okanye singekafakwa isicelo esixelwe kwesi siqendu, abe engavumanga ukuba inkundla ikhuphe isigqibo, ummangali

unokuthi angenise kumabhalane wenkundla isicelo esibhaliweyo esikwimo yeFomu engu-5 kwiSongezo 1, zibe mbini ikopi, kunye nesamani eyorijinali nengxelo kanothimba, ecela ukuba kukhutshwe isigqibo yinkundla esithi—

- (i) ahlawule namalini na engengaphezulu kwemali efunwe kwisamani, okanye acele enye indlela anokuncedakala ngayo;
- (ii) ahlalwule iindleko zokummangalela;
- (iii) ahlawule nenzala engumyinge oxelwe kwisamani ukuza kuthi ga ngoku ngomhla ahlawula ngawo, okanye ukuba akukho myinge uxeliweyo kwisamani, ngomyinge oxelwe kwisiqendu 1(2) se*Prescribed Rate of Interest Act* 55 ka-1975.

(b) Xa ummangalelwa evaliwe ngokomgaqo **[21B(3)] 21B** ukuba angabi sayithumela impendulo, ummangalelwa angafaka isicelo esibhaliweyo kumabhalane wenkundla sokukhutshwa kwesigqibo ngendlela efanayo neyaxa ummangalelwa engasithumelanga isaziso sokuba uzimisele ukuzithethelela.

(c) Xa ummangalelwa engasithumelanga isaziso sokuba uzimisele ukuzithethelela, okanye athi esithumele, avalwe ngokomgaqo **[21B(3)] 21B** ukuba angabi sayithumela impendulo, abe ummangali efake isicelo sokuba kukhutshwe isigqibo, umabhalane wenkundla makasisingathe isicelo eso ngokwemigaqwana (2), (3), (4), (5), (6), (6A) nowesi-(7), aze azise ummangali ngesiphumo sesicelo ngokubuyisela ikopi ebhalwe isiphumo nomhla waso.

(d) Xa ummangalelwa esithumele isaziso sokuba uzimisele ukuzithethelela kodwa wavalwa ngokomgaqo **[21B(3)] 21B** ukuba angabi sayithumela impendulo, abe nomabhalane wenkundla esibhalile isigqibo ngokwesicelo esifakwe ngummangali, iindleko zetyala ziza kuba njengaxa ebeye wazithethelela enkundleni.

(e) Ukuba isamani eyorijinali ayinakuhanjiswa nesicelo sokuba kukhutshwe isigqibo njengoko kufunwa sisiqendu (a), ummangali unokuthi—

- (i) angenise kumabhalane wenkundla ikopi okanye iorijinali yesamani nekopi yengxelo kanothimba etyikityiweyo; aze
- (ii) angenise inkcazelo ebhaliweyo yafungelwa kunye namaxwebhu akhankanywe kwisiqendwana (i) exela izizathu zokuba ibe isamani eyorijinali nengxelo kanothimba azinakungeniswa: **[Kodwa ke kumatyala oqhawulo-mtshato okanye kumatyala okuphuthiswa komtshato, kuza kusebenza umgaqo 22(5).]**

Kodwa ke kumatyala oqhawulo-mtshato okanye kumatyala okuphuthiswa komtshato, kuza kusebenza umgaqo 22(5).

(2)(a) Ukuba umabhalane wenkundla ubona ngathi ummangalelwa uzimisele ukuzithethelela, koko isaziso sakhe sokuba uzimisele ukuzithethelela sinesiphene esisesi—

- (i) asisiwanga kummangali ngendlela eyiyo;
- (ii) asityikitywanga ngendlela eyiyo;
- (iii) asiyixeli idilesi yomntu osityikityileyo okanye idilesi emasisiwe kuyo njengoko kuxelwe kumgaqo 13; okanye
- (iv) sineziphene ezimbini kwezi zingentla okanye nangaphezulu, okanye kukho esinye isiphene esingakhankanywanga apha,

xa kunjalo umabhalane wenkundla makangakhuphi myalelo onxamnye nommangalelwa ngaphandle kokuba ummangali uthumele kummangalelwa isizasio esibhaliweyo emazisa ukuba athumele isaziso esingenasiphene sokuba uzimisele ukuzithethelela zingekapheli iintsuku ezi-5 esifumene eso saziso.

(b) Isaziso esixelwe kumgaqwana (2)(a) masichaze ukuba sinesiphene ngayiphi indlela isaziso sommangalelwa sokuba uzimisele ukuzithethelela.

(c) Esakoyisakala ummangalelwa ukuthumela isaziso sokuba uzimisele ukuzithethelela njengoko kuxelwe kwisiqendu (a), ummangali angafaka isicelo esibhaliweyo kumabhalane wenkundla sokuba akhuphe isigqibo ngenxa yokungabikho kwesaziso sokuba uzimisele ukuzithethelela, kodwa ke kumatyala oqhawulo-mtshato okanye kumatyala okuphuthiswa komtshato, kuza kusebenza umgaqo 22(5).

(3) Makungakhutshwa sigqibo esilandela ukungabikho kwesaziso sokuzimisela ukuzithethelela xa isamani isiwe emntwini ngeposi erejistiweyo, ngaphandle kokuba unothimba uze nengxelo ethi othunyelelweyo uyavuma ukuba usifumene isaziso ngokoMgaqo 9(13).

(3A) Xa ibango ileletyala elingahlawulwanga okanye ilelemali ekusafuneka kuqondwe ubungakanani bayo abe ummangalelwa engasithumelanga isaziso sokuba uzimisele ukuzithethelela, okanye athi esithumele, angayithumeli impendulo kwisithuba sexesha elixelwe kwisaziso esithunyelwe ngokomgaqo **[21B(2)] 21B**, abe ummangali efake isicelo sokuba kukhutshwe isigqibo, umabhalane wenkundla unokuthi, elawulwa koko

kutshiwo ngumgaqwana (2), (4), (5), (6) nowesi-(6A), akhuphe isigqibo okanye alidlulisele enkundleni ityala ngokomgaqwana (7).

(4) Umabhalane wenkundla makasidlulisele enkundleni isicelo sokukhutshwa kwesigqibo semali ekusafuneka kuqondwe ubungakanani bayo, aze ummangali anike inkundla ubungqina, nokuba bobomlomo okanye bobubhalwe phantsi bafungelwa, ibubungqina bokuba libango elinjani, elingakanani, ekuya kuthi ke inkundla iqwalasele ubungakanani bemali enokufunyanwa ngummangali ize ikhuphe isigqibo esifanelekileyo.

(5) Umabhalane wenkundla makasidlulisele enkundleni isicelo sokukhutshwa kwesigqibo isesebango elisekelwe kwisivumelwano esilawulwa yi *National Credit Act ka-2005*, [okanye] yi *Credit Agreements Act 75 ka-1980*, okanye yi *Consumer Protection Act ka-2008*, ekuya kuthi ke inkundla ikhuphe umyalelo okanye isigqibo esibona sifanelekile.

(6) Ukuba isimangalo sisekelwe kuxwebhu oluyibonisa mhlophe imali etyalwayo okanye sisekelwe kwisivumelwano esibhaliweyo, ummangali makathi xa efaka isicelo sokukhutshwa kwesigqibo engekho ummangalelwa angenise iorijinali yolo xwebhu okanye isivumelwano esiyi-orijinali esibhaliweyo okanye inkcazelo ebhaliweyo yafungelwa echaza izizathu ngendlela eyanelisa inkundla okanye umabhalane wenkundla, izizizathu zokuba kungani iorijinali ingenakungeniswa okanye ingamele ingeniswe.

(6A) Ukuba ibango lisekelwe kwisiganeko esilawulwa ngumthetho wepalamente, ummangali xa efaka isicelo sokukhutshwa kwesigqibo engekho ummangalelwa unokuthi angenise ubungqina obuqinisekisa ukuba kwenziwe okufunwa nguloo mthetho wepalamente, ngendlela eyanelisa inkundla.

(7) Umabhalane wenkundla unokuthi asidlulisele enkundleni isicelo sokukhutshwa kwesigqibo, inkundla inokuthi ke—

- (a) ukuba kufunwa isigqibo engekho ummangalelwa, inokuthi ummangali makavelise ubungqina obubhaliweyo okanye bomlomo obuxhasa ibango lakhe, ngendlela ebona ifanelekile;
- (b) ukuba kufunwa isigqibo evumile ummangalelwa, inokuthi ummangali makavelise ubungqina obanelisa inkundla bokuba ummangalelwa uvume ngokutyikitya phantsi, evuma ukukhutshwa kwesigqibo esifunwayo;
- (c) ikhuphe isigqibo esivumelana nesicelo sommangali okanye esiyiloo mali ekuthe kwafumaneka ubungqina obanelisayo ngayo;
- (d) ikhuphe isigqibo ngokwemvume yommangalelwa;

- (e) yale ukukhupha isigqibo; okanye
- (f) ikhuphe myalelo wumbi ewubona ufanelekile.

(7A) Xa umabhalane wenkundla esidlulisela enkundleni isicelo sokukhutshwa kwesigqibo, umabhalane wenkundla makakubhale phantsi oko, abhale nomhla, atyikitye nokutyikitya, esenjenjalo kumphandle wefayile yenkundla.

(8) Xa emnye okanye beliqela abamangalelwa abakuvumayo ukukhutshwa kwesigqibo okanye bengasithumeli isaziso sokuba bazimisele ukuzithethelela, okanye bengayithumeli impendulo, sinokukhutshwa isigqibo nxamnye naloo mmangalelwa okanye abo bamangalelwa abavumileyo ukuba kukhutshwe isigqibo okanye abangaphendulanga, kwaye ummangali angaqhubela phambili ngeso sigqibo engalahlekelwanga lilungelo lakhe lokuqhubeka emangalela lo omnye okanye aba abanye abamangalelwa.

(9) Isigqibo masibhalwe ngokufutshane kumphandle wefayile yenkundla, umhla, kuze kutyikitywe.

Kwenziwa utshintsho kuMgaqo 17

5. Kwenziwa utshintsho kuMgaqo 17 ngokuthi kuMgaqo 17 emva komgaqwana (6) kufakelwe umgaqwana olandelayo:

“(7) Nakuphi na ukuzithethelela enokuthi inkundla ihlole ukubhadla kwako kungekho mfuneko yokuba kungenwe nzulu kwingxam yetyala ngokwayo kunokuthi kubekelwe umhla okuza kuphulaphulwa ngawo, kubekelwa umhla ngummangali okanye ngummangalelwa, kusasele iintsuku ezili-10 emva kokuba oko kuzithethelela kuveziwe.

Kufakelwa uMgaqo 58 owahlukileyo

6. Kufakelwa uMgaqo 58 owahlukileyo olandelayo:

“58. [Isondlo logama kusaqhubeka ityala, ukuncedisa kwiindleko, ukuba nelungelo lokugcina abantwana nelokubatyelela logama ityala lingekaqosheliswa] Uncedo lwethutyana kumatyala omtshato

(6) Lo mgaqo uza kusebenza nanini na xa iqabane lomtshato lifuna uncdo enkundleni komnye wale micimbi ilandelayo okanye kweminye yayo:

(a) **[Isondlo logama kusaqhubeka ityala] Isondlo sethutyana;**

- (b) ukuncedisa kwiindleko zetyala lomtshato elingekaqosheliswa;
- (c) ukuba nelungelo lokukhathalela umntwana okwethutyana; okanye
- (d) ukubonana nomntwana okwethutyana.

(2)(a) Umntu owenza isicelo sokuba sesaluphi na uncendo esixelwe kumgaqwana (1) makeze nenkcazelo efungelweyo okanye eyenzelwe isibhambathiso ibe kwimo yesibhengezo, ixele uncendo olufunwayo nezizathu zoko, kunye nesaziso esiya komangalelwayo emasifane kakhulu neFomu engu-42 ekwiSongozo 1.

[(b) Inkcazelo nesaziso ezixelwe kwisiqendu (a) mazityikitywe ngumenzi-sicelo okanye ligqwetha lakhe kwaye zibe nedilesi emakasiwe kuyo amaxwebhu, kwaye mazisiwe ngunothimba.]

(b) Umenzi-sicelo okanye igqwetha lakhe malisityikitye isaziso ekuthethwe ngaso kwisiqendu (a), kwaye abonise kwisaziso apho ukuba umenzi-sicelo ukhetha ukuziselwa onke amaxwebhu esicelo kwidilesi esisitrato (nokuba yeyokuhlala okanye yeyeshishini), okanye yeyeposi, yeye-imeyile, okanye yeyefeksi, aze abhale iinkcukacha ezipheleleyo zaloo dilesi, kodwa ke, ukuba ukhetha idilesi yesitrato aza kuziselwa kuyo amaxwebhu, loo dilesi mayibe kumgama onganeno kweekhilomitha ezili-15 ukusuka enkundleni ukuba kukho iifosi zamagqwetha ezintathu nangaphezulu ezisebenza zizimele geqe kuloo mmandla.

(c)(i) Xa ummangalelwa engenagqwetha, inkcazelo nesaziso ekuthethwe ngazo kwisiqendu (a) mazinikwe ummangalelwa ngenkqu ngunothimba, ngaphandle kokuba inkundla iyalele ngenye indlela.

(ii) Xa ummangalelwa emelwe ligqwetha eligama lalo sele likho kwifayile, amaxwebhu anokusiwa kwelo gqwetha ngumenzi-sicelo, okanye asiwe ligqwetha lomenzi-sicelo okanye ngunothimba, ngaphandle kokuba inkundla iyalele ngenye indlela.

[(3) Ummangalelwa makathi zingekapheli iintsuku ezili-10 zokusebenza kwenkundla eyifumene inkcazelo nesaziso ezixelwe kumgaqwana (2) athumele impendulo efungelweyo ibe kwimo yoxwebhu lwenkundla oluyimpendulo, ityikitywe, axele nedilesi amakaziswe kuyo amaxwebhu, ekuya kuthi xa engenzanga njalo abe uvaliwe ngokuzenzekelayo.]

(3)(a) Ummangalelwa makathumele impendulo efungelweyo okanye eyenzelwe isibhambathiso ibe kwimo yoxwebhu lwenkundla oluyimpendulo zingekapheli iintsuku ezili-10 eyifumene inkcazelo nesaziso ezixelwe kumgaqwana (2).

(b) Ummangalelwa makaboninse kwimpendulo ekuthethwe ngayo kwisiqendu (a) ukuba ukhetha ukuwaziselwa onke amaxwebhu eso sicelo kwidilesi yesitrato (yokuhlala

okanye yeshishini), okanye yeposi, ye-imeyile, okanye yefeksi, aze anike iinkcukacha ezipheleleyo zaloo dilesi, kodwa ke, ukuba ukhetha idilesi yesitrato aza kuziselwa kuyo amaxwebhu, loo dilesi mayibe kumgama onganeno kweekhilomitha ezili-15 ukusuka enkundleni ukuba kukho iiofisi zamagqwetha ezintathu nangaphezulu ezisebenza zizimele geqe kuloo mmandla.

[(4) Kamsinya kangangoko kunokwenzeka emva kokuba kwenziwe okufunwa ngumgaqwana (3), umabhalane wenkundla makaluzise phambi kwenkundla udaba ukuze luchotshelwe ngokufutshane, eqale wabazisa kusasele iintsuku ezili-10 bonke ababambeneyo, ngaphandle kokuba ummangalelwa akazange aphenndule.]

(4) Kamsinya kangangoko kunokwenzeka emva kokuba ziphelile iintsuku ezili-10 ekuthethwe ngazo, nabani na kwabo babambeneyo unokucela umhla oluza kuchotshelwa ngalo udaba ngokufutshane eqale wabazisa kusasele iintsuku ezili-10 bonke ababambeneyo.

(5) Inkundla inokuthi iphulaphule ubungqina ebubona buyimfuneko, kwaye inokuthi isikhabe isicelo okanye ikhuphe umyalelo ewubona ufanelekile ukuze isigqibo sayo sibe sesobulungisa nesikhawulezayo.

(6) Inkundla inokuthi, kwangayo le ndlela ebiqhube ngayo, yenze utshintsho kwisigqibo ekuthethwe ngaso kumgaqwana (5) xa kuthi kubekho utshintsho olukhulu kwiimeko zomnye wababambeneyo okanye zomntwana, okanye xa kubonakala ukuba imali ekuncediswe ngayo kwiindleko ayanelanga.

[(7) Igqwetha okanye igqwetha leejaji elimela umntu enkundleni ngokwalo mgaqo alivumelekanga ukuba libize imali engaphezu kwama-R404.00 ukuba omangalelwayo akaphikisi nto, okanye engaphezu kwama-R909.00 ukuba omangalelweyo uyaphikisa, ngaphandle kokuba inkundla iyalele ngenye indlela kwimeko engaqhelekanga.]

[(8) Igqwetha elidlulisele ityala kwigqwetha leejaji ngokwalo mgaqo alivumelekanga ukuba libize imali engaphezu kwe-R1 414.00 ukuba omangalelweyo akaphikisi nto, okanye engaphezu kwama-R2 020.00 ukuba omangalelweyo uyaphikisa, ngaphandle kokuba inkundla iyalele ngenye indlela kwimeko engaqhelekanga.]

Kwenziwa utshintsho kwiSongezo 1 seMigaqo

7. Kwenziwa utshintsho kwiSongezo 1 seMigaqo ngokuthi indawo yeFomu engu-42 ithatyathwe yifomu ekwiSongezo yesi Sihlomelo.

ISONGEZO**“Nombolo 42 –****Isaziso ngokoMqago 58(2)(a)**KWINKUNDLA YENQILA YECANDELO LENQILA LASE.....ECHOPHE E..... INOMBOLO YETYALA:.....Kwityala eliphakathi kuka-.....Umenzi-sicelono-.....UmmangalelwaKubhekiswa kummangalelwa okhankanywe ngentla:**UYAZISWA** ukuba u.....(obizwe apha ngokuthi ngumenzi-sicelo)uzimisele ukwenza isicelo kule Nkundla efuna ikhuphe umyalelo othi (1).....(2).....(3).....(bhala apha uhlobolomyalelo owufunayo) nokuthi inkcazelo ebhaliweyo yafungelwa/yenzelwa isibhambathisoka.....iza kusetyenziswa ukuxhasa esi sicelo.

UYAZISWA KANANJALO ukuba ukuba uzimisele ukusichasa esi sicelo kufuneka uthi, zingaphelanga iintsuku ezili-10 zokusebenza kwenkundla usifumene esi saziyo:—

- (a) uphendule ngempendulo ebhaliweyo yafungelwa okanye yenzelwa isibhambathiso;
- (b) ikopi yempendulo efungelweyo okanye eyenzelwe isibhambathiso uyinike umenzi-sicelo okanye igqwetha lakhe; uze
- (c) impendulo yakho eyorijinali efungelweyo okanye eyenzelwe isibhambathiso uyinike umabhalane wenkundla.

UYAZISWA KANANJALO ukuba—

- (i) kwimpendulo yakho kufuneka uxele idilesi yakho epheleleyo yendawo ohlala kuyo okanye oshishina kuyo, eyeposi, nefeksi okanye i-imeyile xa unayo;
- (ii) kwimpendulo yakho kukwafuneka ukuba uxele idilesi okhetha ukuba uwanikwe kuyo onke amaxwebhu aphaathelelene nesi sicelo, ekuya kuthi xa esiwe kuloo dilesi uyixelileyo kube ukusiwa kwawo kuyamkeleka emthethweni, ngaphandle kokuba inkundla ifune ukuba uwanikwe ngenye indlela.
- (iii) ukuba uyixelile idilesi yesitrato kwindawo efuna idilesi okhetha ukuba uwanikwe kuyo amaxwebhu, loo dilesi mayibe ngumgama onganeno kweekhilomitha ezili-15 ukusuka enkundleni, ukuba kukho iifosi zamagqwetha apho ezintathu nangaphezulu ezizimele geqe enye kwenye.
- (iv) impendulo yakho mayibonise ukuba zinto zini ezithethwe ngumenzi-sicelo ozivumayo okanye ozikhanyelayo, uze uchaze ngamafuphi ukuba uzithethelela ngokuthini.

UYAZISWA KANANJALO ukuba zisakuphela iintsuku ezili-10 omawuphendule ngazo, kusengabekwa umhla oluza kuphulaphulwa ngawo ngokufutshane udaba, ube waziswe kusasele iintsuku ezili-10 ngaphambi kwaloo mhla, kungakhathaliseki nokuba uphendulile kusini na okanye akuphendulanga.

UYAZISWA KANANJALO ukuba unelungelo lokuncediswa ligqwetha elithandwa nguwe.
UKUBA AKUNAYO IMALI YOKUFUNA IGQWETHA, UNELUNGELO LOKWENZA ISICELO SEGQWETHA ELIYA KUHLAWULWA NGURHULUMENTE, UKUBA UYAFANELEKA UKULIFUMANA.

IBHALWE e..... ngalo mhla:..... kunyaka ka-20....

Umenzi-sicelo/Igqwetha lomenzi-sicelo

Idilesi yesitrato (enganeno kweekhilomitha ezili-15 ukusuka enkundleni):

.....

.....

.....

Idilesi yeposi:.....

I-imeyile:.....

Ifeksi:.....

Bonisa idilesi okhetha ukuba uwaziselwe kuyo amaxwebhu:.....

.....

Kwenziwa utshintsho kwiSongezo 2 seMigaqo

8. Kwenziwa utshintsho kwiSongezo 2 seMigaqo ngokuthi indawo yeSicanga A no-B ithathwe zizicangca ezilandelayo:

“ISICANGCA A

IINDLEKO

INXALENYE 1

OKUTSHIWO YILE MIGAQO GABALALA

1. Xa imali ekuphikiswana ngayo ingaphantsi kwama-R7 000 okanye ilelo nani ngqo, iindleko mazibalwe ngeSilinganiso esingu-A; xa imali ekuphikiswana ngayo ingaphezu kwama-R7 000 kodwa ibe ingaphantsi kwama-R50 000 okanye ilelo nani ngqo, iindleko mazibalwe ngeSilinganiso esingu-B; xa imali ekuphikiswana ngayo ingaphezu kwama-R50 000 kodwa ibe ingaphantsi kwemali eman' ukuqingqwa nguMphathiswa okanye ilelo nani ngqo eyiqingqela iinkundla zezithili zeeMantyi, iindleko mazibalwe ngeSilinganiso esingu-C; xa imali ekuphikiswana ngayo ingaphezu kwemali enokuqingqwa nguMphathiswa

eyiqingqela iinkundla zeeMantyi zezithili, sibe isimangalo sifakwe kwinkundla yemantyi yenqila okanye xa udaba lukho ngenxa yesizekabani esixelwe kwisiqendu 29(1B)(a) salo Mthetho, iindleko mazibalwe ngeSilinganiso esingu-D.

2.(a) Ukulungiselela ukubala iindleko, ibinzana elithi 'imali ekuphikiswana ngayo' yimali ethi, xa kungummangali omakabuyiselwe iindleko zakhe, ibe yimali esisigqibo senkundla; imali esisigqibo senkundla yimali ethi, xa eliqela amabango etyaleni, ibe yimali yawo onke amabango edibene. Xa kungummangalelwa omakabuyiselwe iindleko zakhe, ibinzana elithi 'imali ekuphikiswana ngayo' lithetha imali yebango, lize elithi 'imali yebango', xa emaninzi amabango kwityala, lithethe imali yawo onke loo mabango. Imali esisigqibo senkundla okanye imali yebango iquka nenzala, kodwa ayiziquki iindleko. Ukuba kufikelelwa kwisivumelwano, iindleko mazibalwe ngesilinganiso esixelwe kwisivumelwano.

(b) Xa imali ekuphikiswana ngayo ingacaci, iindleko mazibalwe ngesilinganiso esiphezulu, ngaphandle kokuba inkundla iyalela ngenye indlela.

3. Iindleko ezibalwe ngokoMgaqo 33(19) mazithathwe ngokuthi ziyalelwe ngokwesigqibo semali ethenjisiweyo okanye isigqibo esisekelwe kwisivumelwano.

4. Iindleko zamatyala okukhupha umntu endlwini mazibalwe ngerenti yeenyanga ezimbini.

5. Isilinganiso ezibalwa ngaso iindleko masinganyuswa ngenxa nje yebango elithile okanye ngenxa yomyalelo kwisicelo sethutyana.

6. Iimali zokuhlawula igqwetha leejaji zivumeleke ukuba zibalwe kuphela xa kusetyenziswa iSilinganiso esingu-B, C okanye D okanye xa inkundla ikhuphe umyalelo ngokoMgaqo 33(8) kwaye ezi mali aziyi kuvunyelwa ngaphandle kokuba ukuhlawulwa kwazo kuqinisekiswa lutyikityo lwegqwetha leejaji.

7. Xa imali yento ethile ixeliwe, mayiquke zonke iikopi eziyimfuneko, ukubakho enkundleni nezinye iinkonzo (ngaphandle kweenkonzo zikanothimba wenkundla yemantyi).

8. Xa imali evumelekileyo ingabhalwanga—

- (a) ukubhalwa kwamaxwebhu (angeyiyo impendulo) kuvumeleke ukuba kube ngama-R27,00 uxwebhu ngalunye;
- (b) iikopi zokufayilishwa, inkonzo nekopi yegqwetha azivumelekanga;
- (c) kuvunyelwa i-R17,00 ngenkonzo nganye eyimfuneko;

9. (a) Xa uxwebhu oluthile inkundla ilubona ngathi lude ngokungeyomfuneko, inkundla isengangaluvumeli lonke okanye inxalenye yalo.

(b) Xa iifomu eziprintiweyo zamaxwebhu emazikopishwe zifumaneka, imali yokukopisha mayingagqithi kweyeenkukacha eziyimfuneko ezikwezo fomu eziprintiweyo.

10. (a) Uxwebhu malube namagama ali-100 abhalwe ngesandla okanye ngomatshini.

(b) Amanani amane makathathwe njengegama elinye.

11. (a) Ngaphandle kokuba kuboniswe ngenye indlela, ukuwafunda makubize i-R10,00 ikhasi ngalinye.

(b) Xa kuvumelekile ukubiza imali ngokukopisha mayibe yi-R4,00 ikhasi ngalinye, kungakhathaliseki ukuba mangaphi amagama, ngaphandle kokuba kuyalelwe ngenye indlela.

12. Xa beliqela abamangalelwa makongezwe i-R17,00 ngommangalelwa ngamnye ngendleko nganye engu-2 no-3 kwiCandelo II nangendleko nganye engu-2 no-7 kwiCandelo III.

13. Xa ityala ethe inkundla malihlawulwe lihlawulwa ngezavenge ngokwesigqibo senkundla okanye ngesivumelwano, makubizwe inzala eli-10% ngesavenge ngasinye, kodwa ingade igqithe kuma-R411,00 isavenge ngasinye. Ayikho enye imali enokubizwa.

14. Umabhalane wenkundla makangayivumeli indleko ekungenwe kuyo ngokungeyomfuneko.

15. Xa imali emayihlawulwe ibalwa ngexesha, makubalwe lonke ixesha elisetyenziweyo ngemini.

16. Namalini na esetyenzisiweyo ekuzameni ukufumana umkhondo womntu otyalayo.

INXALENYE II

KUMATYALA APHO UMMANGALELWA ENGAZITHETHELELI

	R
Umxholo 1 - Ileta ethunyelwe ngerejista yokugqogqa imali etyalwayo ngokwesiqendu 56 salo Mthetho	
(a) Ibango okanye amabango apho lilonke ibango okanye apho onke amabango engabi ngaphaya kwesixa esiman' ukuqingqwa nguMphathiswa isesenkundla zeemantyi zesithili	R40,00
(b) Ibango okanye amabango apho lilonke ibango okanye apho onke	R54,00

amabango eba ngaphaya kwesixa esiman' ukuqingqwa nguMphathiswa isesenkundla zeemantyi zesithili	
Umxholo 2 - isamani, kuquka neleta yokugqogq' ityala ngaphandle kweleta yokugqogq' ityala ekuthethwe ngayo kwindleko 1:	
(a) Ibango okanye amabango apho lilonke ibango okanye apho onke amabango engagqitheli ngaphaya kwe-R7 000,00	R135,50
(b) Ibango okanye amabango apho lilonke ibango okanye apho ewonke amabango egqithela ngaphaya kwe-R7 000,00	R449,50
(c) Ibango okanye amabango apho lilonke ibango okanye ewonke amabango egqithela ngaphaya kwama-R50 000,00 kodwa engagqitheli ngaphaya kwesixa esiman' ukuqingqwa nguMphathiswa iseseenkundla zeemantyi zesithili	R665,00
(d) Ibango okanye amabango apho lilonke ibango okanye ewonke amabango egqithela ngaphaya kwesixa esiman' ukuqingqwa nguMphathiswa iseseenkundla zeemantyi zesithili, sibe isimangalo sisuka kwinkundla yemantyi yecandelo lenqila, okanye xa ityala unozala walo kusisiqendu 29(1B)(a) salo Mthetho	R866,50
Umxholo 3 – isiqgibo senkundla:	
(a) Ibango okanye amabango apho lilonke ibango okanye ewonke amabango engagqitheli ngaphaya kwesixa esiku-2(a)	R135,50
(b) Ibango okanye amabango apho lilonke ibango okanye ewonke amabango egqithela ngaphaya kwesixa esiku-2(b) kodwa engagqitheli ngaphaya kwama-R50 000	R343,50
(c) Ibango okanye amabango apho lilonke ibango okanye ewonke amabango egqithela ngaphaya kwama-R50 000, kodwa engagqitheli ngaphaya kwesixa esiman' ukuqingqwa nguMphathiswa iseseenkundla zeemantyi	R560,00
(d) Ibango okanye amabango apho lilonke ibango okanye ewonke amabango egqithela ngaphaya kwesixa esiman' ukuqingqwa nguMphathiswa iseseenkundla zeemantyi, sibe isimangalo sisuka kwinkundla yemantyi yecandelo lenqila okanye xa ityala unozala walo kusisiqendu 29(1B) salo Mthetho	R728,00
Umxholo 4 Isaziso esingokoMgaqo 12(2)	
(a) Ibango okanye amabango apho ibango okanye amabango engagqitheli ngaphaya kwesixa esiman' ukuqingqwa nguMphathiswa iseseenkundla zeemantyi zesithili	R64,50
(b) Ibango okanye amabango apho lilonke ibango okanye ewonke amabango engagqitheli ngaphaya kwesixa esiman' ukuqingqwa nguMphathiswa iseseenkundla zeemantyi zesithili, sibe isimangalo sisuka kwinkundla yemantyi yecandelo lenqila okanye xa ityala unozala walo kusisiqendu 29(1B)(a) salo Mthetho.	R84,00
Umxholo 5 – isaziso esingokoMgaqo 54(1)	
(a) Ibango okanye amabango apho lilonke ibango okanye ewonke amabango engagqitheli ngaphaya kwesixa esiman' ukuqingqwa nguMphathiswa iseseenkundla zeemantyi zesithili	R64,50
(b) Ibango okanye amabango apho lilonke ibango okanye ewonke amabango egqithela ngaphaya kwesixa esiman' ukuqingqwa nguMphathiswa	R84,00

iseseenkundla zeemantyi zesithili, sibe isimangalo sisuka kwinkundla yemantyi yecandelo lenqila	
Indleko - inkcazelo ebhaliweyo efungelweyo okanye isiqinisekiso	
Umxholo 7 – ukubakho enkundleni ngokucelwa yimantyi xa ibango lidluliselwe enkundleni ukuba ikhuphe isigqibo ngalo okanye ngenjongo yokusebenzisa undlela-mfutshane wokufumana isigqibo senkundla xa omangalelweyo engazithetheleli	njengoko kuvumelekile phantsi kwendleko 15 kwisilinganiso samatyala apho omangalelweyo engazithetheleli
Umxholo 8 – ngeleta nganye eposwe ngerejista ithunyelwa kotyala omnye ngokwesiqendu 57(1) okanye (3) okanye ngokwesiqendu 58(2) salo Mthetho ithunyelwa ngotywayo okanye ligqwetha lakhe, kuquka iikopi	
(a) Ibango okanye amabango apho lilonke ibango okanye ewonke amabango engagqitheli ngaphaya kwesixa esiman' ukuqingqwa nguMphathiswa iseseenkundla zeemantyi zesithili, sibe isimangalo sisuka kwinkundla yemantyi yesithili	R41,50
(b) Ibango okanye amabango apho lilonke ibango okanye ewonke amabango egqithela ngaphaya kwesixa esiqingqwe nguMphathiswa iseseenkundla zeemantyi zesithili, sibe isimangalo sisuka kwinkundla yemantyi yecandelo lenqila	R55,50
Umxholo 9 – Ukuvunywa kobutyala nokuzinkqamangela ukulihlawula ityala ngezavenge okanye ngenye indlela (isiqendu 57 salo Mthetho)	
(a) Ibango okanye amabango apho lilonke ibango okanye ewonke amabango engagqitheli ngaphaya kwesixa esiqingqwe nguMphathiswa iseseenkundla zeemantyi zesithili	R108,50
(b) Ibango okanye amabango apho lilonke ibango okanye ewonke amabango egqithela ngaphaya kwesixa esiman' ukuqingqwa nguMphathiswa iseseenkundla zeemantyi zesithili, sibe isimangalo sisuka kwinkundla yemantyi yecandelo lenqila	R141,00
Umxholo 10 – Ukuvuma ukuba kukhutshwe isigqibo yinkundla okanye isigqibo senkundla kunye nomyalelo wokulihlawula ityala ngezavenge (isiqendu 58 salo Mthetho)	
(a) Ibango okanye amabango apho lilonke ibango okanye ewonke amabango egqithela ngaphaya kwesixa esiman' ukuqingqwa nguMphathiswa iseseenkundla zeemantyi	R108,50
(b) Ibango okanye amabango apho lilonke ibango okanye ewonke amabango egqithela ngaphaya kwesixa esiman' ukuqingqwa nguMphathiswa iseseenkundla zeemantyi zesithili, sibe isimangalo sisuka kwinkundla yemantyi yecandelo lenqila	R141,00

Qaphela: Imali emayihlawulwe phantsi kwendleko 4, 5, 6, 7, 8, 9 no-10 mayiqukwe ingacukucezwanga kwisixa seendleko ekwenziwa isiqgibo ngazo yinkundla

AMATYALA ANOMMANGALELWA OZITHETHELELAYO (NAMATYALA ANOMNQAKATHI)

Umxholo	Isilinganiso A R	Isilinganiso B R	Isilinganiso C R	Isilinganiso D R
1 Imiyalelo yokumangalela okanye yokuzithethelela okanye yokummangalela nawe okumangalelayo okanye yokuzithethelela xa umangalelwa ngommangeleleyo, ukuwafunda onke amaxwebhu nobunjani betyala, nokubonisana ngetyala, nokukhutshwa kwesamani	R542,00	R719,50	R865,50	R1125,00
2 Isamani	R272,50	R378,00	R452,50	R587,00
2A Iinkcukacha zesimangalo	R272,50	R378,00	R452,50	R587,00
3 Ukuvela enkundleni	R45,50	R45,50	R56,00	R72,00
4 Isaziso esingokoMgaqo 12(2) no-21B(2)	R45,50	R45,50	R56,00	R72,00
5 Impendulo	R272,50	R378,00	R452,50	R587,00
6 Ukummangalela nawe okumangalelayo	R272,50	R378,00	R452,50	R587,00
7 Impendulo, xa iyimfuneko	R272,50	R378,00	R452,50	R587,00
8 Ukubhala onke amaxwebhu angakhankanywanga, nokucelwa kweenkcukacha ezibhekele phaya, isihlomelo samaxwebhu, iinkcazelo ezibhaliweyo ezifungelweyo, uxwebhu olubizela umntu enkundleni, isaziso esingakhankanywanga, nokubhalwa kwezititimenti ngamangqina	-	-	-	-
9 Ukukhupha amaxwebhu ukuze ahlolwe ngekota nganye yeyure okanye ixesha elinganeno koko	R160,50	R160,50	R202,50	R261,00
10 Ikopi nganye yokusiwa emntwini, ikhasi ngalinye	R4,00	R4,00	R4,00	R4,00
11 Ukurekhodwa kwezititimenti ngamangqina, ngekota nganye yeyure okanye ixesha elinganeno koko	R160,50	R160,50	R202,50	R261,00
12 Isaziso sokuxoxwa kwetyala	R45,50	R45,50	R56,00	R72,00
13 Ukulungiselela ukuxoxwa kwetyala (xa kungathathwanga gqwetha leejaji)	R900,00	R1 225,00	R1469,00	R1 910,00
14 Ukubakho xa kuthetha-thethwana ngesivumelano, ngekota nganye yeyure okanye ixesha elinganeno koko, elichithwe kolo thetha-thethwano	R160,50	R160,50	R202,50	R261,00
15 Ukubakho enkundleni xa kuxoxwa ityala, okanye xa kuhlolwa indawo ekwenzeke kuyo isiganeko, okanye lihlehliselwa omnye umhla okanye xa kucelwa ubungqina ngembalelwano, ngekota nganye yeyure okanye ixesha elinganenoi koko elichithwe enkundleni xa lixoxwa ityala—				

CONTINUES ON PAGE 130 - PART 2



REGULASI
GAZETTE

REGULASIE
KOERANT



Regulation Gazette

No. 10763

Regulasiekoerant

Vol. 627

29 September
September 2017

No. 41142

PART 2 OF 2

(a) xa kungathathwanga gqwetha leejaji	R160,50	R160,50	R202,50	R261,00
(b) xa kuthathwe igqwetha leejaji	Akukho mali	R64,50	R79,00	R101,00
16 Ukubakho kwintlanganiso yangaphambi kokuxoxwa kwetyala, ngekota nganye yeyure okanye ixesha elinganeno koko elichithwe kuloo ntlanganiso	R160,50	R160,50	R202,50	R261,00
17 Ukubakho enkundleni ngenjongo yokuva isigqibo senkundla esiye sahlehliselwa enye imini, ngekota nganye yeyure okanye ixesha elinganeno koko	R33,00	R33,00	R39,50	R51,50
18 Imbalelwano				
(a) ngeleta nganye eyimfuneko okanye itelegram, ikhasi ngalinye	R25,50	R25,50	R33,00	R41,50
(b) ngeleta nganye okanye itelegram efunyenweyo, kodwa ukubiz' imali yokuyifunda ngaphezu kwemali eboniswe apha akuvumelekanga	R17,50	R25,50	R33,00	R41,50
19 Ukubakho: nokuba kokwantoni na xa kuyimfuneko, kodwa kube kungaxelwanga apha	R17,50	R25,50	R33,00	R41,50
20 Ukutsal' umnxeba okuyimfuneko	R17,50	R25,50	R33,00	R41,50
21 Ukubonisana ngetyala emnxebeni: Ngesihlanu ngasinye semizuzu okanye ixesha elinganeno koko, kodwa imali mayingade igqithe kwi-R156,50 ngetyeli ngalinye lokubonisana, xa kusiSilingaliso A ukuya ku-C, kube yi-R201,50 xa kusiSilinganiso D	R45,50	R45,50	R56,00	R72,00
22 Isihlandlo ngasinye sokubonisana okuyimfuneko, ngekota nganye yeyure okanye ixesha elinganeno koko	R160,50	R160,50	R202,50	R261,00
23 Xa kuthe kwenziwa isicelo ngexesha lokuxoxwa kwetyala, inkundla inokuthi ukongezelela kwimali exelwe kumxholo 13 ivumele ukubizwa kwenye imali xa ityala lihlehlelwe olunye usuku	R560,00	R793,00	R951,50	R1 235,00
24 Ixesha elichithwe kulindiwe enkundleni (ngenxa yokungafumaneki kwegumbi emayichophe kulo inkundla) ngekota nganye yeyure okanye ixesha elinganeno koko	R108,00	R108,00	R131,50	R171,00
25 Ixesha lohambo [ngokulawulwa koko kutshiwo nguMgaqo 33(9)] ngekota nganye yeyure okanye ixesha elinganeno koko	R108,00	R108,00	R131,50	R171,00
26 Iindleko zokutya nezohambo njengoko zixelwe kuMgaqo 33(9)	Eyona ndleko ngqo ekumlinganiselo owamkelekayo ongene kuyo ngokutya nohambo njengoko ixelwe			

kuMgaqo 33(9)

INXALENYE IV

EZINYE IZINTO

Ukuchasa, izicelo zokuba kucinywe okubhaliweyo, izicelo zesigqibo senkundla esingundlela-mfutshane, ukucela isigqibo senkundla esingundlela-mfutshane xa omangalelweyo ezithethelela, izicelo ezithi zizalwe zezinye izicelo, ukubanjwa, isithintelo, izicelo zoMgaqo 27(9), izicelo zokuguqulwa kwesigqibo senkundla, okanye umyalelo wayo, okanye indlela yokubala iindleko zamagqwetha, izicelo zokuthinjwa kweenkampani, nezicelo zesiqendu 65J salo Mthetho, izicelo zoMgaqo 58, nezinye izicelo.

Umxholo	Isilinganiso A R	Isilinganiso B R	Isilinganiso C R	Isilinganiso D R
1 (a) Imiyalelo yokwenz' isicelo okanye yokusichasa okanye yokunika izizathu (xa iceliwe, inkundla ingayivumela intlawuliso ethe kratya)	R136,00	R272,50	R323,50	R421,00
(b) Imiyalelo yokwenz' isicelo sokuthinjwa kwenkampani yomntu omnye, ukufundwa kwawo onke amaxwebhu nokubona ubunjani betyala, kunye nokubonisana ngetyala okuyimfuneko	R665,00	R665,00	R796,50	R1035,00
(2) Ukubhala onke amaxwebhu, iinkcazelo ezibhaliweyo ezifungelweyo, izicelo nezaziso, imiyalelo, njl	-	-	-	-
3 Ukuya enkundleni xa lixoxwa				
(a) Xa omnye engazithetheleli okanye ezithethelela (xa kungathathwanga igqwetha leejaji) ngekota nganye yeyure okanye nganeno kunayo, ngexesha elichithwe enkundleni	R160,50	R160,50	R202,50	R261,00
(b) Ukuba omnye uyazithethelela (ukuba kuthathwe igqwetha leejaji), ngekota nganye yeyure okanye nganeno kunoko	Akukho nto	R64,50	R79,50	R101,00
4(a) Intlawuliso yokulungiselela ukuxoxa xa omnye ezithethelela	R560,00	R661,00	R796,50	R1035,00
(b) Intlawuliso yokulungiselela ukuxoxwa kwalo xa liza kuxoxwa okanye kuza kufuneka ubungqina ngokungena emkhumbini	R560,00	R661,00	R796,50	R1035,00

5 Ukubonisana ngetyala nothetha-thethwano lokufikelela kwisivumelwano	R160,50	R160,50	R202,50	R261,00

Umxholo	Isilinganiso
UKUHLUZWA KWEENDLEKO	R
6 Ukubhala uludwe lweendleko:	kuvunyelwe isi-5% seentlawuliso
7 Ukuya kwiofisi yokuhluzwa kweendleko:	kuvunyelwe isi-5% yentlawuliso epheleleyo
8 Ukuya kwiofisi yokuziqwalasela ngokutsha iindleko esezihluziwe	R160,50
9 Ukubhal' isaziso sokwenz' isicelo sokuziqwalasela ngokutsha iindleko esezihluziwe nokusiwa kwaso emntwini	-
10 Inkcazelo ebhaliweyo yafungelwa, xa iyimfuneko	-

UKUTHIMBA

11 (a) Ukukhupha isigunyazisi sokuthimba, ukukhutshwa komntu endlwini, nokunikezela ngento onayo	R108,50
(b) qho xa siphinda sikhutshwa kwakhona	R45,50
12 Intlawuliso ngomsebenzi owenziweyo ekukhululweni kwempahla ethwalekayo ebithinjiwe	R135,50
13 Intlawuliso ngomsebenzi owenziweyo ekuthengisweni kwempahla engathwalekiyo ethinjiweyo kuphela (awuqukwanga umsebenzi osele ixeliwe intlawuliso yawo kwenye indawo nokubhalwa kwemiqathango yentengiso)	R344,00
14 (a) Ukubhala isaziso sentengiso ngokoMgaqo 41(8) okanye uMgaqo 43(6), okanye imiqathango yentengiso ngokoMgaqo 43(7)	-
(b) Ngawo wonke omnye umsebenzi owenziweyo nokunikwa kukanothimba wakwaMantyi amaxwebhu angokuthengiswa kwempahla enokuthwaleka ethinjiweyo, kuba yintlawuliso equka konke eyile	R235,00
	R88,50

XA KUTHATHWE IGQWETHA LEEJAJI

16 Imiyalelo yokuchasa imposiso ekubhalweni koxwebhu okanye yokufak' isicelo, xa kuvumelekile	
(a) Ibango okanye amabango xa lilonke ibango okanye ewonke amabango engagqitheli ngaphaya kwesixa esiman' ukuqingqwa	R160,50

nguMphathiswa iseseenkundla zeemantyi zezithili	
(b) Ibango okanye amabango xa lilonke ibango okanye ewonke amabango egqithela ngaphaya kwesixa esiman' ukuqingqwa nguMphathiswa iseseenkundla zeemantyi zezithili, isimangalo sisuka kwinkundla yemantyi yecandelo lenqila	R209,50
17 Imiyalelo xa lixoxwa	
(a) Ibango okanye amabango xa lilonke ibango okanye ewonke amabango engagqitheli ngaphaya kwesixa esiman' ukuqingqwa nguMphathiswa iseseenkundla zeemantyi zezithili	R206,50
(b) Ibango okanye amabango xa lilonke ibango okanye ewonke amabango egqithela ngaphaya kwesixa esiman' ukuqingqwa nguMphathiswa iseseenkundla zeemantyi zezithili, isimangalo sisuka kwinkundla yemantyi yecandelo lenqila	R259,00
18 Ukubhalela igqwetha lejaji ukuba lichase imposiso ekubhalweni koxwebhu okanye lifake isicelo	-
19 Ukubhalela igqwetha lejaji ukuba liye kulixoxa ityala	-
20 Ukubakho kwisihlandlo ngasinye sokubonisana negqwetha leejaji, ngekota nganye yeyure okanye nganeno koko	
(a) Ibango okanye amabango xa lilonke ibango okanye ewonke amabango engagqitheli ngaphaya kwesixa esiman' ukuqingqwa nguMphathiswa iseseenkundla zeemantyi zezithili	R67,00
(b) Ibango okanye amabango xa lilonke ibango okanye ewonke amabango egqithela ngaphaya kwesixa esiman' ukuqingqwa nguMphathiswa iseseenkundla zeemantyi zecandelo lenqila	R84,00

IINTLAWULO ZEGQWETHA LEEJAJI	
21 Xa liyalelwe ukuba lixoxe enkundleni lichasa imposiso ekubhalweni koxwebhu okanye lifak' isicelo	R793,00
<i>Qaphela:</i> Intlawulo yegqwetha leejaji yokufak' isicelo iza kuvumeleka kuphela xa inkundla ivuma ukuba bekuyimfuneko ukuthatha igqwetha leejaji	
22 Xa liyalelwe ukuba liye kuxoxa ityala enkundleni usuku lokuqala kuphela, lingagqithi apho	R2248,50
23 Nakweyiphi na inkundla ekumgama ongaphezu kwama-30 eekhilomitha ukusuka kwidolophu ekufuphi ekuchopha kuyo iNkundla Ephakamileyo (kodwa kungabi xa iphumile yaya kuchopha kwezinye iidolophu), kungavumeleka ukuhlawulwa imali yeendleko zohambo (ukongeza kwintlawulo yokusebenza), kube ngomyalelo okhethekileyo wenkundla, ibe yile emali eboniswe ngasekunene	R5,50 ngeekhilomitha
24 Isihlandlo ngasinye sokubonisana okuyimfuneko, ngekota yeyure	R160,50
25 Ngosuku ngalunye olugqitha koluya lokuqala, eliithi igqwetha lithathe ubungqina kumntu okanye lixoxe enkundleni, lingahlawulwa intlawulo engagqithiyo kule eboniswe ngasekunene	R1351,50
Ukubhala amaxwebhu etyala	R361,50

<i>Qaphela:</i>	
(a) Malunga nomxholo 22 no-25, kungahlawulwa intlawulo endaweni yentlawulo yosuku lokuqala lwetyala ngale ndlela ilandelayo, xa kufikelelwe kwisivumelwano okanye xa lirhoxisiwe ityala okanye lamiselwa omnye umhla, ngokucelwa ngomnye wababambeneyo, ungekafiki umhla wokuxoxwa kwalo okanye ngawo umhla wokuxoxwa kwalo:	
(i) kwithuba elingekho ngaphezu kweentsuku ezimbini ngaphambi komhla wokuxoxwa kwalo: kuba yintlawulo evumelekileyo yosuku lokuqala lokuxoxwa, emva kokuba sekuhluzwe iindleko ezingafunekiyo;	
(ii) kwithuba elingekho ngaphantsi kweentsuku ezintathu kodwa elingekho ngaphezu kweentsuku ezisixhenxe ngaphambi komhla wokuxoxwa: kuba sisibini kwisithathu sentlawulo eku-(i);	
(iii) kwithuba elingekho ngaphantsi kweentsuku ezisibhozo kodwa elingekho ngaphezu kwama-21 eentsuku ngaphambi komhla wokuxoxwa: kuba sisiqingatha sentlawulo eku-(i).	
(b) Inkundla inokuthi xa iceliwe ivumele ukuhlawulwa kwegqwetha leejaji intlawulo ethe ukuba phezulu ngomsebenzi oxelwe kumxholo 22, 24, 25 naku-26.	
(c) Intlawulo yexesha elisetyenziswe eluhambeni ligqwetha leejaji iza kuvunyelwa xa ilingana neyamagqwetha ngokoMgaqo-33(9).	

EZINGUMXUBE	
27 Ukufumana ikopi esethifayiweyo yesigqibo senkundla	R82,00
28 Ukufumana intlawulo ngokoMgaqo 18(4)	R56,00
29 Ukucela isibambiso ngokoMgaqo 62(1)	-
30 Ukukhupha isibambiso ngokoMgaqo 62(1)	-

ISICANGCA B**IINDLEKO****INXALENYE 1****GABALALA MALUNGA NENKQUBO ENGOKWESIQENDU 65 NO-65A SALO MTHETHO**

1. Ngokulawulwa koko kutshiwo sisiqendu 3, akukho zintlawuliso zivumelekileyo ngaphezu kwezo ezikumaXabiso akule Nxalenye.

2. Ngokulawulwa koko kutshiwo sisiqendu 65K salo Mthetho, makuhlawulwe iintlawulo ezikwimisebenzi yomxholo (a), (b), okanye (c) yamaXabiso akule Nxalenye ngokubhalwa koxwebhu olusisaziso ekuthethwe ngaso kwisiqendu 65A(1), kuquka nokubakho xa kuchotshelwe ukuqonda imeko yemali yommangalelwa ekuthethwe ngayo kwisiqendu 65D, okanye ukubakho xa kuchotshelwe umbandela wokuxhoma umqathango othile, ukuwutshintsha, okanye ukuwususa, kwaye — ngaphandle kwentlawuliso evunyelwe phantsi kuka-*m* wamaxabiso — kungahlawuliswa kube kanye kuphela kuhlawuliselwa ukubhalwa koxwebhu olusisaziso, ukukhutshwa kwalo nokukhutshwa kwalo ngokutsha, nako konke ukuhlehliswa kokuchotshelwa kwaloo mbandela, kungakhathaliseki ukuba

luphulaphulwe iintsuku ezingaphi udaba enkundleni, kodwa ke, xa ummangalelwa otyala ummangali ewushiya ummandla ophantsi kwaloo nkundla emva kokukhutshwa koxwebhu olusisaziso ekuthethwe ngalo kwisiqendu 65A(1) luze uxwebhu olusisaziso lukhutshwe kwakhona kwesinye isithili, le ntlawuliso exeliweyo ingafunwa kweso sithili esisesinye, ukuba inkundla iyalele ngolo hlobo.

3. Ezi zinto zilandelayo zivumelekile ukongezelela kwiintlawuliso ezikumaXabiso kule Nxalenye:

(a) Zonke iindleko eziyimfuneko ekungenwe kuzo ngenxa yetyala.

(b) Intlawuliso eli-10% kwisavenge ngasinye esigqogqiweyo xa kufunwa iindleko zetyala, kodwa ingagqithi kwi-R410,00 kwisavenge ngasinye. Xa imali ihlawulwa ngezavenge, iintlawuliso zokuyigqogqa zifunwa kuphela kusakuhlulwa isavenge ngasinye. Ezo ntlawuliso ziza kuthabatha indawo yeentlawuliso zokuyigqogqa, mazingongezwa phezu kweentlawuliso zokuyigqogqa ezixelwe kwisiqendu 13 seNxalenye yeSicangca A.

(c) Zonke iindleko eziyimfuneko ekungenwe kuzo ngenxa yamalinge etyala angaphambili angaphumelelanga ngokwesiqendu 72, ukuba inkundla iyalele ngolo hlobo.

(d) Namalini na ekungenwe kwindleko yayo esetyenziswe xa kuzingelwa umkhondo wommangalelwa otyalayo, xa iyonke imali etyalwayo ngexesha lokusetyenziswa kwegosa elizingela umkhondo ibingekho ngaphantsi kwama-R449,00. Iyonke imali evumelekileyo yesihlandlo ngasinye sokuzingela umkhondo mayingagqithi kuma-R343,50.

4. Ukulungiselela amaXabiso ale Nxalenye imali efunwayo, ngokulawulwa sisiqendu 3(d), iba yimali iyonke kunye neendleko ezingekahlawulwa ngomhla wokuqaliswa kwamanyathelo etyala ngokwesiqendu 65A(1) salo Mthetho.

5. Umxholo 1 ukuya ku-5 weNxalenye IV yeSicangca A kwiSongezo 2 ziyasebenza ngokwesiqendu 65J salo Mthetho.

AMAXABISO

		R
(a)	Xa ibango lingekho ngaphezu kwe-R1 000,00	R226,00
(b)	Xa ibango lingaphezu kwe-R1 000,00 kodwa lingekho ngaphezu kwama-R2 000,00	R343,50
(c)	Xa ibango lingaphezu kwama-R2 000,00	R405,00
(d)	Isigunyazisi sokubanjwa (iFomu 40A)	R88,50
(e)	(i) Umyalelo wokuthathwa kweemali azifumanayo (iFomu 38)	R180,00
	(ii) Ukukhutshwa kwakhona (kuquka neziqinisekiso)	R144,00
(f)	Isicelo seendleko umazisile omnye (kuquka ukuvela enkundleni)	R88,50
(g)	Ukufumana ikopi esethifayiweyo yesigqibo senkundla	R88,50
(h)	Inkcazelo ebhaliweyo yafungelwa okanye isiqinisekiso esivela kotyalwayo okanye kwigqwetha lakhe	R64,00

(i)	Ngeleta nganye ethunyelwe ngerejista ethunyelwe kotyalayo ngokwesiqendu 65A(2), 65E(6) okanye 65J(2) salo Mthetho ithunyelwa ngotyalwayo okanye ligqwetha lakhe	R41,00
(j)	Inkcazelo ebhaliweyo yafungelwa okanye isibhambathiso esenziwe ngotyalayo [uMgaqo 45(7)]	R108,00
(k)	Isicelo somyalelo ngokwesiqendu 65 salo Mthetho	R64,00
(l)	Ukuya etyaleni elihlehliselwe omnye umhla ngokwesiqendu 65E(3) salo Mthetho okanye ukuya etyaleni enkundleni emva kokuba ebanjiwe umntu otyalayo, okanye umlawuli okanye igosa, emva kokuba kukhutshwe isaziso ekuthethwe ngaso kwisiqu 65A(8)(b)	R88,50
(m)	Uxwebhu olubizela umntu enkundleni:	
	(i) Ukubhalwa koxwebhu olubizela umntu enkundleni, iphepha ngalinye	R25,50
	(ii) Isihlandlo ngasinye esiyimfuneko sokubakho enkundleni	R17,00
(n)	(i) Imbalelwano: Ngeleta nganye eyimfuneko okanye itelegram ebhaliweyo okanye efunyenweyo, kuquka ikopi emayigcinwe, kodwa ke intlawuliso yokufunda ayivumelekanga ukuba yongezwe phezu kwentlawuliso exelwe apha, iphepha ngalinye	R25,50
	(ii) Ukubakho enkundleni: Ngesihlandlo ngasinye esiyimfuneko sokubakho kodwa ekungathethwanga ngaso apha, isihlandlo ngasinye sokubakho	R25,50
	(iii) Ukutsalwa komnxeba okuyimfuneko, umnxeba ngamnye	R25,50

INXALENYE II

GABALALA NGAMATYALA ANGOKWESIQENDU 72 SALO MTHETHO

1. Ngokulawulwa koko kutshiwo sisiqu 2 nesesithathu, azivumelekanga ezizezinye ngaphandle kwezo ezikumaXabiso kule Nxaalenye.
2. Isiqu 3(a), (b) no-(d) phantsi kweNxaalenye 1 yesi Sicangca siyasebenza kule Nxaalenye kubekho nje utshintsho olunokuthi lufuneka.
3. Zonke iindleko eziyimfuneko ekungenwe kuzo ngenxa yeenzame zangaphambili ezingaphumelelanga malunga netyala ngokwesiqendu 65 zivumelekile ukuba inkundla iyalele ngolo hlobo.
4. Ukulungiselela amaxabiso ale Nxaalenye, imali yebango, ngokulawulwa koko kutshiwo sisiqu 3(d) seNxaalenye 1 kwesi Sicangca, mayibe yiyo yonke imali idityanisiwe ebingekahlawulwa ngomhla wokuqalisa inyathelo letyala ngokwesiqendu 72 salo Mthetho.

AMAXABISO

AMAXABISO	
(a) Xa ibango lingekho ngaphaya kwama-R200.00	R136,00
(b) Xa ibango lingaphaya kwama-R200.00	R289,00
(c) Ukufumana ikopi esethifayiwedyo yesigqibo senkundla	R82,00
(d) Isicelo somyalelo wokuba kutsalwe imali emvuzweni	R82,00

(e) Umyalelo wokutsalwa kwemali emvuzweni (iFomu 39)	R108,00
--	---------

INXALENYE III
GABALALA NGAMATYALA ANGOKWESIQUENDU 74 SALO MTHETHO

1 Iintlawuliso ezilandelayo zivumelekile ukongezelela kwezo ezixelwe kumaXabiso ale Nxalenye:

- (a) Zonke iindleko eziyimfuneko ekungenwe kuzo ngenxa yetyala.
- (b) Ukongezelela kwiintlawuliso ezixelwe ngezantsi, umlawuli unelungelo lentlawuliso eli-10% ngesavenge ngasinye esigqogqiweyo sokuba kuhlawuleke imali elityala neendleko.

2. Ukulungiselela umxholo 4 nowe-5 kumaXabiso ale Nxalenye, iphepha ngamagama okanye amanani ali-100 abhalwe ngesandla okanye ngomatshini, kwaye amanani amane makathathwe njengegama elinye.

AMAXABISO			
Umxholo	Omnye ukuya kwabalishumi abatyalwayo	Abalishumi elinanye ukuya kumashumi amabini abatyalwayo	Abatyalwayo abangamashumi amabini ananye nangaphezulu
	R	R	R
1. Imiyalelo yokucela umyalelo wokuthimba, kuquka nokufundwa okufunekayo kweesamani, iileta ezigqogqayo, njl, nokuzama ukuqiniseka ngobungakanani bempahla enokuthinjwa, namatyala umntu anawo, kudityaniswe nako konke ukuya kwiindawo ekufuneka uye kuzo, neeleta emazibhalwe ezinxibelelene noku	R160,50	R225,50	R360,50
2. Imiyalelo yokwenz' isicelo sesiqendu 74Q1 okanye imiyalelo yokuchasa eso sicelo okanye eyokufumana umyalelo wokuthimba	R127,00	R127,00	R127,00
3. Ukubhala amaxwebhu esicelo somyalelo wokuthimba okanye awokuguqulwa kwaso nenkcazelo ebhaliweyo yafungelwa, kuquka nawo onke amaxwebhu amakaqhotyoshelwe, nokuya kwiindawo ekufuneka uye kuzo, ngaphandle kokuya enkundleni	R225,00	R225,00	R225,00
4. Ukwenza iikopi zesicelo, zenkcazelo ebhaliweyo yafungelwa namaxwebhu amakaqhotyoshelwe apho engawabantu abatyalwayo, iphepha ngalinye	R4,00	R4,00	R4,00
5. Ukufunda amaxwebhu esicelo namanye afunyenweyo, ukuba akho, ikhasi ngalinye	R9,50	R9,50	R9,50

6. Ukuya enkundleni			
(a) Xa ityala lihlehliselwa omnye umhla okanye lichithwa, ukuba oko akubangelwanga ligqwetha okanye ngumntu walo	R61,00	R61,00	R61,00
(b) Ukuyela nayiphi na enye injongo	R127,00	R242,00	R242,00
7. Ukunikwa komntu otyalwayo enikwa ngumlawuli, emnika ingcombolo ekuthethwe ngayo kwisiqendu 74M(a) salo Mthetho, isicelo ngasinye	R17,00	R17,00	R17,00
8. Ukukhupha ikopi yoxwebhu oluchaza imeko yomntu otyalayo ekuthethwe ngayo kwisiqendu 74 nesama-74A(1) salo Mthetho, ikhutshwa ngumlawuli ngokwisiqendu 74M(b), okanye ukukhutshwa koludwe okanye iakhawunti ekuthethwe ngayo kwisiqendu 74G(1) okanye 74J salo Mthetho, okanye ukukhutshwa koxwebhu oluchaza imeko yomntu otyalayo ekuthethwe ngalo kwisiqendu 65I(2) salo Mthetho, iphepha ngalinye	R4,00	R4,00	R4,00
9. Imbalelwano nokuya apho kufuneka uye khona	R26,00	R26,00	R26,00

Kwenziwa utshintsho kwiSongezo 2 seMigaqo

9. Kwenziwa utshintsho kwiSongezo 2 seMigaqo ngokuthi indawo yeNxalenye II yeSicangca C ithatyathwe yinxalenye elandelayo:

“INXALENYE II

OONOTHIMBA ABANGENGOMAGOSA KARHULUMENTE

1A. Ukubhaliswa koxwebhu lokusiwa emntwini usakulufumana: **[R8,00]** R10,00.

1B. (a) Ukuhanjiswa kwesamani, uxwebhu olubizela umntu enkundleni, uxwebhu olusisaziso, umyalelo okanye olunye uhlobo loxwebhu olungelulo uxwebhu olukhankanywe kumxholo 2, uhambo lokuya nokubuya kwindawo oyonika umntu kuyo elinye lala maxwebhu angentla—

(i) xa kungumgama ongagqithiyo kwiikhilomitha ezi-6 ukusuka kwinkundla yesithili amiselwe ukusebenza kuso unothimba: **[R35,00]** R40,00;

(ii) xa kungumgama ongagqithiyo kwiikhilomitha ezili-12, kodwa ogqithayo kwiikhilomitha ezi-6 ukusuka kwinkundla yesithili amiselwe ukusebenza kuso unothimba: **[R41,00]** R47,00;

(iii) xa kungumgama ongagqithiyo kwiikhilomitha ezingama-20, kodwa ogqithayo kwiikhilomitha ezili-12 ukusuka kwinkundla yesithili amiselwe ukusebenza kuso unothimba: **[R55,00]** R63,00;

(iv) xa othuma unothimba emthuma ngencwadi ebhaliweyo ukuba ahambise uxwebhu ekuthethwe ngalo ku-1B(a) ngokungxamisekileyo ngomhla alufumana ngawo okanye sezidlule iiyure eziqhelekileyo zokusebenza, iindleko ziza kuphindwa kabini ezo ziku-1B(a)(i), (ii) no-(iii), ndleko ezo ziphindwe kabini eziya kuhlululwa ngulowo oyalela unothimba, ngaphandle kokuba inkundla iyalele ngenye indlela.

(b) Xa kwenziwe umzamo wokuhambisa amaxwebhu akhankanywe kwisiqendu (a), uhambo lokuya nokubuya kwindawo ekwenziwe kuyo umzamo wokuwahambisa amaxwebhu akhankanywe ngentla—

(i) xa kungumgama ongagqithiyo kwiikhilomitha ezintandathu ukusuka kwinkundla yesithili amiselwe ukusebenza kuwo unothimba: **[R28,50]** R33,50;

- (ii) xa kungumgama ongagqithiyo kwiikhilomitha ezili-12 kodwa ogqithayo kwiikhilomitha ezi-6 ukusuka kwinkundla yesithili amiselwe ukusebenza kuyo unothimba: **[R35,00]** R40,00;
 - (iii) xa kungumgama ongagqithiyo kwiikhilomitha ezingama-20 kodwa ogqithayo kwiikhilomitha ezili-12 ukusuka kwinkundla yesithili amiselwe ukusebenza kuyo unothimba : **[R49,00]** R56,00;
 - (iv) xa othuma unothimba emthuma ngencwadi ebhaliweyo ukuba ahambise uxwebhu ekuthethwe ngalo ku-1B(a) ngokungxamisekileyo ngomhla alufumana ngawo uxwebhu okanye seziphelile iiyure eziqhelekileyo zokusebenza, aze unothimba angabi nampumelelo kumzamo wakhe wokuwanika umntu amaxwebhu, iindleko maziziphinde kabini eziku-1B(b)(i), (ii) no-(iii), ezo ndleko ziphindiweyo zihlawulwe ngulowo oyalele unothimba, ngaphandle kokuba inkundla iyalele ngenye indlela.
- (c)
- (i) Xa uxwebhu lusiwa emntwini kunye noxwebhu lwenkundla, lube lukhankanyiwe kolo xwebhu lwenkundla okanye lusisongezo kolo lwenkundla, ayibikho enye intlawuliso ebizwayo ngokusiwa kolo xwebhu emntwini, ngaphandle koko kungabizwa **[R8,00]** R10,00 ngoxwebhu ngalunye oluhamba lodwa olunikwe umntu.
 - (ii) Akubizwa ntlawuliso ngoxwebhu oluhamba lodwa xa kuhanjiswa uxwebhu kumatyala olwaphulo-mthetho.
 - (iii) Ukusiwa emntwini koxwebhu ekuthethwe ngalo kuMgaqo 54(1) ngaxesha-nye nesamani akuthathwa ngokuthi ngumsebenzi ongomnye osecaleni.

2. (a) Xa kusiwa emntwini isigunyazisi, isithinteli, umyalelo wokuxhuzulelwa imali emvuzweni okanye umyalelo wokuthathelwa imali azifumanayo, uhambo lokuya nokusuka kwindawo awanikwa ekuyo umntu la maxwebhu akhankanywe ngentla—

(i) xa kungumgama ongagqithiyo kwiikhilomitha ezi-6 ukusuka kwinkundla yesithili amiselwe ukusebenza kuso unothimba:

[R49,00] R56,00;

(ii) xa kungumgama ongagqithiyo kwiikhilomitha ezili-12, kodwa ogqithayo kwiikhilomitha ezi-6 ukusuka kwinkundla yesithili amiselwe ukusebenza kuso unothimba **[R55,00]** R63,00;

(iii) xa kungumgama ongagqithiyo kwiikhilomitha ezingama-20, kodwa ogqithayo kwiikhilomitha ezili-12 ukusuka kwinkundla yesithili amiselwe ukusebenza kuso unothimba: **[R68,50]** R78,50;

(iv) xa othuma unothimba emthuma ngencwadi ebhaliweyo ukuba ahambise uxwebhu ekuthethwe ngalo ku-2(a) ngokungxamisekileyo ngomhla alufumene ngawo okanye seziphelile iiyure eziqhelekileyo zokusebenza, iindleko maziliphide kabini ixabiso eliku-2(a)(i), (ii) no-(iii), ezo ndleko eziphindwe kabini zihlawulwe ngulo othume unothimba, ngaphandle kokuba inkundla iyalele ngenye indlela.

(b) Xa kwenziwe umzamo wokuhambisa amaxwebhu akhankanywe kwisiqendu (a), uhambo lokuya nokubuya kwindawo ekwenziwe kuyo umzamo wokuhambisa la maxwebhu akhankanywe ngentla—

(i) xa kungumgama ongagqithiyo kwiikhilomitha ezi-6 ukusuka kwinkundla yesithili amiselwe ukusebenza kuso unothimba:

[R41,00] R47,00;

- (ii) xa kungumgama ongagqithiyo kwiikhilomitha ezili-12₁ kodwa ogqithayo kwiikhilomitha ezi-6 ukusuka kwinkundla yesithili amiselwe ukusebenza kuso unothimba: **[R49,00]** R56,00;
 - (iii) xa kungumgama ongagqithiyo kwiikhilomitha ezingama-20₁ kodwa ogqithayo kwiikhilomitha ezili-12 ukusuka kwinkundla yesithili amiselwe ukusebenza kuyo unothimba: **[R62,00]** R70,50;
 - (iv) xa othuma unothimba emthuma ngencwadi ebhaliweyo ukuba ahambise uxwebhu ekuthethwe ngalo ku-2(a) ngokungxamisekileyo ngomhla alufumene ngawo okanye seziphelile iiyure eziqhelekileyo zokusebenza, aze unothimba angabi nampumelelo kumzamo wakhe wokulunika umntu uxwebhu, iindleko maziliphinde kabini ixabiso eliku-2(b)(i), (ii) no-(iii), ezo ndleko mazihlalwulwe ngothume unothimba, ngaphandle kokuba inkundla iyalele ngenye indlela.
- (c)
- (i) xa kufuneka kukhutshwe ummangalelwa kwindlu exelwe kwisigunyazisi sokukhupha umntu endlwini: **[R28,50]** R33,50 ngesiqingatha ngasinye seyure okanye ixesha elinganeno kwaso (ngaphandle kokuba kukho iindleko ezingaqhelekanga ekungenwe kuzo ezingaphephekiyo.
 - (ii) Emva kokuba ekhutshiwe umntu oxelwe kwisigunyazisi sokukhupha umntu endlwini, makuhlawulwe enye imali eli- **[R19,50]** R22,50 ngomntu ngamnye ongomnye ongaphandle kwalo oxelwe kwisigunyazisi, kodwa ke, xa kuyimfuneko ukukhupha omnye umntu ongaphandle kwalo ofunyaniswe yinkundla etyal' imali okanye omakaxhuzulelwe imali, kungabizwa intlawuliso exelwe ku-1B(a) ngomsebenzi ngamnye owenziweyo ololo hlobo.

3. Ukubhalwa kwengxelo ngunothimba ngokoMgaqo 8, eyenza ibe ziikopi ezimbini:
[R14,00] R16,00.

4. (a) Ukongezelela kwiintlawulo ezikhankanywe ku-1B(a), 1B(b), 2(a) no-2(b), unothimba uvumelekile, kodwa ngokulawulwa ngu-4(b) no-(c), ukuba afumane imali yohambo ezii-R5 ngekhilomitha nganye okanye ngomgama onganeno kwekhilomitha, esebenzisa eyona ndlela imfutshane yokusuka kwi-ofisi yakhe ukuya kwindawo asa kuyo amaxwebhu nokubuyela eofisini.

b) Imali yohambo ekhankanywe ku-4(a), 5(a) no-5(c)(i) mayibalwe ngomgama osuka kwi-ofisi kanothimba ukuba—

(i) iofisi kanothimba ikummandla owabelwe unothimba nguMphathiswa; kwaye

(ii) umgama ukusuka kwi-ofisi kanothimba ungaphantsi kunomgama osuka kwinkundla ekufutshane ukuya kwindawo amakase kuyo amaxwebhu .

(c) Ukuba akwenziwanga ngendlela exelwe ku-4(b), ke imali yohambo ekhankanywe ku-4(a), 5(a) no-5(c)(i) iza kubalwa ngokomgama wokusuka kwinkundla ekufutshane nendawo asiwa kuyo amaxwebhu.

5. (a) Xa unothimba enze nawuphi na omnye umsebenzi ongumsebenzi wakhe ongenguwo lowo okhankanywe ku-1 naku-2, kodwa ngokulawulwa ngu-4(b) no-(c), uza kuhlulwa imali yohambo ezii-R5,00 ngekhilomitha nganye okanye ngomgama onganeno kwalowo, ngokuya nokubuya.

(b) Imali yohambo iza kuquka zonke iindleko aye wangena kuzo kolo hambo, kuquka nemali yokukhwela uloliwe.

(c) Kuza kubalwa imali yohambo ngomsebenzi ngamnye owahlukileyo, ngaphandle nje kwento yokuba—

- (i) xa imisebenzi eliqela inokwenziwa kuhambo olunye, umgama wokusuka kwi-ofisi kanothimba ukuya kwindawo yokuqala amakase amaxwebhu kuyo unokubalwa kube kanye kuphela, uze ucazululelwe iindawo ngeendawo ngokulinganayo, uze umgama osuka kwindawo yokuqala amakase amaxwebhu kuyo ukuya kwiindawo eziseleyo amakase amaxwebhu kuzo nawo ucazululelwe iindawo eziseleyo ngokulinganayo; kwaye
 - (ii) xa kufuneka unothimba ahambise amaxwebhu aluhlobo olufanayo kubantu abaliqela kwindawo enye, uza kuvunyelwa ukuba ahlawulise kanye kuphela ngolo hambo.
 - (d) Xa kuyimfuneko ukuba unothimba ahambise umntu obanjiweyo, kuza kuvunyelwa imali yohambo ezii-R5 ngekhilomitha nganye kuloo nxalenye yohambo abenyanzelekile ukuba ahambe naloo mntu.
6. (a) Ukwenza uludwe lwezinto, kuquka nokwenza zonke iikopi eziyimfuneko, nexesha elichithwe ekuthatheni istokhwe : **[R28,50]** R33,50 ngesiqingatha ngasinye seyure okanye nganeno kwaso.
- (b) Xa kufuneka encedisiwe ekwenzeni uludwe, xa kuthe kwayimfuneko, **[R28,50]** R33,50 ngesiqingatha ngasinye seyure okanye nganeno kwaso.
7. Ukufunda, ukubhala nokugqibezela ibhondi yebheyile, isiqinisekiso sesibambiso okanye ibhondi yokukhulula omnye kwisinkqamangelo : **[R8,00]** R10,00.
8. Ukuphathiswa impahla (ngaphandle kwemali):
- (a) (i) Igosa ngalinye elishiywe ligadisiwe, makube yintlawulo equka konke efikelelekayo eli-**[R103,00]** R117,00 ngosuku.
 - (ii) Imali zohambo maziquke eyokuhlala ngamaxesha onke.

- (b) Ukuba kuthinjwa imfuyo, ziindleko eziyimfuneko zokwaluswa kwayo nokulondolozwa kwayo kuphela ezivumelekileyo.
- (c) Ukuba impahla iyathathwa ize igcinwe kwenye indawo, ziindleko zokuthathwa kwayo nokugcinwa kwayo ezivumelekileyo.
9. (a) **‘ukuba semntwini’** kuthetha ukuba impahla ibe semntwini oqeshwe ngunothimba ehlawulwa nguye, omsebenzi wakhe okwangoku ukukuhlala kumzi ekuthinjwe impahla kuwo, ethi ke impahla ibe kuye elo thuba emayibe kuye ngalo, amakahlawulwe ngalo.
- (b) **‘iindleko zokuthathwa’** yimali eyeyona esetyenzisiweyo neyimfuneko ukuba isetyenziswe ukususa okanye ukuzama ukususa impahla ukuba impahla isuswe ngomnye umntu okanye kwenziwe umzamo wokuyisusa; ukuba impahla isuswe ngunothimba ngokwakhe iindleko zokuthathwa kwayo kuba yiloo mali ebiya kuvumeleka ngokuqhelekileyo ukuba bezithathwe ngomnye umntu, okanye kwenziwa umzamo wokuzithatha ngomnye umntu.
- (c) **‘iindleko zokuzigcina’** yeyona mali ehlawuliweyo yokuzigcina ukuba impahla ibigciniswe komnye umntu, okanye ukuba indawo yokuzigcina yekanothimba kuba yiloo mali ebiya kuvumeleka ngokuqhelekileyo ukuba bezigciniswe komnye umntu.
10. (a) Xa isigunyazisi sokuthimba sihlawulelwe ngokupheleleyo okanye ngokuyinxenye, imali yanikwa unothimba, okanye umyalelo wokuxhuzula imali emvuzweni uhlawulelwe ngokupheleleyo okanye ngokuyinxenye, imali yanikwa unothimba, kuba li-9 ekhulwini yeemali ezihlawuliweyo okanye ezithinjweyo, ibe ngaphantsi kwama-**[R55,00]** R63,00 ize ingabi ngaphezu kwama-**[R542,00]** R614,00.
- (b) Isaziso sokuthinjwa esiya kummangalelwa nakumntu ngamnye omakaziswe: **[R8,00]** R10,00.

11. Xa impahla ikhululwe ekuthinjweni ngokoMgaqo **[41(7)(e)] 41(7)(f)(i)**, okanye isigunyazisi sokuthimba sirhoxisiwe okanye sanqunyanyiswa, okanye impahla yomntu ofunyaniswe yinkundla etyala omnye ithengisiwe emva kokuthinjwa, kodwa phambi kokuba ithengwe, kuba yi-2.3 ekhulwini yexabiso lempahla ethinjiweyo, kodwa ingagqithi kwi-**[R164,00] R186,00**, kodwa ke, ukuba impahla ithi ithengiswe emva kokuba ibithinjiwe, imali emayihlawulwe mayithatyathwe kwikhomishini ehlawulwa ngokokuka-12.

12. Xa isigunyazisi sokuthimba side safikelela kwinqanaba lokuba kuthengiswe, kuba li-9 ekhulwini le-R15 000,00 yokuqala okanye inxalenye yayo, kuze kuthi emva koko kube sisi-6 ekhulwini, kodwa ingagqithi kwi-**[R7 237,00] R8 178,50**.

13. Ukulungiselela i-inshorensi yempahla ethinjiweyo, ukuba ibonwa iyimfuneko, naxa kufunyenwe imiyalelo ebhaliweyo eya kunothimba evela kotyalwayo ogwetyelweyo yinkundla, ukongezelela kwisavenge emasihlawulwe, kuba sisixa-mali esiquka konke esingama-**[R28,50] R33,50**.

14. (a) Xa kuthinjwe impahla engathathekiyo kodwa ibe ingathengiswanga, ngenxa yokuba isigunyazisi sirhoxisiwe okanye sinqunyanyisiwe, okanye ngenxa yokuthengiswa kwempahla yofunyaniswe yinkundla etyala omnye, iindleko zokuzama ukuthengisa nesixa esili-**[R164,00] R186,00** mazihlawulwe unothimba okanye ogunyazwe ukuba abe ngumthengisi.

(b) Ukubhalwa kwengxelo yezinto eziphuculiweyo kumzi ngenjongo yokuba uthengiswe: **[R28,50] R33,50** ngesiqingatha ngasinye seyure okanye inxalenye yaso.

(c) Isaziso esibhaliweyo esiya kumthengi owoyisakeleyo ukwenza ngokwemiqathango yokuthengiselwa: **[R41,00] R47,00**.

(d) Ukuqwalaselwa kwemiqathango yokuthengiselwa: **[R81,50]** R93,50.

15. Xa impahla engathathekiyo ithinjiwe lize ixesha lokuthinjwa kwayo liphelelwe, njengoko kuxelwe kwisiqendu 66(4) salo Mthetho : **[R49,00]** R56,00.

16. Xa ukuthinjwa kwempahla engathathekiyo kude kwafikelela kwinqanaba lokuthengiswa kwayo, unothimba uvunyelwa ukufumana iintlawulo ezilandelayo kwimali yokuthengiswa kwempahla:

(a) Ngokuthengiswa kwempahla engathathekiyo ngunothimba esebenza njengomthengisi, unokufumana isi-6 ekhulwini kwi-**[R30 000,00 yokuqala yemali ekuthengiswe ngayo,]** R100 000,00, i-3.5 ekhulwini nge-R100 001,00 ukuya kwi-R400 000,00 ne-1.5 ekhulwini kwimali eseleyo kwimali ekuthengiswe ngayo, kodwa ingagqithi kwikhomishini eli-**[R10 777,00]** R40 000,00, xa iyonke, ingabi ngaphantsi kwe-**[R542,00]** R3 000,00 (equka kuzo zonke iimeko iimalana ezitsalwa yibhanki nezinye iindleko ekungenwe kuzo ekufakeni kwiakhawunti yakhe imali ezuzekileyo), khomishini leyo emayihlawulwe ngumthengi.

(b) Ukuba umthengisi uqeshiwe njengoko kuxelwe kuMgaqo 43(9), kuba sisi-3 ekhulwini kwi-**[R30 000,00 yokuqala yemali ekuthengiswe ngayo]** R100 000,00, isi-2 ekhulwini nge-R100 001,00 ukuya kwi-R400 000,00 and nesi-1 ekhulwini kwimali eseleyo, kodwa ingagqithi kwikhomishini eyi-**[R6 158,00]** R22 850,00, xa iyonke, ingabi ngaphantsi kwe-**[R542,00]** R3 000,00 (equka kuzo zonke iimeko iimalana ezitsalwa yibhanki nezinye iindleko ekungenwe kuzo ekufakeni kwiakhawunti yakhe imali ezuzekileyo), khomishini leyo emayihlawulwe ngumthengi.

17. Ukongezelela kwiintlawulo ezivunyelweyo ku-10 ukuya ku-15, kuvumeleke—

(a) eyona mali ehlawulwe ngunothimba kunjalonje ikumyinge ofanelekileyo okanye ehlawulwe ngumthengisi iyeyokuprinta

nokubhengeza ukuthengisa okanye injongo yokuthengisa ngomyalelo wenkundla; kunye

(b) nemali engama-**[R20,00]** R23,50 eya kunothimba iyeyokudluliselwa kwamalungelo kumthengi.

18. Xa unothimba egcine impahla ngezigunyazisi eziliqela zokuthimba, uvumeleke ukuba ahlawulise ngempahla enye kuphela; loo mpahla ayigcinileyo ke iya kuthi kangangoko kunokwenzeka yabiwe ngokulinganayo ibe ngaphantsi kwesigunyazisi esinye esikhutshwe ngelo xesha, kodwa ke, umntu ngamnye ogwetyelwe yinkundla njengotyalo wayo uza kubopheleleka ukuba ahlawule ngokugcinwa kwempahla ehlawula imali engagqithiyo kuleyo ebiya kufuneka ukuba bekuyiyo yodwa.

19. Iimali emazihlawulwe ngexabiso lempahla ethinjiweyo okanye ngemali yokuthengiswa kwempahla ethinjiweyo aziyi kufunwa ukuba zingaphaya kwemali yesigunyazisi.

20. Iimali neendleko zikanothimba xa ephumeza umyalelo wokuxhuzulwa kwemali emvuzweni mazongezwe kwimali emayifunyanwe ngokwaloo myalelo, ize itsalwe kumntu ofunyaniswe yinkundla etyala omnye.

21. Ukuba kuba yimfuneko ukuba unothimba abuyisele kumntu omthumileyo uxwebhu abemthume lona, elubuyisela ngenxa yokuba—

(a) idilesi emalusiwe kuyo ebhalwe apho kuxwebhu ayikho kummandla amiselwe ukusebenza kuwo; okanye

(b) omthumileyo ucele ukuba alubuyisele kuye, emcela engekazami ukulusa emntwini,

makahlawulwe i-**[R8,00]** R10,00.

22. Xa kuthuthwa umntu obanjwe ngunothimba okanye ogciniswe kuye, esuswa kwindawo agcinwe kuyo esiwa enkundleni ngosuku olulandela olokubanjwa kwakhe: **[R28,50]** R33,50 ngohambo ngalunye, kuze kube ngama-**[R55,00]** R63,00 ngeyure nganye, okanye nganeno kweyure, ukuze abekho enkundleni.

23. Xa kufundwa amaphephandaba akhankanyiweyo no*Shicilelo-Mithetho* ekupapashwe kuwo isaziso sentengiso, njengoko kuxelwe kuMgaqo 43(6)(c) noMgaqo 41(8)(c): **[R8,00]** R10,00.

24. Xa kuthunyelwa ikopi yesaziso kumntu ngamnye otyalwayo ngokwesigqibo senkundla ofake isigunyazisi sokuthimba, nakumbolekisi-mali ngamnye obolekisele impahla engenakuthuthwa odilesi yakhe inokwaziwa ngaphandle kobunzima, ngekopi nganye : **[R8,00]** R10,00.

25. (a) Xa kunamathiselwa ikopi yesaziso sentengiso kwibhodi yezaziso okanye kucango lwenkundla okanye kwesinye isakhiwo sikawonkewonke, ekuthethwe ngaso kuMgaqo 43(6)(e) nakuMgaqo 41(8)(b): **[R20,00]** R23,50.

(b) Xa kunamathiselwa ikopi yesaziso sentengiso kumzi oza kuthengiswa, kuba yimali ekwisiqendu (a) **[ngentla]** neendleko zohambo, ekuthethwe ngazo ku-5(a).

26. Xa kubhalwa isamani yomnqakathi ize ikhutshwe: **[R81,50]** R93,50.

27. Ukongezelela kwiintlawulo ezixelwe kwesi Sicangca, unothimba unelungelo lokubuyelwa yimali eyeyona esetyenzisiweyo yokuposa nokutsal' iminxeba.

28. Xa kubhalwa ileta nganye eyimfuneko, ngaphandle kweeleta zasemthethweni ezihambisana namaxwebhu omthetho okanye iingxelo zikanothimba: **[R8,00]** R10,00.

29. Ukuhoya umcimbi ngamnye ofuna ukuhoywa ngomnxeba (ukongezelela ekutsaleni umnxeba ngomnxeba waseofisini nangomnxeba ophathwayo): **[R8,00]** R10,00.
30. Ukuthumela ifeksi nganye eyimfuneko nokuyamkela, ngekhasi ngalinye eliyi-A4 (ukongezelela kwiimali zokutsal' umnxeba): **[R4,50]** R5,50.
31. Xa kufundwa amaxwebhu oMbhalisi-Zitayitile, ngokoMgaqo 43(3), ngenjongo yokuqonda ukuba ngabaphi amabahlawulwe kuqala kubantu abatyalwayo:
- (a) Ukuba kuphanda unothimba ngokwakhe: **[R49,00]** R56,00 ngetyala ngalinye aliphandayo.
 - (b) Ukuba unothimba usebenzisa omnye umntu ekuphandeni, makube yimali adleke yona ngqo, ngokokutsho komntu lowo osetyenzisiweyo, solange nje ingaxhomisi-mehlo.
32. Xa kusenziwa zonke iikopi zamaxwebhu eziyimfuneko: **[R3,50]** R4,00, ngephepha ngalinye eliyi-A4.
33. (a) Isicelo sokuhlaza iindleko ezingeyomfuneko kwiimali ezibizwe ngunothimba masenziwe zingekapheli iintsuku ezingama-90 ukususela kumhla ezaphikiswa ngawo iindleko.
- (b) Xa kubhalwa uludwe lweendleko emakuhluzwe ezingeyomfuneko kuzo nokubakho kukanothimba xa zihluzwa: **[R55,00]** R63,00.
34. Iimali ezixhuzulwa yibhanki: Ezona ndleko kanye-kanye ekungenwe kuzo zeemali ezixhuzulwa yibhanki neetsheke.
35. (a) Ukubhalwa kwesaziso esiya kotyalayo ngokwesigqibo senkundla ngokwesiqendu 65A(8)(b) salo Mthetho: **[R14,50]** R17,50.

- (b) Ukusiwa emntwini kwesaziso ekuthethwe ngaso kwisiqendu (a):
Ixabiso njengoko lixelwe ku-1B(a).
- (c) Umzamo wokusa emntwini isaziso ekuthethwe ngaso kwisiqendu (a):
Ixabiso njengoko lixelwe ku-1B(b).
- (d) Ixabiso₁ njengoko lixelwe ku-4₁ liyasebenza kwisiqendu (b) no-(c).
36. (a) Ngokumbamba okanye ngokuzama ukumbamba otyalayo ngokwesigqibo senkundla ngokwesiqendu 65A(6) salo Mthetho:
- (i) Ixabiso elixelwe ku-2(a) okanye ku-2(b).
- (ii) Ixabiso₁ elixelwe ku-4₁ liyasebenza apha.
- (b) Xa otyalayo ngokwesigqibo senkundla enikezelwa kuMapolisa oMzantsi-Afrika, kumhlobo wamabanjwa okanye kumabhalane wenkundla okanye kwenye indawo esemthethweni yokuvallelwa:
- (i) Ixabiso njengoko lixelwe ku-2(a).
- (ii) lindleko zohambo ukusuka kwindawo abanjelwe kuyo ukuya kwindawo yokumnikezela kwigunya elifanelekileyo₁ ekuthethwe ngalo kwisiqendu (b), ngekhilomitha nganye okanye nganeno kwekhilomitha.
- (iii) Ixesha lokulinda elinde ukunikezelwa kotalayo ngokwesigqibo senkundla ukuba anikezelwe kwigunya elifanelekileyo₁ ekuthethwe ngalo kwisiqendu (b): **[R28,50]** R33,50, ngesiqingatha ngasinye seyure okanye nganeno kwaso₁ kodwa ingabi ngaphezu kwe-**[R109,00]** R124,00.”.

Ukuqalisa kwayo ukusebenza

10. Le migaqo iqalisa ukusebenza 1 November 2017.