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PROCLAMATIONS • PROKLAMASIES

PROCLAMATION NO. R. 54 OF 2019**by the****PRESIDENT of the REPUBLIC of SOUTH AFRICA****SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT NO. 74 OF 1996): REFERRAL OF MATTERS TO EXISTING SPECIAL INVESTIGATING UNIT**

WHEREAS allegations as contemplated in section 2(2) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996) (hereinafter referred to as “the Act”), have been made in respect of the affairs of the South African Health Products Regulatory Authority established in terms of section 2 of the Medicines and Related Substances Act, 1965 (Act No. 101 of 1965) (hereinafter referred to as “the SAHPRA”);

AND WHEREAS I deem it necessary that the said allegations should be investigated and civil proceedings emanating from such investigation should be adjudicated upon;

NOW, THEREFORE, I hereby, under section 2(1) of the Act, refer the matters mentioned in the Schedule, in respect of the SAHPRA, for investigation to the Special Investigating Unit established by Proclamation No. R. 118 of 31 July 2001 and determine that, for the purposes of the investigation of the matters, the terms of reference of the Special Investigating Unit are to investigate as contemplated in the Act, any alleged—

- (a) serious maladministration in connection with the affairs of the SAHPRA;
- (b) improper or unlawful conduct by employees of the SAHPRA;
- (c) offence referred to in Parts 1 to 4, or section 17, 20 or 21 (in so far as it relates to the aforementioned offences) of Chapter 2 of the Prevention and

Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), and which offences were committed in connection with the affairs of the SAHPRA; or

(d) unlawful or improper conduct by any person, which has caused or may cause serious harm to the interests of the public or any category thereof,

which took place between 1 January 2015 and the date of publication of this Proclamation or which took place prior to 1 January 2015 or after the date of publication of this Proclamation, but is relevant to, connected with, incidental or ancillary to the matters mentioned in the Schedule or involve the same persons, entities or contracts investigated under authority of this Proclamation, and to exercise or perform all the functions and powers assigned to or conferred upon the said Special Investigating Unit by the Act, in relation to the said matters in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this 4 day of October Two thousand and nineteen.

CM Ramaphosa

President

By Order of the President-in-Cabinet:

R Lamola

Minister of the Cabinet

SCHEDULE

1. Maladministration in connection with the affairs of the SAHPRA in relation to—
 - (a) the authorisation of the sale of unregistered medicines or medical devices, including *in vitro* diagnostic medical devices; and
 - (b) licensing,in terms of the Medicines and Related Substance Act, 1965, including the causes of such maladministration.

2. Any unlawful or improper conduct by—
 - (a) employees of the SAHPRA; or
 - (b) any other person or entity,in relation to the allegations set out in paragraph 1 of this Schedule.

PROKLAMASIE NO. R. 54 VAN 2019**van die****PRESIDENT van die REPUBLIEK van SUID-AFRIKA****WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996
(WET NO. 74 VAN 1996): VERWYSING VAN AANGELEENTHEDE NA
BESTAANDE SPESIALE ONDERSOEKEENHEID**

AANGESIEN bewerings soos beoog in artikel 2(2) van die Wet op Spesiale Ondersoekeenheede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996) (hierna na verwys as die "Wet"), gemaak is in verband met die aangeleentheede van die Suid-Afrikaanse Reguleringsowerheid vir Gesondheidsprodukte, ingestel ingevolge artikel 2 van die Wet op Medisyne en Verwante Stowwe, 1965 (Wet No. 101 van 1965) (hierna na verwys as "die SARGP");

EN AANGESIEN ek dit nodig ag dat gemelde bewerings ondersoek en siviele geskille voortspruitend uit sodanige ondersoek bereg moet word;

DERHALWE verwys ek hierby, kragtens artikel 2(1) van die Wet, die aangeleentheede in die Bylae vermeld ten opsigte van die SARGP, vir ondersoek na die Spesiale Ondersoekeenheid ingestel by Proklamasie No. R. 118 van 31 Julie 2001 en bepaal dat, vir die doeleindes van die ondersoek van die aangeleentheede, die opdrag van die Spesiale Ondersoekeenheid is om soos beoog in gemelde Wet, ondersoek te doen na enige beweerde—

- (a) ernstige wanadministrasie in verband met die aangeleentheede van die SARGP;
- (b) onbehoorlike of onregmatige optrede deur werknemers van die SARGP;
- (c) misdryf bedoel in Dele 1 tot 4, of artikel 17, 20 of 21 (vir sover dit op voornoemde misdrywe betrekking het) van Hoofstuk 2 van die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004 (Wet No. 12 van 2004), en welke misdrywe gepleeg is in verband met die sake van die SARGP; of
- (d) onwettige of onbehoorlike optrede deur enige persoon wat ernstige benadeling vir die belange van die publiek of enige kategorie daarvan veroorsaak het of kan veroorsaak,

wat plaasgevind het tussen 1 Januarie 2015 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 1 Januarie 2015 of na die datum van

publikasie van hierdie Proklamasie, wat relevant is tot, verband hou met, insidenteel of bykomstig is tot, die aangeleenthede vermeld in die Bylae of wat dieselfde persone, entiteite of kontrakte betrek wat ondersoek word kragtens die volmag verleen deur hierdie Proklamasie, en om al die werksaamhede en bevoegdhede wat deur die Wet aan die gemelde Spesiale Ondersoekeenheid toegewys of opgedra is, uit te oefen of te verrig in verband met die genoemde aangeleenthede in die Bylae.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria op hede die 4 dag van Oktober Twee duisend-en-negentien.

CM Ramaphosa

President

Op las van die President-in-Kabinet:

R Lamola

Minister van die Kabinet

BYLAE

1. Wanadministrasie in verband met die aangeleenthede van die SARGP ten opsigte van—
 - (a) die goedkeuring van die verkoop van ongeregistreerde medisyne of mediese toestelle, insluitende *in vitro* diagnostiese mediese toestelle; en
 - (b) lisensiëring,ingevolge die Wet op Medisyne en Verwante Stowwe, 1965, insluitend die oorsake van sodanige wanadministrasie.

2. Enige onwettige of onbehoorlike gedrag deur—
 - (a) werknemers van die SARGP; of
 - (b) enige ander persoon of entiteit,ten opsigte van die bewerings uiteengesit in paragraaf 1 hierdie Bylae.

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF ENERGY

NO. R. 1342

18 OCTOBER 2019

NATIONAL NUCLEAR REGULATOR ACT, 1999 (ACT NO. 47 OF 1999)**CATEGORISATION OF THE VARIOUS NUCLEAR INSTALLATIONS IN THE REPUBLIC, THE LEVEL OF FINANCIAL SECURITY TO BE PROVIDED BY HOLDERS OF NUCLEAR INSTALLATION LICENCES IN RESPECT OF EACH CATEGORY OF NUCLEAR INSTALLATION AND THE MANNER IN WHICH THAT FINANCIAL SECURITY IS TO BE PROVIDED**

Under the powers vested in me by section 29(1) and (2) of the National Nuclear Regulator Act, 1999 (Act No. 47 of 1999), I, Samson Gwede Mantashe, the Minister of Mineral Resources and Energy, on the recommendation of the Board of Directors of the National Nuclear Regulator and in consultation with the Minister of Finance, hereby substitute the categorisations and determinations issued under Government Notice No. 581 of 7 May 2004, for the categorisations and determinations in the Schedule.



SAMSON GWEDE MANTASHE, MP
Minister of Mineral Resources and Energy

Date: 23/09/2019

SCHEDULE**TABLE OF CONTENTS**

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1. Purpose

The purpose of this Notice is to-

- (a) categorise the various nuclear installations in the Republic, based on the potential consequences of a nuclear accident;
- (b) determine the level of financial security to be provided by holders of nuclear installation licences in respect of those categories; and
- (c) determine the manner in which that financial security is to be provided.

2. Definitions

In this Notice, a word or expression to which a meaning has been assigned in the National Nuclear Regulator Act, 1999 (Act No. 47 of 1999), bears the meaning so assigned and, unless the context otherwise indicates-

"nuclear fuel" means nuclear fuel as defined in section 1 of the Nuclear Energy Act, 1999 (Act No. 46 of 1999);

"Special Drawing Right or SDR" means the unit of account defined by the International Monetary Fund and used by it for its own operations and transactions;

"special nuclear material" means any material declared under section 2(c) of the Nuclear Energy Act, 1999 to be special nuclear material;

"used fuel" means nuclear fuel removed from a reactor following irradiation, which is no longer usable in its present form because of depletion of fissile material, poison build-up or radiation damage.

3. Categorisation of nuclear installations

- (1) Nuclear installations in the Republic of South Africa are categorised, based on the potential consequences of a nuclear accident, in accordance with the following scheme:
 - (a) Category 1
 - (i) Any nuclear reactor, other than one intended as a means to power any sea or air transport, with a thermal power level greater than 100 MW.

- (ii) Any nuclear installation designed or adapted for or which may involve the carrying out of any process involving nuclear fuel or the reprocessing of nuclear fuel or used fuel for a reactor referred to in sub-item (i).
- (iii) Any nuclear installation where used fuel can be permanently disposed of or is stored containing more than the equivalent of a 3000 MW(th) reactor core.
- (b) Category 2
- (i) Any nuclear reactor, other than one intended as a means to power any sea or air transport, with thermal power levels greater than 2 MW and less than 100 MW.
- (ii) Any nuclear installation designed or adapted for or which may involve the carrying out of any process involving processing or reprocessing of nuclear fuel, used fuel for a reactor referred to in sub-item (i) or irradiated special nuclear material.
- (iii) Any nuclear installation where used fuel can be permanently disposed of or is stored containing between the equivalent of a 10 to a 3000 MW(th) reactor core.
- (c) Category 3

Any other nuclear installation not mentioned in Category 1 or 2.

- (2) Based on the above categorisation scheme the nuclear installations in the Republic of South Africa are categorised as follows:

Category	Nuclear Installation
Category 1	Koeberg Nuclear Power Station
Category 2	The following nuclear installations on the Necsa Pelindaba site- <ul style="list-style-type: none"> • SAFARI-1 Research Reactor; • P2700 Complex (UCHEM); • ELPROD in Building P2500; and • NTP Radiochemicals Complex (Hot Cell Complex).
Category 3	Vaalputs National Radioactive Waste Disposal Facility

The following nuclear installations on the Necsa Pelindaba site-

- Thabana Complex
- HEU Vault
- A-8 Decontamination Facility
- Building A-West Drum Store
- UMET in Building P2600
- Conversion Plant Complex
- Area 14 Waste Management Complex
- Quarantine Storage Facility
- V-YB Pelindaba East Bus Shed Complex;
- Pelindaba East Evaporation Ponds Complex
- Oil Purification Facility
- Area 21 Storage Facility
- Beva K3 Storage Complex
- Area 16 Complex
- Area 40 Complex
- Area 27 De-Heeling Facility
- J-Building;
- D-Building;
- C-Building
- Building P2900
- Building XB
- Beva Evaporation Ponds
- Building P-2800
- Area 26
- E-Building
- Dorbyl Camp
- X-Building
- Building P-1500
- YM Vacuum Workshop
- V-H Building Laboratories
- P-1900 Laboratories
- P-1600 Laboratories
- Fuel Development Laboratories Complex
- Pelindaba Analytical Laboratories (PAL) in Building BEVA- E1
- Liquid Effluent Treatment facility
- B-1 Building Basement

4. Level of financial security to be provided

- (1) The level of financial security to be provided by holders of nuclear installation licences in respect of each of the categories mentioned in paragraph 3 is determined to be-
 - (a) Category 1: The equivalent of 367 million SDRs.
 - (b) Category 2: The equivalent of 44 million SDRs
 - (c) Category 3: The equivalent of 6 million SDRs.

5. Manner in which financial security is to be provided

- (1) Financial security must be provided by way of-
 - (a) an insurance policy issued by a duly registered insurance company and acceptable to the Board of the Regulator, or
 - (b) a monetary guarantee issued by a duly registered bank and acceptable to the Board of the Regulator.
- (2) A nuclear authorisation holder must annually review the financial security provided against the level of financial security to be provided in terms of paragraph 4(1).
- (3) The exchange rate used in the determination of the level of financial security must be the yearly average exchange rate at 31 December, as determined by the International Monetary Fund, for the year under review.
- (4) Where the level of financial security has been devalued, the level of financial security must be updated to match the value specified in subparagraph (3).
- (5) The nuclear authorisation holder must annually, by 31 March, submit proof to the Regulator of the review and the financial security provided.

6. Financial security in respect of more than one nuclear installation licence

- (1) A holder of more than one nuclear installation licence relating to installations situated on a single site may provide financial security for nuclear damage at the level of the nuclear installations in the highest category.
- (2) Such financial security must cover all nuclear installations on the site.

7. General

- (1) Government Notice No.581 of 7 May 2004 is repealed.
- (2) This Notice will come into operation on 1 April 2020.

DEPARTEMENT VAN ENERGIE

NO. R. 1342

18 OKTOBER 2019

WET OP DIE NASIONALE KERNREGULEERDER, 1999 (WET NO. 47 VAN 1999)**KATEGORISERING VAN DIE VERSKEIE KERNINSTALLASIES IN DIE REPUBLIEK, DIE VLAK VAN FINANSIËLE SEKERHEID WAT DEUR HOUERS VAN LISENSIES VIR KERNINSTALLASIES VIR ELKE KATEGORIE VAN KERNINSTALLASIE VOORSIEN STAAN TE WORD EN DIE WYSE WAAROP DAARDIE FINANSIËLE SEKERHEID VOORSIEN STAAN TE WORD**

Kragtens die bevoegdheids aan my verleen deur artikel 29(1) en (2) van die Wet op die Nasionale Kernreguleerder, 1999 (Wet No. 47 van 1999), vervang ek, Samson Gwede Mantashe, die Minister van Minerale Bronne en Energie, op aanbeveling van die Raad van Direkteure van die Nasionale Kernreguleerder en in oorleg met die Minister van Finansies, die kategorieë en bepalings uitgereik kragtens Goewermentskennisgewing No. 581 van 7 Mei 2004, met die kategorieë en bepalings in hierdie Bylae.

SAMSON GWEDE MANTASHE, LP
Minister van Minerale Bronne en Energie
Datum:
BYLAE

INHOUDSOPGAWE

1. Doel
2. Woordomskrywing
3. Kategorisering van kerninstallasies
4. Vlak van finansiële sekerheid wat voorsien moet word
5. Wyse waarop finansiële sekerheid voorsien moet word
6. Finansiële sekerheid ten opsigte van meer as een kerninstallasielisensie
7. Algemeen

No. xxxxx

STAATSKOERANT

dd/mm/jjjj

1. Doel

Die doel van hierdie Kennisgewing is om—

- (a) die verskeie kerninstallasies in die Republiek te kategoriseer, op grond van die potensiële gevolge van 'n kernongeluk;
- (b) die vlak van finansiële sekerheid te bepaal wat deur houers van kerninstallasielisensies vir daardie kategorieë voorsien moet word; en
- (c) die wyse te bepaal waarop daardie finansiële sekerheid voorsien moet word.

2. Woordoms krywing

In hierdie Kennisgewing het 'n woord of uitdrukking waaraan 'n betekenins in die Wet op die Nasionale Kernreguleerder, 1999 (Wet No. 47 van 1999), toegeskryf is en, tensy dit uit die samehang anders blyk, beteken—

"gebruikte brandstof" die kernbrandstof uit 'n reaktor verwyder ná bestraling, wat nie meer in die huidige vorm daarvan bruikbaar is nie weens die uitputting van splytbare materiaal, die opbou van gif of bestralingskade;

"kernbrandstof" kernbrandstof soos in artikel 1 van die Wet op Kernenergie, 1999 (Wet No. 46 van 1999), omskryf;

"spesiale kernmateriaal" enige materiaal kragtens artikel 2(c) van die Wet op Kernenergie, 1999, tot spesiale kernmateriaal verklaar;

"spesiale trekkingsreg of SDR" die rekeneenheid deur die Internasionale Monetêre Fonds omskryf en deur die Internasionale Monetêre Fonds gebruik vir sy eie bedrywighede en transaksies.

3. Kategorisering van kerninstallasies

(a) **Kategorie 1**

- (i) Enige kernreaktor, behalwe een wat beoog is as 'n aandrywingsmiddel vir enige see- of lugvervoer, met 'n termiesedrywingsvlak van meer as 100 MW.
- (ii) Enige kerninstallasie ontwerp of aangepas vir of wat die uitvoer van enige proses wat kernbrandstof of die herverwerking van kernbrandstof of gebruikte brandstof vir 'n reaktor in subitem (i) bedoel, kan behels.
- (iii) Enige kerninstallasie waar permanent van gebruikte brandstof weggedoen kan word of waar gebruikte brandstof opgeberg word, wat meer as die ekwivalent van 'n 3000 MW(th) reaktorkern bevat.

(b) **Kategorie 2**

- (i) Enige kernreaktor, behalwe een wat beoog is as 'n aandrywingsmiddel vir enige see- of lugvervoer, met termiesedrywingsvlakke groter as 2 MW en minder as 100 MW.
- (ii) Enige kerninstallasie ontwerp of aangepas vir of wat die uitvoer van enige proses wat die verwerking of herverwerking van kernbrandstof, gebruikte brandstof vir 'n reaktor bedoel in subitem (1) of bestraalde spesiale kernmateriaal, kan behels.
- (iii) Enige kerninstallasie waar permanent van gebruikte brandstof weggedoen kan word of waar gebruikte brandstof opgeberg kan word tussen die ekwivalent van 'n 10 tot 'n 3000 MW(th) reaktorkern.

(c) **Kategorie 3**

Enige ander kerninstallasie nie in Kategorie 1 of 2 gemeld nie.

- (2) Gegrand op die kategoriseringskema hierbo, word die kerninstallasies in die Republiek van Suid-Afrika soos volg gekategoriseer.

Kategorie	Kerninstallasie
Kategorie 1	Koeberg-kernkragstasie
Kategorie 2	<p>Die volgende kerninstallasies op die Necsa Pelindaba-terrein:</p> <ul style="list-style-type: none"> • SAFARI-1 navorsingsreaktor; • P2700 kompleks (UCHEM); • ELPROD in gebou P2500; en • NTP-radiochemiese kompleks (Warmselekompleks).
Kategorie 3	Vaalputs Nasionale Fasiliteit vir die Wegdoening van Radioaktiewe Afval
	<p>Die volgende kerninstallasies op die Necsa Pelindaba-terrein:</p> <ul style="list-style-type: none"> • Thabana-kompleks • HEU-kluis • A-8-ontsmettingsfasiliteit • Gebou A – Westelike dromstoor • UMET in gebou P2600 • Omskakelingsplant-kompleks • Area 14 - Afvalbestuurkompleks • Kwarantynopbergingsfasiliteit • V-YB Pelindaba-oos busloodskompleks; • Pelindaba-oos verdampingsdammekompleks • Oliesuiweringsfasiliteit • Area 21-opbergingsfasiliteit • Beva K3-opbergingskompleks • Area 16-kompleks • Area 40-kompleks • Area 27-De-Heeling-fasiliteit • J-gebou;

Kategorie	Kerninstallasie
	<ul style="list-style-type: none"> • D-gebou; • C-gebou; • Gebou P2900 • Gebou XB • Beva-verdampingsdamme • Gebou P-2800 • Area 26 • E-gebou • Dorbyl-kamp • X-gebou • Gebou P-1500 • YM-vakuumwerkswinkel • V-H-gebou - laboratoriums • P-1900 laboratoriums • P-1600 laboratoriums • Laboratoriumkompleks vir brandstofontwikkelings • Pelindaba analitiese laboratoriums (PAL) in gebou BEVA- El • Behandelingsfasiliteit vir vloeibare uitvloeisel • B-1-gebou kelder

4. Vlak van finansiële sekerheid wat voorsien moet word

- (1) Daar word hierby bepaal dat die vlak van finansiële sekerheid wat houers van kerninstallasielisensies ten opsigte van elk van die kategorieë in paragraaf 3 gemeld moet betaal, die volgende is:
- (a) **Kategorie 1:** Die ekwivalent van 367 miljoen SDR.
 - (b) **Kategorie 2:** Die ekwivalent van 44 miljoen SDR
 - (c) **Kategorie 3:** Die ekwivalent van 6 miljoen SDR.

5. Wyse waarop finansiële sekerheid voorsien moet word

- (1) Finansiële sekerheid moet voorsien word by wyse van—

- (a) 'n versekeringspolis uitgereik deur 'n behoorlik geregistreerde versekeringsmaatskappy wat vir die Raad van die Reguleerder aanvaarbaar is; of
 - (b) 'n monetêre waarborg uitgereik deur 'n behoorlik geregistreerde bank wat vir die Raad van die Reguleerder aanvaarbaar is.
- (2) 'n Kernmagtigingshouer moet jaarliks die voorsiene finansiële sekerheid hersien teenoor die finansiële sekerheid wat ingevolge paragraaf 4(1) voorsien moet word.
 - (3) Die wisselkoers gebruik by die bepaling van die vlak van finansiële sekerheid moet die jaarlikse gemiddelde wisselkoers op 31 Desember wees, soos bepaal deur die Internasionale Monetêre Fonds, vir die jaar onder hersiening.
 - (4) Waar die vlak van finansiële sekerheid in waarde verminder het, moet die vlak van finansiële sekerheid opgegradeer word om die waarde in subparagraaf (3) gespesifiseer, te ewenaar.
 - (5) Die kernmagtigingshouer moet jaarliks, teen 31 Maart, bewys aan die Reguleerder lewer van die hersiening en die finansiële sekerheid wat voorsien is.

6. Finansiële sekerheid ten opsigte van meer as een kerninstallasielisensie

- (1) 'n Houer van meer as een kerninstallasielisensie vir installasies wat op dieselfde terrein is, kan finansiële sekerheid voorsien vir kernskade op die vlak van die kerninstallasies in die hoogste kategorie.
- (2) Sodanige finansiële sekerheid moet alle kerninstallasies op die terrein dek.

7. Algemeen

- (1) Goewermentskennisgewing No. 581 van 7 Mei 2004 word herroep.
- (2) Hierdie Kennisgewing tree op 1 April 2020 in werking.

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 1343

18 OCTOBER 2019

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

**AMENDMENT OF 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), and with the approval of the Minister of Justice and Correctional Services, made the rules in the Schedule.

SCHEDULE**GENERAL EXPLANATORY NOTE:**

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

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

Definition

1. In this Schedule the "Rules" means the Rules Regulating the Conduct of the Proceedings of the Several Provincial and Local Divisions of the High Court of South Africa published under Government Notice No. R. 48 of 12 January 1965, as amended by Government Notice Nos. R. 235 of 18 February 1966, R. 2004 of 15 December 1967, R. 3553 of 17 October 1969, R. 2021 of 5 November 1971, R. 1985 of 3 November 1972, R. 480 of 30 March 1973, R. 639 of 4 April 1975, R. 1816 of 8 October 1976, R. 1975 of 29 October 1976, R. 2477 of 17 December 1976, R. 2365 of 18 November 1977, R. 1546 of 28 July 1978, R. 1577 of 20 July 1979, R. 1535 of 25 July 1980, R. 2527 of 5 December 1980, R. 500 of 12 March 1982, R. 773 of 23 April 1982, R. 775 of 23 April 1982, R. 1873 of 3 September 1982, R. 2171 of 6 October 1982, R. 645 of 25 March 1983, R. 841 of 22 April 1983, R. 1077 of 20 May 1983, R. 1996 of 7 September 1984,

R. 2094 of 13 September 1985, R. 810 of 2 May 1986, R. 2164 of 2 October 1987, R. 2642 of 27 November 1987, R. 1421 of 15 July 1988, R. 210 of 10 February 1989, R. 608 of 31 March 1989, R. 2628 of 1 December 1989, R. 185 of 2 February 1990, R. 1929 of 10 August 1990, R. 1262 of 30 May 1991, R. 2410 of 30 September 1991, R. 2845 of 29 November 1991, R. 406 of 7 February 1992, R. 1883 of 3 July 1992, R. 109 of 22 January 1993, R. 960 of 28 May 1993, R. 974 of 1 June 1993, R. 1356 of 30 July 1993, R. 1843 of 1 October 1993, R. 2365 of 10 December 1993, R. 2529 of 31 December 1993, R. 181 of 28 January 1994, R. 411 of 11 March 1994, R. 873 of 31 May 1996, R. 1063 of 28 June 1996, R. 1557 of 20 September 1996, R. 1746 of 25 October 1996, R. 2047 of 13 December 1996, R. 417 of 14 March 1997, R. 491 of 27 March 1997, R. 700 of 16 May 1997, R. 798 of 13 June 1997, R. 1352 of 10 October 1997, R. 785 of 5 June 1998, R. 881 of 26 June 1998, R. 1024 of 7 August 1998, R. 1723 of 30 December 1998, R. 315 of 12 March 1999, R. 568 of 30 April 1999, R. 1084 of 10 September 1999, R. 1299 of 29 October 1999, R. 502 of 19 May 2000, R. 849 of 25 August 2000, R. 373 of 30 April 2001, R. 1088 of 26 October 2001, R. 1755 of 5 December 2003, R. 229 of 20 February 2004, R. 1343 of 12 December 2008, R. 1345 of 12 December 2008, R. 516 of 8 May 2009, R. 518 of 8 May 2009, R. 86 of 12 February 2010, R. 87 of 12 February 2010, R. 88 of 12 February 2010, R. 89 of 12 February 2010, R. 90 of 12 February 2010, R. 500 of 11 June 2010, R. 591 of 09 July 2010, R. 980 of 19 November 2010, R. 981 of 19 November 2010, R. 464 of 22 June 2012, R. 992 of 7 December 2012, R. 114 of 15 February 2013, R. 262 of 12 April 2013, R. 471 of 12 July 2013, R. 472 of 12 July 2013, R. 759 of 11 October 2013, R. 212 of 28 March 2014, R. 213 of 28 March 2014, R. 214 of 28 March 2014, R. 30 of 23 January 2015, R. 31 of 23 January 2015, R. 317 of 17 April 2015, R. 781 of 31 August 2015, R. 3 of 19 February 2016, R. 678 of 3 June 2016, R. 1055 of 29 September 2017, R. 1272 of 17 November 2017, R. 1318 of 30 November 2018, R. 61 of 25 January 2019 and R. 842 of 31 May 2019.

Substitution of rule 1 of the Rules

2. The following rule is hereby substituted for rule 1 of the Rules:

"1 Definitions

In these Rules and attached forms, unless the context otherwise indicates—

'Act' [shall] means the [Supreme Court Act, 1959 (Act 59 of 1959)] Superior Courts Act, 2013 (Act No. 10 of 2013);

'action' [shall] means a proceeding commenced by summons;

'advocate' [shall include a person referred to in section one of the Natal Advocates and Attorneys Preservation of Rights Act, 1939 (Act 27 of 1939)] means a legal practitioner as defined, admitted and enrolled as such, under the Legal Practice Act, 2014 (Act No. 28 of 2014);

'application' means a proceeding commenced by notice of motion or other forms of applications provided for by rule 6;

'attorney' [shall] means [an attorney admitted, enrolled and entitled to practise as such in the division concerned] a legal practitioner as defined, admitted and enrolled as such, under the Legal Practice Act, 2014 (Act No. 28 of 2014);

[civil summons' means a civil summons as defined in the Act;]

'combined summons' [shall] means a summons with [a statement] particulars of plaintiff's claim annexed thereto in terms of subrule (2) of rule 17;

'court' in relation to civil matters [shall mean a court constituted in terms of section thirteen of the Act] means the High Court as referred to in section 6 of the Act;

'court day' [shall mean any day other than a Saturday, Sunday or Public Holiday,] means a day that is not a public holiday, Saturday or Sunday and only court days shall be included in the computation of any time expressed in days prescribed by these rules or fixed by any order of court;

'deliver' [shall] means to serve copies on all parties and file the original with the registrar;

'judge' [shall] means a judge sitting otherwise than in open court;

['judge-president' . . .]

'Master' [shall] means the Master of the [Supreme Court] High Court as defined in the Administration of Estates Act, 1965 (Act No. 66 of 1965);

'mutatis mutandis' means 'subject to the necessary changes';

'party' or any reference to a plaintiff or other litigant in terms, [shall] includes [his] such party's attorney with or without an advocate, as the context may require;

'registrar' [shall] includes an assistant registrar;

['Republic' shall include the territory of South West Africa;]

'sheriff' [shall] means a person appointed in terms of section 2 of the Sheriffs' Act, 1986 (Act No. 90 of 1986), and [shall] includes a person appointed in terms of section 5 and section 6 of that Act as an acting sheriff and a deputy sheriff, [respectively] and a person designated to serve process in terms of section 6A of the said Act."

Substitution of rule 2 of the Rules

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

"2 Sittings of the Court and [Vacations] recess periods

(1) Notice of the terms and sessions of [the court of] every [provincial or local division prescribed by the Judge-President in terms] Division of the High Court, as determined by the Chief Justice [in terms of] under the provisions of section [forty-three of the Act] 9(2) of the Act, shall be published in the [Government] Gazette and a copy thereof shall be affixed to the public notice-board at the office of the registrar.

(2) If the day prescribed for the commencement of a civil term or a criminal session is not a court day, the term or session shall commence on the next succeeding court day and, if the day prescribed for the end of a term or session is not a court day, the term or session shall end on the court day preceding.

(3) The periods between the said terms shall be [vacations] recess, during which, subject to the provisions of subrule (4), the ordinary business of the court shall be suspended, but at least one judge shall be available on such days to perform such duties as the Judge [-] President shall direct.

(4) During and out of term such judges shall sit on such days for the discharge of such business as the Judge [-] President may direct.

(5) **[If it appears convenient to the presiding judge, the court may sit at any place or at a time other than a time prescribed in terms of these rules or any rules under paragraph (b) of sub-section (2) of section forty-three of the Act, and may sit at any time during vacation.]**

(a) If it appears to the Judge President of a Division that it is expedient or in the interests of justice for the court to sit at a time other than any prescribed time, the Judge President may direct that the court sits at such other time, including during recess periods.

(b) If it appears to the Judge President of a Division that it is expedient or in the interests of justice to hold a sitting of the court for the hearing of any matter at a place elsewhere than at the seat or a local seat of the Division, the Judge President may, in accordance with the provisions of section 6(7) of the Act, hold a sitting of the court at such other place."

Substitution of rule 4 of the Rules

4. Rule 4 of the Rules, is hereby amended -

(a) by the substitution for subrule (1) of the following subrule :

"(1) (a) Service of any process of the court directed to the sheriff and subject to the provisions of paragraph (aA) any document initiating application proceedings shall be effected by the sheriff in one or other of the following manners:

(i) **[By] by** delivering a copy thereof to the said person personally: Provided that where such person is a minor or a person under legal disability, service shall be effected upon the guardian, tutor, curator or the like of such minor or person under disability;

(ii) by leaving a copy thereof at the place of residence or business of the said person, guardian, tutor, curator or the like with the person apparently in charge of the premises at the time of delivery, being a person apparently not less than sixteen years of age. For the purposes of this paragraph when a building, other than an hotel, boarding-house, hostel or similar residential building, is occupied by more than one person or family, 'residence' or 'place of business' means that portion of the building occupied by the person upon whom service is to be effected;

- (iii) by delivering a copy thereof at the place of employment of the said person, guardian, tutor, curator or the like to some person apparently not less than sixteen years of age and apparently in authority over **[him] such person**;
- (iv) if the person so to be served has chosen a *domicilium citandi*, by delivering or leaving a copy thereof at the *domicilium* so chosen;
- (v) in the case of a corporation or company, by delivering a copy to a responsible employee thereof at its registered office or its principal place of business within the court's jurisdiction, or if there be no such employee willing to accept service, by affixing a copy to the main door of such office or place of business, or in any manner provided by law;
- (vi) by delivering a copy thereof to any agent who is duly authorized in writing to accept service on behalf of the person upon whom service is to be effected;
- (vii) where any partnership, firm or voluntary association is to be served, service shall be effected in the manner referred to in paragraph (ii) at the place of business of such partnership, firm or voluntary association and if such partnership, firm or voluntary association has no place of business, service shall be effected on a partner, the proprietor or the **[chairman] chairperson** or secretary of the committee or other managing body of such association, as the case may be, in one of the manners set forth in this rule;
- (viii) where a local authority or statutory body is to be served, service shall be effected by delivering a copy to the **[town clerk or assistant town clerk or mayor] municipal manager or a person in attendance at the municipal manager's office** of such local authority, or to the secretary or similar officer or member of the board or committee of such body, or in any manner provided by law; or
- (ix) if two or more persons are sued in their joint capacity as trustees, liquidators, executors, administrators, curators or guardians, or in any other joint representative capacity, service shall be effected upon each of them in any manner set forth in this rule;

Provided that where service has been effected in accordance with subparagraphs (ii); (iii); (iv); (v) and (vii) of subparagraph (a), the sheriff shall in the return of service set out the details of the manner and circumstances under which such service was effected.

(aA) Where the person to be served with any document initiating application proceedings is already represented by an attorney of record, such document may be served upon such attorney by the party initiating such proceedings.

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

(c) No service of any civil summons, order or notice and no proceedings or act required in any civil action, except the issue or execution of a warrant of arrest, shall be validly effected on a Sunday unless the court or a judge otherwise directs.

(d) It shall be the duty of the sheriff or other person serving the process or documents to explain the nature and contents thereof to the person upon whom service is being effected and to state in **[his] a** return or affidavit or on the signed receipt that **[he] the person serving the process or document has done so."**

(b) by the substitution in subrule (3) for paragraph (b) of the following paragraph:

“(b) by any person referred to in sub-paragraph (i) or (ii) of paragraph (a), if the law of such country permits [him] such person to serve such process or document or if there is no law in such country prohibiting such service and the authorities of that country have not interposed any objection thereto.”

(c) by the substitution in subrule (5) for paragraphs (b) and (c) of the following paragraphs:

“(b) Any process of court or document to be served as provided in subrule (3), shall be delivered to the registrar **[together with revenue stamps to the value of R150,00 fixed thereto: Provided that no revenue stamps shall be required where service is to be effected on behalf of the Government of the Republic]**.

(c) Any process of court or document delivered to the registrar in terms of paragraph (b) shall **[, after defacement of the revenue stamps affixed thereto,]** be transmitted by [him] the registrar together with the translation referred to in paragraph (a), to the Director-General: **[of Foreign Affairs or International Relations and Cooperation** to a destination indicated by the Director-General: **[of Foreign Affairs,] International Relations and Cooperation** for service in the foreign country concerned. The registrar **[shall satisfy himself must be satisfied]** that the process of court or document allows a sufficient period for service to be effected in good time.”

(d) by the substitution in subrule (6) for paragraph (b) of the following paragraph:

“(b) Where service has not been effected by the sheriff, nor in terms of subrule (3) or (4), by an affidavit of the person who effected service, or in the case of service on an attorney or a member of [his] such attorney's staff, the Government of the Republic, **[the Administration of any Province]** or on any Minister, **[Administrator] Premier or a Member of an Executive Council**, or any other officer of such Government or **[Administration] Province**, in [his] such person's official capacity **[as such,]** by the production of a signed receipt therefor.”

(e) by the substitution in subrule (6A) for paragraph (b) of the following paragraph:

“(b) The said person shall file each such document on behalf of the person who effected service with the registrar when—

- (i) [he] such person sets the matter in question down for any purpose;
- (ii) it comes to [his] such person's knowledge in any manner that the matter is being defended;
- (iii) the registrar requests filing;

(iv) **[his] the mandate to act on behalf of a party, if [he] such person is a legal practitioner, is terminated in any manner.**"

(f) by the substitution in subrule (7) for paragraphs (a) and (b) of the following paragraphs:

"(a) by a certificate of the person effecting service in terms of paragraph (a) of subrule (3) or subrule (4) in which [he] the person identifies himself or herself, states that he or she is authorized under the law of that country to serve process of court or documents therein and that the process of court or document in question has been served as required by the law of that country and sets forth the manner and the date of such service: Provided that the certificate of a person referred to in subrule (4) shall be duly authenticated; or

(b) by a certificate of the person effecting service in terms of paragraph (b) of subrule (3) in which [he] such person states that the process of court or document in question has been served [by him], setting forth the manner and date of such service and affirming that the law of the country concerned permits [him] such person to serve process of court or documents or that there is no law in such country prohibiting such service and that the authorities of that country have not interposed any objection thereto."

(g) by the substitution for subrule (10) of the following subrule:

"(10) Whenever the court is not satisfied as to the effectiveness of the service, it may order such further steps to be taken as [to it seems meet] it deems fit."

(h) by the substitution for subrule (11) of the following subrule:

"(11) Whenever a request for the service on a person in the Republic of any civil process or citation is received from a State, territory or court outside the Republic and is transmitted to the registrar of a provincial or local division [in terms] under the provisions of subsection (2) of section [thirty-three] 40 of the Act, the registrar shall transmit to the sheriff or a sheriff or any person appointed by a judge of the division concerned for service of such process or citation—

(a) two copies of the process or citation to be served; and

(b) two copies of a translation in English [or Afrikaans] of such process or citation if the original is in any other language."

(i) by the substitution in subrule (13) for the words preceding paragraph (a) of the following words:

"(13) After service has been effected the sheriff [or the sheriff] or the person appointed for the service of such process or citation shall return to the registrar of the division concerned one copy of the process or citation together with—"

(j) by the substitution for subrule (14) of the following subrule:

“(14) The particulars of charges for the cost of effecting service under subrule (11) shall be submitted to the taxing **[officer]** master of the division concerned, who shall certify the correctness of such charges or other amount payable for the cost of effecting service.”

(k) by the substitution in subrule (15) for the words preceding paragraph (a) of the following words:

“(15) The registrar concerned shall, after effect has been given to any request for service of civil process or citation, return to the Director-General of **[Justice-]** the Department responsible for the administration of justice—”

Substitution of rule 19 of the Rules

5. Rule 19 of the Rules, is hereby amended-

(a) by the substitution for subrule (1) of the following subrule:

(1) Subject to the provisions of section **[27]** 24 of the Act, the defendant in every civil action shall be allowed **[ten]** 10 days, after service of summons on **[him]** such defendant, within which to deliver a notice of intention to defend, either personally or through **[his]** an attorney: Provided that the days between 16 December and 15 January, both inclusive, shall not be counted in the time allowed within which to deliver a notice of intention to defend.”

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

“(2) In an action against any Minister, Deputy Minister, **[Administrator]** Premier or a Member of an Executive Council, officer or servant of the State, in **[his]** an official capacity, or the State [or the administration of a province], the time allowed for delivery of notice of intention to defend shall not be less than 20 days after service of summons, unless the court has specially authorised a shorter period.”

(c) by the substitution for subrule (4) of the following subrule:

“(4) A party shall not by reason of **[his]** delivery of notice of intention to defend be deemed to have waived any right to object to the jurisdiction of the court or to any irregularity or impropriety in the proceedings.”

Amendment of rule 23 of the Rules

6. Rule 23 of the Rules is hereby amended—

(a) by the substitution for subrule (1) of the following subrule:

“(1) Where any pleading is vague and embarrassing, or lacks averments which are necessary to sustain an action or defence, as the case may be, the opposing party may, within the period allowed for filing any subsequent pleading, deliver an exception thereto and may apply to the registrar to set it down for hearing [in terms of paragraph (f) of subrule (5) of rule (6)] within 15 days after the delivery of such exception: Provided that—

(a) where a party intends to take an exception that a pleading is vague and embarrassing [he] such party shall, [within the period allowed as aforesaid] by notice, within 10 days of receipt of the pleading, afford [his opponent] the party delivering the pleading, an opportunity [of removing] to remove the cause of complaint within 15 days of such notice; [:] [Provided further that] and

(b) the party excepting shall, within [ten] 10 days from the date on which a reply to [such] the notice referred to in paragraph (a) is received, or [from the date on] within 15 days from which such reply is due, deliver [his] the exception.”

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

“(2) Where any pleading contains averments which are scandalous, vexatious, or irrelevant, the opposite party may, within the period allowed for filing any subsequent pleading, apply for the striking out of the aforesaid matter [aforesaid], and may set such application down for hearing [in terms of paragraph (f) of subrule (5) of rule 6,] within five days of expiry of the time limit for the delivery of an answering affidavit or, if an answering affidavit is delivered, within five days after the delivery of a replying affidavit or expiry of the time limit for delivery of a replying affidavit, referred to in rule 6(5)(f): [but] Provided that—

(a) the party intending to make an application to strike out shall, by notice delivered within 10 days of receipt of the pleading, afford the party delivering the pleading an opportunity to remove the cause of complaint within 15 days of delivery of the notice of intention to strike out; and

(b) the court shall not grant the [same] application unless it is satisfied that the applicant will be prejudiced in the conduct of [his] any claim or defence if [it be] the application is not granted.”

Amendment of rule 68 of the Rules

7. Rule 68 of the Rules is hereby amended by the substitution for item 3(a) of the Tariff of the following item:

" 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] <u>6,00</u> ."

Commencement

8. These Rules shall come into effect on **22 November 2019**.

DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

NO. R. 1343

18 OKTOBER 2019

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

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

BYLAE

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde of uitdrukkings in vet druk tussen vierkantige hake dui skrapings uit bestaande reëls aan.

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

Woordomskrywing

1. In hierdie Bylae beteken die "Reëls", die Reëls waarby die verrigtinge van die verskillende Provinsiale en Plaaslike Afdelings van die Hoë Hof van Suid-Afrika gereël word soos gepubliseer in Goewermentskennisgewing No. R. 48 van 12 Januarie 1965 en 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 van 31 Maart 1989, R. 2628 van 1 Desember 1989, R. 185 van 2 Februarie 1990, R. 1929 van 10 Augustus 1990, R. 1262 van 30 Mei 1991, R. 2410 van 30 September 1991, R. 2845 van 29 November 1991, R. 406 van 7 Februarie 1992, R. 1883 van 3

Julie 1992, R. 109 van 22 Januarie 1993, R. 960 van 28 Mei 1993, R. 974 van 1 Junie 1993, R. 1356 van 30 Julie 1993, R. 1843 van 1 Oktober 1993, R. 2365 van 10 Desember 1993, R. 2529 van 31 Desember 1993, R. 181 van 28 Januarie 1994, R. 411 van 11 Maart 1994, R. 873 van 31 Mei 1996, R. 1063 van 28 Junie 1996, R. 1557 van 20 September 1996, R. 1746 van 25 Oktober 1996, R. 2047 van 13 Desember 1996, R. 417 van 14 Maart 1997, R. 491 van 27 Maart 1997, R. 700 van 16 Mei 1997, R. 798 van 13 Junie 1997, R. 1352 van 10 Oktober 1997, R. 785 van 5 Junie 1998, R. 881 van 26 Junie 1998, R. 1024 van 7 Augustus 1998, R. 1723 van 30 Desember 1998, R. 315 van 12 Maart 1999, R. 568 van 30 April 1999, R. 1084 van 10 September 1999, R. 1299 van 29 Oktober 1999, R. 502 van 19 Mei 2000, R. 849 van 25 Augustus 2000, R. 373 van 30 April 2001, R. 1088 van 26 Oktober 2001, R. 1755 van 5 Desember 2003, R. 229 van 20 Februarie 2004, R. 1343 van 12 Desember 2008, R. 1345 van 12 Desember 2008, R. 516 van 8 Mei 2009, R. 518 van 8 Mei 2009, R. 86 van 12 Februarie 2010, R. 87 van 12 Februarie 2010, R. 88 van 12 Februarie 2010, R. 89 van 12 Februarie 2010, R. 90 van 12 Februarie 2010, R. 500 van 11 Junie 2010, R. 591 van 09 Julie 2010, R. 980 van 19 November 2010, R. 981 van 19 November 2010, R. 464 van 22 Junie 2012, R. 992 van 7 Desember 2012, R. 114 van 15 Februarie 2013, R. 262 van 12 April 2013, R. 471 van 12 Julie 2013, R. 472 van 12 Julie 2013, R. 759 van 11 Oktober 2013, R. 212 van 28 Maart 2014, R. 213 van 28 Maart 2014, R. 214 van 28 Maart 2014, R. 30 van 23 Januarie 2015, R. 31 van 23 Januarie 2015, R. 317 van 17 April 2015, R. 781 van 31 Augustus 2015, R. 3 van 19 Februarie 2016 and R. 678 van 3 Junie 2016, R. 1055 van 29 September 2017, R. 1272 van 17 November 2017, R. 1318 van 30 November 2018, R. 61 van 25 Januarie 2019 en R. 842 van 31 Mei 2019.

Vervanging van reël 1 van die Reëls

2. Reël 1 van die Reëls word hierby deur die volgende Reël vervang:

“1 Woordbepaling

In hierdie reëls en aangehegte vorms, tensy uit die samehang anders blyk, beteken-
‘aansoek’ ’n verrigting deur kennisgewing van mosie begin of ander vorme van
aansoeke deur reël 6 voor voorsiening gemaak;

**‘advokaat’ [ook ’n persoon in artikel een van die Natalse Advokate en Prokureurs
Behoud van Regte Wet, 1939 (Wet 27 van 1939) bedoel] ’n regspraktisyn kragtens die
‘Legal Practice Act’, 2014 (Wet No. 28 van 2014), as sodanig omskryf, toegelaat en
ingeskryf;**

**‘aflewer’ die betekening van afskrifte aan alle partye en die indiening van die
oorspronklike by die griffier;**

‘aksie’ ’n verrigting wat met ’n dagvaarding begin is;

**‘balju’ ’n persoon aangestel kragtens artikel 2 van die Wet op Balju's, 1986 (Wet No. 90
van 1986), en ook ’n persoon aangestel kragtens artikel 5 en artikel 6 van daardie Wet
as [onderskeidelik] ’n waarnemende balju en ’n adjunk-balju, en ’n persoon ingevolge
artikel 6A van die genoemde Wet aangewys om prosesstukke te beteken;**

'gekombineerde dagvaarding' 'n dagvaarding met [**n opgawe van feite**] besonderhede van die eiser se eis daaraan geheg soos bedoel in subreël (2) van reël 17;

'griffier' ook 'n assistent-griffier;

'hof' met betrekking tot siviele aangeleenthede, [**n hof saamgestel ingevolge artikel dertien van die Wet**] die Hooggeregshof soos bedoel in artikel 6 van die Wet;

'hofdag' enige dag wat nie 'n openbare vakansiedag, Saterdag[,], of Sondag [**of openbare vakansiedag**] is nie, en by dié berekening van 'n tydperk van dae by dié reëls voorgeskryf of in 'n hofbevel bepaal, word slegs hofdae ingesluit;

'Meester' die Meester van die Hooggeregshof soos in die Boedelwet, 1965 (Wet No. 66 van 1965), omskryf;

'mutatis mutandis' 'onderworpe aan die nodige veranderinge';

'party' of 'n uitdruklike verwysing na 'n eiser of ander gedingvoerder, ook [**sy**] die party se prokureur met of sonder 'n advokaat, soos die samehang mag vereis;

'prokureur' [**n prokureur wat in die betrokke afdeling toegelaat en ingeskryf is, en geregtig is om as sodanig aldaar te praktiseer**] 'n regspraktisyn kragtens die 'Legal Practice Act', 2014 (Wet No. 28 van 2014), as sodanig omskryf, toegelaat en ingeskryf;

'regter' 'n regter wat elders as in die ope hof sit; en

['regter-president

'Republiek' ook die gebied Suidwes-Afrika;

'siviele dagvaarding' 'n siviele dagvaarding soos in die Wet omskryf;]

'Wet' die Wet op [**die Hooggeregshof, 1959 (Wet 59 van 1959)**] Hoër Howe, 2013 (Wet No. 10 van 2013)."

Vervanging van reël 2 van die Reëls

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

"2 Sittings van die hof en [**vakansies**] resestydperke

(1) Die termyne en sittings van [**die hof van**] elke [**provinsiale en plaaslike afdeling soos deur die regter-president ingevolge**] afdeling van die hooggeregshof, soos deur die Hoofregter bepaal kragtens die bepalinge van artikel [**drie-en-veertig van die Wet voorgeskryf**] 9(2) van die Wet, word in die *Staatskoerant* aangekondig en 'n afskrif daarvan word op die openbare kennisgewingsbord by die kantoor van die griffier aangebring.

(2) As die eerste dag van 'n voorgeskrewe siviele termyn of strafsitting nie 'n hofdag is nie, begin die termyn of sitting op die eersvolgende hofdag en, as die laaste dag nie 'n hofdag is nie, eindig die termyn of sitting op die voorafgaande hofdag.

(3) Die tydperke tussen genoemde termyn is [vakansie] reses en die gewone werksaamhede van die hof word dan opgeskort, onderworpe aan subreël (4), maar minstens een regter bly beskikbaar vir werksaamhede *en* op dae deur die regter-president bepaal.

(4) Te alle tye sit dié regters op dié dae vir affhandeling van dié werksaamhede wat die regter-president bepaal.

(5) [As 'n voorsittende regter dit geleë ag, kan die hof op enige plek of op ander tye sit as dié wat voorgeskryf is ingevolge hierdie reëls of reëls uitgevaardig kragtens paragraaf (b) van sub-artikel (2) van artikel *drie-en-veertig* van die Wet, en die hof kan te eniger tyd gedurende 'n vakansie sit.]

(a) Indien dit vir die regter-president van 'n afdeling wil voorkom dat dit raadsaam of in die belang van geregtigheid is dat die hof op 'n tyd behalwe enige voorgeskrewe tyd sit, kan die regter-president gelas dat die hof op sodanige ander tyd sit, ook tydens reses.

(b) Indien dit vir die regter-president van 'n afdeling wil voorkom dat dit raadsaam of in die belang van geregtigheid is om 'n sitting van die hof te hou om enige aangeleentheid aan te hoor op 'n plek wat nie die setel of 'n plaaslike setel van die afdeling is nie, kan die regter-president, ooreenkomstig die bepalings van artikel 6(7) van die Wet, 'n sitting van die hof by sodanige ander plek hou."

Vervanging van reël 4 van die Reëls

4. Reël 4 van die Reëls word hierby gewysig—

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

"(1) (a) Prosesstukke van die hof, wat aan die balju gerig is, en behoudens die bepalings van paragraaf (aA) enige dokument waarby 'n aansoek begin word, word op een van die volgende maniere deur die balju beteken:

- (i) deur 'n afskrif daarvan aan die betrokke persoon persoonlik te oorhandig: Met dien verstande dat as [hy] die persoon minderjarig of andersins handelingsonbevoeg is, betekening aan die voog, kurator of dergelike belangewaarnemer van die handelingsonbevoegde persoon moet geskied;
- (ii) deur by die woon- of besigheidsplek van die betrokke persoon of van [sy] die persoon se voog, kurator of ander belangewaarnemer 'n afskrif daarvan by iemand te laat wat ten tye van die aflewering skynbaar in beheer van die perseel is en nie jonger as sestiën jaar voorkom nie. As 'n gebou wat nie 'n hotel, losieshuis, hostel of soortgelyke woonplek is nie, deur meer as een persoon of gesin bewoon word, beteken 'woon- of besigheidsplek', vir die doel van hierdie paragraaf, dié gedeelte van die gebou wat deur die persoon aan wie betekening moet geskied, bewoon word;
- (iii) deur by die werkplek van die betrokke persoon of van [sy] die persoon se voog, kurator of ander belangewaarnemer, 'n afskrif daarvan aan iemand

- af te lewer wat nie jonger as sestien jaar voorkom nie en skynbaar in 'n gesagsposisie teenoor [hom] daardie persoon staan;
- (iv) deur in die geval waar die betrokke persoon 'n *domicilium citandi* gekies het, 'n afskrif daarvan by die *domicilium* af te lewer of te laat;
- (v) deur in die geval van 'n maatskappy of ander regs persoon by die geregistreerde kantoor of vernaamste besigheidsplek binne die hof se regsgebied 'n afskrif aan 'n verantwoordelike werknemer daarvan af te gee, of as daar nie so 'n werknemer is wat bereid is om die betekening te aanvaar nie, 'n afskrif aan die hoof deur van so 'n kantoor of besigheidsplek te heg, of deur 'n ander metode te volg wat regtens geoorloof is;
- (vi) deur 'n afskrif daarvan aan enige verteenwoordiger af te gee wat behoorlik skriftelik gemagtig is om betekening namens die betrokke persoon te aanvaar;
- (vii) deur in die geval van 'n vennootskap, firma of vrywillige vereniging, by die besigheidsplek van sodanige vennootskap, firma of vrywillige vereniging op die wyse in paragraaf (ii) genoem, te beteken, en indien die vennootskap, firma of vrywillige vereniging nie 'n besigheidsplek het nie, dan onderskeidelik aan 'n vennoot, die eienaar of die voorsitter of sekretaris van die bestuur of ander beherende liggaam daarvan op een van die maniere in hierdie reël voorgeskryf;
- (viii) deur in die geval van 'n plaaslike bestuur of statutêre liggaam 'n afskrif te beteken aan die [stadsklerk, assistentstadsklerk of burgemeester] munisipale bestuurder of 'n persoon by die munisipale bestuurder van daardie plaaslike bestuur se kantoor, [en] of in die geval van 'n statutêre liggaam aan die sekretaris of 'n dergelike amptenaar, of aan 'n lid van die bestuur of komitee van daardie liggaam, of deur 'n ander metode te volg wat regtens geoorloof is; of
- (ix) deur in 'n geval waar twee of meer persone gesamentlik as trustees, likwidateurs, eksekuteurs, administrateurs, kurators of voogde aangespreek word, of op enige ander wyse as gesamentlike verteenwoordigers, aan elkeen van hulle te beteken op enige wyse in die reël uiteengesit;

Met dien verstande dat waar betekening ooreenkomstig subparagrafe (ii), (iii), (iv), (v) en (vii) van subparagraaf (a) gedoen is, gee die balju in die relaas die besonderhede van die wyse en omstandighede waaronder die betekening plaasgevind het, weer.

(aA) Waar die persoon aan wie 'n dokument waarby 'n aansoek begin word, beteken moet word, reeds deur 'n prokureur in die saak verteenwoordig is, kan die dokument aan sodanige prokureur deur die party wat die aansoek doen, beteken word.

(b) Betekening geskied so na as moontlik tussen die ure 7:00 en 19:00.

(c) Op 'n Sondag kan geen geldige betekening van 'n siviele dagvaarding, bevel of kennisgewing geskied nie, en kan geen prosesregtelike

stap, behalwe die uitreiking of tenuitvoerlegging van 'n lasbrief tot arrestasie, gedoen word nie tensy die hof of 'n regter dit gelas het.

(d) Dit is die plig van die balju of ander persoon wat die prosesstukke of dokumente beteken om die aard en inhoud daarvan aan die betrokke persoon te verduidelik en in [sy] 'n relaas of beëdigde verklaring of op die getekende kwitansie te meld dat [hy] die persoon wat die prosesstuk of dokument beteken, dit gedoen het.”;

(b) deur in subreël (3) paragraaf (b) deur die volgende paragraaf te vervang:

“(b) deur iemand in subparagraaf (i) of (ii) van paragraaf (a) genoem, indien [hy] daardie persoon in so 'n land regtens gemagtig is om sodanige prosesstuk of dokument te beteken of indien die reg van so 'n land nie sodanige betekening verbied nie en die owerhede van daardie land geen beswaar daarteen geopper het nie.”

(c) deur in subreël (5) paragrawe (b) en (c) deur die volgende paragrawe te vervang:

“(b) 'n Prosesstuk of dokument wat beteken moet word soos in subreël (3) bepaal, word aan die griffier afgelewer [met inkomsteseëls ten bedrae van R150,00 daaraan geheg: Met dien verstande dat inkomsteseëls nie vereis word waar betekening namens die Regering van die Republiek moet geskied nie].

(c) Die griffier stuur 'n prosesstuk of dokument wat ingevolge paragraaf (b) aan hom afgelewer is [, na rojering van die inkomsteseëls] aan die Direkteur-generaal van Buitelandse Sake of na 'n bestemming deur die Direkteur-generaal: [van Buitelandse Sake] Internasionale Betrekkinge en Samewerking aangedui, saam met die in paragraaf (a) bedoelde vertaling, vir betekening in die betrokke vreemde land. Die griffier moet [homself vergewis] seker maak dat die prosesstuk of dokument 'n voldoende tydperk toelaat vir tydigte betekening.”;

(d) deur in subreël (6) paragraaf (b) deur die volgende paragraaf te vervang:

“(b) waar betekening nie deur die balju of ingevolge subreël (3) of (4) geskied het nie, deur 'n beëdigde verklaring van die persoon wat beteken het, en waar betekening in amptelike hoedanigheid aanvaar word deur 'n prokureur of 'n lid van [sy] daardie prokureur se personeel, of deur iemand namens die Regering van die Republiek, [die Administrasie van 'n provinsie] of deur 'n Minister, [Administrateur] premier of 'n lid van 'n uitvoerende raad, of 'n ander amptenaar van die Regering of so 'n [Administrasie] provinsie, deur die voorlegging van 'n getekende kwitansie daarvoor.”;

(e) deur in subreël (6A) paragraaf (b) deur die volgende paragraaf te vervang:

“(b) Genoemde persoon moet elke sodanige dokument namens die persoon wat betekening gedoen het, by die griffier indien sodra—

- (i) **[hy] daardie persoon** die betrokke saak vir enige doel op die rol plaas;
- (ii) dit op enige wyse tot **[sy] daardie persoon se** kennis kom dat die saak bestry word;
- (iii) die griffier indiening aanvra;
- (iv) **[sy] die** opdrag om namens 'n party op te tree, indien **[hy] die persoon** 'n regspraktisyn is, op enige wyse beëindig word.”;

(f) deur in subreël (7) paragrawe (a) en (b) deur die volgende paragrawe te vervang:

“(a) deur 'n sertifikaat van die persoon wat ingevolge paragraaf (a) van subreël (3) of subreël (4) beteken het, waarin **[hy homself] die persoon sigself** identifiseer, vermeld dat hy of sy deur die reg van daardie land gemagtig is om prosesstukke of dokumente te beteken en dat die prosesstuk of dokument beteken is ooreenkomstig die reg van daardie land, en die wyse en die datum waarop sodanige betekening geskied het, uiteensit: Met dien verstande dat die sertifikaat van iemand in subreël (4) bedoel behoorlik gewaarmerk moet word; of

(b) deur 'n sertifikaat van die persoon wat ingevolge paragraaf (b) van subreël (3) beteken het, waarin **[hy] daardie persoon** vermeld dat die prosesstuk of dokument deur hom of haar beteken is, die wyse en datum waarop sodanige betekening geskied het en bevestig dat **[hy] die persoon** in die betrokke land regtens gemagtig is om prosesstukke of dokumente te beteken of dat die reg van so 'n land nie sodanige betekening verbied nie en dat die owerhede van daardie land nie enige beswaar daarteen geopper het nie.”;

(g) deur subreël (10) deur die volgende subreël te vervang:

“(10) As die hof nie oortuig is dat die betekening effektief was nie, kan **[hy] die hof** na goeddunke verdere stappe voorskryf.”;

(h) deur subreël (11) deur die volgende subreël te vervang:

“(11) Wanneer 'n versoek om betekening aan iemand in die Republiek van 'n siviele prosesstuk of sitasie van 'n staat, gebied of hof buite die Republiek ontvang word en **[ingevolge] kragtens die bepalings van** subartikel (2) van artikel **[drie-en-dertig] 40** van die Wet aan die griffier van 'n provinsiale of plaaslike afdeling gestuur word, stuur die griffier aan die balju of aan iemand wat deur 'n regter van die betrokke afdeling aangestel is vir die betekening van sodanige prosesstuk of sitasie—

- (a) twee afskrifte van die prosesstuk of sitasie; en
- (b) twee afskrifte van 'n vertaling daarvan in **[Afrikaans of] Engels**, indien die oorspronklike in 'n ander taal is.”;

- (i) deur in subreël (13) in die Engelse teks die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

“After service has been effected the sheriff [or the sheriff] or the person appointed for the service of such process or citation shall return to the registrar of the division concerned one copy of the process or citation together with—”;

- (j) deur subreël (14) in die Engelse teks deur die volgende subreël te vervang:

“(14) The particulars of charges for the cost of effecting service under subrule (11) shall be submitted to the taxing [officer] master of the division concerned, who shall certify the correctness of such charges or other amount payable for the cost of effecting service.”

- (k) deur in subreël (15) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

“(15) Wanneer 'n versoek om betekening van 'n siviele prosesstuk of sitasie, nagekom is, besorg die betrokke griffier aan die **[Direkteur-generaal van Justisie]** direkteur-generaal van die departement verantwoordelik vir die regspleging—”.

Vervanging van reël 19 van die Reëls

5. Reël 19 van die Reëls word hierby gewysig—

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

“(1) Behoudens die bepalings van artikel **[27] 24** van die Wet, word aan die verweerder in elke siviele aksie 10 dae na betekening van 'n dagvaarding aan hom verleen waarbinne **[hy]** die verweerder 'n kennisgewing van voorneme om te verdedig, hetsy persoonlik of deur **[sy]** 'n prokureur, kan aflewer. Met dien verstande dat die dae van 16 Desember af tot en met 15 Januarie nie ingereken word by die toegestane tyd om 'n kennisgewing van voorneme om te verdedig af te lewer nie.”;

- (b) deur subreël (2) deur die volgende subreël te vervang:

“(2) In 'n aksie teen 'n Minister, Adjunk-minister, **[Administrateur]** premier of 'n lid van 'n uitvoerende raad, amptenaar of werknemer van die Staat, in **[sy]** 'n amptelike hoedanigheid, of die Staat, [of die administrasie van 'n provinsie] moet minstens 20 dae na betekening van die dagvaarding toegelaat word vir aflewering van 'n kennisgewing van voorneme om te verdedig, tensy die hof 'n korter tydperk gemagtig het.”;

- (c) deur subreël (4) deur die volgende subreël te vervang:

“(4) 'n Party word nie vanweë [sy] aflewering van 'n kennisgewing van voorneme om te verdedig geag afstand te gedoen het van enige reg om teen die regsbevoegdheid van die hof of teen enige onreëlmatigheid of tekortkoming in die verrigtinge beswaar te maak nie.”

Wysiging van reël 23 van die Reëls

6. Reël 23 van die Reëls word hierby gewysig—

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

“(1) Waar 'n pleitstuk vaag en verwarrend is of beweringe mis wat nodig is om die aksie of verweer te staaf, na gelang van die geval, kan die teenparty in die tyd wat vir die indiening van 'n daaropvolgende pleitstuk toegelaat word, 'n eksepsie daarteen aflewer en by die griffier aansoek doen om dit [ingevolge paragraaf (f) van subreël (5) van reël 6] binne 15 dae ná die aflewering van sodanige uitsondering vir verhoor ter rolle te plaas: Met dien verstande dat—

(a) waar die eksepsie is dat 'n pleitstuk vaag en verwarrend is, [hy binne die bedoelde tyd] die party, by kennisgewing [sy teenparty], binne 10 dae vanaf ontvangs van die pleitstuk, die party wat die pleitstuk aflewer, die geleentheid moet gee om die oorsaak van die beswaar binne 15 dae vanaf daardie kennisgewing te verwyder; [: Met dien verstande verder dat as] en

(b) die party [dan nog] wat eksepsie [wil] opwerp, [hy] dit moet aflewer binne [tien] 10 dae van die dag af waarop [hy] 'n antwoord op [so 'n] die kennisgewing in paragraaf (a) bedoel, ontvang word of [waarop] binne 15 dae nadat die antwoord ingelewer moes gewees het.”;

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

“(2) As 'n pleitstuk aanstootlike, kwelsugtige of irrelevante beweringe bevat, kan die teenparty binne die tyd wat vir die indiening van 'n daaropvolgende pleitstuk toegelaat word, deurhaling aanvra en [sy aansoek ingevolge paragraaf (f) van subreël (5) van reël 6] vir verhoor ter rolle plaas binne vyf dae vanaf verstryking van die tydsbeperking vir die aflewering van 'n antwoordende verklaring of, indien 'n antwoordende verklaring afgelewer word, binne vyf dae ná die aflewering van 'n antwoordende verklaring of verstryking van die tydsbeperking vir aflewering van 'n antwoordende verklaring, in reël 6(5)(f) bedoel: Met dien verstande dat—

(a) die party wat voornemens is om deurhaling aan te vra, by kennisgewing wat binne 10 dae vanaf ontvangs van die pleitstuk afgelewer word, die party wat die pleitstuk aflewer 'n geleentheid moet gee om die oorsaak van die beswaar binne 15 dae vanaf aflewering van die kennisgewing van voorneme van deurhaling te verwyder; en

(b) [maar] die hof mag [dit] die aansoek alleen toestaan as [hy] die hof meen dat die applikant anders in die voer van [sy saak] enige eis of verweer benadeel sal word.”.

Wysiging van reël 68 van die Reëls

7. Reël 68 van die Reëls word hierby gewysig deur item 3(a) van die Tarief deur die volgende item te vervang:

"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 deel van 'n kilometer of gedeelte daarvan.	[5,00] <u>6,00</u> ”.

Inwerkingtreding

8. Hierdie Reëls tree op **22 November 2019** in werking.

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), and with the approval of the Minister of Justice and Correctional Services, made the rules in the Schedule.

SCHEDULE**GENERAL EXPLANATORY NOTE:**

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

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

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, R. 2 of 19 February 2016, R. 1055 of 29 September 2017, R. 1272 of 17 November 2017, R. 632 of 22 June 2018, R. 1318 of 30 November 2018, and R. 842 of 31 May 2019.

Amendment of rule 68 of the Rules

2. Rule 68 of the Rules is hereby amended—

(a) by the substitution of the heading of the following heading:

"Oath of office of interpreter [and intermediary]"; and

(b) by the deletion of sub-rule (1A).

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

3. Part II of Table C of Annexure 2 to the Rules is hereby amended—

(a) by the substitution in item 4 for paragraph (a) of the following paragraph:

"(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] R6,00 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) by the substitution in item 5 for paragraph (a) of the following paragraph:

"(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] R6,00 per kilometre for every kilometre, or part thereof, shall be payable to the sheriff for going and returning."; and

(c) by the substitution in item 5 for paragraph (d) of the following paragraph:

"(d) When it is necessary for the sheriff to convey any person under arrest, an allowance of [R5,00] R6,00 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."

Commencement

4. This rule comes into operation on **22 November 2019**.

WET OP DIE REËLSRAAD VIR GEREESHOWE, 1985 (WET NO. 107 VAN 1985)
WYSIGING VAN DIE REËLS WAARBY DIE VOER VAN VERRIGTINGE VAN DIE
LANDDROSHOWE VAN SUID-AFRIKA GEREËL WORD

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

BYLAE

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde of uitdrukkings in vetdruk dui skappings uit die bestaande reëls aan.
_____ Woorde of uitdrukkings met 'n volstreep daaronder dui invoegings in die bestaande reëls aan.

Woordomskrywing

1. In hierdie Bylae beteken "die Reëls" die Reëls waarby die voer van die verrigtinge van die Landdroshowe van Suid-Afrika gereël word, gepubliseer kragtens Goewermentskennisgewing No. R. 740 van 23 Augustus 2010, soos gewysig by Goewermentskennisgewing No's R1222 van 24 Desember 2010, R. 611 van 29 Julie 2011, R. 1085 van 30 Desember 2011, R. 685 van 31 Augustus 2012, R. 115 van 15 Februarie 2013, R. 263 van 12 April 2013, R. 760 van 11 Oktober 2013, R. 183 van 18 Maart 2014, R. 215 van 28 Maart 2014 en R. 507 van 27 Junie 2014, R. 5 van 9 Januarie 2015, R. 32 van 23 Januarie 2015, R. 33 van 23 Januarie 2015, R. 318 van 17 April 2015, R. 545 van 30 Junie 2015, R. 2 van 19 Februarie 2016, R. 1055 van 29 September 2017, R. 1272 van 17 November 2017, R. 632 van 22 Junie 2018, R. 1318 van 30 November 2018, en R. 842 van 31 Mei 2019.

Wysiging van reël 68 van die Reëls

2. Reël 68 van die Reëls word hierby gewysig—
- (a) deur die opskrif deur die volgende opskrif te vervang:
- "Ampseed van tolk [en tussenganger]"; en**
- (b) deur subreël (1A) te skrap.

Wysiging van Deel II van Tabel C van Aanhangel 2 tot die Reëls

3. Deel II van Tabel C van Aanhangel 2 tot die Reëls word hierby gewysig—
- (a) deur in item 4 paragraaf (a) deur die volgende paragraaf te vervang:

"(a) Die Balju moet, benewens die gelde ingevolge items 1B(a), 1B(b), 2(a) en 2(b), genoem, maar behoudens item 4(b) en (c), 'n reistoelaag toegelaat word van **[R5,00]** R6,00 per kilometer, of gedeelte daarvan, vir die kortste moontlike reis heen en terug van die kantoor van die Balju na die plek van betekening of uitwinning en terug.";

(b) deur in item 5 paragraaf (a) deur die volgende paragraaf te vervang:

" (a) Ten opsigte van die verrigting van enige amptelike plig behalwe dié in items 1 en 2 vermeld, maar behoudens item 4(b) en (c), is 'n reistoelaag van **[R5,00]** R6,00 per kilometer vir elke kilometer, of gedeelte daarvan, aan die balju betaalbaar vir die gaan en terugkeer."; en

(c) deur in item 5 paragraaf (d) deur die volgende paragraaf te vervang:

"(d) Wanneer die balju enige persoon onder arres moet vervoer, 'n toelating van **[R5,00]** R6,00 per kilometer ten opsigte van daardie gedeelte van sy of haar reis waarop hy of sy noodsaaklikerwys deur daardie persoon vergesel is, toegelaat word."

Inwerkingtreding

4. Hierdie reël tree in werking op 22 November 2019.

DEPARTMENT OF LABOUR

NO. R. 1344

18 OCTOBER 2019

LABOUR RELATIONS ACT, 1995**APPLICATION FOR VARIATION OF REGISTERED SCOPE OF A BARGAINING
COUNCIL**

I, Lehlohonolo Daniel Molefe, Registrar of Labour Relations, hereby, in terms of section 58(1) of the Labour Relations Act, 1995, give notice that an application for the variation of its registered scope has been received from the **Furniture Bargaining Council**.

Particulars of the application are reflected in the subjoined table.

Any person may object to the application on any or all of the following grounds:

- (a) the applicant has not complied with the provisions of section 29 of the Act, read with the changes required by the context;

- (b) the sector and area in respect of which the application is made is not appropriate; and
- (c) the applicant is not sufficiently representative in the sector and area in respect of which the application is made.

Any person who objects must lodge his/her written objection with me, c/o the Department of Employment and Labour, Laboria House, 215 Francis Baard Street, Pretoria (postal address: Private Bag X117, Pretoria, 0001), registrar.labourrelations@labour.gov.za within 30 days of the date of this notice. A copy of the objection must be served on the applicant within the said period and I must be satisfied that a copy of the objection has been served on the applicant.

The applicant may respond to the objection within 14 days of the expiry of the 30-day period mentioned above and must satisfy me that a copy of the response has been served on the person who objected within the 14-day period.

TABLE

Name of the bargaining council:

Furniture Bargaining Council.

Address of bargaining council:

Furniture Bargaining Council

North Block,39 Empire Road, Park Town Extension Johannesburg

P.O.Box 32789

BRAAMFONTEIN

2017

Tel: 011 242 9200

Date on which application was lodged:

11 September 2019

Intention of the application

The intention of the application is to vary the scope of the council by inserting additional wording to expand the definition of the Furniture, Bedding and Upholstery Manufacturing Industry.

Interest and Area in respect of which the application is made:

The Furniture, Bedding and Upholstery Manufacturing Industry, as defined hereunder, in the Provinces of Gauteng, North West , Mpumalanga, Limpopo and Free State.

“Furniture, Bedding and, Upholstery Manufacturing Industry” or “Industry” means, without in any way limiting the ordinary meaning of the expression, the industry in which employers and their employees are associated for the manufacture, either in whole or as a complete unit or in part as a component or components, of all types of furniture and bedding as well as upholstery and/or re-upholstery and will, inter alia, include the following:

1. Furniture

Repairing, staining, spraying, polishing, re-polishing, making loose covers and/or cushions, wood machining, veneering, woodturning, carving, assembling, painting, wood bending and laminating, cutting, edging, drilling and routing. Furniture manufacturing will also include the manufacturing, installation, repairing, polishing, re-polishing, staining, spraying of pianos, organs, movable room/office partitions, kitchen cupboards, kitchen cupboard tops, kitchen cupboard components (irrespective of materials used), attached wall cupboards, built-in cupboards, built-in cupboard components, free standing bars or built-in bar counters, cane, wicker or grass furniture, cabinets including cabinets for musical instruments and radios, wireless or television cabinets, bathroom cupboards, any other cupboard tops and furniture for tea-rooms, restaurants, offices, churches, schools, libraries, other educational institutions, conference centres, theatres, shop fitting, office fitting and bank fitting, which includes the manufacture and/or fixing of shop fronts, window enclosures, showcases, counters, including point of sale counters, screens, interior fittings and fixtures and any form of shelving, irrespective of the materials used.

2. Bedding

The manufacturing, repairing, covering, re-covering of mattress bases, mattresses, spring mattresses, overlays, bolsters, pillows, cushions for studio couches, spring units, box-spring mattresses and studio couches, but excluding the manufacturing of bedding made mainly of metal and/or plastic materials.

“Studio Couch” means an article of furniture, which is designed for seating and for conversion into a double bed or two or more beds and of which the frames are constructed mainly of metal and the seating and/or sleeping surfaces consist of mattresses and/or cushions.

3. Upholstery

The upholstering or re-upholstering of any furniture, or item of furniture, bedding, pelmets and mattress bases.

Sector and area(s) in respect of which registration is held:

The Furniture, Bedding and Upholstery Manufacturing Industry, as defined hereunder, in the Provinces of Gauteng, North West , Mpumalanga, Limpopo and Free State.

“Furniture, Bedding and, Upholstery Manufacturing Industry” or “Industry” means, without in any way limiting the ordinary meaning of the expression, the industry in which employers and their employees are associated for the manufacture, either in whole or as a complete unit or in part as a component or components, of all types of furniture and bedding as well as upholstery and/or re-upholstery and will, inter alia, include the following:

1. Furniture

Repairing, staining, spraying, polishing, re-polishing, making loose covers and/or cushions, wood machining, veneering, woodturning, carving, assembling, painting, wood bending and laminating. Furniture manufacturing will also include the manufacturing, installation, repairing, polishing, re-polishing, staining, spraying of pianos, organs, movable room/office partitions, kitchen cupboards, kitchen cupboard tops, kitchen cupboard components (irrespective of materials used), attached wall cupboards, built-in cupboards, built-in cupboard components, free standing bars or built-in bar counters, cane, wicker or grass furniture, cabinets including cabinets for musical instruments and radios, wireless or television cabinets, bathroom cupboards, any other cupboard tops and furniture for tea-rooms, restaurants, offices, churches, schools, libraries, other educational institutions, conference centres, theatres, shop fitting, office fitting and bank fitting, which includes the manufacture and/or fixing of shop fronts, window enclosures, showcases, counters, including point of sale counters, screens, interior fittings and fixtures and any form of shelving, irrespective of the materials used.

2. Bedding

The manufacturing, repairing, covering, re-covering of mattress bases, mattresses, spring mattresses, overlays, bolsters, pillows, cushions for studio couches, spring units, box-spring mattresses and studio couches, but excluding the manufacturing of bedding made mainly of metal and/or plastic materials.

“Studio Couch” means an article of furniture, which is designed for seating and for conversion into a double bed or two or more beds and of which the frames are constructed mainly of metal and the seating and/or sleeping surfaces consist of mattresses and/or cushions.

3. Upholstery

The upholstering or re-upholstering of any furniture, or item of furniture, bedding, pelmets and mattress bases.

Representativeness of the Council:

Total number of employees falling within the new scope of the Council and who belong to the trade unions which are party to the Council:

6 841

Total number of employers falling within the new scope of the Council and who belong to the employers' organisation which is a party to the Council:

263

Total number of the employers within the new scope of the Council:

523

Total number of employees employed within the new scope of the Council by the employers who belong to the employers' organisation which is a party to the Council:

9 587

Total number of the employees employed within the new scope of the Council:
13 196



REGISTRAR OF LABOUR RELATIONS

DATE: 08 October 2019

DEPARTMENT OF LABOUR

NO. R. 1345

18 OCTOBER 2019

LABOUR RELATIONS ACT, 1995

NOTICE OF INTENTION TO CANCEL THE REGISTRATION OF A TRADE UNION

I, **Lehlohonolo Daniel Molefe**, Registrar of Labour Relations, hereby, in terms of section 106(2B) of the Act, give notice of my intention to cancel the registration of the **Union for Police, Security and Corrections Organisation (UPSCO) (LR 2/6/2/2347)** for the following reasons:

- The organisation has ceased to function in terms of its constitution.
- The organisation has failed to comply with the provisions of sections 98, 99 and 100 of the Act.

The trade union and all interested parties are hereby invited to make written representations as to why the registration should not be cancelled. **Only representations pertaining to this Notice and the following case number: 248 of 2019 will be considered.**

Objections must be lodged to me, c/o the Department of Employment and Labour, Laboria House, 215 Francis Baard Street, PRETORIA. [Postal address: Private Bag X117, PRETORIA, 0001 – Fax No. (012) 309-4156/4848, within 60 days of the date of this notice.



REGISTRAR OF LABOUR RELATIONS

DATE: 08 October 2019


NO. R. 1346

SOUTH AFRICAN REVENUE SERVICE

18 OCTOBER 2019

**CUSTOMS AND EXCISE ACT, 1964.
AMENDMENT OF SCHEDULE NO. 1 (NO. 1/1/1628)**

In terms of section 48 of the Customs and Excise Act, 1964, Part 1 of Schedule No. 1 to the said Act is hereby amended to the extent set out in the Schedule hereto.



DEPUTY MINISTER OF FINANCE

SCHEDULE

By the substitution of the following:

Heading / Subheading	CD	Article Description	Statistical Unit	Rate of Duty				
				General	EU	EFTA	SADC	MERCOSUR
1701.12	2	-- Beet sugar	kg	476,61c/kg	476,61c/kg	476,61c/kg	476,61c/kg	476,61c/kg
1701.13	9	-- Cane sugar specified in Subheading Note 2 to this Chapter	kg	476,61c/kg	476,61c/kg	476,61c/kg	476,61c/kg	476,61c/kg
1701.14	5	-- Other cane sugar	kg	476,61c/kg	476,61c/kg	476,61c/kg	476,61c/kg	476,61c/kg
1701.91	2	-- Containing added flavouring or colouring matter	kg	476,61c/kg	476,61c/kg	476,61c/kg	476,61c/kg	476,61c/kg
1701.99	3	-- Other	kg	476,61c/kg	476,61c/kg	476,61c/kg	476,61c/kg	476,61c/kg

**DOEANE- EN AKSYNSWET, 1964.
WYSIGING VAN BYLAE NO. 1 (NO. 1/1/1628)**

Kragtens artikel 48 van die Doeane- en Aksynswet, 1964, word Deel 1 van Bylae No. 1 by bogenoemde Wet hiermee gewysig in die mate in die Bylae hierby aangetoon.


DR. DAVID MASHUDU
ADJUNKMINISTER VAN FINANSIES

BYLAE

Deur die vervanging van die volgende:

Pos / Subpos	TS	Artikel Beskrywing	Statistiese Eenheid	Skaal van Reg				
				Algemeen	EU	EFTA	SAOG	MERCOSUR
1701.12	2	-- Beetsuiker	kg	476,61c/kg	476,61c/kg	476,61c/kg	476,61c/kg	476,61c/kg
1701.13	9	-- Rietsuiker in Subposopmerking 2 by hierdie Hoofstuk vermeld	kg	476,61c/kg	476,61c/kg	476,61c/kg	476,61c/kg	476,61c/kg
1701.14	5	-- Ander rietsuiker	kg	476,61c/kg	476,61c/kg	476,61c/kg	476,61c/kg	476,61c/kg
1701.91	2	-- Wat bygevoegde geursel of kleursel bevat	kg	476,61c/kg	476,61c/kg	476,61c/kg	476,61c/kg	476,61c/kg
1701.99	3	-- Ander	kg	476,61c/kg	476,61c/kg	476,61c/kg	476,61c/kg	476,61c/kg

NO. R. 1346

SUID-AFRIKAANSE INKOMSTEDIENS

18 OKTOBER 2019

STAATSKOERANT, 18 OKTOBER 2019

No. 42773 63

**CUSTOMS AND EXCISE ACT, 1964.
AMENDMENT OF SCHEDULE NO. 4 (NO. 4/2/397)**

In terms of section 75 of the Customs and Excise Act, 1964, Part 2 of Schedule No. 4 to the said Act is hereby amended to the extent set out in the Schedule hereto.


DR DAVID MAWODO
DEPUTY MINISTER OF FINANCE

SCHEDULE

By the insertion of the following:

Rebate Item	Tariff Heading	Rebate Code	CD	Description	Extent of Rebate
460.05	2712.10.20	01.08	83	Petroleum jelly, in immediate packings of a content exceeding 5 kg, for the manufacture of optical fibre cables, classifiable in tariff subheading 8544.70, in such quantities, at such times and subject to such conditions as the International Trade Administration Commission may allow by specific permit, provided the products are not available in the SACU market	Full duty
460.07	3916.90.90	01.08	83	Other, monofilament of which any cross-sectional dimension exceeds 1 mm, rods, sticks and profile shapes, whether or not surface-worked but not otherwise worked, of other plastics, for the manufacture of optical fibre cables, classifiable in tariff subheading 8544.70, in such quantities, at such times and subject to such conditions as the International Trade Administration Commission may allow by specific permit, provided the products are not available in the SACU market	Full duty
460.15	72.17	01.04	46	Wire of non-alloy steel, clad with aluminium, for use in the further processing of optical fibre cable, classifiable in tariff subheading 8544.70, by reinforcing the optical fibre cable with one or more layer of stranded wire, in such quantities, at such times and subject to such conditions as the International Trade Administration Commission may allow by specific permit, provided the products are not available in the SACU market	Full duty
460.16	8544.70	01.06	68	Optical fibre cable, for further processing by reinforcing the fibre optical cable with one or more layer of wire, in such quantities, at such times and subject to such conditions as the International Trade Administration Commission may allow by specific permit, provided the products are not available in the SACU market	Full duty
460.18	9001.10	01.06	65	Optical fibres, not individually sheathed, for use in the manufacture of optical fibre cables, classifiable in tariff subheading 8544.70, in such quantities, at such times and subject to such conditions as the International Trade Administration Commission may allow by specific permit, provided the products are not available in the SACU market	Full duty

By the substitution of the following:

Rebate Item	Tariff Heading	Rebate Code	CD	Description	Extent of Rebate
460.18				OPTICAL, PHOTOGRAPHIC, CINEMATOGRAPHIC, MEASURING, CHECKING, PRECISION, MEDICAL OR SURGICAL INSTRUMENTS AND APPARATUS; CLOCKS AND WATCHES; MUSICAL INSTRUMENTS; PARTS AND ACCESSORIES THEREOF	

**DOEANE- EN AKSYNSWET, 1964.
WYSIGING VAN BYLAE NO. 4 (NO. 4/2/397)**

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Deel 2 van Bylae No. 4 by bogenoemde Wet hiermee gewysig in die mate in die Bylae hierby aangetoon.


DR. DAVID MASEKO
ADJUNKMINISTER VAN FINANSIES

BYLAE

Deur die invoeging van die volgende:

Kortingitem	Tariefpos	Kortingkode	TS	Beskrywing	Mate van Korting
460.05	2712.10.20	01.08	83	Petroleumjellie, in onmiddellike verpakings met 'n inhoud van meer as 5 kg, vir die vervaardiging van optiese veselkabels, indeelbaar in tariefsubpos 8544.70, in dié hoeveelhede en op dié tye en onderhewig aan sodanige voorwaardes wat die Internasionale Handelsadministrasiekommissie by bepaalde permit mag toelaat, met dien verstande dat die produkte nie in die SADU mark beskikbaar is nie	Volle reg
460.07	3916.90.90	01.08	83	Ander, monofilament waarvan enige dwarsdeursnee-afmeting 1 mm oorskry, stawe, stokke en profielvorms, hetsy op die oppervlak bewerk, maar nie andersins bewerk nie, van plastieke, vir die vervaardiging van optiese veselkabels, indeelbaar in tariefsubpos 8544.70, in dié hoeveelhede en op dié tye en onderhewig aan sodanige voorwaardes wat die Internasionale Handelsadministrasiekommissie by bepaalde permit mag toelaat, met dien verstande dat die produkte nie in die SADU mark beskikbaar is nie	Volle reg
460.15	72.17	01.04	46	Draad van nie-legeringstaal, wat bedek is met aluminium, vir gebruik by die verdere verwerking van optiese veselkabel indeelbaar in tariefsubpos 8544.70, deur die optiese veselkabel te versterk deur een of meer lae stringdraad, in dié hoeveelhede en op dié tye en onderhewig aan sodanige voorwaardes wat die Internasionale Handelsadministrasiekommissie by bepaalde permit mag toelaat, met dien verstande dat die produkte nie in die SADU mark beskikbaar is nie	Volle reg
460.16	8544.70	01.06	68	Optiese veselkabel, vir verdere verwerking deur die optiese veselkabel te versterk deur een of meer lae draad, in dié hoeveelhede en op dié tye en onderhewig aan sodanige voorwaardes wat die Internasionale Handelsadministrasiekommissie by bepaalde permit mag toelaat, met dien verstande dat die produkte nie in die SADU mark beskikbaar is nie	Volle reg
460.18	9001.10	01.06	65	Optiese vesels, nie individueel omhul nie, indeelbaar in tariefsubpos 9001.10, vir gebruik by die vervaardiging van optiese veselkabels indeelbaar in tariefsubpos 8544.70, in dié hoeveelhede en op dié tye en onderhewig aan sodanige voorwaardes wat die Internasionale Handelsadministrasiekommissie by bepaalde permit mag toelaat, met dien verstande dat die produkte nie in die SADU mark beskikbaar is nie	Volle reg

Deur die vervanging van die volgende:

Kortingitem	Tariefpos	Kortingkode	TS	Beskrywing	Mate van Korting
460.18				OPTIESE, FOTOGRAFIESE, KINEMATOGRAFIESE, MEET-, KONTROLEER-, PRESISIE-, MEDIESE OF CHIRURGIESE INSTRUMENTE EN APPARATE; ONDERDELE EN BYBEHOORSELS DAARVAN	

DEPARTMENT OF TRANSPORT**NO. R. 1348****18 OCTOBER 2019****No. R. November 2015****RULES REGULATING THE CONDUCT OF THE PROCEEDINGS OF THE APPEALS COMMITTEE**

The Minister of Transport has, under section 155 of the Civil Aviation Act, 2009 (Act No. 13 of 2009), made the rules in the Schedule.

SCHEDULE**TABLE OF CONTENTS**

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Purpose and application of rules

1. (1) The purpose of these rules is to promote access to justice and to ensure that any person who feels aggrieved by the administrative decision of the Director of Civil Aviation is afforded the opportunity to have his or her matter adjudicated upon by the Appeal Committee.

(2) These rules are to be applied so as to facilitate the expeditious handling of appeals and the minimization of costs involved.

(3) In order to promote access to justice or when it is in the interest of justice to do so, an Appeal Committee may, at its seating, dispense with any provision of these rules and give directions as to the procedure to be followed by the parties so as to dispose of the action in the most expeditious and least costly manner.

Definitions

2. (1) In these rules and in the forms annexed hereto any word or expression to which a meaning has been assigned in the Act shall bear the meaning so assigned and, unless the context otherwise indicates-

"the Act" means the Civil Aviation Act, 2009 (Act No. 13 of 2009).

"appellant", "respondent" and **"party"** include the attorney or counsel appearing for any such party;

"deliver" means to file with the Secretariat and serve a copy on the opposite party either by hand-delivery, registered post, facsimile or electronic mail, and "delivery", "delivered" and "delivering" have corresponding meanings;

"Electronic Communications and Transactions Act, 2002" means the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002);

"notice" means notice in writing;

“Regulations” means the Civil Aviation Regulations, 2011;

“Appeal Secretariat” means officials in the Civil Aviation Branch of the Department of Transport designated to perform the administrative and secretarial services for the Appeals Committee;

“sheriff” means a person appointed in terms of section 2 of the Sheriffs Act, 1986 (Act No. 90 of 1986), and also a person appointed in terms of section 5 and section 6 of that Act as an acting sheriff and a deputy sheriff, respectively;

“signature” includes an advanced electronic signature as defined and described in Chapters I, II and III of the Electronic Communications and Transactions Act, 2002 and this also applies to "sign", "signing" and "signed";

(2) A Saturday, Sunday or public holiday shall not, unless the contrary appears, be reckoned as part of any period calculated in terms of these rules.

Jurisdiction of the Appeal Committee

3. (1) Any person or entity aggrieved may appeal against the decision of the Director to –

- (a) give or refuse prior written approval to any person appointed to perform any function in terms of the Act or the regulations for such person or his or her spouse, immediate family member, life partner or business associate, to hold any financial interest in any civil aviation activity or the civil aviation industry as contemplated in section 98 of the Act;
- (b) refuse such person's or entity's application for exemption, registration, licence, certificate, approval or authorisation;
- (c) refuse to designate one or more persons as inspectors, authorised officers or persons in terms of the Act;

- (d) refuse to issue, subject to any condition or restriction, such person's or entity's exemption, registration, licence, certificate, approval or authorization in terms of the Act;
- (e) suspend, cancel, endorse or vary such person's or entity's exemption, registration, licence, certificate, approval or authorisation in terms of the Act;
- (f) designate or refuse to designate or withdrawal of a designation as inspectors, authorised officers or authorised persons contemplated in section 88(1) of the Act;
- (g) refuse to lift a grounding order as contemplated in section 115(2) of the Act;
- (h) granting or refusal to grant exemption as contemplated in section 130 of the Act; or
- (i) issue, amend or withdraw a technical standard for civil aviation in terms of section 162(1)(a).

Lodging of Appeal

4. (1) Any person who feels aggrieved by the administrative decision of the Director may lodge an appeal to the Appeal Committee within 30 days after receipt of the reasons for such a decision.

(2) The notice of appeal must state the Appellant's postal, facsimile or electronic mail addresses, where available.

(3) The appeal must be lodged with the Secretariat as advised on the letter conveying the decision against which the appeal is made.

(4) A copy of the appeal must be served to the Respondent (SACAA), as per the details contained in the letter conveying the decision against which the appeal is made.

(5) The appeal must be accompanied by proof that a copy has been served on the Respondent (SACAA) as well as proof of payment of appeal fees as prescribed in Part 187 of the Civil Aviation Regulations, 2011.

(6) Within 15 days of receipt of the appeal, the SACAA shall furnish the Appellant with the record and supporting documents for the administrative decision taken.

(7) The Appellant may, within 15 days of receipt of the record, supplement the appeal papers, if necessary and submit them to the Appeal Secretariat and Respondent.

(8) The Respondent shall within 30 days of receipt of the appeal, with or without the supplementary papers, lodge its reply and arguments against the appeal to both the Appeal Secretariat and the Appellant.

(9) Every appeal shall set forth-

(a) the surname and first names of the Appellant, his or her residence or place of business, occupation and employment address; and

(b) if the Appellant sues in a representative capacity, such capacity.

(10) The appeal may be brought by the Appellant concerned or a duly authorised employee or legal representative of such Appellant.

Rules relating to pleadings generally

5. (1) Every pleading shall be signed by a person legally authorised to represent that party or, if a party is unrepresented, by that party.

(2) Every pleading shall be divided into paragraphs (including sub-paragraphs) which shall be consecutively numbered and shall, as nearly as possible, each contain a distinct averment.

(3) Every pleading shall contain a clear and concise statement of the material facts upon which the pleader relies for his or her claim or answer to any pleading, as the case may be, with sufficient particularity to enable the opposite party to reply thereto.

(4) When in any pleading a party denies an allegation of fact in the previous pleading of the opposite party, he or she shall not do so evasively, but shall answer the point of substance.

(5) A party who, in such party's pleading, relies upon a document, shall ensure that a copy thereof or of the part relied on in the pleading is annexed to the pleading.

(6) A party who relies on an agreement governed by legislation shall state the nature and extent of the party's compliance with the relevant provisions of such legislation.

(7) If a party fails to comply with any of the provisions of this rule, such pleading shall be deemed to be irregular.

Service of process, notices and other documents

6. (1) A party serving any process, notice or other document to the other party shall provide the Secretariat with the original or a certified copy of such process, notice or document, and serve a copy to the other party.

(2) All process shall, subject to the provisions of this rule, be served upon the person affected thereby by delivery of a copy thereof in one or other of the following manners:

- (a) to the said person personally or to his or her duly authorised agent;
- (b) at the residence or place of business of the said person or his or her duly authorised agent;
- (c) if the person so to be served has chosen a *domicilium citandi*, by delivering or leaving a copy thereof at the *domicilium* so chosen;
- (d) to a legal representative who is duly authorised in writing to accept service on behalf of the person upon whom service is to be effected in any applicable manner prescribed in this rule; or
- (e) by facsimile or electronic mail provided for that purpose by the other party.

(3) Service of a subpoena on a witness may be effected at a reasonable time before attendance is required in any manner prescribed in this rule.

Discovery of documents

7. The Appeal Committee may, during the course of any proceeding, order the production by any party thereto under oath of any document or recording in his or her

power or control relating to any matter in question in such proceeding as the Appeal Committee may deem fit.

Subpoena

8. (1) Any party desiring the attendance of any person to give evidence at a hearing, may request the Secretariat to issue subpoena for that purpose, each of which subpoena shall contain the names of not more than four persons, and the service thereof upon any person therein named shall be effected by the sheriff or a member of the South African Police Services.

(2) If any witness has in his or her possession or control any deed, instrument, writing or thing which the party requiring his or her attendance desires to be produced in evidence, the subpoena shall specify such document or thing and require him or her to produce it at the hearing.

(3) There shall be handed to the sheriff or member of the South African Police Services together with a subpoena so many copies thereof as there are witnesses to be summoned.

(4) The subpoena shall stipulate how the costs of attendance of the witness shall be covered by the party requiring his or her attendance.

Hearing

9. (1) The hearing of an appeal shall take place at the place determined by the Chairperson of the Appeal Committee.

(2) The Appellant shall paginate and index the appeal papers and deliver four copies to the Secretariat and a copy to the Respondent.

(3) The Appeal Secretariat shall set the date for the hearing only after receipt of four files of paginated and indexed appeal papers.

(4) The notice of set down shall be served on all the parties not less than 10 days before the hearing.

(5) On the Day of the hearing, the Appellant will be afforded an opportunity to state his or her case first, call witnesses where necessary and produce evidence.

(6) The Respondent will be afforded an opportunity to cross examine any witnesses that have been called by Appellant.

(7) The Respondent will be afforded an opportunity to respond, call witnesses where necessary and produce evidence.

(8) Should the Appeal Committee deem it fit, they can call any witness that they feel can assist them in reaching a just and fair decision.

(9) Appeal Committee members may ask questions to clarify any issues that they may require clarity on. The Appellant will be afforded an opportunity to reply to the Respondent's submission.

(10) Both parties will be afforded an opportunity to make closing arguments.

(11) A witness who is not a party to the proceedings may be ordered by the Appeal Committee to leave the hearing until his or her evidence is required or after his evidence has been given; or to remain in the hearing after his or her evidence has been given until the appeal is terminated or adjourned.

(12) The Appeal Committee may, before proceeding to hear evidence, require the parties to state shortly the issues of fact or questions of law which are in dispute and may record the issues so stated.

(13) If it appears to the Appeal Committee *mero motu* that there is a question of law or fact which may conveniently be decided either before any evidence is led or separately from any other question, the Appeal Committee may make an order

directing the disposal of such question in such manner as it may deem fit and may order that all further proceedings be stayed until such question has been disposed of.

(14) If the question in dispute is a question of law and the parties are agreed upon the facts, the facts may be admitted in the hearing, either *viva voce* or by written statement, by the parties and recorded by the Appeal Committee and judgment may be given thereon without further evidence.

(15) When questions of law and issues of fact arise in the same case and the Appeal Committee is of opinion that the case may be disposed of upon the questions of law only, the Appeal Committee may require the parties to argue upon those questions only and may give its decision thereon before taking evidence as to the issues of fact and may give final judgment without dealing with the issues of fact.

(16) If on the pleadings the burden of proof is on the Appellant, he or she shall first adduce his or her evidence.

(17) Where, on the pleadings the burden of proof is on the respondent, the Respondent shall first adduce his or her evidence, and if necessary, the Appellant shall thereafter adduce his or her evidence.

(18) In a case of dispute as to the party upon whom the burden of proof rests, the Appeal Committee shall direct which party shall first adduce evidence.

(19) Any party may, with the leave of the Appeal Committee, adduce further evidence at any time before judgment; but such leave shall not be granted if it appears to the Appeal Committee that such evidence was intentionally withheld out of its proper order.

(20) The Appeal Committee may at any time before judgment, on the application of any party or of its own motion, recall any witness for further examination.

(21) Any witness may be examined by the Appeal Committee as well as by the parties.

(22) After the evidence on behalf of both parties has been adduced, the party who first adduced evidence may first address the Appeal Committee and thereafter the other party and the party who first adduced evidence may reply.

(23) The Appeal Committee may request the Department to make statements or answer questions on policy and legislative matters.

(24) The Appeal Committee may adjourn the proceedings at any time to consult amongst themselves or with any person on any matter relevant for the proceedings.

Decision

10. (1) The Appeal Committee has 21 days to make its decision, which may include a directive regarding the appeal fees; provided that if the Appeal Committee decides to wholly set aside the decision of the Director, the appeal fees shall be returned to the appellant.

(2) The decision shall be delivered to each of the parties in writing within 7 days, after the decision has been made, using any of the acceptable methods of delivery of documents.

(3) The Appeal Secretariat shall keep records of proof of delivery of decisions of the Appeal Committee.

Record of proceedings

11. (1) Minutes of record shall forthwith be made of-

- (a) any judgment given by the Appeal Committee;
- (b) any oral evidence given in the hearing;
- (c) any objection made to any evidence received or tendered; and

- (d) the proceedings of the Appeal Committee generally, including the record of any inspection in loco.

(2) The addresses of the parties, oral evidence given, any exception or objection taken in the course of the proceedings, the rulings and judgment of the Appeal Committee and any other portion of the proceedings, may be noted in shorthand either verbatim or in narrative form or recorded by mechanical, electronic or digital means.

(3) Shorthand notes taken in terms of this rule shall be certified as correct by the shorthand writer and filed with the record of the case by the Appeal Secretariat.

(4) Any shorthand notes, and any transcript thereof, certified as correct, shall be deemed to be correct and shall form part of the record of the proceedings in question.

(5) A copy of any transcript made simultaneously with the transcription of proceedings made by mechanical, electronic or digital means may, upon application to the Secretariat, be supplied to any person upon payment of the prescribed fee.

(6) Any reference in this rule to shorthand notes or to a transcription or transcript of such notes, or to a copy of such transcript, or to a person transcribing such notes, shall be construed also as a reference to a record of proceedings made by mechanical, electronic or digital means, to a transcription or transcript of such record, or to a copy of such transcript, to a person employed for the making of such mechanical, electronic or digital record, or to a person transcribing such record, as the case may be.

Adjournment and postponement

12. (1) The hearing of an appeal may be adjourned or postponed by consent of the parties or by the Appeal Committee, either on application or request or of its own motion.

(2) Where an adjournment or postponement is made sine die, any party may request the Appeal Secretariat to reinstate the matter for further hearing on a day generally or specially fixed by the Appeal Secretariat, not earlier than 10 days after delivery of notice to the parties.

Non-appearance of a party

13. (1) If an Appellant does not appear at the communicated scheduled time for the hearing of an appeal, the appeal may be dismissed, and the appeal fees forfeited.

(2) If a Respondent does not so appear, a judgment (not exceeding the relief claimed) may be given and the appeal fees returned to the Appellant.

Representation of parties

14. (1) A party may be represented in the appeal proceedings either in person or by an attorney or advocate.

(2) A company or other incorporated body may act through an officer thereof nominated by it for that purpose.

(3) A partnership or group of persons associated for a common purpose in doing so may act through a member thereof nominated by it for that purpose.

(4) It shall not be necessary for any person to file a power of attorney to act, but the authority of any person acting for a party may be challenged by the other party within 10 days after he or she has noticed that such person is so acting or with the leave of the Appeal Committee on good cause shown at any time before judgment and thereupon such person may not, without the leave of the Appeal, so act further until he or she has satisfied the Appeal Committee that he or she has authority so to act and the Appeal Committee may adjourn the hearing to enable him or her to do so.

Urgent Appeals

15. An Appeal Committee, if satisfied that a matter is urgent, may make an order dispensing with the forms and service provided for in these rules and may dispose of the matter at such time and place and in accordance with such procedure (which shall as far as practicable be in terms of these rules) as the Appeal Committee deems appropriate.

Amendment of pleadings

16. (1) Any party desiring to amend a pleading or document other than an affidavit, filed in connection with the appeal, shall notify all other parties of his or her intention to amend and shall furnish the particulars of the amendment.

(2) The notice referred to in subrule (1) shall state that unless written objection to the proposed amendment is delivered within 10 days of delivery of the notice of amendment, the amendment will be effected.

(3) An objection to a proposed amendment shall clearly and concisely state the grounds upon which the objection is founded.

(4) If an objection which complies with subrule (3) is delivered within the period referred to in subrule (2), the party wishing to amend may, within 10 days, lodge an application for leave to amend.

(5) Unless the Appeal Committee otherwise directs, a party who is entitled to amend shall effect the amendment by delivering each relevant page in its amended form.

(6) Any party affected by an amendment may, within 15 days after the amendment has been effected or within such period as the Appeal Committee may determine, make any consequential adjustment to the documents filed by him or her.

Filing, preparation and inspection of documents

17. (1) (a) All documents filed with the Appeal Committee, other than exhibits or facsimiles thereof, shall be clearly and legibly printed or typewritten in permanent black or blue-black ink on one side only of paper of good quality and of A4 standard size.

(b) A document shall be deemed to be typewritten if it is reproduced clearly and legibly on suitable paper by a duplicating, lithographic, photographic or any other method of reproduction.

(2) Stated cases, affidavits, grounds of appeal and the like shall be divided into concise paragraphs which shall be consecutively numbered.

(3) In defended matters, an Appellant shall, not later than 10 days prior to the hearing of the matter, collate, number consecutively, and suitably secure, all pages of the documents delivered and shall prepare and deliver a complete index thereof.

(4) Every affidavit filed with the Appeal Secretariat by or on behalf of a Respondent shall, if he or she is represented, on the first page thereof bear the name and address of the attorney filing it.

(5) The Appeal Secretariat may reject any document which does not comply with the requirements of this rule.

(6) Any person, with leave of the Appeal Secretariat and on good cause shown, may examine and make copies of all documents in an appeal file at the office of the Secretariat.

Amendment of Rules

18. (1) Any interested person may make proposals for the amendment of these rules.

(2) The proposed amendments shall be submitted to the Appeal Secretariat, in writing, together with a brief motivation for the proposed amendment as well as the interest of the person making such proposal.

(3) The proposed amendments may only be submitted for the consideration of the Minister after consultation with relevant stakeholders.

Short title and commencement

19. These rules are called the Rules Regulating the Conduct of the Proceedings of the Appeal Committee and come into force on the date of publication.