

*Regulation Gazette*

**No. 11190**

*Regulasiekoerant*

**Vol. 664**

**30**

**October  
Oktober 2020**

**No. 43856**



## Contents

No.		<i>Gazette</i> No.	<i>Page</i> No.
<b>GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS</b>			
<b>Agriculture, Land Reform and Rural Development, Department of/ Landbou, Grondhervorming en Landelike Ontwikkeling, Departement van</b>			
R. 1153	Agricultural Product Standards Act (119/1990): Regulations relating to the tea and related products intended for sale in the Republic of South Africa .....	43856	14
R. 1154	Agricultural Product Standards Act (119/1990): Regulations relating to coffee, chicory and related products intended for sale in the Republic of South Africa .....	43856	25
<b>Employment and Labour, Department of/ Indiensneming en Arbeid, Departement van</b>			
R. 1155	Labour Relations Act, 1995: Bargaining Council for the Furniture Manufacturing Industry of the South Western Districts: Renewal of period of operation of the Main Collective Agreement .....	43856	38
<b>Justice and Constitutional Development, Department of/ Justisie en Staatkundige Ontwikkeling, Departement van</b>			
R. 1156	Rules Board for Courts of Law Act (107/1985): Amendment of rules regulating the conduct of the proceedings of the Magistrates' Courts of South Africa .....	43856	39
R. 1156	Wet op die Reëlsraad vir Geregshowe (107/1985): wysiging van die reëls waarby die voer van verrigtinge van die Landdroshowe van Suid-Afrika gereël word .....	43856	54
R. 1157	Rules Board for Courts of Law Act (107/1985): Amendment of the Rules Regulating the conduct of the proceedings of the Several Provincial and Local Divisions of the High Court of South Africa .....	43856	68
R. 1157	Wet op die Reëlsraad vir Geregshowe (107/1985): Wysiging van die reëls waarby die verrigtinge van die verskillende Provinsiale en Plaaslike Afdelings van die Hoë Hof van Suid-Afrika gereël word .....	43856	75
R. 1158	Rules Board for Courts of Law Act (107/1985): Amendment of the Rules Regulating the conduct of the proceedings of the Supreme Court of Appeal of South Africa .....	43856	82
R. 1158	Wet op die Reëlsraad vir Geregshowe (107/1985): Wysiging van die Reëls waarby die verrigtinge van die Hoogste Hof van Appèl van Suid-Afrika gereël word .....	43856	85
<b>Transport, Department of/ Vervoer, Departement van</b>			
R. 1159	Civil Aviation Act, 2009 (Act No. 13 of 2009): Civil Aviation Regulations, 2011 .....	43856	88























# GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

## DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. R. 1153

30 OCTOBER 2020

AGRICULTURAL PRODUCT STANDARDS ACT, 1990  
(ACT No. 119 OF 1990)

### REGULATIONS RELATING TO TEA AND RELATED PRODUCTS INTENDED FOR SALE IN THE REPUBLIC OF SOUTH AFRICA

The Minister of Agriculture, Land Reform and Rural Development has in terms of section 15 of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990) --

- (a) made the regulations in the Schedule; and
- (b) determined that the said regulations shall come into operation 12 months after date of publication thereof.

#### SCHEDULE

Contents	Regulation
<b>PART 1: DEFINITIONS, SCOPE AND RESTRICTIONS</b>	
Definitions	1
Scope of regulations	2
Restrictions on the sale of tea and related products	3
<b>PART II: CATEGORIES OF AND STANDARDS FOR TEA AND RELATED PRODUCTS</b>	
Categories of tea and related products	4
Named tea and Unspecified tea	5
Instant tea (soluble tea extract)	6
Decaffeinated tea and Decaffeinated instant tea	7
Tea essence (liquid tea extract/ concentrate)	8
<b>PART III: CONTAINERS AND OUTER CONTAINERS</b>	
Requirements for containers and outer containers	9
<b>PART IV: MARKING REQUIREMENTS</b>	
Marking of containers and outer containers	10
Indicating the product name	11
Additions to the product name	12
Additional particulars on the container	13
Indicating the name and address	14
Indicating the country of origin	15
Indicating the date marking or batch code or batch number	16
Restricted particulars on containers and outer containers	17
<b>PART V: SAMPLING AND ANALYSIS</b>	
Sampling	18
Analysis	19
<b>PART VI: OFFENCES AND PENALTIES</b>	
Offences and penalties	20

#### PART I DEFINITIONS, SCOPE AND RESTRICTIONS

##### *Definitions*

1. Any word or expression in these regulations to which a meaning has been assigned in the Act shall have that meaning, and unless the context otherwise indicates –

**"address"** means a physical address and includes the street or road number or name and the name of the town, village or suburb and, in the case of a farm, the name or number of the farm and of the magisterial district in which it is situated;

**"assignee"** means a person, undertaking, body, institution, association or board designated under section 2(3) of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990);

**"batch"** means a definite quantity of tea or a related product produced essentially under the same conditions, and not exceeding 24 hours;

**"best before date"** or **"best quality before date"** means the date which signifies the end of period under any stated storage conditions during which the unopened product will remain fully marketable and will retain any specific qualities for which implied or express claims have been made, however, beyond the date the food may still be acceptable for consumption;

**"container"** means the immediate packaging in which tea or a related product is presented for sale to the consumer, but excludes individual pods/ capsules and filter bags, as well as sealed bags (manufactured from aluminum foil or any other suitable material) containing such units that are packed inside a container;

**"Executive Officer"** means the officer designated under section 2(1) of the Act;

**"food additive"** means a permitted substance as defined in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);

**"foodstuff"** means a foodstuff as defined under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);

**"freeze dried"** means a process in which the product in the liquid state is frozen and the ice removed by sublimation, with the dried particles typically having a granular appearance;

**"fruit infusion"** means fruit, parts of fruit and parts of the fruit plant (e.g. leaves, seeds and flowers of fruit, fruit peel and dried fruit, etc.) intended for making a brew suitable for consumption as a beverage;

**"ground tea"** means that the tender shoots and leaves of varieties of the species *Camellia sinensis* (L.) O. Kuntze have been steamed, dried and grounded into a fine powder;

**"herbal infusion"** means plants or parts of plants [e.g. rooibos (*Aspalathus linearis*), honeybush (*Cyclopia* genus), chamomile (*Matricaria retutica* or *Chamaemelum nobile*) and buchu (*Agathosma Betulina*), etc.] intended for making a brew suitable for consumption as a beverage;

**"herbs"** means either fresh or dried non-toxic leafy green or flowering parts of a plant used for among others the flavouring of foodstuffs;

**"inspector"** means an officer under the control of the Executive Officer, or an assignee or an employee of an assignee;

**"label"** means any tag, brand, mark, pictorial, graphic or other descriptive matter, which is written, printed, stencilled, marked, embossed, impressed upon, or permanently attached to a container of a canned or pickled vegetables product, and includes labelling for the purpose of promoting its sale or disposal;

**"main panel"** means that part(s) of the container, outer container or label that bears the brand name or trade mark of the product in greatest prominence, or any other part of the container, outer container or label that bears the brand or trade name in equal prominence;

**"outer container"** means a carton or any other suitable packaging in which more than one container of tea or a related product is packed, irrespective whether it completely or partially encloses the containers;

**"premix"** means a product that consists of tea or a related product mixed with, for example sugar and/or milk powder and/or creamer, that is intended to be dissolved in hot or cold water to deliver a ready-to-drink beverage;

**"prepared tea"** means a pre-packed ready-to-drink tea beverage, obtained by brewing or dissolving in water any of the categories of tea and related products referred to in regulation 4 that is presented for sale at retail and other commercial outlets;

**"related products"** means the products referred to in regulations 6 to 8 that are intended for consumption as

a beverage;

**"spice"** means a dried, pungent or aromatic substance of edible plant origin (i.e. from the root, stem, bulb, bark or seeds) primarily used for flavouring, colouring or preserving foodstuffs;

**"spray dried"** means a process in which the product in the liquid state is sprayed into a hot atmosphere and formed into dried particles in a powder form by evaporation of the water;

**"sugar"** means sugar as defined in the Codex Standard for Sugars (CODEX STAN 212-1999);

**"tea"** means the product derived solely and exclusively from the tender shoots and leaves of varieties of the species *Camellia sinensis* (L.) O. Kuntze and produced by acceptable processes (e.g. withering, leaf maceration, aeration, drying, etc.) intended for making a brew suitable for consumption as a beverage;

**"the Act"** means the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990);

**"trade mark"** means a trade mark as defined in the Trade Marks Act, 1993 (Act No. 194 of 1993); and

**"use by date"** or **"expiration date"** means the date which signifies the end of the period under any stated storage conditions, after which the product should not be sold or consumed due to safety and quality reasons.

### **Scope of regulations**

2. These regulations shall apply to tea and related products intended for sale in the Republic of South Africa to which and under circumstances in which a prohibition in terms of section 3 of the Act regarding control over the sale of tea and related products apply.

### **Restrictions on the sale of tea and related products**

3. (1) No person shall sell tea and related products in the Republic of South Africa --
- (a) unless such products are sold according to the categories referred to in regulation 4;
  - (b) unless such products comply with the standards prescribed for each category referred to in regulations 5 to 8;
  - (c) unless the containers and outer containers in which such products are packed comply with the requirements referred to in regulation 9;
  - (d) unless such products are marked in the manner and with the particulars referred to in regulations 10 to 16; and
  - (e) if such products are marked with any restricted particulars or in a manner which is prohibited in terms of regulation 17.
- (2) The Executive Officer may grant written exemption, entirely or partially, to any person on such conditions, as he deems necessary, from the provisions of sub-regulation (1) above.
- (3) The restrictions in sub-regulation (1) above shall not apply to the sale of --
- (a) tea and related products that are in the course of a business prepared and served on the premises in the ready-to-drink form to the consumer at a restaurant, coffee shop, club, canteen, a fixed or mobile stall, or any other catering establishment;
  - (b) products based on tea and related products that are presented for sale to the consumer in the ready-to-drink form at retail and other commercial outlets that contain added fruit and/or vegetable flavourings, and/or fruit juice and/or vegetable juice, that may have been sweetened or not (e.g. "Peach flavoured tea", "Ice/ Iced tea with apricot juice", etc.);



- (c) products based on tea and related products that are due to their composition presented for sale to the consumer under a specific designation or variant name such as, but not limited to "Chai latte", "Green tea latte", etc., as --
  - (i) a ready-to-drink beverage (hot or cold) at for example a restaurant, coffee shop, club, canteen, a fixed or mobile stall, or any other catering establishment; or
  - (ii) an instant powder form at retail and other commercial outlets;
- (d) premix tea and prepared tea; and
- (e) herbal and fruit infusions when presented for sale on their own.

## PART II

### CATEGORIES OF AND STANDARDS FOR TEA AND RELATED PRODUCTS

#### *Categories of tea and related products*

4. The categories of tea and related products shall be as follows:

- (1) Named tea and Unspecified tea.
- (2) Instant tea (soluble tea extract).
- (3) Decaffeinated tea and Decaffeinated instant tea.
- (4) Tea essence (liquid tea extract / concentrate).

#### *Standards for categories of tea and related products*

##### *Named tea and Unspecified tea*

5. (1) Tea falling under the category Named tea and Unspecified tea shall comply with the standards set out in Table 1 below:

**TABLE 1**  
**STANDARDS FOR THE CATEGORY NAMED TEA AND UNSPECIFIED TEA**

Name of the tea	Method of processing/ special treatment applied to the tender shoots and leaves of the tea varieties	Quality standards
1	2	3
Black tea	Withering, rolling/ leaf maceration, fermentation/ aeration and drying.	All categories shall --  (a) have a total ash content of 4.0 to 8.0 percent; and  (b) contain at least 30 percent of water soluble extract.
Oolong Tea	Withering, rolling/ leaf maceration, part-fermentation/ aeration and drying	
Green tea	Enzyme inactivation and commonly rolling or comminution, followed by drying.	
White tea	Non-fermentation/ aeration and drying.	
Yellow tea	Light-fermentation/ aeration and drying.	
Matcha Tea	Fine-milling of selected, non-fermented dried tea leaves.	
Pu-Erh tea	Post-fermentation/ aeration and drying.	
Unspecified tea	Any other methods of processing/ special treatment not mentioned above.	

- (2) Tea falling under the category Named tea and Unspecified tea may contain food additives.

##### *Instant tea (soluble tea extract)*

6. Instant tea (soluble tea extract) –

- (a) shall consist of the dried soluble solids obtained by spray drying or freeze drying the water extraction of the categories of tea referred to in regulation 5;
- (b) shall be in the powder or granule form; and
- (c) may contain food additives.

***Decaffeinated tea and Decaffeinated instant tea***

7. (1) Decaffeinated tea –

- (a) shall be obtained from tea of the category Named tea or Unspecified tea referred to in regulation 5 from which caffeine has been removed by any suitable means;
- (b) shall not contain more than 0.4 percent of anhydrous caffeine; and
- (c) may contain food additives.

(2) Decaffeinated instant tea –

- (a) shall consist of the dried soluble solids obtained by spray drying or freeze drying the water extraction of Decaffeinated tea to deliver a product similar to Instant tea (soluble tea extract);
- (b) shall not contain more than 1.2 percent of anhydrous caffeine; and
- (c) may contain food additives.

***Tea essence (liquid tea extract/ concentrate)***

8. Tea essence (liquid tea extract/ concentrate) shall –

- (a) consist of the concentrated essence or liquid extract obtained from the categories of tea referred to in regulations 5 and 7(1), with or without added glycerol and/ or sugar; and
- (b) not contain any added foodstuffs or food additives other than those mentioned in paragraph (a) above.

**PART III  
CONTAINERS AND OUTER CONTAINERS**

***Requirements for containers and outer containers***

9. (1) A container in which tea or related products is packed shall --

- (a) be manufactured from a material that --
  - (i) is suitable for this purpose;
  - (ii) will protect the contents thereof from contamination; and
  - (iii) will not impart any undesirable taste or flavour to the contents thereof;
- (b) be so strong that it will not be damaged or deformed during normal storage, handling and transport practices;
- (c) be intact and clean; and
- (d) be closed properly in a manner permitted by the nature thereof.

(2) If containers containing tea or related products are packed in outer containers, such outer containers shall --

- (a) be intact, clean, neat, suitable and strong enough; and
- (b) not impart any undesirable taste or flavour to the contents thereof.

#### PART IV MARKING REQUIREMENTS

##### *Marking of containers and outer containers*

10. (1) Except where specifically prescribed, all other marking requirements as specified by these regulations shall be clearly legible and be indicated at least in English, in detached letters or figures of at least 1 mm in size for lower case vowels.

(2) Each container in which tea and related products are packed shall be marked with the following particulars at least in English:

- (a) **The product name** and, if applicable, **the additions to the product name**, as specified in regulations 11 and 12 respectively, in detached letters of the same type, size, colour and font, prominently on at least one main panel in a letter size of at least 2 mm for lower case vowels: Provided that the name of the added flavourant (e.g. 'vanilla flavoured', 'bergamot flavouring') may be indicated in one different colour when used in the additions to the product name.
  - (b) **The additional particulars on the container**, where applicable, as specified in regulation 13.
  - (c) **The name and address**, as specified in regulation 14.
  - (d) **The country of origin**, as specified in regulation 15.
  - (e) **The date marking** (i.e. "best before" or "best quality before" or "use by" or "expiration date") or **batch code** or **batch number** for the purpose traceability and batch identification, as specified in regulation 16.
- (3) (a) The particulars referred to in sub-regulation (2)(a), (c), (d) and (e) above, shall be marked on each outer container in which more than one container of tea or a related product is packed.
- (b) The marking requirements prescribed in paragraph (a) above need not to be complied with if --
- (i) a transparent outer container is used and the particulars on the containers packed therein are visible from the outside; or
  - (ii) the same label which is affixed to the containers is also affixed to the outer container

(4) Individual pods/ capsules or filter bags containing tea or a related product that are packed directly in a container shall be exempted from any of the marking requirements prescribed in sub-regulation (2) above: Provided that --

- (a) the individual pods/ capsules or filter bags shall not be sold loose; and
- (b) the container containing the individual pods/ capsules or filter bags shall be marked with all the prescribed marking requirements and in the prescribed letter sizes.

(5) When individual pods/ capsules or filter bags containing tea or a related product are packed in a sealed bag (manufactured from aluminum foil or any other suitable material) inside a container, the sealed bag shall be exempted from any of the marking requirements prescribed in sub-regulation (2) above: Provided that --

- (a) the sealed bag shall not be sold loose; and
- (b) the container containing such sealed bag shall be marked with all the prescribed marking requirements and in the prescribed letter sizes.

**Indicating the product name**

11. The product names for the categories of tea and related products shall be as follows:

**TABLE 2**  
**PRODUCT NAMES FOR THE CATEGORIES OF TEA AND RELATED PRODUCTS**

Category	Product name
1	2
(a) Named tea and Unspecified Tea: (i) Black tea (ii) Oolong tea (iii) Green tea (iv) White tea (v) Yellow tea (vi) Matcha tea (vii) Pu-Erh tea (viii) Unspecified tea	(i) "Black tea" or "Tea" (ii) "Oolong tea" (iii) "Green tea" (iv) "White tea" (v) "Yellow tea" (vi) "Matcha tea" (vii) "Pu-Erh tea" (viii) The appropriate product name used when tea has been processed/ treated in a manner other than the methods described in regulation 5(1), Table 1.
(b) Instant tea (soluble tea extract)	"Instant 'X' tea" or "Soluble 'X' tea"
(c) Decaffeinated tea and Decaffeinated instant tea	"Decaffeinated 'X' tea"/ "Decaf 'X' tea" or "Decaffeinated instant tea"/ "Decaf instant tea", as the case may be.
(d) Tea essence (liquid tea extract/ concentrate)	"'X' tea essence" or "'X' tea concentrate" or "Liquid 'X' tea extract"/ "Liquid 'X' tea concentrate"

Note: 'X' refers to the name of the specific category of tea used.

**Additions to the product name**

12. (1) The expression "blend" shall form part of the product name in the case where --
- (a) two or more categories of tea are blended and packed in the same container;
  - (b) one or more categories of tea are blended with a herbal infusion; or
  - (c) a specific category of tea was source from different countries, locations or geographical areas and blended.
- (2) When a foodstuff, herbal infusion and/or a fruit infusion, herb and/ or spice have been added to tea or related products, the actual name of the added foodstuff, herbal infusion, fruit infusion, herb and/ or spice shall form part of the product name: Provided that where a mixture of two or more kinds of herbs or spices have been added, the expression "mixed herbs" or "mixed spices", as the case may be, may be used instead.
- (3) When a flavouring has been added to tea or a related product in order to render a distinctive specific flavour thereto, the product name concerned shall be preceded by the descriptive name for the distinctive flavour concerned and the expression "X Flavoured", or followed by the expression "with X Flavour" or "with X Flavouring", where "X" indicates the name(s) of the flavouring(s) used, unless the flavourant concerned has been added with the intention to enhance the flavour of the added foodstuff, herbal infusion, fruit infusion, herb or spice concerned.

(4) The expression “ground” shall form part of the product name in the case where a category of tea is presented for sale in the ground form.

(5) The expression “loose leaf” shall form part of the product name in the case where loose leaf tea is packed in the container.

(6) Notwithstanding the requirements in sub-regulations (2) and (3) above, the following applicable expressions only may be indicated as part of the product name: Provided that a complete ingredients list appear on the container:

- (a) ‘Chai’ - if a blend of spices (e.g. cardamom, cinnamon, fennel, black pepper, cloves, etc.) has been added to the tea concerned; or
- (b) ‘Earl Grey’ - if the tea concerned has been flavoured with oil from the rind of bergamot orange.

(7) The following information may be indicated as part of the product name and/or be indicated on its own:

- (a) The name of a specific country, location or geographical area when the category of tea is derived exclusively from one country, location or geographical area.
- (b) The name of a specific country, location or geographical area when a specific category of tea was source from different countries, locations or geographical areas, but the name of only a specific country, location or geographical area is indicate as the origin from where the tea is derived: Provide that --
  - (i) the largest percentage of the tea concerned originates from the named country, location or geographical area; and
  - (ii) the tea from the named country, location or geographical area lends the determining character to the tea blend concerned (e.g. ‘Ceylon blend’, ‘Assam tea blend’).
- (c) The name or description used to distinguish between the various blends within a specific category of tea (e.g. *English breakfast*, *Breakfast blend*, *House blend*, *Afternoon tea*): Provided that if the expression “blend” forms part of such name or description, it shall be subject to the provisions of sub-regulation (1) above.
- (d) The intensity of the tea when brewed (e.g. mild, medium, strong).
- (e) The method used to obtain Instant tea (soluble tea extract) in the powder form, i.e. spray dried or freeze dried.
- (f) The claims “100%”, “100% pure”, “100% tea”, “100% pure tea”, “pure tea” or “pure”, or any word or words having a similar meaning, in the case of Named tea and Unspecified tea, Instant tea (soluble tea extract), Decaffeinated tea and Decaffeinated instant tea only: Provided that if a flavouring and/or any foodstuff has been added to the afore-mentioned categories, these claims shall not be marked on the container of such products.

#### ***Additional particulars on the container***

13. Sensory descriptions about the flavour and aroma of a particular tea or a related product may be indicated on the container: Provided that it does not form part of the product name and that the sensory descriptions is associable with the actual tea fragrance.

#### ***Indicating the name and address***

14. The name and address of the manufacturer, packer, importer, seller or entity on whose behalf the tea or related products have been packed shall be indicated on every container: Provided that in the case where --

- (a) it is not possible to indicate the physical address, a postal address with a telephone number may be used instead; and
- (b) imported tea or related products indicate the address of the foreign manufacturer or packer only, a South African address for the importer, seller or entity on whose behalf the tea or related products have been packed shall in addition be indicated on each container.

***Indicating the country of origin***

15. (1) The country of origin shall be declared as follows on every container:
- (a) "Product of (name of country)" if all the main ingredients, processing and labour used to make the product are from one specific country; or
  - (b) "Produced in (name of country)", "Processed in (name of country)", "Manufactured in (name of country)", "Made in (name of country)", or wording having a similar meaning, when the product is processed in a second country which changes its nature; or
  - (c) In the case where single ingredient agricultural commodities are imported in bulk and where owing to climatic, seasonal or other contingencies more than one country may be the source of the single ingredient agricultural commodity, the wording "Product of (name(s) of country(ies))" separated by the expression 'and/or', shall be declared on the label of the final pre-packed foodstuff: Provided that the final end product remains a single ingredient agricultural commodity.
- (2) The words "Packed in (name of country)" may be used in addition to the requirements referred to in sub-regulation (1) above.
- (3) The name(s) of the country(ies) indicated in terms of sub-regulations (1) and (2) above may not be abbreviated.

***Indicating the date marking or batch code or batch number***

16. (1) For the purpose of batch identification and traceability, each container containing tea and related products shall be clearly marked with the date marking or batch code or batch number in such a way that the specific batch is easily identifiable and traceable.
- (2) (a) When a date marking appears on a container --
- (i) it shall be preceded by appropriate wording "best before" or "best quality before" and/or "use by", and/or "expiration date", depending on the nature of the tea or related product concerned;
  - (ii) abbreviations of the preceding wording shall not be allowed, except in the case of "best before" where the abbreviation "BB" may be used;
  - (iii) the date sequence shall be "day-month-year" (i.e. "dd/mm/yyyy") when numbers only are used: Provided that in the case of imported products where an altered date sequence is used, the month shall be indicated in letters, either written out in full or abbreviated, and the year shall be written out in full; and
  - (iv) it shall not be removed or altered by any person.
- (b) When tea or a relate product is packed in an outer container, which will during normal usage be discarded by the consumer, the date marking shall, if indicated, appear on each individual container that will be retained by the consumer until consumption.

***Restricted particulars on containers and outer containers***

17. (1) (a) No product name other than the applicable product name in Table 1 for the tea or

related product concerned shall be marked on a container or outer container thereof: Provided that product names of other categories of tea and/or related products from the same manufacturer indicated for the sole purpose of promotion and/or comparative claims shall be allowed on the side panel or back panel of a container and shall be accompanied by wording such as but not limited to for example "also try these products in our range", etc.

- (b) No word or expression which so nearly resembles the product name for tea or a related product concerned that it could be misleading with regard to the composition of the product presented for sale shall be marked on a container or outer container of such product.

(2) No word, mark, illustration, depiction or other method of expression that constitutes a misrepresentation or directly or by implication creates or may create a misleading impression regarding the quality, nature, category, origin or composition of tea or a related product shall be marked on a container or outer container of such product.

(3) Subject to the provisions of regulation 12(7)(f), the claims "100%", "100% pure" "100% tea", "100% pure tea", "pure tea" or "pure" shall not be marked on the container or outer container of Tea essence (liquid tea extract/ concentrate).

(4) No claim regarding the absence of any substance that does not normally occur in tea or a related product shall be marked on a container or outer container of such product, except in the cases where the negative claim is allowed for in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).

(5) The word "instant" may only be marked on a container or outer container containing Instant tea (soluble tea extract) and Decaffeinated instant tea.

(6) Any depictions, illustrations, words or wording which emphasise the presence of the added foodstuff, herbal infusion, fruit infusion, herb or spice in tea or related products shall only be allowed on a container or outer container if the requirements of Quantitative Ingredient Declarations (QUID), as specified in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), have been complied with.

(7) The provisions of this regulation shall also apply to particulars that are marked on --

- (a) a notice board displayed at or in the immediate vicinity of tea or a related product that is kept or displayed for sale; and
- (b) all advertisements for tea and related products.

## PART V SAMPLING AND ANALYSIS

### ***Sampling***

18. For the purpose of inspection for quality control, an inspector shall take such samples of a product, material, substance or other article in question as he or she may deem necessary.

### ***Analysis***

19. (1) Samples shall be analysed using the latest versions of the methods set out in Table 3.

(2) Notwithstanding the requirements in sub-regulation (1) above, any other method which is accepted and approved by the Association of Official Agricultural Chemists (AOAC) or the International Organization for Standardization (ISO) may be used: Provided that --

- (a) the method concerned has been validated;

- (b) the laboratory concerned employing this method has been accredited (e.g. by SANAS); and
- (c) the laboratory concerned conducts proficiency testing/ inter-laboratory comparisons.

**TABLE 3**  
**METHODS OF ANALYSIS**

<b>Nature of determination</b>	<b>Method</b>
(a) Caffeine content	ISO 10727:2002
(b) Total ash (on a dry basis)	AOAC 920.100A
(c) Water soluble extract/ matter (on a dry basis)	AOAC 920.100B

(3) When the results of the analysis performed deviate from the prescribed compositional requirements for the product concerned, the whole batch from which the relevant samples were obtained shall be regarded as non-compliant.

**PART VI**  
**OFFENCES AND PENALTIES**

***Offences and penalties***

20. Any person who contravenes or fails to comply with the provisions of these regulations shall be guilty of an offence and upon conviction be liable to a fine or imprisonment in accordance with section 11 of the Act.



**DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT****NO. R. 1154****30 OCTOBER 2020****AGRICULTURAL PRODUCT STANDARDS ACT, 1990  
(ACT No. 119 OF 1990)****REGULATIONS RELATING TO COFFEE, CHICORY AND RELATED PRODUCTS INTENDED FOR SALE  
IN THE REPUBLIC OF SOUTH AFRICA**

The Minister of Agriculture, Land Reform and Rural Development has in terms of section 15 of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990) --

- (a) made the regulations in the Schedule; and
- (b) determined that the said regulations shall come into operation 12 months after date of publication thereof.

**SCHEDULE**

<b>Contents</b>	<b>Regulation</b>
<b>PART I: DEFINITIONS, SCOPE AND RESTRICTIONS</b>	
Definitions	1
Scope of regulations	2
Restrictions on the sale of coffee, chicory and related products	3
<b>PART II: CATEGORIES OF AND STANDARDS FOR COFFEE, CHICORY AND RELATED PRODUCTS</b>	
Categories of coffee, chicory and related products	4
Roasted coffee beans	5
Ground coffee	6
Instant coffee (soluble coffee extract)	7
Decaffeinated coffee and Decaffeinated instant coffee	8
Coffee essence (liquid coffee extract/ concentrate)	9
Mixed coffee (coffee mixture)	10
Chicory and chicory extracts	11
Coffee and chicory mixture	12
Coffee and chicory essence (liquid coffee and chicory extract/ concentrate)	13
Instant coffee and chicory extract	14
Chicory and coffee mixture	15
Instant chicory and coffee extract	16
<b>PART III: CONTAINERS AND OUTER CONTAINERS</b>	
Requirements for containers and outer containers	17
<b>PART IV: MARKING REQUIREMENTS</b>	
Marking of containers and outer containers	18
Indicating the product name	19
Additions to the product name	20
Additional particulars on the main panel	21
Additional particulars on the container	22
Indicating the name and address	23
Indicating the country of origin	24
Indicating the date marking or batch code or batch number	25
Restricted particulars on containers and outer containers	26
<b>PART V: SAMPLING AND ANALYSIS</b>	
Sampling	27
Analysis	28
<b>PART VI: OFFENCES AND PENALTIES</b>	
Offences and penalties	29

**PART I**  
**DEFINITIONS, SCOPE AND RESTRICTIONS**

**Definitions**

1. Any word or expression in these regulations to which a meaning has been assigned in the Act shall have that meaning, and unless the context otherwise indicates --

**"address"** means a physical address and includes the street or road number or name and the name of the town, village or suburb and, in the case of a farm, the name or number of the farm and of the magisterial district in which it is situated;

**"agglomerated"** means a process in which the spray dried particles (powder) are fused together to form large particles;

**"assignee"** means a person, undertaking, body, institution, association or board designated under section 2(3) of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990);

**"batch"** means a definite quantity of coffee, chicory or a related product produced essentially under the same conditions, and not exceeding 24 hours;

**"best before date"** or **"best quality before date"** means the date which signifies the end of period under any stated storage conditions during which the unopened product will remain fully marketable and will retain any specific qualities for which implied or express claims have been made, however, beyond the date the food may still be acceptable for consumption;

**"chicory"** means the powder obtained by roasting and grinding the cleaned and dried roots of *Cichorium intybus* L. usually used for the preparation of beverages;

**"coffee"** means the general term used for fruits and seeds of plants of the genus *Coffea*, usually the cultivated species such as for example *Coffea Arabica* L., *Coffea Robusta* Chev., *Coffea liberica* Hiern, as well as products from these fruits and seeds in different stages of processing and use which are intended for human consumption;

**"container"** means the immediate packaging in which coffee, chicory or a related product is presented for sale to the consumer, but excludes individual pods/ capsules and filter bags, as well as sealed bags (manufactured from aluminum foil or any other suitable material) containing such units that are packed inside a container;

**"Executive Officer"** means the officer designated under section 2(1) of the Act;

**"food additive"** means a permitted substance as defined in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);

**"foodstuff"** means a foodstuff as defined in the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);

**"freeze dried"** means a process in which the product in the liquid state is frozen and the ice removed by sublimation, with the dried particles typically having a granular appearance;

**"green coffee beans"** means the dried seeds of any species of *Coffea*, separated from non-food tissues of the fruit;

**"husk"** means the assembled external envelopes (pericarp) of the dried coffee fruit;

**"inspector"** means an officer under the control of the Executive Officer, or an assignee or an employee of an assignee;

**"label"** means any tag, brand, mark, pictorial, graphic or other descriptive matter, which is written, printed,

stencilled, marked, embossed, impressed upon, or permanently attached to a container of a canned or pickled vegetables product, and includes labelling for the purpose of promoting its sale or disposal;

**"main panel"** means that part(s) of the container, outer container or label that bears the brand name or trade mark of the product in greatest prominence, or any other part of the container, outer container or label that bears the brand or trade name in equal prominence;

**"outer container"** means a carton or any other suitable packaging in which more than one container of coffee, chicory or a related product is packed, irrespective whether it completely or partially encloses the containers;

**"premix"** means a product that consists of coffee, chicory or a related product mixed with, for example sugar and/or milk powder and/or creamer, that is intended to be dissolved in hot or cold water to deliver a ready-to-drink beverage;

**"related products"** means the products referred to in regulations 7 to 10 and 12 to 16 that are intended for consumption as a beverage;

**"roasting"** means the heat treatment that produces fundamental chemical and physical changes in the structure and composition of green coffee, bringing about darkening of the beans and the development of the characteristic flavour of roasted coffee;

**"spray dried"** means a process in which the product in the liquid state is sprayed into a hot atmosphere and formed into dried particles in a powder form by evaporation of the water;

**"sugar"** means sugar as defined in the Codex Standard for Sugars (CODEX STAN 212-1999);

**"the Act"** means the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990);

**"trade mark"** means a trade mark as defined in the Trade Marks Act, 1993 (Act No. 194 of 1993); and

**"use by date" or "expiration date"** means the date which signifies the end of the period under any stated storage conditions, after which the product should not be sold or consumed due to safety and quality reasons.

### ***Scope of regulations***

2. These regulations shall apply to coffee, chicory and related products intended for sale in the Republic of South Africa to which and under circumstances in which a prohibition in terms of section 3 of the Act regarding control over the sale of coffee, chicory and related products apply.

### ***Restrictions on the sale of coffee, chicory and related products***

3. (1) No person shall sell coffee, chicory and related products in the Republic of South Africa --
  - (a) unless such products are sold according to the categories referred to in regulation 4;
  - (b) unless such products comply with the standards prescribed for each category referred to in regulations 5 to 16;
  - (c) unless the containers and outer containers in which such products are packed, comply with the requirements referred to in regulation 17;
  - (d) unless such products are marked in the manner and with the particulars referred to in regulations 18 to 25; and
  - (e) if such products are marked with any restricted particulars or in a manner which is prohibited in terms of regulation 26.
- (2) The Executive Officer may grant written exemption, entirely or partially, to any person on such

conditions, as he deems necessary, from the provisions of sub-regulation (1) above.

- (3) The restrictions in sub-regulation (1) above shall not apply to the sale of --
- (a) green coffee beans intended for further processing and/or roasting purposes;
  - (b) coffee, chicory and related products that are in the course of a business prepared and served on the premises in the ready-to-drink form to the consumer at, for example a restaurant, coffee shop, club, canteen, a fixed or mobile stall, or any other catering establishment;
  - (c) products based on coffee, chicory and related products that are due to their composition presented for sale to the consumer under a specific designation or variant name such as, but not limited to "Cappuccino", "Cafe latte", "Mocha", "Macchiato", etc. as --
    - (i) a ready-to-drink beverage (hot or cold) at, for example a restaurant, coffee shop, club, canteen, a fixed or mobile stall, or any other catering establishment; or
    - (ii) an instant powder at retail and other commercial outlets; and
  - (d) premix coffee, chicory and related products.

## PART II

### CATEGORIES OF AND STANDARDS FOR COFFEE, CHICORY AND RELATED PRODUCTS

#### *Categories of coffee, chicory and related products*

4. The categories of coffee, chicory and related products shall be as follows:

- (1) Roasted coffee beans.
- (2) Ground coffee.
- (3) Instant coffee (soluble coffee extract).
- (4) Decaffeinated coffee and Decaffeinated instant coffee.
- (5) Coffee essence (liquid coffee extract/ concentrate).
- (6) Mixed coffee (coffee mixture).
- (7) Chicory and chicory extracts.
- (8) Coffee and chicory mixture.
- (9) Coffee and chicory essence (liquid coffee and chicory extract/ concentrate).
- (10) Instant coffee and chicory extract.
- (11) Chicory and coffee mixture.
- (12) Instant chicory and coffee extract.

#### *Standards for categories of coffee, chicory and related products*

##### *Roasted coffee beans*

5. (1) Roasted coffee beans means the whole green coffee beans of any species of *Coffea* (e.g. *Coffea Arabica* L., *Coffea Robusta* Chev., *Coffea liberica* Hiern, etc.) that have been --

- (a) properly cleaned, and that are free from any insect and fungal infestation; and
- (b) roasted to the desired intensity to achieve a certain flavour profile.

(2) The moisture content of the roasted coffee beans shall not exceed 5.0 percent (m/m) at the time of packing.

**Ground coffee**

6. Ground coffee shall --

- (a) consist of roasted coffee beans that have been ground so as to be suitable for making an infusion or decoction;
- (b) contain less than 1 percent (m/m) coffee bean husks when present;
- (c) be free from fungal infestation;
- (d) contain no chicory, added foodstuffs or food additives; and
- (e) not have a moisture content of more than 5.0 percent (m/m) at the time of packing.

**Instant coffee (soluble coffee extract)**

7. (1) Instant coffee (soluble coffee extract) --

- (a) shall consist of the dried soluble solids obtained by spray drying or freeze drying the water extraction of freshly roasted coffee beans;
- (b) shall contain only the soluble and aromatic constituents of coffee, apart from those insoluble substances which are not possible to remove and insoluble oils derived from coffee;
- (c) shall be in the free flowing powder, agglomerated or granule form; and
- (d) may contain food additives.

(2) Recovered volatile coffee aromas may be added to Instant coffee (soluble coffee extract).

**Decaffeinated coffee and Decaffeinated instant coffee**

8. (1) Decaffeinated coffee --

- (a) shall consist of freshly roasted decaffeinated green beans that have been ground to deliver a product similar to Ground coffee;
- (b) shall not contain more than 0.1 percent of anhydrous caffeine; and
- (c) may contain food additives.

(2) Decaffeinated instant coffee --

- (a) shall consist of the dried soluble solids obtained by spray drying or freeze drying the water extraction of freshly roasted decaffeinated green beans to deliver a product similar to Instant coffee (soluble coffee extract);
- (b) shall not contain more than 0.3 percent of anhydrous caffeine; and
- (c) may contain food additives.

(3) The extraction of caffeine from green coffee beans shall be achieved by any suitable means.

**Coffee essence (liquid coffee extract/ concentrate)**

9. Coffee essence shall --

- (a) consist of the concentrated essence or liquid extract obtained from Ground coffee, with or without the addition of glycerol and/ or sugar; and
- (b) not contain any added foodstuffs or food additives other than those mentioned in paragraph (a) above.

**Mixed coffee (coffee mixture)**

10. Mixed coffee shall consist of a mixture of Ground coffee and chicory only: Provide that Ground coffee shall constitute at least 75 percent (m/m) of the mixture.

**Chicory and chicory extracts**

11. (1) Chicory means the product as defined in regulation 1.

(2) Chicory extracts shall consist of the concentrated product obtained from water extraction of roasted chicory, but excludes any process of hydrolysis involving the addition of an acid or a base.

(3) Instant chicory (soluble chicory extract) shall --

- (a) consist of the dried soluble solids obtained by spray drying or freeze drying the water extraction of roasted chicory;
- (b) be in the powder, agglomerated, granule or other solid form; and
- (c) have a chicory-based dry matter content of at least 95 percent (m/m).

(4) Chicory extract paste shall --

- (a) consist of chicory extract in the paste form; and
- (b) have a chicory-based dry matter content of at least 70 percent (m/m), but not more than 85 percent (m/m).

(5) Liquid chicory extract shall --

- (a) consist of chicory extract in the liquid form; and
- (b) have a chicory-based dry matter content of at least 25 percent (m/m), but not more than 55 percent (m/m).

**Coffee and chicory mixture**

12. Coffee and chicory mixture --

- (a) shall consist of a mixture of Ground coffee and chicory: Provided that Ground coffee shall constitute at least 50 percent (m/m) of the mixture; and
- (b) may contain added sugar and/or food additives.

**Coffee and chicory essence (liquid coffee and chicory extract/ concentrate)**

13. Coffee and chicory essence shall consist of the concentrated essence or liquid extract obtained from the coffee and chicory mixture referred to in regulation 12, with or without the addition of glycerol and/ or sugar.

***Instant coffee and chicory extract***

14. Instant coffee and chicory extract --

- (a) shall consist of the dried soluble solids obtained by spray drying or freeze drying the water extraction of the coffee and chicory mixture referred to in regulation 12;
- (b) shall be in the powder, agglomerated or granule form; and
- (c) may contain added sugar and/or food additives.

***Chicory and coffee mixture***

15. Chicory and coffee mixture --

- (a) shall consist of a mixture of chicory and Ground coffee: Provided that chicory shall constitute at least 50 percent (m/m) of the mixture; and
- (b) may contain added sugar and/or food additives.

***Instant chicory and coffee extract***

16. Instant chicory and coffee extract --

- (a) shall consist of the dried soluble solids obtained by spray drying or freeze drying the water extraction of the chicory and coffee mixture referred to in regulation 15;
- (b) shall be in the powder, agglomerated or granule form; and
- (c) may contain added sugar and/or food additives.

**PART III  
CONTAINERS AND OUTER CONTAINERS**

***Requirements for containers and outer containers***

17. (1) A container in which coffee, chicory or related products is packed shall --

- (a) be manufactured from a material that --
  - (i) is suitable for this purpose;
  - (ii) will protect the contents thereof from contamination; and
  - (iii) will not impart any undesirable taste or flavour to the contents thereof;
- (b) be so strong that it will not be damaged or deformed during normal storage, handling and transport practices;
- (c) be intact and clean; and
- (d) be closed properly in a manner permitted by the nature thereof.

(2) If containers containing coffee, chicory or related products are packed in outer containers, such outer containers shall --

- (a) be intact, clean, neat, suitable and strong enough; and
- (b) not impart any undesirable taste or flavour to the contents thereof.

## PART IV MARKING REQUIREMENTS

### *Marking of containers and outer containers*

18. (1) Except where specifically prescribed, all other marking requirements as specified by these regulations shall be clearly legible and be indicated at least in English, in detached letters or figures of at least 1 mm in size for lower case vowels.

(2) Each container in which coffee, chicory and related products are packed shall be marked with the following particulars at least in English:

- (a) **The product name** and, where applicable, **the additions to the product name**, as specified in regulations 19 and 20 respectively, in detached letters of the same type, size, colour and font, prominently on at least one main panel in a letter size of at least 2 mm for lower case vowels: Provided that the name of the added flavourant (e.g. 'vanilla', etc.) may be indicated in one different colour when used in the additions to the product name.
  - (b) **The additional particulars on the main panel**, where applicable, as specified in regulation 21.
  - (c) **The additional particulars on the container**, where applicable, as specified in regulation 22.
  - (d) **The name and address**, as specified in regulation 23.
  - (e) **The country of origin**, as specified in regulation 24.
  - (f) **The date marking** (i.e. "best before" or "best quality before" or "use by" or "expiration date") or **batch code** or **batch number** for the purpose traceability and batch identification, as specified in regulation 25.
- (3) (a) The particulars referred to in sub-regulation (2)(a), (d), (e) and (f) above shall be marked on each outer container in which more than one container of coffee, chicory or a related product is packed.
- (b) The marking requirements prescribed in paragraph (a) above need not to be complied with if --
- (i) a transparent outer container is used and the particulars on the containers packed therein are visible from the outside; or
  - (ii) the same label which is affixed to the containers is also affixed to the outer container.

(4) Individual pods/ capsules or filter bags containing coffee, chicory or a related product that are packed directly in a container shall be exempted from any of the marking requirements prescribed in sub-regulation (2) above: Provided that --

- (a) the individual pods/ capsules or filter bags shall not be sold loose; and
- (b) the container containing the individual pods/ capsules or filter bags shall be marked with all the prescribed marking requirements and in the prescribed letter sizes.

(5) When individual pods/ capsules or filter bags containing coffee, chicory or a related product are packed in a sealed bag (manufactured from aluminum foil or any other suitable material) inside a container, the sealed bag shall be exempted from any of the marking requirements prescribed in sub-regulation (2) above: Provided that --

- (a) the sealed bag shall not be sold loose; and



- (b) the container containing such sealed bag shall be marked with all the prescribed marking requirements and in the prescribed letter sizes.

**Indicating the product name**

19. (1) The product names for the categories of coffee, chicory and related products shall be as follows:

**TABLE 1**  
**PRODUCT NAMES FOR THE CATEGORIES OF COFFEE, CHICORY AND RELATED PRODUCTS**

Category	Product name
1	2
(a) Roasted coffee beans	"Roasted coffee beans" or "Coffee beans"
(b) Ground coffee	"Ground coffee" / "Roasted ground coffee"
(c) Instant coffee (soluble coffee extract)	"Instant coffee" or "Soluble coffee"
(d) Decaffeinated coffee and Decaffeinated instant coffee	"Decaffeinated coffee" / "Decaf coffee" or "Decaffeinated instant coffee" / "Decaf instant coffee", as the case may be.
(e) Coffee essence (liquid coffee extract/ concentrate)	"Coffee essence" or "Liquid coffee extract" or "Liquid coffee concentrate"
(f) Mixed coffee (coffee mixture)	"Mixed coffee" or "Coffee mixture"
(g) Chicory and chicory extracts	(i) "Chicory powder"; (ii) "Instant chicory" or "Soluble chicory"; (iii) "Chicory extract paste" / "Chicory paste"; or (iv) "Liquid chicory extract", as the case may be.
(h) Coffee and chicory mixture	"Coffee and chicory" or "Coffee and chicory mixture"
(i) Coffee and chicory essence (liquid coffee and chicory extract/ concentrate)	"Coffee and chicory essence" or "Liquid coffee and chicory extract" or "Liquid coffee and chicory concentrate"
(j) Instant coffee and chicory extract	"Instant coffee and chicory" or "Soluble coffee and chicory"
(k) Chicory and coffee mixture	"Chicory and coffee" or "Chicory and coffee mixture"
(l) Instant chicory and coffee extract	"Instant chicory and coffee" or "Soluble chicory and coffee"

- (2) The word "mixture" in the product name may be substituted by the word "mix" or "blend".

**Additions to the product name**

20. (1) When a flavouring has been added to a category of coffee, chicory or related products in order to render a distinctive specific flavour thereto, the product name concerned shall be preceded by the descriptive name for the distinctive flavour concerned and the expression "X Flavoured", or followed by the expression "with X Flavour" or "with X Flavouring", where "X" indicates the name(s) of the flavouring(s) used.

- (2) The following information may be indicated as part of the product name and/or be indicated on

its own:

- (a) The indication “granules” or “powder”, as the case may be, to describe the appearance of the Instant coffee (soluble coffee extract), Instant coffee and chicory extract or Instant chicory and coffee extract.
- (b) The specific species of *Coffea* (e.g. *Arabica*, *Robusta*, etc.) from which the beans originate.
- (c) The roast intensity and/ or the particular name used to describe the degree of roast applied to the coffee beans to achieve a certain flavour profile, in the case of Roasted coffee beans, Ground coffee, Instant coffee (soluble coffee extract), Decaffeinated coffee and Decaffeinated instant coffee (e.g. *medium roast*, *dark roast*, *French roast*, *Brazilian roast*, *Cinnamon roast*, *Continental roast*, etc.).
- (d) The method used to obtain Instant coffee (soluble coffee extract), Instant coffee and chicory extract or Instant chicory and coffee extract, i.e. spray dried or freeze dried.
- (e) The claims “100%”, “100% pure” “100% coffee”, “100% pure coffee”, “pure coffee” or “pure”, or any other word or words having a similar meaning, in the case of Roasted coffee beans, Ground coffee, Instant coffee (soluble coffee extract), Decaffeinated coffee, Decaffeinated instant coffee and Coffee essence (liquid coffee extract/ concentrate) only: Provided that if a foodstuff and/or a food additive has been added to the afore-mentioned categories, these claims shall not be marked on the container of such products.

#### **Additional particulars on the main panel**

21. When coffee, chicory or a related product is packed in individual pods/ capsules or coffee filter bags, this shall be communicated on the main panel of each container containing such pods/ capsules or coffee filter bags (e.g. “easy to use pods”, “convenient filter bags”, etc.): Provided that --

- (a) such wording may also be indicated as part of the product name only (e.g. “Instant coffee pods”, “Ground coffee filter bags”, etc.); and
- (b) if the contents of the container is clearly visible and identifiable from the outside, the wording communicating that the outer container contains pods/ capsules or coffee filter bags may be omitted.

#### **Additional particulars on the container**

22. (1) In the case of Mixed coffee (coffee mixture), Coffee and chicory mixture as well as Chicory and coffee mixture, the proportion (ratio) of the coffee and chicory contained in the mixture shall be declared at least in the ingredients list.

(2) When coffee is derived from one or more country(ies), location(s) or geographical area(s), the name of that country(ies), location(s) or geographical area(s) may be indicated on the container.

(3) Sensory descriptions about the flavour and aroma of a particular coffee, chicory or a related product may be indicated on the container: Provided that it does not form part of the product name.

(4) The names or descriptions used to distinguish between the various mixtures or blends of coffee may be indicated on the container (e.g. *Mocha Java*, *Blue Mountain Blend*, *Wiener Mischung*, *House Blend* and *Continental Blend*).

(5) The word “Espresso” to describe a specific style of coffee or the intended use may be indicated on the container of Roasted coffee beans, Ground coffee or Instant coffee (soluble coffee extract).

(6) Every container containing Coffee essence (liquid coffee extract/ concentrate) or Coffee and chicory essence (liquid coffee and chicory extract/ concentrate) shall be labelled with clear directions for use.

***Indicating the name and address***

23. The name and address of the manufacturer, packer, importer, seller or entity on whose behalf the coffee, chicory or related products have been packed shall be indicated on every container: Provided that in the case where --

- (a) it is not possible to indicate the physical address, a postal address with a telephone number may be used instead; and
- (b) imported coffee, chicory or related products indicate the address of the foreign manufacturer or packer only, a South African address for the importer, seller or entity on whose behalf the coffee, chicory or related products have been packed shall in addition be indicated on each container.

***Indicating the country of origin***

24. (1) The country of origin shall be declared as follows on every container:

- (a) "Product of (name of country)" if all the main ingredients, processing and labour used to make the product are from one specific country; or
- (b) "Produced in (name of country)", "Processed in (name of country)", "Manufactured in (name of country)", "Made in (name of country)", or wording having a similar meaning, when the product is processed in a second country which changes its nature; or
- (c) In the case where single ingredient agricultural commodities are imported in bulk and where owing to climatic, seasonal or other contingencies more than one country may be the source of the single ingredient agricultural commodity, the wording "Product of (name(s) of country(ies))" separated by the expression 'and/or', shall be declared on the label of the final pre-packed foodstuff: Provided that the final end product remains a single ingredient agricultural commodity.

(2) The words "Packed in (name of country)" may be used in addition to the requirements referred to in sub-regulation (1) above.

(3) The name(s) of the country(ies) indicated in terms of sub-regulations (1) and (2) above may not be abbreviated.

***Indicating the date marking or batch code or batch number***

25. (1) For the purpose of batch identification and traceability, each container containing coffee, chicory and related products shall be clearly marked with the date marking or batch code or batch number in such a way that the specific batch is easily identifiable and traceable.

- (2) (a) When a date marking appears on a container --
  - (i) it shall be preceded by appropriate wording "best before" or "best quality before" and/or "use by", and/or "expiration date", depending on the nature of the coffee, chicory or related product concerned;
  - (ii) abbreviations of the preceding wording shall not be allowed, except in the case of "best before" where the abbreviation "BB" may be used;
  - (iii) the date sequence shall be "day-month-year" (i.e. "dd/mm/yyyy") when numbers only are used: Provided that in the case of imported products where an altered date sequence is used, the month shall be indicated in letters, either written out in full or abbreviated, and the year shall be written out in full; and
  - (iv) it shall not be removed or altered by any person.

- (b) When coffee, chicory or a related product is packed in an outer container, which will during normal usage be discarded by the consumer, the date marking shall, if indicated, appear on each individual container that will be retained by the consumer until consumption.

***Restricted particulars on containers and outer containers***

26. (1) (a) No product name other than the applicable product name in Table 1 for the coffee, chicory or related product concerned shall be marked on a container or outer container thereof: Provided that product names of other categories of coffee, chicory and/or related products from the same manufacturer indicated for the sole purpose of promotion and/or comparative claims shall be allowed on the side panel or back panel of a container and shall be accompanied by wording such as but not limited to for example "also try these products in our range".

- (b) No word or expression which so nearly resembles the product name for coffee, chicory or a related product concerned that it could be misleading with regard to the composition of the product presented for sale, shall be marked on the container or outer container of such product.

(2) No word, mark, illustration, depiction or other method of expression that constitutes a misrepresentation or directly or by implication creates or may create a misleading impression regarding the quality, nature, category, origin or composition of coffee, chicory or a related product shall be marked on a container or outer container of such product.

(3) Subject to the provisions of regulation 20(2)(e), the claims "100%", "100% pure" "100% coffee", "100% pure coffee", "pure coffee" or "pure", shall not be marked on a container or outer container of Mixed coffee (coffee mixture), Chicory, Chicory extracts, Coffee and chicory mixture, Coffee and chicory essence (liquid coffee and chicory extract/ concentrate), Instant coffee and chicory extract, Chicory and coffee mixture or Instant chicory and coffee extract.

(4) No claim regarding the absence of any substance that does not normally occur in coffee, chicory or a related product shall be marked on a container or outer container of such product, except in the cases where the negative claim is allowed for in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).

(5) The word "instant" may only be marked on a container or outer container containing Instant coffee (soluble coffee extract), Decaffeinated instant coffee, Instant chicory (soluble chicory extract), Instant coffee and chicory extract as well as Instant chicory and coffee extract.

(6) Any depictions, illustrations, words or wording which emphasise the presence of an added foodstuff in coffee, chicory or related products shall only be allowed on a container or outer container if the requirements of Quantitative Ingredient Declarations (QUID), as specified in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), have been complied with.

(7) The provisions of this regulation shall also apply to particulars that are marked on --

- (a) a notice board displayed at or in the immediate vicinity of coffee, chicory or a related product that is kept or displayed for sale; and
- (b) all advertisements for coffee, chicory and related products.

**PART V  
SAMPLING AND ANALYSIS**

***Sampling***

27. For the purpose of inspection for quality control, an inspector shall take such samples of a product, material, substance or other article in question as he or she may deem necessary.

**Analysis**

28. (1) Samples shall be analysed using the latest versions of the methods set out in Table 2 below.

**TABLE 2  
METHODS OF ANALYSIS**

<b>Nature of determination</b>	<b>Method</b>
(a) Caffeine content (anhydrous)	AOAC 960.25/ 979.11 ISO 4052:1983 ISO 20481:2008
(b) Moisture content	AOAC 968.11/ 979.12 ISO 20938:2008
(c) Dry matter content	ISO/ DIS 22994

(2) Notwithstanding the requirements in sub-regulation (1) above, any other method which is accepted and approved by the Association of Official Agricultural Chemists (AOAC) or the International Organization for Standardization (ISO) may be used: Provided that --

- (a) the method concerned has been validated;
- (b) the laboratory concerned employing this method has been accredited (e.g. by SANAS); and
- (c) the laboratory concerned conducts proficiency testing/ inter-laboratory comparisons.

(3) When the results of the analysis performed deviate from the prescribed compositional requirements for the product concerned, the whole batch from which the relevant samples were obtained shall be regarded as non-compliant.

**PART VI  
OFFENCES AND PENALTIES**

**Offences and penalties**

29. Any person who contravenes or fails to comply with the provisions of these regulations shall be guilty of an offence and upon conviction be liable to a fine or imprisonment in accordance with section 11 of the Act.

## DEPARTMENT OF EMPLOYMENT AND LABOUR

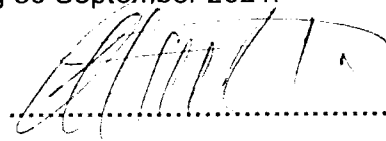
NO. R. 1155

30 OCTOBER 2020

## LABOUR RELATIONS ACT, 1995

**BARGAINING CONCIL FOR THE FURNITURE MANUFACTURING INDUSTRY OF THE SOUTH WESTERN DISTRICTS: RENEWAL OF PERIOD OF OPERATION OF THE MAIN COLLECTIVE AGREEMENT**

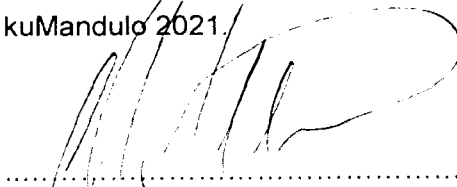
I, **STEPHEN RATHAI**, Director: Collective Bargaining, duly authorised thereto by the Minister of Employment and Labour, hereby, in terms of section 32(6)(a)(ii) of the Labour Relations Act, 1995, renew the period fixed in Government Notice No. R. 497 of 18 May 2018, by a further period ending 30 September 2021.



DIRECTOR: COLLECTIVE BARGAINING

**UMNYANGO WEZEMISEBENZI NEZABASEBENZI****UMTHETHO WOBUDLELWANO KWEZABASEBENZI KA-1995****BARGAINING CONCIL FOR THE FURNITURE MANUFACTURING INDUSTRY OF THE SOUTH WESTERN DISTRICTS: UKUVUSELELWA KWESIKHATHI SOKUSEBENZA KWESIVUMELWANO ESIYINGQIKITHI**

Mina, **STEPHEN RATHAI**, uMqondisi Wezokuxoxisana phakathi kwabaQashi naBasebenzi, ngegunya likaNgqongqoshe Wezabasebenzi, lapha ngokwesigaba 32(6)(a)(ii) soMthetho Wobudlelwano Kwezabasebenzi, ka-1995 ngimemezela ukuthi isikhathi sokusebenza kwesivumelwano esiyingqikithi esinqunywe kwiSaziso sikaHulumeni esingunombolo R. 497 somhlaka 18 kuNhlaba 2018, sengeziwe ngesikhathi esiphela ngomhlaka 30 kuMandulo 2021.

**UMQONDISI WEZOKUXOXISANA PHAKATHI  
KWABAQASHI NABASEBENZI**

## DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 1156

30 OCTOBER 2020

**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, 571 of 18 July 2014, R. 5 of 9 January 2015, R. 32 of 23 January 2015, R. 33 of 23 January 2015, R. 318 of 17 April 2015, R. 545 of 30 June 2015, R. 2 of 19 February 2016, R. 1055 of 29 September 2017, R. 1272 of 17 November 2017, R. 632 of 22 June 2018, R. 1318 of 30 November 2018, R. 842 of 31 May 2019, R. 1343 of 18 October 2019, R. 107 of 7 February 2020 and R. 858 of 7 August 2020.

### **Amendment of rule 5 of the Rules**

#### **2. Rule 5 of the Rules is hereby amended –**

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

“(2)(a) In every case where the claim is not for a debt or liquidated demand the summons shall be a combined summons similar to Form 2B of Annexure 1, to which summons shall be annexed **[a statement] particulars** of the material facts relied upon by the plaintiff in support of plaintiff's claim, and which **[statement] particulars** shall, amongst others, comply with rule 6, but in divorce matters a combined summons substantially compliant with Form 2C shall be used.

(b) (i) Where the claim is for a debt or liquidated demand, other than a claim subject to the provisions of the National Credit Act, 2005, the summons may be a simple summons similar to Form 2 of Annexure 1.

(ii) If the cause of action is based on a contract the plaintiff shall indicate whether the contract is in writing or oral, when, where and by whom it was concluded, and if the contract is in writing a copy thereof or of the part relied on shall be annexed to the simple summons.” and

(b) by the substitution for subrule (7) of the following subrule:

“(7) Where the plaintiff issues a simple summons in respect of a claim regulated by legislation the summons may contain a bare allegation of compliance with the legislation, but the declaration, if any, must allege full particulars of such compliance. **[:]**”

**[Provided that where the original cause of action is a credit agreement under the National Credit Act, 2005, the plaintiff seeking to obtain judgment in terms of section 58 of the Act shall in the summons deal with each one**



of the relevant provisions of sections 129 and 130 of the National Credit Act, 2005, and allege that each one has been complied with.]”

### **Amendment of rule 33 of the Rules**

3. Rule 33 of the Rules is hereby amended—

(a) by the insertion after subrule (5) of the following subrule:

“(5A). In district court and regional court civil matters, the scale of fees to be taken by advocates referred to in section 34(2)(a)(ii) of the Legal Practice Act, 2014 (Act No. 28 of 2014) as between party and party shall be that set out in Table A and Table B of Annexure 2 subject to any restrictions in any Part of the Tables.”;

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

“Save as to appearance in open court without [counsel] an advocate referred to in section 34(2)(a)(i) of the Legal Practice Act, 2014 (Act No. 28 of 2014), the fees in subrule (5) shall be [allowable] allowed whether the work has been done by an attorney or by his or her [clerk] candidate attorney, but shall, except in the case of the fee referred to in paragraph 13 of the general provisions under Table A of Annexure 2, be [allowable] allowed only in so far as the work to which such fees have been allocated has in fact and necessarily been done.”; and

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

“Where the court is of the opinion that at the hearing the party to whom costs are awarded has occupied time unnecessarily or in relation to matters not relevant to the issue, the court may disallow a proportionate part of the hearing fee payable to his or her attorney or [counsel] advocate.”.

### **Amendment of rule 76 of the Rules**

4. Rule 76 of the Rules is hereby amended by the substitution for paragraph (c) of subrule (2) of the following paragraph:

“(c) if the parties agree to mediation, assist them to conclude a written agreement to mediate, which must be signed by the parties and accepted by the mediator; and”.

**Amendment of rule 84 of the Rules**

5. Rule 84 of the Rules is hereby amended—

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

“(2) **[Liability]** Unless the parties agree otherwise, liability for the fees of a mediator must be borne equally **[between opposing]** by the parties participating in mediation[: Provided that any party may offer or undertake to pay in full the fees of a mediator].”; and

(b) by the deletion of subrule (3).

**Repeal of rule 86 of the Rules**

6. Rule 86 of the Rules is hereby repealed.

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

7. Part I of Table A of Annexure 2 to the Rules is hereby amended—

(a) by the substitution for paragraph 6 of the following paragraph:

“6(i) Fees to **[counsel]** advocates referred to in section 34(2)(a)(i) of the Legal Practice Act, 2014 (Act No. 28 of 2014) shall be allowed on taxation only in cases falling within Scale B, C or D or where the court has made an order in terms of rule 33(8).

(ii) Fees to advocates referred to in section 34(2)(a)(ii) of the Legal Practice Act, 2014 (Act No. 28 of 2014) shall be allowed on taxation for Scale A, B, C or D or where the court has made an order in terms of rule 33(8).” and

(b) by the insertion of paragraph 18 after paragraph 17, of the following paragraph:

“18 Fees to advocates referred to in section 34(2)(a)(i) of the Legal Practice Act, 2014 (Act No. 28 of 2014) shall be allowed on taxation only for items 21 to 26 of Part IV.”

**Amendment of Part III of Table A of Annexure 2 to the Rules**

8. Part III of Table A of Annexure 2 to the Rules is hereby amended by the substitution for item 15 of the following item:

15 Attending court during trial, or at an on-the-spot inspection, or at postponement or examination on commission, for each quarter of an hour or part thereof spent in court while the case is actually being heard-				
(a) if <b>[counsel]</b> <u>an advocate is not employed</u>	R180,50	R180,50	R226,50	R292,00
(b) if <b>[counsel]</b> <u>an advocate is employed</u>	Nil	R71,50	R88,00	R113,00

#### Amendment of Part IV of Table A of Annexure 2 to the Rules

9. Part IV of Table A of Annexure 2 to the Rules is hereby amended by –

(a) the substitution for item 3 of Part IV of the following item:

3 Attending court on hearing:				
(a) If unopposed or opposed (if <b>[counsel]</b> <u>an advocate is not employed</u> ), for each quarter of an hour or part thereof actually spent in court	R180,50	R180,50	R226,50	R292,50
(b) If opposed (if <b>[counsel]</b> <u>an advocate is employed</u> ), for each quarter of an hour actually spent in court or part thereof	Nil	R71,50	R88,50	R113,00

(b) the substitution for the heading following after item 15 of the following heading: “WHERE **[COUNSEL]** AN ADVOCATE IS EMPLOYED”;

(c) the substitution for item 20 of the following item:

20 Attending each necessary consultation with <b>[counsel]</b> <u>an advocate</u> , per quarter of an hour or part thereof	
(a) Claim or claims where the aggregate of the claim or claims	R75,00

does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts	
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division	R94,00

(d) the substitution for the heading following after item 20 of the following heading: "FEES TO **[COUNSEL]** ADVOCATES";

(e) the substitution for paragraph (b) of the Notes to items 21 to 26 of the following paragraph:

(b) The court may on request allow a higher fee for <b>[counsel]</b> <u>an advocate</u> in regard to items 22, 24, 25 and 26.	
---	--

(f) the substitution for paragraph (c) of the Notes to items 21 to 26 of the following paragraph:

(c) A fee for travelling time by <b>[counsel]</b> <u>an advocate</u> shall be allowed at the same rate as for attorneys under rule 33(9).	
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### **Amendment of Annexure 3 to the Rules**

**10.** Annexure 3 of the Rules is hereby amended—

(a) by the substitution for Mediation FORM MED-6 of the form annexed hereto; and

(b) by the deletion of Mediation FORM MED-7.

### **Commencement**

**11.** This rule comes into operation on **1 December 2020**.

**ANNEXURE**  
**"FORM MED-6**  
**(Rules 77(4) & 78(3))**

COURT:.....FILE NO:.....

**AGREEMENT TO MEDIATE**  
**(Prior to and after litigation)**

PARTIES:

AA ..... Claimant

And

BB ..... Respondent

---

*(To be completed by mediation clerk)*

We, the undersigned, (hereinafter referred to as "the **[Parties]** parties") agree to mediate the dispute between us, as set out in the Application for Referral to Mediation, on the terms and conditions in this agreement.

**1. PARTICULARS OF CLAIMANT:**

Surname/Name	.....
First Names	.....
Residential address	.....
Business Address	.....
Postal Address	.....
Telephone	.....
Cellular no	.....

Fax no .....  
Email .....

## 2. PARTICULARS OF RESPONDENT:

Surname/Name .....  
First Names .....  
Residential address .....  
Business Address .....  
Postal Address .....  
Telephone .....  
Cellular no .....  
Fax no .....  
Email .....

## 3. MEDIATOR

The **[Parties]** parties hereby agree to appoint the under mentioned mediator:

Surname .....  
First Names .....  
Address .....  
Telephone .....  
Cellular no .....  
Fax no .....  
Email .....

## 4. MEDIATOR'S FEES

**[4.1 The parties and the mediator agree that the fees to the mediator will be paid in accordance with the tariff determined by the Minister.]**

4.1 The parties and the mediator record that no fees are payable to the mediator.

4.2 [A deposit of R\_\_\_\_\_ toward the mediator's fees and expenses, as determined by the mediation clerk, will be paid to the clerk of the court prior to the commencement of mediation. Any unearned amount in fees, paid as deposit, will be refunded to the Parties.] The mediator shall secure his or her fees by agreement with the parties.

4.3.1 The [Parties] parties shall be [jointly and severally] liable for the mediator's fees [and expenses] in equal shares.

OR

4.3.2 The parties undertake to pay the mediator's fees in the following proportions or amounts:

Claimant:

.....

Respondent:

.....

*(Delete whichever is not applicable)*

4.4 Should payment not be [timely] made timeously, the mediator may, at his[/] or her sole discretion, stop all work on behalf of the [Parties] parties and withdraw from the mediation.

4.5 The [Parties] parties understand and agree that they shall be responsible for two hours of the mediator's time at the above stated rate for any appointment which they do not attend and do not provide at least 24 hours advance notice of the cancellation.

5. DATE, TIME AND VENUE

5.1 The first mediation session will be held on...../...../.....at.....  
am/pm.

5.2 The mediation venue will be .....  
but may be changed by agreement between the **[Parties]** parties and the  
mediator.

## 6. DURATION OF MEDIATION

The **[Parties]** parties agree that the anticipated duration of the mediation is  
.....hours/days.

## 7. MEDIATION PROCESS

7.1 The **[Parties]** parties understand that mediation is a process in which a  
mediator facilitates communication between the **[Parties]** parties and,  
without deciding the issues or imposing a solution on the **[Parties]** parties,  
enables them to understand the issues and reach a mutually agreeable  
resolution of their dispute.

7.2 The **[Parties]** parties understand that it is for the parties, with the mediator's  
concurrence, to determine the scope of the mediation and this will be  
accomplished early in the mediation process.

## 8. NATURE OF MEDIATION

8.1 The **[Parties]** parties understand that mediation is an agreement-reaching  
process in which the mediator assists parties to reach agreement in a  
collaborative, consensual and informed manner.



8.2 It is understood that the mediator has no power to decide disputed issues for the **[Parties]** parties.

8.3 The **[Parties]** parties understand that mediation is not a substitute for independent legal advice.

8.4 The **[Parties]** parties understand that the mediator's objective is to facilitate the **[Parties]** parties themselves reaching their most constructive and fairest agreement. The **[Parties]** parties also understand that the mediator has an obligation to work on behalf of each party equally and that the mediator cannot render individual legal advice to any party and will not render therapy within the mediation.

8.5 The **[Parties]** parties state their good faith intention to complete their mediation by an agreement. It is, however, understood that any party may withdraw from or suspend the mediation at any time, for any reason.

8.6 The **[Parties]** parties also understand that the mediator may suspend or terminate the mediation if she/he feels that the mediation will lead to an unjust or unreasonable result, if the mediator feels that an impasse has been reached, or if the mediator determines that s/he can no longer effectively perform his/her facilitative role.

## 9. MEDIATOR IMPARTIALITY

9.1 The **[Parties]** parties understand that the mediator must remain impartial throughout and after the mediation process. The mediator shall therefore not champion the interests of any party over another in the mediation or in any court or other proceeding.

9.2 The mediator will provide copies of correspondence, draft agreements, and written documentation to the **[Parties]** parties’ legal representatives at a party’s request.

9.3 The mediator may communicate separately with an individual mediating party, in which case such discussions shall be confidential between the mediator and the individual mediating party unless they agree otherwise.

## 10. MEDIATOR’S INDEMNITY

The **[Parties]** parties agree that the mediator shall not be liable for any act or omission directly or indirectly connected to the mediation.

## 11. FULL DISCLOSURE

Each of the **[Parties]** parties agrees to fully and honestly disclose all relevant information and documents, as requested by the mediator, and all information requested by any other party to the mediation, if the mediator determines that the disclosure is relevant to the mediation discussions.

## 12. CONFIDENTIALITY

12.1 It is understood between the **[Parties]** parties and the mediator that the mediation will be strictly confidential and without prejudice.

12.2 Mediation discussions, written and oral communications, any draft resolutions, and any unsigned mediated agreements shall not be admissible in any court proceeding, unless such information is discoverable in terms of the normal rules of court. Only a mediated agreement, signed by the **[Parties]** parties may be so admissible.

12.3 The **[Parties]** parties further agree to not call the mediator to testify concerning the mediation or to provide any materials from the mediation in any court proceeding between the **[Parties]** parties.

**[12.3]** 12.4 The **[Parties]** parties understand the mediator has an ethical responsibility to break confidentiality if he/she suspects another person may be in danger of harm.

### 13. LITIGATION

The **[Parties]** parties agree to refrain from pre-emptive maneuvers and adversarial legal proceedings (except in the case of an emergency necessitating such action), while actively engaged in the mediation process.

### 14. PRESCRIPTION

The **[Parties]** parties are aware that the process of mediation shall not suspend, stay or interrupt prescription of any of the parties' claim and the onus rests on each party to take steps to interrupt such prescription for the duration of the mediation.

### 15. SETTLEMENT AGREEMENT

Should the **[Parties]** parties settle the dispute between them, the **[Parties]** parties agree to reduce the terms of the settlement to writing, with the assistance of the mediator.

### 16. BREACH OF AGREEMENT

Any party breaching this agreement shall be liable for and shall indemnify the non-breaching parties and the mediator for any loss, including all costs, expenses, liability and fees, including attorneys' fees, which may be incurred as a result of such breach.

#### 17. NON-VARIATION AND WAIVER

The **[Parties]** parties agree that any amendment or variation or waiver of any term of this agreement must be in writing and signed by the parties, including the mediator.

SIGNED AT ..... ON .....

#### WITNESSES:

1. .... CLAIMANT
2. .... PERSONAL CAPACITY/  
DULY AUTHORISED  
*(Attach copy of authority/  
resolution)*

#### WITNESSES:

1. .... RESPONDENT
2. .... PERSONAL CAPACITY/  
DULY AUTHORISED  
*(Attach copy of authority/  
resolution)*

ACCEPTANCE BY MEDIATOR:

I .....hereby accept the terms and  
conditions of this agreement in so far as they relate to me.

SIGNED AT .....ON .....

.....  
MEDIATOR"

## DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

NO. R. 1156

30 OKTOBER 2020

**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), en met die goedkeuring van die Minister van Justisie en Korrektiewe Dienste, die reëls in die Bylae gemaak.

**BYLAE****ALGEMENE VERDUIDELIKENDE NOTA:**

[     ]     Uitdrukings in vet druk in vierkantige hake dui op weglatings uit bestaande reëls.

\_\_\_\_\_     Uitdrukings met 'n volstreep daaronder dui op invoegings in bestaande reëls.

**Woordomskrywing**

1.     In hierdie Bylae beteken “die Reëls” die Reëls waarby die voer van die verrigtinge van die Landdroshowe van Suid-Afrika gereël word, afgekondig in Goewermentskennisgewing No. R. 740 van 23 Augustus 2010, soos gewysig deur Goewermentskennisgewing No's. R. 1222 van 24 Desember 2010, R. 611 van 29 Julie 2011, R. 1085 van 30 Desember 2011, R. 685 van 31 Augustus 2012, R. 115 van 15 Februarie 2013, R. 263 van 12 April 2013, R. 760 van 11 Oktober 2013, R. 183 van 18 Maart 2014, R. 215 van 28 Maart 2014, R. 507 van 27 Junie 2014, 571 van 18 Julie 2014, R. 5 van 9 Januarie 2015, R. 32 van 23 Januarie 2015, R. 33 van 23 Januarie 2015, R. 318 van 17 April 2015, R. 545 van 30 Junie 2015, R. 2 van 19 Februarie 2016, R. 1055 van 29 September 2017, R. 1272 van 17 November 2017, R. 632 van 22 Junie 2018, R. 1318 van

30 November 2018, R. 842 van 31 Mei 2019, R. 1343 van 18 Oktober 2019, R. 107 van 7 Februarie 2020 en R. 858 van 7 Augustus 2020.

### **Wysiging van reël 5 van die Reëls**

2. Reël 5 van die Reëls word in die Engelse teks gewysig, maar die hele reël, met wysigings, word hier in Afrikaans voorsien:

#### **“2. Dagvaarding**

(1) Iedereen wat 'n eis teen iemand anders instel, kan deur die kantoor van die griffier 'n dagvaarding of 'n gekombineerde dagvaarding uitreik, gerig aan die balju, waarin die balju gelas word om die verweerder onder andere mee te deel dat as die verweerder die eis betwis en wil verdedig, die verweerder—

(a) binne die tyd in die dagvaarding gestel, kennis van voorneme om te verdedig, moet gee; en

(b) na voldoening aan paragraaf (a), indien die dagvaarding 'n gekombineerde dagvaarding is, binne 20 dae daarna 'n pleit (met of sonder teeneis), 'n eksepsie of 'n aansoek om deurhaling moet afilewer.

(2) (a) In elke saak waarin die eis nie vir skuld of 'n gelikwideerde eis is nie, moet die dagvaarding 'n gekombineerde dagvaarding soortgelyk aan Vorm 2B van Aanhangsel 1 wees, aan welke dagvaarding besonderhede geheg moet word wat die wesenlike feite bevat waarop die eiser steun vir staving van die eiser se eis en welke besonderhede, onder andere, aan reël 6 moet voldoen, maar in egskeidingsake moet 'n gekombineerde dagvaarding wat wesenlik ooreenstem met Vorm 2C, gebruik word.

(b) (i) Waar die eis vir 'n skuld of gelikwideerde eis is, behalwe 'n eis onderhewig aan die bepalings van die 'National Credit Act', 2005, kan die dagvaarding 'n eenvoudige dagvaarding soortgelyk aan Vorm 2 van Aanhangsel 1 wees.

(ii) Indien die skuldoorsaak op 'n kontrak gebaseer is, moet die eiser aandui of die kontrak skriftelik of verbaal is, wanneer, waar en deur wie dit gesluit is, en indien die kontrak geskrewe is, moet 'n afskrif daarvan van die deel waarop gesteun word, by die eenvoudige dagvaarding aangeheg word.

(3) (a) (i) Elke dagvaarding moet deur die eiser se prokureur onderteken wees en die prokureur se fisiese adres bevat waar die eiser betekening van alle daaropvolgende dokumente en kennisgewings in die eis sal ontvang. In plekke waar daar drie of meer prokureurs of prokureursfirmas is wat onafhanklik van mekaar praktiseer, moet die fisiese adres binne 15 kilometer van die hof wees.

Die dagvaarding moet ook die prokureur se posadres en, waar beskikbaar, die prokureur se faksnommer en e-posadres verstrek. Die staatsprokureur kan die kantoor van die griffier of klerk van die siviele hof aanwys as sy of haar adres vir betekening.

(ii) As geen prokureur vir die eiser optree nie, moet die dagvaarding deur die eiser onderteken wees. Die dagvaarding moet die eiser se adres bevat waar die eiser betekening van alle daaropvolgende dokumente en kennisgewings in die eis sal ontvang. In plekke waar daar drie of meer prokureurs of prokureursfirmas is wat onafhanklik van mekaar praktiseer, moet die fisiese adres binne 15 kilometer van die hof wees. Die dagvaardig moet ook die eiser se posadres bevat, en, waar beskikbaar, die eiser se faksnommer en e-posadres.

(iii) Nadat aan subparagraaf (i) of (ii) voldoen is, moet die dagvaarding deur die griffier of klerk van die hof onderteken en uitgereik word en daardie dagvaarding moet die datum van uitreiking deur die griffier of klerk asook die saaknommer daaraan toegeken, bevat.

(b) Die eiser mag in 'n dagvaarding aandui of die eiser bereid is om betekening van alle daaropvolgende dokumente en kennisgewings in die eis op enige ander wyse benewens die fisiese adres of posadres te aanvaar en indien wel, moet sodanige voorkeurwyse van betekening vermeld word.

(c) Indien die aksie verdedig word, mag die verweerder by skriftelike versoek deur die eiser, skriftelik toestem tot die uitruil of betekening deur beide partye van daaropvolgende dokumente en kennisgewings in die eis by wyse van faks of e-pos.

(d) Indien die verweerder weier of nalaat om die skriftelike toestemming behoudens paragraaf (c) voor te lê, mag die hof, op aansoek van die eiser, sodanige toestemming verleen, op sodanige voorwaardes ten opsigte van koste of ander aangeleenthede, soos wat regverdig en toepaslik in die omstandighede mag wees.

(4) Elke dagvaarding moet vermeld—

(a) die naam en voorname of voorletters van die verweerder waaronder die verweerder aan die eiser bekend is, sy woon- of besigheidsplek en, waar bekend, sy beroep en werkadres en, indien hy as verteenwoordiger gedagvaar word, sy desbetreffende hoedanigheid; en

(b) die volle naam, geslag (indien die eiser 'n natuurlike persoon is) en beroep en die woon- of besigheidsplek van die eiser en, waar hy as verteenwoordiger dagvaar, sy desbetreffende hoedanigheid.

(5) (a) Elke dagvaarding moet 'n vorm vir kennisgewing van voorneme om te verdedig, insluit.

(b) Elke dagvaarding, behalwe 'n egskeidingsdagvaarding, moet insluit:



- (i) 'n vorm vir instemming tot uitspraak;
  - (ii) 'n kennisgewing wat die verweerder se aandag vestig op die bepaling van artikel 109 van die Wet; en
  - (iii) 'n kennisgewing waarin die verweerder se aandag op die bepalings van artikels 57, 58, 65A en 65D van die Wet gevestig word in gevalle waar die aksie op 'n skuld bedoel in artikel 55 van die Wet gebaseer is.
- (6) 'n Dagvaarding moet ook—
- (a) waar die verweerder onder die regsbevoegdheid deur artikel 28(1)(d) van die Wet aan die hof verleen, gedagvaar word, 'n bewering bevat dat die hele skuldoorsaak in die distrik of streek ontstaan het, en besonderhede ter ondersteuning van daardie bewering uiteensit;
  - (b) waar die verweerder gedagvaar word kragtens die regsbevoegdheid deur artikel 28(1)(g) van die Wet aan die hof verleen, 'n bewering bevat dat die betrokke eiendom binne die distrik of streek geleë is; en
  - (c) afstanddoening van deel van die eis kragtens artikel 38 van die Wet en enige teeneis kragtens artikel 39 van die Wet.
- (7) Waar die eiser 'n eenvoudige dagvaarding uitreik vir 'n eis deur wetgewing gereël, mag die dagvaarding 'n blote bewering van nakoming van die wetgewing bevat, maar die verklaring, indien enige, moet volle besonderhede van daardie nakoming beweer.
- (8) 'n Dagvaarding vir huurgeld kragtens artikel 31 van die Wet moet in die vorm voorgeskryf in Aanhangsel 1, Vorm 3 wees.
- (9) Waar die eiser as sessionaris dagvaar, moet die eiser die naam, adres en beskrywing van die datum van sessie aandui.
- (10) 'n Dagvaarding waarin 'n bevel verkry wil word om onroerende eiendom wat die tuiste van die verweerder is, vatbaar vir eksekusie te verklaar, moet 'n kennisgewing in die volgende vorm bevat:
- 'Die verweerder se aandag word gevestig op artikel 26(1) van die Grondwet van die Republiek van Suid-Afrika wat almal die reg gee om toegang tot voldoende behuising te hê. Sou die verweerder beweer dat die uitsettingsbevel daardie reg sal skend, is dit die verweerder se plig om inligting wat daardie bewering staaf voor die Hof te bring'.
- (11) Indien 'n party versuim om aan enige van die bepalings van hierdie reël te voldoen, word daardie dagvaarding geag 'n onreëlmatige stap te wees en die ander partye sal die reg hê om volgens reël 60A te handel."

### **Wysiging van reël 33 van die Reëls**

3. Reël 33 van die Reëls word hierby gewysig—

(a) deur die volgende subreël na subreël (5) in te voeg:

“(5A). In siviele aangeleenthede voor die distrikshof en streekhof, is die tarief van gelde wat geneem staan te word deur advokate in artikel 34(2)(a)(ii) van die Wet op die Regspraktyk, 2014 (Wet No. 28 van 2014), bedoel, soos tussen party en party, die tarief uiteengesit in Tabel A en Tabel B van Aanhangsel 2 behoudens enige beperkings in enige Deel van die Tabelle.”;

(b) deur subreël (6) deur die volgende subreël te vervang:

“Behalwe by verskyning voor ’n oop hof sonder [regsadviseurs] ’n advokaat in artikel 34(2)(a)(i) van die Wet op Regspraktyk, 2014 (Wet No. 28 van 2014), bedoel, is die gelde in subreël (5) toelaatbaar hetsy die werk deur ’n prokureur of deur sy of haar [klerk] kandidaatprokureur gedoen is, maar [is] word, behalwe in die geval van die gelde in paragraaf 13 van die algemene bepalinge kragtens Tabel A van Aanhangsel 2, slegs [toelaatbaar] toegestaan vir sover die werk waarvoor daardie gelde toegeken is, werklik en noodsaaklikerwys gedoen is.”;  
en

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

“Waar die hof van mening is dat die party aan wie koste toegeken word by die verhoor onnodig of in verband met aangeleenthede wat nie met die vraagstuk verband hou nie, tyd opgeneem het, kan die hof ’n eweredige deel van die verhoorgelde betaalbaar aan sy of haar prokureur of [regsadviseur] advokaat, weier.”.

#### **Wysiging van reël 76 van die Reëls**

4. Reël 76 van die Reëls word hierby gewysig deur paragraaf (c) van subreël (2) te vervang:

#### **“76. Werksaamhede en pligte van klerke en griffiers**

(1) ’n Klerk of griffier van die hof moet aan alle partye verduidelik—

(a) wat die doel van alternatiewe geskilbeslegting is, wat die betekenis, oogmerke en voordele, met inbegrip van kostebesparing, van bemiddeling is; en

(b) dat hul aanspreeklik vir die gelde van die bemiddelaar is.

(2) ’n Klerk of griffier van die hof moet—

- (a) die partye verwittig dat hulle deur praktisyns van hul keuse, op hul eie onkoste, bygestaan kan word;
- (b) in oorleg met die partye, die pligte in reëls 77 en 78 uitvoer;
- (c) indien die partye tot bemiddeling instem, hulle bystaan om 'n skriftelike ooreenkoms om te bemiddel, aan te gaan, wat deur die partye onderteken en deur die bemiddelaar aanvaar word; en
- (d) by sluiting van 'n ooreenkoms om te bemiddel—
  - (i) 'n afskrif van die ooreenkoms om te bemiddel;
  - (ii) afskrifte van die verklaring van eis en verklaring van verweer, indien die bemiddeling voor die aanvang van gedingvoering gaan geskied;
  - (iii) in aksieverrigtinge, afskrifte van die dagvaarding en pleit, of verklaring van verweer indien geen pleit ingedien is nie; en
  - (iv) in aansoekverrigtinge, afskrifte van die stigtings-, antwoord- en responsverklarings, of verklaring van verweer, indien geen antwoordverklaring ingedien is nie,

vir die bemiddelaar aanstuur.”.

#### **Wysiging van reël 84 van die Reëls**

##### **5. Reël 84 van die Reëls 84 word hierby gewysig—**

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

##### **84. Gelde van bemiddelaars**

(1) Partye wat aan bemiddeling deelneem, is aanspreeklik vir die gelde van die bemiddelaar, behalwe waar die dienste van 'n bemiddelaar gratis voorsien word.

(2) **[Aanspreeklikheid]** Tensy die partye anders ooreenkom, moet aanspreeklikheid vir die gelde van 'n bemiddelaar gelykop **[tussen opponerende]** deur die partye wat aan bemiddeling deelneem, gedra word **[met dien verstande dat enige party kan aanbied of onderneem om die gelde van 'n bemiddelaar ten volle te betaal]**.”; en

- (b) deur subreël (3) te skrap.

#### **Herroeping van reël 86 van die Reëls**

##### **6. Reël 86 van die Reëls word hierby herroep.**

**Wysiging van Deel 1 van Tabel A van Aanhangsel 2 tot die Reëls**

7. Deel I van Tabel A van Aanhangsel 2 tot die Reëls word hierby gewysig—

(a) deur paragraaf 6 deur die volgende paragraaf te vervang:

“6 (i) Gelde vir advokate in artikel 34(2)(a)(i) van die Wet op Regspraktyk, 2014 (Wet No. 28 van 2014), bedoel, word by taksasie toegeken slegs in gevalle wat onder skaal B, C of D val of waar die hof ’n bevel ingevolge reël 33(8) gegee het.

(ii) Gelde vir advokate in artikel 34(2)(a)(ii) van die Wet op Regspraktyk, 2014 (Wet No. 28 van 2014), bedoel, word by taksasie toegeken vir skaal A, B, C of D of waar die hof ’n bevel ingevolge reël 33(8) gegee het.”; en

(b) deur die volgende paragraaf na paragraaf 17 in te voeg:

(c)

“18 Gelde vir advokate in artikel 34(2)(a)(i) van die Wet op Regspraktyk, 2014 (Wet No. 28 van 2014), bedoel, word by taksasie slegs vir items 21 tot 26 van Deel IV toegeken.”

**Wysiging van Aanhangsel 3 by die Reëls**

8. Aanhangsel 3 van die Reëls word hierby gewysig—

(a) deur Bemiddelingsvorm M.Ed.-6 te vervang deur die vorm hierby aangeheg; en

(b) deur Bemiddelingsvorm MED-7 te skrap.

**Inwerkingtreding**

9. Hierdie reël tree in werking op 1 Desember 2020.

**AANHANGSEL**

“VORM MED-6

(Reëls 77(4) & 78(3))

HOF:.....LÊERNO:.....

**OOREENKOMS OM TE BEMIDDEL**  
**(Voor en ná gedingvoering)**

PARTYE:

AA ..... Eiser

En

BB ..... Respondent

*(Moet deur bemiddelingsklerk ingevul word)*

Ons, die ondergetekendes (hierna die partye genoem) kom ooreen om die geskil tussen ons te bemiddel, soos in die Aansoek om Verwysing van Bemiddeling uiteengesit, op die terme en voorwaardes in hierdie ooreenkoms.

**1. BESONDERHEDE VAN EISER:**

Van/Naam .....  
Voorname .....  
Woonadres .....  
Sakeadres .....  
Posadres .....  
Telefoon .....  
Selnommer .....  
Faksnommer .....  
E-pos .....

**2. BESONDERHEDE VAN RESPONDENT:**

Van/Naam .....  
Voorname .....

Woonadres .....  
Sakeadres .....  
Posadres .....  
Telefoon .....  
Selnommer .....  
Faksnommer .....  
E-pos .....

### 3. BEMIDDELAAR

Die partye kom hierby ooreen om die volgende bemiddelaar aan te stel:

Van .....  
Voorname .....  
Adres .....  
Telefoon .....  
Selnommer .....  
Faksnommer .....  
E-pos .....

### 4. BEMIDDELAARSGELDE

4.1 Die partye en die bemiddelaar teken aan dat geen gelde aan die bemiddelaar verskuldig is nie.

4.2 Die bemiddelaar kry sy of haar gelde by ooreenkoms met die partye.

4.3.1 Die partye is in gelyke dele aanspreeklik vir die bemiddelaar se gelde.

OF

4.3.2 Die partye onderneem om die bemiddelaar se gelde in die volgende verhoudings of bedrae te betaal:

Eiser: .....

Respondent:

.....

*(Skrap wat ook al nie van toepassing is nie)*

4.4 Indien betaling nie betyds gemaak word nie, kan die bemiddelaar, na eie goeddunke, alle werk namens die partye staak en uit die bemiddeling onttrek.

4.5 Die partye verstaan en stem saam dat hulle verantwoordelik is vir twee ure van die bemiddelaar se tyd teen bogenoemde tarief vir enige afspraak wat hulle nie bywoon nie indien hulle nie ten minste 24 uur voorafkennisgewing van die kansellasië gee nie.

## 5. DATUM, TYD EN PLEK

5.1 Die eerste bemiddelingssessie sal gehou word op .....  
./...../.....om..... am/pm.

5.2 Die plek van bemiddeling sal .....  
wees, maar kan by ooreenkoms tussen die partye en die bemiddelaar wees.

## 6. DUUR VAN BEMIDDELING

Die partye kom ooreen dat die verwagte duur van die bemiddeling ..... ure/dae is.

## 7. BEMIDDELINGSPROSES

7.1 Die partye verstaan dat bemiddeling 'n proses is waarin 'n bemiddelaar kommunikasie tussen die partye vergemaklik en, sonder om oor die kwessies te beslis of 'n oplossing aan die partye op te lê, hulle in staat stel om die kwessies te verstaan en 'n onderling aanvaarbare resoluë van hulle geskil bereik.

7.2 Die partye verstaan dat dit van die partye, met die bemiddelaar se instemming, afhang om die omvang van die bemiddeling te bepaal en dit sal vroeg in die bemiddelingsproses gedoen word.

## 8. AARD VAN BEMIDDELING

- 8.1 Die partye verstaan dat bemiddeling 'n proses is waardeur 'n ooreenkoms bereik kan word waarin die bemiddelaar partye bystaan om 'n ooreenkoms op 'n samewerkende, konsensuele en ingeligte wyse te bereik.
- 8.2 Dit word verstaan dat die bemiddelaar geen mag het om vir die partye te beslis oor kwessies waaroor die geskil handel nie.
- 8.3 Die partye verstaan dat bemiddeling nie 'n plaasvervanger vir onafhanklike regsadvies is nie.
- 8.4 Die partye verstaan dat dit die bemiddelaar se oogmerk is om te fasiliteer dat die partye self hul mees konstruktiewe en billike ooreenkoms bereik. Die partye verstaan ook dat die bemiddelaar 'n verpligting het om gelyk namens elke party te werk en dat die bemiddelaar nie onafhanklik regsadvies aan enige party kan gee nie en nie terapie binne die bemiddeling sal gee nie.
- 8.5 Die partye stel hul voorneme in goeder trou om hul bemiddeling by ooreenkoms af te handel. Daar word egter verstaan dat enige party enige tyd uit die bemiddeling kan onttrek of dit kan opskort, om enige rede.
- 8.6 Die partye verstaan ook dat die bemiddelaar die bemiddeling kan opskort of beëindig as die bemiddelaar voel dat die bemiddeling sal lei tot 'n onregverdige of onredelike uitslag, as die bemiddelaar voel dat 'n dooiepunt bereik is, of as die bemiddelaar bepaal dat hy of sy nie meer sy of haar fasiliterende rol doeltreffend kan verrig nie.

## 9. BEMIDDELAAR ONPARTYDIGHEID

- 9.1 Die partye verstaan dat die bemiddelaar tydens en ná die bemiddelingsproses onpartydig moet bly. Die bemiddelaar staan dus nie die belange van enige party oor dié van 'n ander voor nie.



9.2 Die bemiddelaar sal op versoek van die partye afskrifte van korrespondensie, konsepooreenkomste en geskrewe dokumentasie aan die partye se regsverteenwoordigers voorsien.

9.3 Die bemiddelaar kan afsonderlik met 'n individuele bemiddelingsparty kommunikeer, in welke geval daardie bespreking vertroulik tussen die bemiddelaar en die individuele bemiddelingsparty is, tensy hulle anders ooreenkom.

## 10. BEMIDDELAAR SE VRYWARING

Die partye kom ooreen dat die bemiddelaar nie aanspreeklik is vir enige handeling of weglating wat regstreeks of onregstreeks met die bemiddeling verband hou nie.

## 11. VOLLEDIGE OPENBAARMAKING

Elk van die partye kom ooreen om alle relevante inligting en dokumente volledig en eerlik openbaar te maak, soos deur die bemiddelaar aangevra en alle inligting deur enige ander party tot die bemiddeling aangevra, indien die bemiddelaar bepaal dat die blootlegging relevant tot die bemiddelingsbesprekings is.

## 12. VERTROULIKHEID

12.1 Die partye en die bemiddelaar verstaan onderling dat die bemiddeling streng vertroulik en sonder benadeling sal wees.

12.2 Bemiddelingsbespreking, skriftelike en mondelinge kommunikasie, enige konsepresolusies en enige onondertekende bemiddelde ooreenkomste is nie toelaatbaar in enige hofverrigting nie, tensy daardie inligting ingevolge die normale hofreëls blootgelê mag word. Slegs 'n bemiddelde ooreenkoms, deur die partye onderteken, is aldus toelaatbaar.

12.3 Die partye kom verder ooreen om nie die bemiddelaar te roep om oor die bemiddeling te getuig nie of om enige materiale van die bemiddeling in enige hofverrigtinge tussen die partye te verstrek nie.

- 12.4 Die partye verstaan die bemiddelaar het 'n etiese verantwoordelikheid om vertroulikheid te verbreek as hy/sy vermoed iemand anders kan leed aangedoen word.

### 13. GEDINGVOERING

Die partye kom ooreen hulle om te weerhou van voorafmaneuvers en vyandelike regsverrigtinge (behalwe in die geval van 'n noodgeval wat sodanige aksie noodsaak), terwyl hulle aktief met die bemiddelingsproses gemoeid is.

### 14. VERJARING

Die partye is bewus dat die bemiddelingsproses nie die verjaring van enige van van die partye se eis opskort, uitstel of onderbreek nie en die onus rus op elke partye om stappe te doen om daardie verjaring vir die duur van die bemiddeling te onderbreek.

### 15. SKIKKINGSOOREENKOMS

Sou die partye die geskil tussen hulle skik, kom die partye ooreen om die voorwaardes van die skikking op skrif te stel, met die bemiddelaar se bystand.

### 16. VERBREKING VAN OOREENKOMS

Enige party wat hierdie ooreenkoms verbreek is aanspreeklik vir en stel die nie-verbrekende partye en bemiddelaar vry van enige verlies, met inbegrip van prokureursgelde, wat as gevolg van daardie verbreking, aangegaan kan word.

### 17. NIE-VERANDERING EN KWYTSKELDING

Die partye kom ooreen dat enige wysiging of verandering of kwytskelding van enige voorwaarde van hierdie ooreenkoms skriftelik moet wees en deur die partye, met inbegrip van die bemiddelaar, onderteken moet word.

GETEKEN TE ..... OP.....

GETUIES:

1. ....  
EISER
2. ....  
PERSOONLIKE HOEDANIGHEID /  
BEHOORLIK GEMAGTIG  
(Heg afskrif van magtiging/resolusie aan)

GETUIES:

- 1 .....  
RESPONDENT
2. ....  
PERSOONLIKE HOEDANIGHEID /  
BEHOORLIK GEMAGTIG  
(Heg afskrif van magtiging/resolusie aan)

AANVAARDING DEUR BEMIDDELAAR:

Ek .....aanvaar hierby die terme en voorwaardes  
van hierdie ooreenkoms vir sover dit met my verband hou.

GETEKEN TE .....OP .....

.....  
BEMIDDELAAR"

## DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 1157

30 OCTOBER 2020

**RULES BOARD FOR COURTS OF LAW ACT, 1985 (ACT NO. 107 OF 1985)****AMENDMENT OF THE RULES REGULATING THE CONDUCT OF THE  
PROCEEDINGS OF THE SEVERAL PROVINCIAL AND LOCAL DIVISIONS OF THE  
HIGH COURT OF SOUTH AFRICA**

The Rules Board for Courts of Law has, under section 6 of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985), 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. 31 of 23 January 2015, R. 317 of 17 April 2015, R. 781 of 31 August 2015, R. 3 of 19 February 2016, R. 678 of 3 June 2016, R. 1055 of 29 September 2017, R. 1272 of 17 November 2017, R. 1318 of 30 November 2018, R. 61 of 25 January 2019, R. 842 of 31 May 2019, R. 1343 of 18 October 2019, R. 107 of 7 February 2020 and R. 858 van 7 August 2020.

### **Substitution of rule 35 of the Rules**

2. Rule 35 of the Rules, is hereby substituted for the following Rule:

#### **"35 Discovery, Inspection and Production of Documents**

(1) Any party to any action may require any other party thereto, by notice in writing, to make discovery on oath within **[twenty] 20** days of all documents and tape recordings relating to any matter in question in such action (whether such matter is one arising between the party requiring discovery and the party required to make discovery or not) which are or have at any time been in the possession or control of such other party. Such notice shall not, save with the leave of a judge, be given before the close of pleadings.

(2) The party required to make discovery shall within **[twenty] 20** days or within the time stated in any order of a judge make discovery of such documents on affidavit **[as near as may be]** in accordance with Form 11 of the First Schedule, specifying separately—

(a) such documents and tape recordings in **[his] the** possession **[or that of his agent] of a party or such party's agent** other than the documents and tape recordings mentioned in paragraph (b);

(b) such documents and tape recordings in respect of which **[he] such party** has a valid objection to produce;

(c) such documents and tape recordings which **[he]** a party or **[his]** such party's agent had, but no longer has **[in his]** possession of at the date of the affidavit.

A document shall be deemed to be sufficiently specified if it is described as being one of a bundle of documents of a specified nature, which have been initialled and consecutively numbered by the deponent. Statements of witnesses taken for purposes of the proceedings, communications between attorney and client and between attorney and advocate, pleadings, affidavits and notices in the action shall be omitted from the schedules.

(3) If any party believes that there are, in addition to documents or tape recordings disclosed as aforesaid, other documents (including copies thereof) or tape recordings which may be relevant to any matter in question in the possession of any party thereto, the former may give notice to the latter requiring **[him]** such party to make the same available for inspection in accordance with subrule (6), or to state on oath within **[ten]** 10 days that such documents or tape recordings are not in **[his]** such party's possession, in which event **[he]** the party making the disclosure shall state their whereabouts, if known **[to him]**.

(4) A document or tape recording not disclosed as aforesaid may not, save with the leave of the court granted on such terms as **[to it may seem meet]** it may deem appropriate, be used for any purpose at the trial by the party who was obliged but failed to disclose it, provided that any other party may use such document or tape recording.

(5) (a) Where **[a registered company]** the Fund, as defined in the **[Motor Vehicle Insurance Act, 1942]** Road Accident Fund Act, 1996 (Act No. 56 of 1996), as amended, is a party to any action by virtue of the provisions of the said Act, any party **[thereto]** to the action may obtain discovery in the manner provided in paragraph (d) of this subrule against the driver or owner or short term insurer of the vehicle or employer of the driver of the vehicle, **[(as defined in the said Act)]** referred to in the said Act **[of the vehicle insured by the said company]**.

(b) The provisions of paragraph (a) shall apply *mutatis mutandis* to the driver or owner or short term insurer of the vehicle or employer of the driver of a vehicle **[owned by a person, state, government or body of persons]** referred to in **[sub-section (3) of]** section **[nineteen]** 21 of the said Act.

(c) Where the plaintiff sues as a cessionary, the defendant shall *mutatis mutandis* have the same rights under this rule against the cedent.

(d) The party requiring discovery in terms of paragraph (a), (b) or (c) shall do so by notice **[as near as may be]** in accordance with Form 12 of the First Schedule.

(6) Any party may at any time by notice **[as near as may be]** in accordance with Form 13 of the First Schedule require any party who has made discovery to make available for inspection any documents or tape recordings disclosed in terms of subrules (2) and (3). Such notice shall require the party to whom notice is given to deliver **[to him]** within five days, to the party requesting discovery, a notice **[as near as may be]** in accordance with Form 14 of the First Schedule, stating a time within five days from the delivery of such latter notice when documents or tape recordings may be inspected at the office of **[his]** such party's attorney or, if **[he]** such party is not represented by an attorney, at some convenient place mentioned in the notice, or in the case of bankers' books or other books of account or

books in constant use for the purposes of any trade, business or undertaking, at their usual place of custody. The party receiving such last-named notice shall be entitled at the time therein stated, and for a period of five days thereafter, during normal business hours and on any one or more of such days, to inspect such documents or tape recordings and to take copies or transcriptions thereof. A party's failure to produce any such document or tape recording for inspection shall preclude **[him]** such party from using it at the trial, save where the court on good cause shown allows otherwise.

(7) If any party fails to give discovery as aforesaid or, having been served with a notice under subrule (6), omits to give notice of a time for inspection as aforesaid or fails to give inspection as required by that subrule, the party desiring discovery or inspection may apply to a court, which may order compliance with this rule and, failing such compliance, may dismiss the claim or strike out the defence.

(8) Any party to an action may after the close of pleadings give notice to any other party to specify in writing particulars of dates and parties of or to any document or tape recording intended to be used at the trial of the action on behalf of the party to whom notice is given. The party receiving such notice shall not less than **[fifteen]** 15 days before the date of trial deliver a notice—

(a) specifying the dates of and parties to and the general nature of any such document or tape recording which is in **[his]** such party's possession; or

(b) specifying such particulars as **[he]** the party may have, to identify any such document or tape recording not in **[his]** such party's possession, at the same time furnishing the name and address of the person in whose possession such document or tape recording is.

(9) Any party proposing to prove documents or tape recordings at a trial may give notice to any other party requiring him within ten days after the receipt of such notice to admit that those documents or tape recordings were properly executed and are what they purported to be. If the party receiving the said notice does not within the said period so admit, then as against such party the party giving the notice shall be entitled to produce the documents or tape recordings specified at the trial without proof other than proof (if it is disputed) that the documents or tape recordings are the documents or tape recordings referred to in the notice and that the notice was duly given. If the party receiving the notice states that the documents or tape recordings are not admitted as aforesaid, they shall be proved by the party giving the notice before **[he is]** being entitled to use them at the trial, but the party not admitting them may be ordered to pay the costs of their proof.

(10) Any party may give to any other party who has made discovery of a document or tape recording notice to produce at the hearing the original of such document or tape recording, not being a privileged document or tape recording, in such party's possession. Such notice shall be given not less than five days before the hearing, but may, if the court so allows, be given during the course of the hearing. If any such notice is so given, the party giving the same may require the party to whom notice is given to produce the said document or tape recording in court and shall be entitled, without calling any witness, to hand in the said document, which shall be receivable in evidence to the same extent as if it had been produced in evidence by the party to whom notice is given.

(11) The court may, during the course of any proceeding, order the production by any party thereto under oath of such documents or tape recordings in **[his] such party's** power or control relating to any matter in question in such proceeding as the court may **[think meet] deem appropriate**, and the court may deal with such documents or tape recordings, when produced, as it **[thinks meet] deems appropriate**.

(12) (a) Any party to any proceeding may at any time before the hearing thereof deliver a notice **[as near as may be]** in accordance with Form 15 in the First Schedule to any other party in whose pleadings or affidavits reference is made to any document or tape recording to:-

(i) produce such document or tape recording for **[his]** inspection and to permit **[him]** the party requesting production to make a copy or transcription thereof; **[.] or**

(ii) state in writing within 10 days whether the party receiving the notice objects to the production of the document or tape recording and the grounds therefor; or

(iii) state on oath, within 10 days, that such document or tape recording is not in such party's possession and in such event to state its whereabouts, if known.

(b) Any party failing to comply with **[such] the** notice referred to in paragraph (a) shall not, save with the leave of the court, use such document or tape recording in such proceeding provided that any other party may use such document or tape recording.

(13) The provisions of this rule relating to discovery shall *mutatis mutandis* apply, in so far as the court may direct, to applications.

(14) After appearance to defend has been entered, any party to any action may, for purposes of pleading, require any other party to-

(a) make available for inspection within five days a clearly specified document or tape recording in **[his] such party's** possession which is relevant to a reasonably anticipated issue in the action and to allow a copy or transcription to be made thereof; **[.] or**

(b) state in writing within 10 days whether the party receiving the notice objects to the production of the document or tape recording and the grounds therefor; or

(c) state on oath, within 10 days, that such document or tape recording is not in such party's possession and in such event to state its whereabouts, if known.

(15) For purposes of rules 35 and 38— **[a tape recording includes a sound track, film, magnetic tape, record or any other material on which visual images, sound or other information can be recorded.]**

(a) a document includes any written, printed or electronic matter, and data and data messages as defined in the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002); and

(b) a tape recording includes a sound track, film, magnetic tape, record or other material on which visual images, sound or other information can be recorded or any other form of recording."



**Substitution of rule 45A of the Rules**

3. The following rule is hereby substituted for rule 45A of the Rules:

**"45A Suspension of orders by the court**

The court may, on application, suspend the operation and execution of any order for such period as it may deem fit: Provided that in the case of an appeal, such suspension is in compliance with section 18 of the Act."

**Substitution of rule 65 of the Rules**

4. The following rule is hereby substituted for rule 65 of the Rules:

**"Commissioners of the Court**

65. Every person duly appointed as a commissioner of any **[division]** Division of the **[Supreme]** High Court of South Africa for taking affidavits in any place outside the Republic shall, by virtue of such appointment, become a commissioner of the said **[Supreme]** High Court, and shall, as such, be entitled to be enrolled by the registrar of every other **[division]** Division as a commissioner thereof. For the purpose of facilitating such enrolment the registrar of each **[division]** Division shall transmit the names of those who are appointed as commissioners of such **[division]** Division, as well as their respective addresses, to the registrars of all the other **[divisions]** Divisions: Provided that no person residing within the Republic shall hereafter be appointed as such commissioner."

**Amendment of rule 67 of the rules**

5. Rule 67 of the rules is hereby amended by the substitution for the Tariff of Court Fees of the following Tariff:

**"Tariff of court fees**

67 The court fees payable in respect of the **[various provincial and local divisions are]** High Court are as follows:

	R c
<b>[(a) (i) On every original initial document whereby an action is instituted or application is made</b>	<b>[80,00]</b>
<b>(ii) on every bill of costs to be taxed which is not related to an action or application already registered in the court</b>	<b>[60,00]</b>
<b>(iii) on every power of attorney (to be filed with the registrar) to appeal against the judgment of an inferior court, excluding appeals in criminal cases</b>	<b>[80,00]</b>

(iv) on every notice of appeal against the judgment of a single judge to the full court	[80,00]
Provided that no fee shall be levied on the document whereby an <i>in forma pauperis</i> action is instituted.]	
(b) For the registrar's certificate on certified copies of documents (each)	2,00
(c) For each copy of an order of court made by the registrar-	
(i) for every 100 typed words or part thereof	2,00
(ii) for every photocopy of an A4-size page or part thereof	1,00"

#### **Amendment of rule 68 of the Rules**

6. Rule 68 of the Rules is hereby amended by the substitution for item 16 of the Tariff of the following item:

"16. For **[the drawing up and issuing of an interpleader summons]** interpleaders referred to in rule 58.....**[104.50] 800.00.**"

#### **Amendment of rule 69 of the Rules**

7. Rule 69 of the Rules is hereby amended by the insertion after subrule (5) of the following subrule:

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

#### **Amendment of rule 70 of the Rules**

8. Rule 70 of the Rules is hereby amended by the deletion of item 4 of Section D of the Tariff of Fees of Attorneys.

#### **Commencement**

9. These rules come into operation on **1 December 2020.**

## DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

NO. R. 1157

30 OKTOBER 2020

**WET OP DIE REËLSRAAD VIR GEREESHOWE, 1985 (WET NO. 107 VAN 1985)****WYSIGING VAN DIE REËLS WAARBY DIE VERRIGTINGE VAN DIE VERSKILLEND  
PROVINSIALE EN PLAASLIKE AFDELINGS VAN DIE HOË HOF VAN SUID-AFRIKA  
GEREËL WORD**

Die Reëlsraad vir Gereeshowe het kragtens artikel 6 van die Wet op die Reëlsraad vir Gereeshowe, 1985 (Wet No. 107 van 1985), 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 in vierkantige hakies dui op weglatings uit bestaande reëls.

\_\_\_\_\_    Woorde of uitdrukkings met 'n volstreep daaronder dui op invoegings in bestaande reëls.

**Woordomskrywing**

1.    In hierdie Bylae beteken die "reëls", die Reëls waarby die verrigtinge van die verskillende Provinsiale en Plaaslike Afdelings van die Hoë Hof van Suid-Afrika gereël word soos gepubliseer in Goewermentskennisgewing No. R. 48 van 12 Januarie 1965 en soos gewysig deur Goewermentskennisgewings No's. R. 235 van 18 Februarie 1966, R. 2004 van 15 Desember 1967, R. 3553 van 17 Oktober 1969, R. 2021 van 5 November 1971, R. 1985 van 3 November 1972, R. 480 van 30 Maart 1973, R. 639 van 4 April 1975, R. 1816 van 8 Oktober 1976, R. 1975 van 29 Oktober 1976, R. 2477 van 17 Desember 1976, R. 2365 van 18 November 1977, R. 1546 van 28 Julie 1978, R. 1577 van 20 Julie 1979, R. 1535 van 25 Julie 1980, R. 2527 van 5 Desember 1980, R. 500 van 12 Maart 1982, R. 773 van 23 April

1982, R. 775 van 23 April 1982, R. 1873 van 3 September 1982, R. 2171 van 6 Oktober 1982, R. 645 van 25 Maart 1983, R. 841 van 22 April 1983, R. 1077 van 20 Mei 1983, R. 1996 van 7 September 1984, R. 2094 van 13 September 1985, R. 810 van 2 Mei 1986, R. 2164 van 2 Oktober 1987, R. 2642 van 27 November 1987, R. 1421 van 15 Julie 1988, R. 210 van 10 Februarie 1989, R. 608 van 31 Maart 1989, R. 2628 van 1 Desember 1989, R. 185 van 2 Februarie 1990, R. 1929 van 10 Augustus 1990, R. 1262 van 30 Mei 1991, R. 2410 van 30 September 1991, R. 2845 van 29 November 1991, R. 406 van 7 Februarie 1992, R. 1883 van 3 Julie 1992, R. 109 van 22 Januarie 1993, R. 960 van 28 Mei 1993, R. 974 van 1 Junie 1993, R. 1356 van 30 Julie 1993, R. 1843 van 1 Oktober 1993, R. 2365 van 10 Desember 1993, R. 2529 van 31 Desember 1993, R. 181 van 28 Januarie 1994, R. 411 van 11 Maart 1994, R. 873 van 31 Mei 1996, R. 1063 van 28 Junie 1996, R. 1557 van 20 September 1996, R. 1746 van 25 Oktober 1996, R. 2047 van 13 Desember 1996, R. 417 van 14 Maart 1997, R. 491 van 27 Maart 1997, R. 700 van 16 Mei 1997, R. 798 van 13 Junie 1997, R. 1352 van 10 Oktober 1997, R. 785 van 5 Junie 1998, R. 881 van 26 Junie 1998, R. 1024 van 7 Augustus 1998, R. 1723 van 30 Desember 1998, R. 315 van 12 Maart 1999, R. 568 van 30 April 1999, R. 1084 van 10 September 1999, R. 1299 van 29 Oktober 1999, R. 502 van 19 Mei 2000, R. 849 van 25 Augustus 2000, R. 373 van 30 April 2001, R. 1088 van 26 Oktober 2001, R. 1755 van 5 Desember 2003, R. 229 van 20 Februarie 2004, R. 1343 van 12 Desember 2008, R. 1345 van 12 Desember 2008, R. 516 van 8 Mei 2009, R. 518 van 8 Mei 2009, R. 86 van 12 Februarie 2010, R. 87 van 12 Februarie 2010, R. 88 van 12 Februarie 2010, R. 89 van 12 Februarie 2010, R. 90 van 12 Februarie 2010, R. 500 van 11 Junie 2010, R. 591 van 09 Julie 2010, R. 980 van 19 November 2010, R. 981 van 19 November 2010, R. 464 van 22 Junie 2012, R. 992 van 7 Desember 2012, R. 114 van 15 Februarie 2013, R. 262 van 12 April 2013, R. 471 van 12 Julie 2013, R. 472 van 12 Julie 2013, R. 759 van 11 Oktober 2013, R. 212 van 28 Maart 2014, R. 213 van 28 Maart 2014, R. 214 van 28 Maart 2014, R. 30 van 23 Januarie 2015, R. 31 van 23 Januarie 2015, R. 317 van 17 April 2015, R. 781 van 31 Augustus 2015, R. 3 van 19 Februarie 2016, R. 678 van 3 Junie 2016, R. 1055 van 29 September 2017, R. 1272 van 17 November 2017, R. 1318 van 30 November 2018, R. 61 van 25 Januarie 2019, R. 842 van 31 Mei 2019, R. 1343 van 18 Oktober 2019, R. 107 van 7 Februarie 2020 en R. 858 van 7 Augustus 2020.

### **Vervanging van reël 35 van die Reëls**

2. Reël 35 van die Reëls word hierby deur die volgende Reël vervang:

#### **"35 Blootlegging, Insiening en Voorlegging van Stukke**

(1) 'n Party tot 'n aksie kan by skriftelike kennisgewing vereis dat 'n ander party binne **[twintig] 20** dae alle dokumente asook bandopnames wat betrekking het op 'n geskilpunt in die geding (hetsy dit ontstaan tussen die twee bedoelde partye al dan nie) en wat in die besit of onder die beheer van die ander party is of ooit was, onder eed blootlê. So 'n kennisgewing mag nie, behalwe met verloop van 'n regter, voor die sluiting van pleitstukke afgelewer word nie.

(2) Die party van wie blootlegging geveg word, moet binne **[twintig] 20** dae of binne die tyd in 'n bevel van 'n regter vasgestel, die bedoelde stukke blootlê by beëdigde verklaring, **[so na moontlik]** bewoord soos Vorm 11 in die Eerste Bylae, en die volgende afsonderlik aangee—

(a) dokumente en bandopnames in besit van **[homself of sy verteenwoordiger]** 'n party of daardie party se verteenwoordiger, behalwe dié in paragraaf (b) genoem;

(b) dokumente en bandopnames wat **[hy]** die party regmatig kan weier om bloot te lê;

(c) dokumente en bandopnames wat **[hy of sy]** 'n party of daardie party se verteenwoordiger in besit gehad het, maar op die datum van die beëdigde verklaring nie meer het nie.

Dit is voldoende om dokumente te beskryf as 'n pak dokumente van 'n gespesifiseerde aard wat deur die deponent geparafeer en agtereenvolgens genommer is. Verklarings van getuies wat geneem is vir die doel van die geding, mededeling tussens prokureur en kliënt en tussens prokureur en advokaat, pleitstukke en beëdigde verklarings en kennisgewings in die aksie moet nie aangegee word nie.

(3) As 'n party meen dat daar, addisioneel tot dokumente of bandopnames blootgelê soos voormeld, ander dokumente (of afskrifte daarvan) of bandopnames wat ter sake mag wees in die geding, in die besit van 'n party daartoe is, kan hy van so 'n party by kennisgewing eis dat **[hy]** daardie party hulle ter insae voorlê soos bedoel deur subreël (6), of dat **[hy]** daardie party binne **[tien]** 10 dae onder eed verklaar dat **[hulle]** die dokumente of bandopnames nie in **[sy]** daardie party besit is nie, in welke geval **[hy]** die party wat die blootlegging doen, as **[hy]** die party weet, moet **[se]** sê waar hulle is.

(4) 'n Dokument of bandopname wat nie blootgelê is nie, mag nie, tensy die hof dit toelaat op sodanige voorwaardes **[as]** wat **[hy goedgevind]** die hof gepas ag, vir enige doel by die verhoor gebruik word deur die party wat dit moes blootgelê het nie, maar ander partye mag dit wel gebruik.

(5) (a) Waar **[n geregistreerde maatskappy]** die Fonds soos omskryf in die **[Motorvoertuigassuransiewet, 1942]** Padongelukfondswet, 1996 (Wet No. 56 van 1996), soos gewysig, 'n party tot 'n aksie is uit hoofde van die bepalinge van genoemde Wet, kan enige party **[daartoe]** tot die aksie blootlegging op die wyse in paragraaf (d) van hierdie subreël voorgeskryf, verkry teen die bestuurder of eienaar **[(soos in die Wet omskryf) van die voertuig deur die maatskappy verassureer]** of korttermynversekeraar van die voertuig of werkgewer van die bestuurder van die voertuig, in die genoemde Wet bedoel.

(b) Paragraaf (a) geld *mutatis mutandis* vir die bestuurder of eienaar of korttermynversekeraar van die voertuig of werkgewer van die bestuurder van 'n voertuig **[wat besit word deur 'n persoon, staat, regering of liggaam]** soos bedoel in **[subartikel (3)]** van artikel **[negentien]** 21 van die genoemde Wet.

(c) Waar die eiser as 'n sessionaris dagvaar, het die verweerder *mutatis mutandis* dieselfde regte kragtens hierdie reël teen die sedent.

(d) Die party wat blootlegging ingevolge paragraaf (a), (b) of (c) verg, doen dit by kennisgewing **[so na moontlik]** bewoord soos Vorm 12 in die Eerste Bylae.

(6) 'n Party kan te eniger tyd by kennisgewing **[so na moontlik]** bewoord soos Vorm 13 in die Eerste Bylae, van 'n party wat ingevolge subreëls (2) en (3) blootgelê het, insae van die dokumente of bandopnames verg. Die kennisgewing moet van die partye aan wie dit

gerig is, vereis dat **[hy]** die partye binne vyf dae aan die party wat die blootlegging aanvra, by kennisgewing **[so na moontlik]** bewoord soos Vorm 14 in die Eerste Bylae, 'n tyd, binne vyf dae na aflewering van laasgenoemde kennisgewing, bepaal waarop die dokumente of bandopnames ingesien kan word ten kantore van **[sy]** daardie party se prokureur of, as **[hy]** daardie party nie deur 'n prokureur verteenwoordig word nie, op 'n geskikte plek in die kennisgewing genoem of, in die geval van bankboeke of ander rekeningboeke of boeke in voortdurende gebruik vir die doel van enige besigheid of onderneming, by hul gewone plek van bewaring. Die party wat die laasgenoemde kennisgewing ontvang, is geregtig om op die bestemde tyd en nog vyf dae daarna in gewone besigheidsure, en op een of meer van bedoelde dae, die dokumente of bandopnames in te sien en afskrifte of transkripsies daarvan te maak. 'n Party wat versuim om 'n dokument of bandopname aldus ter insae voor te lê, mag dit nie by die verhoor gebruik nie tensy die hof by aanvoering van goeie redes dit toelaat.

(7) As 'n party versuim om aldus bloot te lê of na kennisgewing kragtens subreëi (6) versuim om aldus 'n tyd vir insae te bepaal of insae aldus toe te laat, kan die party wat blootlegging of insae verlang, by die hof 'n bevel aanvra dat hierdie reël nagekom moet word en dat by gebreke daarvan die eis afgewys of die verweer geskrap word.

(8) 'n Party tot 'n aksie kan na die sluiting van pleitstukke van 'n ander party by kennisgewing skriftelik besonderhede verg van datums van en partye tot 'n dokument of bandopname wat daardie party by die verhoor wil gebruik. Die party wat so 'n kennisgewing ontvang, moet minstens **[vyftien]** 15 dae voor die verhoordatum, 'n kennisgewing aflewer met —

(a) besonderhede van die datums van en partye tot die dokument of bandopname en die algemene aard daarvan, as dit in **[sy]** daardie party se besit is; of

(b) as dit nie in **[sy]** die party se besit is nie, sodanige besonderhede as wat **[hy]** die party mag hê ter identifikasie daarvan, en die naam en adres van die persoon in wie se besit dit is.

(9) 'n Party wat dokumente of bandopnames by 'n verhoor wil bewys, kan van enige ander party by kennisgewing verlang dat hy binne tien dae na ontvangs daarvan erken dat daardie dokumente of bandopnames behoorlik verly is en eg is. As die party aan wie die kennisgewing gerig is, nie binne die genoemde tyd die bedoelde erkenning doen nie, is die party wat die kennis gegee het, teenoor hom geregtig om die bedoelde dokumente of bandopnames by die verhoor in te dien sonder bewys, behalwe bewys (as dit betwis word) dat dit die dokumente of bandopnames is wat in die kennisgewing bedoel is en dat kennis behoorlik gegee is. As die party aan wie die kennisgewing gerig is, antwoord dat die dokumente of bandopnames nie erken word nie, moet hulle deur die partye wat kennis gegee het, bewys word voordat **[hy]** die party hulle by die verhoor mag gebruik, maar die partye wat hulle nie wou erken nie, kan beveel word om die koste van die bewys daarvan te betaal.

(10) 'n Party kan aan enige ander party wat 'n dokument of bandopname blootgelê het, kennis gee om by die verhoor die oorspronklike daarvan, as dit nie bevoorreg is nie, voor te lê as dit in so 'n party se besit is. Minstens vyf dae kennis moet voor die verhoor gegee word, maar dit kan met verlof van die hof ook tydens die verhoor geskied. Die

kennisgewende party kan eis dat dit in die hof voorgelê word en kan dit van die balie af ingee as 'n bewysstuk, wat dan as getuienis toelaatbaar is asof dit in getuienis aangebied is deur die party in wie se besit dit was.

(11) Die hof kan in die loop van enige geding **[na goeddunke]** soos die hof gepas ag, beveel dat 'n party onder eed dokumente of bandopnames wat onder **[sy]** die party se beheer is en betrekking het op 'n geskilpunt in die geding, voorlê, en die hof kan **[na goeddunke]** daarmee handel soos die hof gepas ag.

(12) (a) 'n Party tot 'n geding kan te eniger tyd voor die verhoor 'n kennisgewing **[so na moontlik]** bewoord soos Vorm 15 in die Eerste Bylae aan 'n ander party aflewer in wie se pleitstukke of beëdigde verklarings na 'n dokument of bandopname verwys word, om—

(i) dit ter insae voor te lê en **[hom]** die party wat voorlegging aanvra toe te laat om 'n afskrif of transkripsie daarvan te maak; of

(ii) binne 10 dae skriftelik verklaar of die party wat die kennisgewing ontvang, beswaar maak teen die voorlegging van die dokument of bandopname en die gronde daarvoor; of

(iii) binne 10 dae onder eed verklaar dat daardie dokument of bandopname nie in daardie party se besit is nie en, in so 'n geval, waar dit is, indien bekend.

(b) 'n Party wat versuim om aan **[so 'n]** die kennisgewing bedoel in paragraaf (a) te voldoen, mag so 'n dokument of bandopname nie in die geding gebruik nie tensy die hof dit toelaat, met dien verstande dat 'n ander party dit wel kan gebruik.

(13) Die bepalinge in hierdie reël wat blootlegging betref, geld *mutatis mutandis*, vir sover die hof mag voorskryf, ook vir aansoeke.

(14) Nadat verskyning om te verdedig aangeteken is, kan enige party tot 'n geding vir doeleindes van pleit van 'n ander party verlang dat **[hy]**—

(a) daardie party binne vyf dae 'n duidelik gespesifiseerde dokument of bandopname wat in **[sy]** daardie party se besit is en op 'n redelik verwagte geskilpunt in die geding betrekking het, ter insae beskikbaar stel en toelaat dat 'n afskrif of transkripsie daarvan gemaak word; of

(b) binne 10 dae skriftelik verklaar of die party wat die kennisgewing ontvang, beswaar maak teen die voorlegging van die dokument of bandopname en die gronde daarvoor; of

(c) binne 10 dae onder eed verklaar dat daardie dokument of bandopname nie in daardie party se besit is nie en in so 'n geval, waar dit is, indien bekend.

(15) Vir doeleindes van reëls 35 en 38— **[sluit bandopname ook 'n klankbaan, film, magnetiese band, plaat of ander materiaal waarop visuele beelde, klank of ander inligting opgeneem kan word, in]**

(a) sluit 'n dokument enige skriftelike, gedrukte of elektroniese materiaal en data en databoodskappe in soos omskryf in die Wet op Elektroniese Kommunikasie en Transaksies, 2002 (Wet No. 25 van 2002); en

(b) sluit 'n bandopname 'n klankbaan, film magneetband, plaat of ander materiaal in waarop visuele beelde, klank of ander inligting opgeneem kan word of enige ander vorm van opname."

### Vervanging van reël 45A van die Reëls

3. Reël 45A van die Reëls word hierby deur die volgende reël vervang:

#### "Opskorting van bevel deur die hof

**45A.** Die hof kan, by aansoek die werking en tenuitvoerlegging van enige bevel opskort vir die tydperk wat [hy] die hof goeddink; Met dien verstande dat in die geval van 'n appèl, daardie opskorting met artikel 18 van die Wet bestaanbaar is."

### Vervanging van reël 65 van die Reëls

4. Reël 65 van die Reëls word hierby deur die volgende reël vervang:

#### "Kommissaris van die Hof

**65.** Iedereen wat behoorlik aangestel is as 'n kommissaris van 'n **[afdeling]** Afdeling van die Hooggeregshof van Suid-Afrika vir die afneem van beëdigde verklarings op 'n plek buite die Republiek, word uit hoofde van so 'n aanstelling 'n kommissaris van die Hooggeregshof en gevolglik geregtig om deur die griffier van elke ander afdeling as 'n kommissaris daarvan ingeskryf te word. Ten einde inskrywing te vergemaklik, moet die griffier van elke **[afdeling]** Afdeling die name en adresse van diegene wat as kommissaris van sy of haar [afdeling] Afdeling aangestel is, aan die griffiers van al die ander afdelings stuur. **[Niemand]** Met dien verstande dat niemand wat in die Republiek woon, **[word]** hierna as kommissaris aangestel word nie."

### Wysiging van reël 67 van die reëls

5. Reël 67 van die reëls word hierby gewysig deur die Tarief van Hofgelde deur die volgende tarief te vervang:

#### "Tarief van hofgelde

**67** Die hofgelde betaalbaar ten opsigte van die **[verskillende provinsiale en plaaslike afdelings]** Hooggeregshof is soos volg:

	R c
<b>[(a) (i) Op elke oorspronklike eerste dokument waardeur 'n aksie ingestel of 'n aansoek ingelei word</b>	<b>[80,00]</b>
<b>(ii) op elke kosterekening wat getakseer moet word en wat nie verbonde is aan 'n aksie of aansoek wat reeds in die hof geregistreer is nie</b>	<b>[60,00]</b>
<b>(iii) op elke prokurasie (wat by die griffier ingedien moet word) om teen</b>	<b>[80,00]</b>



die uitspraak van 'n laerhof te appelleer, behalwe appèlle in strafsake	
(iv) op elke kennisgewing van appèl teen die uitspraak van 'n enkele regter na die volle hof	[80,00]
Met dien verstande dat geen gelde gehef word op die dokumente waardeur 'n in forma pauperis-aksie ingestel word nie.]	
(b) Vir die sertifikaat van die griffier op gewaarmerkte afskrifte van dokumente (elk)	2,00
(c) Vir 'n afskrif van 'n hofbevel deur die griffier gemaak	
(i) vir elke 100 getikte woorde of gedeelte daarvan	2,00
(ii) vir elke fotokopie van 'n A4-grootte bladsy of gedeelte daarvan	1,00"

#### Wysiging van reël 68 van die Reëls

6. Reël 68 van die Reëls word hierby gewysig deur item 16 van die Tarief deur die volgende item te vervang:

"16 Vir [die opstel en uitreik van 'n tussenpleitdagvaarding] tussenpleite soos in reël 58 bedoel.....[104.50] 800.00."

#### Wysiging van reël 69 van die Reëls

7. Reël 69 van die Reëls word hierby gewysig deur die volgende subreël na subreël (5) in te voeg:

"(6) Vir advokate in artikel 34(2)(a)(ii) van die Wet op Regspraktyk, 2014 (Wet No. 28 2014), bedoel, is die tarief van gelde soos tussen party en party ooreenkomstig hierdie reël en die tarief in Reël 70, welke tariefitems ook al van toepassing is op die dienste deur die advokaat gelewer: Met dien verstande dat waar 'n bywoning deur 'n advokaat 'n diens daarstel wat gewoonlik deur 'n prokureur verrig word, die tarief in Reël 70 op daardie bywoning van toepassing is."

#### Wysiging van reël 70 van die Reëls

8. Reël 70 van die Reëls word hierby gewysig deur item 4 van Artikel D van die Tarief van Gelde van Prokureurs te skrap.

#### Inwerkingtreding

9. Hierdie reëls tree in werking op **1 Desember 2020**.

## DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 1158

30 OCTOBER 2020

**RULES BOARD FOR COURTS OF LAW ACT, 1985 (ACT NO. 107 OF 1985)****AMENDMENT OF THE RULES REGULATING THE CONDUCT OF THE  
PROCEEDINGS OF THE SUPREME COURT OF APPEAL OF SOUTH AFRICA**

The Rules Board for Courts of Law has, under section 6 of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985), 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 Supreme Court of Appeal of South Africa published under Government Notice No. R. 1523 of 27 November 1998, as amended by Government Notice Nos. R. 979 of 19 November 2010, R. 191 of 11 March 2011, R. 113 of 15 February 2013, R. 1055 of 29 September 2017, R. 1318 of 30 November 2018, R. 842 of 31 May 2019 and R. 858 of 7 August 2020.

**Amendment of rule 11 of the Rules**

2. Rule 11 of the Rules is hereby amended by the substitution in subrule (1) for the words preceding paragraph (a) of the following words:

"Powers

- (1) The President or the Court may **[*mero motu*]** of own accord, on request or application—"

**Amendment of rule 13 of the Rules**

3. Rule 13 of the Rules is hereby amended—

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

"Notification

- (1) The registrar shall, subject to the directions of the President, notify each party **[by registered letter]** electronically of the date of hearing: Provided that where electronic notification is not possible the registrar shall notify the party concerned, by registered letter."; and

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

"Address

- (2) (a) Where notification in terms of subrule (1) is given electronically, the provisions of Chapter III, Part 2 of the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002) shall apply.

- (b) A registered letter **[forwarded]** sent to a party's last known address shall be deemed to be sufficient notice of the date of the hearing."

**Amendment of rule 17 of the Rules**

4. Rule 17 of the Rules is hereby amended—

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

"Taxation

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

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

"Statement of case

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

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

"Contentions of parties

(4) The taxing master shall supply a copy of the stated case to each of the parties, who may within 15 days of receipt of the copy submit contentions in writing thereon, including grounds of objection not advanced at the taxation, in respect of any item or part of an item which was objected to before the taxing master or disallowed [*mero motu*] by the taxing master of own accord.";

- (d) by the substitution for subrule (5) of the following subrule:

"Report

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

- (e) by the substitution in subrule (6) for paragraph (a) of the following paragraph:

"Hearing of review

(6) (a) The President or a judge or judges designated by [**him or her**] the President may—

- (i) decide the matter upon the merits of the case and submissions so submitted;
- (ii) require any further information from the taxing master;
- (iii) if deemed fit, hear the parties or their advocates or attorneys in chambers; or
- (iv) refer the case for decision to the Court."; and

- (f) by the substitution for subrule (7) of the following subrule:

"(7) The judge, judges or [**court**] Court deciding the matter may make such order as to costs of the case as deemed fit, including an order that the unsuccessful party pay to the successful party the costs of review in a sum fixed by the judge, the judges or the Court."

## Commencement

5. These Rules come into operation on **1 December 2020**.

## DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

NO. R. 1158

30 OKTOBER 2020

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

WYSIGING VAN DIE REËLS WAARBY DIE VERRIGTINGE  
VAN DIE HOOGSTE HOF VAN APPEL VAN SUID-AFRIKA GEREËL WORD

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

## BYLAE

## ALGEMENE VERDUIDELIKENDE NOTA:

- [       ]        Woorde of uitdrukkings in vet druk in vierkantige hake dui op weglatings uit bestaande reëls.
- \_\_\_\_\_        Woorde of uitdrukkings met 'n volstreep daaronder dui op invoegings in bestaande reëls.
- 

## Woordomskrywing

1. In hierdie Bylae beteken "die Reëls" die Reëls waarby die verrigtinge van die Hoogste Hof van Appel van Suid-Afrika gereël word, afgekondig in Goewermentskennisgewing No. R. 1523 van 27 November 1998, soos gewysig deur Goewermentskennisgewings R. 979 van 19 November 2010, R. 191 van 11 Maart 2011, R. 113 van 15 Februarie 2013, R. 1055 van 29 September 2017, R. 1318 van 30 November 2018, R. 842 van 31 Mei 2019 en R. 858 van 7 Augustus 2020.

## Wysiging van reël 11 van die Reëls

2. Reël 11 van die Reëls word hierby gewysig deur in subreël (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:  
"Bevoegdhede  
(1) Die President of die Hof kan [*mero motu*] uit eie beweging of op aansoek—"

## Wysiging van reël 13 van die Reëls

3. Reël 13 van die Reëls word hierby gewysig—  
(a) deur subreël (1) deur die volgende subreël te vervang:  
"Kennisgewing

- (1) Die griffier moet, behoudens die opdragte van die President, elke party **[per geregistreerde brief]** elektronies van die datum van die verhoor in kennis stel: Met dien verstande dat waar elektroniese kennisgewing nie moontlik is nie, die griffier die betrokke party per geregistreerde brief in kennis sal stel."; en
- (b) deur subreël (2) deur die volgende subreël te vervang:  
"Adres  
(2) (a) Waar kennisgewing elektronies gegee word ingevolge subreël (1), is die bepalings van Hoofstuk III, Deel 2 van die Wet op Elektroniese Kommunikasies en Transaksies, 2002 (Wet No. 25 van 2002), van toepassing.  
(b) 'n Geregistreerde brief gestuur aan 'n party se laasbekende adres, word geag voldoende kennisgewing van die datum van die verhoor te wees."

#### **Wysiging van reël 17 van die Reëls**

#### **4. Reël 17 van die Reëls word hierby gewysig—**

- (a) deur subreël (1) deur die volgende subreël te vervang:  
"Taksasie  
(1) Die koste aangegaan in 'n appèl of aansoek moet getakseer word deur die griffier, wat by die uitoefening van hierdie funksie die takseermeester genoem word, maar **[sy of haar]** die taksasie is onderworpe aan hersiening kragtens subreël (3).";
- (b) deur subreël (3) deur die volgende subreël te vervang:  
"Saakstelling  
(3) 'n Party wat ontevrede is met die beslissing van die takseermeester ten aansien van 'n item of deel van 'n item waarteen beswaar gemaak is of wat **[mero motu]** uit eie beweging deur die takseermeester geweier is, kan binne 20 dae na die **[allocatur]** bedrag getakseer en toegeken eis dat die takseermeester 'n gestelde saak opstel vir beslissing deur die President, waarin hy of sy elke item of deel van 'n item uiteensit, tesame met die gronde van beswaar wat by die taksasie geopper is, en wat enige desbetreffende feitebevindings van die takseermeester bevat.";
- (c) deur subreël (4) deur die volgende subreël te vervang:  
"Betoog van partye  
(4) Die takseermeester moet 'n afskrif van die gestelde saak aan elk van die partye verskaf en hulle kan binne 15 dae na ontvangs van die afskrif, skriftelik betoog daarvoor voorlê met inbegrip van gronde van beswaar wat nie by die taksasie geopper is nie, ten opsigte van 'n item of deel van 'n item waarteen daar voor die takseermeester beswaar gemaak is of wat **[mero motu]** uit eie beweging deur die takseermeester geweier is.";
- (d) deur subreël (5) deur die volgende subreël te vervang:  
"Verslag

- (5) Daarna stel die takseermeester **[sy of haar]** 'n verslag op en verskaf 'n afskrif daarvan aan elk van die partye, en lê onverwyld die gestelde saak voor die President tesame met die betoog van die partye daaroor en **[sy of haar]** daardie verslag.";
- (e) deur in subreël (6) paragraaf (a) deur die volgende paragraaf te vervang:  
"Aanhoor van hersiening  
(6) (a) Die President of 'n regter of regters deur **[hom of haar]** die President aangewys kan—  
(i) die aangeleentheid op die meriete van die saak en voorleggings wat ingedien is, beslis;  
(ii) enige verdere inligting van die takseermeester vereis;  
(iii) indien dit wenslik geag word, die partye of hul advokate in kamers aanhoor; of  
(iv) die saak na die Hof verwys."; en
- (f) deur subreël (7) deur die volgende subreël te vervang:  
"(7) Die regter, regters of **[hof]** Hof wat die saak beslis, kan sodanige bevel ten opsigte van koste uitreik indien dit wenslik geag word, insluitende 'n bevel dat die onsuksesvolle party aan die suksesvolle party die koste van hersiening betaal in 'n som bepaal deur die regter, regters of die Hof."

### **Inwerkingtreding**

5. Hierdie Reëls tree in werking op **1 Desember 2020**.

## DEPARTMENT OF TRANSPORT

NO. R. 1159

30 OCTOBER 2020

## CIVIL AVIATION ACT, 2009 (ACT NO. 13 OF 2009)

## CIVIL AVIATION REGULATIONS, 2011

The Minister of Transport intends, in terms of section 155(1) of the Civil Aviation Act, 2009 (Act No. 13 of 2009) and on the recommendation of the Civil Aviation Regulations Committee (CARCom), to amend the Civil Aviation Regulations, 2011, by the amendment of the following Parts set out in Schedules below:

Schedule 1:	Part 1 related to Part 108	(Air Cargo Security)
Schedule 2:	Part 1 related to Part 141	(Aviation Training Organisations)
Schedule 3:	Part 172	(Airspace and Air Traffic Services)

The Director of Civil Aviation intends, in terms of section 163 of the Civil Aviation Act and on Recommendation of CARCom, to amend the Technical Standards by the amendment of the Following parts set out in the Schedules below:

Schedule 4:	SA CATS 141	(Aviation Training Organisations)
Schedule 5:	SA CATS 172	(Airspace and Air Traffic Services)

Electronic copies of the draft Amendments are available in the South African Civil Aviation Authority website at [www.caa.co.za](http://www.caa.co.za) and may also be requested from Gugu Magagula at [MagagulaG@caa.co.za](mailto:MagagulaG@caa.co.za) or Betty Monyeki at [MonyekiB@caa.co.za](mailto:MonyekiB@caa.co.za)

Interested persons are hereby invited to submit written comments on these draft amendments on or before the **30 November 2020** to the Chairperson: CARCom, for the attention of.

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