

Government Gazette
Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Regulation Gazette **No. 11483** *Regulasiekoerant*

Vol. 686 **2 September / September 2022** **No. 46839**

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

IMPORTANT NOTICE:

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

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government printing
Department:
Government Printing Works
REPUBLIC OF SOUTH AFRICA

HIGH ALERT: SCAM WARNING!!!

TO ALL SUPPLIERS AND SERVICE PROVIDERS OF THE GOVERNMENT PRINTING WORKS

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

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

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

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

Example of e-mails these fraudsters are using:

PROCUREMENT@GPW-GOV.ORG

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

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

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

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

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

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

Fake Tenders

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

How tender scams work

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

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

OR

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

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

Protect yourself from being scammed

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

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

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

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

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

Closing times for **ORDINARY WEEKLY** *REGULATION GAZETTE* 2022

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

- **31 December 2021,** Friday for the issue of Friday **07 January 2022**
- **07 January,** Friday for the issue of Friday **14 January 2022**
- **14 January,** Friday for the issue of Friday **21 January 2022**
- **21 January,** Friday for the issue of Friday **28 January 2022**
- **28 January,** Friday for the issue of Friday **04 February 2022**
- **04 February,** Friday for the issue of Friday **11 February 2022**
- **11 February,** Friday for the issue of Friday **18 February 2022**
- **18 February,** Friday for the issue of Friday **25 February 2022**
- **25 February,** Friday for the issue of Friday **04 March 2022**
- **04 March,** Friday for the issue of Friday **11 March 2022**
- **11 March,** Friday for the issue of Friday **18 March 2022**
- **17 March,** Thursday for the issue of Friday **25 March 2022**
- **25 March,** Friday for the issue of Friday **01 April 2022**
- **01 April,** Friday for the issue of Friday **08 April 2022**
- **07 April,** Thursday for the issue of Thursday **14 April 2022**
- **13 April,** Wednesday for the issue of Friday **22 April 2022**
- **21 April,** Thursday for the issue of Friday **29 April 2022**
- **28 April,** Thursday for the issue of Friday **06 May 2022**
- **06 May,** Friday for the issue of Friday **13 May 2022**
- **13 May,** Friday for the issue of Friday **20 May 2022**
- **20 May,** Friday for the issue of Friday **27 May 2022**
- **27 May,** Friday for the issue of Friday **03 June 2022**
- **03 June,** Friday for the issue of Friday **10 June 2022**
- **09 June,** Thursday for the issue of Friday **17 June 2022**
- **17 June,** Friday for the issue of Friday **24 June 2022**
- **24 June,** Friday for the issue of Friday **01 July 2022**
- **01 July,** Friday for the issue of Friday **08 July 2022**
- **08 July,** Friday for the issue of Friday **15 July 2022**
- **15 July,** Friday for the issue of Friday **22 July 2022**
- **22 July,** Friday for the issue of Friday **29 July 2022**
- **29 July,** Friday for the issue of Friday **05 August 2022**
- **04 August,** Thursday for the issue of Friday **12 August 2022**
- **12 August,** Friday for the issue of Friday **19 August 2022**
- **19 August,** Friday for the issue of Friday **26 August 2022**
- **26 August,** Friday for the issue of Friday **02 September 2022**
- **02 September,** Friday for the issue of Friday **09 September 2022**
- **09 September,** Friday for the issue of Friday **16 September 2022**
- **16 September,** Friday for the issue of Friday **23 September 2022**
- **23 September,** Friday for the issue of Friday **30 September 2022**
- **30 September,** Friday for the issue of Friday **07 October 2022**
- **07 October,** Friday for the issue of Friday **14 October 2022**
- **14 October,** Friday for the issue of Friday **21 October 2022**
- **21 October,** Friday for the issue of Friday **28 October 2022**
- **28 October,** Friday for the issue of Friday **04 November 2022**
- **04 November,** Friday for the issue of Friday **11 November 2022**
- **11 November,** Friday for the issue of Friday **18 November 2022**
- **18 November,** Friday for the issue of Friday **25 November 2022**
- **25 November,** Friday for the issue of Friday **02 December 2022**
- **02 December,** Friday for the issue of Friday **09 December 2022**
- **08 December,** Thursday for the issue of Thursday **15 December 2022**
- **15 December,** Thursday for the issue of Friday **23 December 2022**
- **22 December,** Thursday for the issue of Friday **30 December 2022**

LIST OF TARIFF RATES

FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2018

NATIONAL AND PROVINCIAL

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

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

EXTRA-ORDINARY

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

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at R**3026.32** per page.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

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

Closing Times for Acceptance of Notices

1. The *Government Gazette* and *Government Tender Bulletin* are weekly publications that are published on Fridays and the closing time for the acceptance of notices is strictly applied according to the scheduled time for each gazette.

2. Please refer to the Submission Notice Deadline schedule in the table below. This schedule is also published online on the Government Printing works website www.gpwonline.co.za

   All re-submissions will be subject to the standard cut-off times.
   All notices received after the closing time will be rejected.

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

GOVERNMENT PRINTING WORKS - BUSINESS RULES

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

EXTRAORDINARY GAZETTES

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

NOTICE SUBMISSION PROCESS

4. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website www.gpwonline.co.za.

5. The *Adobe* form needs to be completed electronically using *Adobe Acrobat* / *Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.

6. The completed electronic *Adobe* form has to be submitted via email to submit.egazette@gpw.gov.za. The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.

7. Every notice submitted **must** be accompanied by an official **GPW** quotation. This must be obtained from the *eGazette* Contact Centre.

8. Each notice submission should be sent as a single email. The email **must** contain **all documentation relating to a particular notice submission**.

   8.1. Each of the following documents must be attached to the email as a separate attachment:

      8.1.1. An electronically completed *Adobe* form, specific to the type of notice that is to be placed.

         8.1.1.1. For National *Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form

         8.1.1.2. The notice content (body copy) **MUST** be a separate attachment.

      8.1.2. A copy of the official **Government Printing Works** quotation you received for your notice. *(Please see Quotation section below for further details)*

      8.1.3. A valid and legible Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order**. Non-Government Printing Works** account customer needs to submit the proof of payment for the notice

      8.1.4. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should **also** be attached as a separate attachment. *(Please see the Copy Section below, for the specifications)*.

      8.1.5. Any additional notice information if applicable.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

9. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.

10. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE.**

11. Notices brought to **GPW** by "walk-in" customers on electronic media can only be submitted in *Adobe* electronic form format. All "walk-in" customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.

12. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

QUOTATIONS

13. Quotations are valid until the next tariff change.

    13.1. ***Take note:*** **GPW**'s annual tariff increase takes place on ***1 April*** therefore any quotations issued, accepted and submitted for publication up to ***31 March*** will keep the old tariff. For notices to be published from 1 April, a quotation must be obtained from **GPW** with the new tariffs. Where a tariff increase is implemented during the year, **GPW** endeavours to provide customers with 30 days' notice of such changes.

14. Each quotation has a unique number.

15. Form Content notices must be emailed to the *eGazette* Contact Centre for a quotation.

    15.1. The *Adobe* form supplied is uploaded by the Contact Centre Agent and the system automatically calculates the cost of your notice based on the layout/format of the content supplied.

    15.2. It is critical that these *Adobe* Forms are completed correctly and adhere to the guidelines as stipulated by **GPW**.

16. **APPLICABLE ONLY TO GPW ACCOUNT HOLDERS**:

    16.1. **GPW** Account Customers must provide a valid **GPW** account number to obtain a quotation.

    16.2. Accounts for **GPW** account customers **must** be active with sufficient credit to transact with **GPW** to submit notices.

        16.2.1. If you are unsure about or need to resolve the status of your account, please contact the **GPW** Finance Department prior to submitting your notices. (If the account status is not resolved prior to submission of your notice, the notice will be failed during the process).

17. **APPLICABLE ONLY TO CASH CUSTOMERS:**

    17.1. Cash customers doing **bulk payments** must use a **single email address** in order to use the **same proof of payment** for submitting multiple notices.

18. The responsibility lies with you, the customer, to ensure that the payment made for your notice(s) to be published is sufficient to cover the cost of the notice(s).

19. Each quotation will be associated with one proof of payment / purchase order / cash receipt.

    19.1. This means that **the quotation number can only be used once to make a payment.**

GOVERNMENT PRINTING WORKS - BUSINESS RULES

COPY (SEPARATE NOTICE CONTENT DOCUMENT)

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03

20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.

The content document should contain only one notice. (You may include the different translations of the same notice in the same document).

20.2. The notice should be set on an A4 page, with margins and fonts set as follows:

Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm; Use font size: Arial or Helvetica 10pt with 11pt line spacing;

Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm; Use font size: Arial or Helvetica 10pt with 11pt line spacing;

CANCELLATIONS

21. Cancellation of notice submissions are accepted by **GPW** according to the deadlines stated in the table above in point 2. Non-compliance to these deadlines will result in your request being failed. Please pay special attention to the different deadlines for each gazette. Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.

22. Requests for cancellation must be sent by the original sender of the notice and must accompanied by the relevant notice reference number (N-) in the email body.

AMENDMENTS TO NOTICES

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

REJECTIONS

24. All notices not meeting the submission rules will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za). Reasons for rejections include the following:

24.1. Incorrectly completed forms and notices submitted in the wrong format, will be rejected.

24.2. Any notice submissions not on the correct *Adobe* electronic form, will be rejected.

24.3. Any notice submissions not accompanied by the proof of payment / purchase order will be rejected and the notice will not be processed.

24.4. Any submissions or re-submissions that miss the submission cut-off times will be rejected to the customer. The Notice needs to be re-submitted with a new publication date.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

APPROVAL OF NOTICES

25. Any notices other than legal notices are subject to the approval of the Government Printer, who may refuse acceptance or further publication of any notice.

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

GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY

27. The Government Printer will assume no liability in respect of—

27.1. any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;

27.2. erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;

27.3. any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

LIABILITY OF ADVERTISER

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

CUSTOMER INQUIRIES

Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While **GPW** deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.
GPW has a 2-working day turnaround time for processing notices received according to the business rules and deadline submissions.
Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

29. Requests for information, quotations and inquiries must be sent to the Contact Centre ONLY.

30. Requests for Quotations (RFQs) should be received by the Contact Centre at least **2 working days** before the submission deadline for that specific publication.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

Payment of cost

31. The Request for Quotation for placement of the notice should be sent to the Gazette Contact Centre as indicated above, prior to submission of notice for advertising.

32. Payment should then be made, or Purchase Order prepared based on the received quotation, prior to the submission of the notice for advertising as these documents i.e. proof of payment or Purchase order will be required as part of the notice submission, as indicated earlier.

33. Every proof of payment must have a valid **GPW** quotation number as a reference on the proof of payment document.

34. Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the Gazette Contact Centre, **Government Printing Works**, Private Bag X85, Pretoria, 0001 email: info.egazette@gpw.gov.za before publication.

35. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and future notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or electronic funds transfer into the **Government Printing Works** banking account.

36. In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the **Government Printing Works**.

37. The **Government Printing Works** reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the List of Fixed Tariff Rates, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

Proof of publication

38. Copies of any of the *Government Gazette* or *Provincial Gazette* can be downloaded from the **Government Printing Works** website www.gpwonline.co.za free of charge, should a proof of publication be required.

39. Printed copies may be ordered from the Publications department at the ruling price. The **Government Printing Works** will assume no liability for any failure to post or for any delay in despatching of such *Government Gazette*(s)

GOVERNMENT PRINTING WORKS CONTACT INFORMATION

Physical Address:	**Postal Address:**	**GPW Banking Details:**
Government Printing Works	Private Bag X85	**Bank:** ABSA Bosman Street
149 Bosman Street	Pretoria	**Account No.:** 405 7114 016
Pretoria	0001	**Branch Code:** 632-005

For Gazette and Notice submissions: Gazette Submissions:	**E-mail:** submit.egazette@gpw.gov.za
For queries and quotations, contact: Gazette Contact Centre:	**E-mail:** info.egazette@gpw.gov.za
	Tel: 012-748 6200
Contact person for subscribers: Mrs M. Toka:	**E-mail:** subscriptions@gpw.gov.za
	Tel: 012-748-6066 / 6060 / 6058
	Fax: 012-323-9574

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF COMMUNICATIONS AND DIGITAL TECHNOLOGIES

NO. R. 2432 **2 September 2022**

FILMS AND PUBLICATIONS ACT, 1996 (ACT NO. 65 OF 1996), AS AMENDED

FILMS AND PUBLICATIONS AMENDMENT REGULATIONS, 2022

I, Khumbudzo Ntshavheni, the Minister of Communications and Digital Technologies hereby, under section 31(1) of the Films and Publications Act, 1996 (Act No. 65 of 1996), as amended, after consultation with the Council and the Appeals Tribunal, whichever is applicable, made the Regulations in the Schedule.

The Regulations concerned will come into operation on publication in the Government Gazette.

MS KHUMBUDZO NTSHAVHENI, MP
MINISTER OF COMMUNICATIONS AND DIGITAL TECHNOLOGIES
DATE: 25/08/2022

SCHEDULE 1

PART 1

1. Definitions. – In this Schedule, any word or expression to which a meaning has been assigned in the Act, shall have the meaning so assigned and, unless the context otherwise indicates –

"**Act**" means the Films and Publications Act, 1996 (Act No. 65 of 1996), as amended from time to time;

"**adult content**" means content in publications, films and games that is classified as suitable for people of 18 (eighteen) years and above;

"**adult premises**" means any premises –

(a) at which the holder of a registration certificate to distribute or exhibit materials classified as "X18" may conduct business;

(b) at which entry of any person under the age of 18 (eighteen) years, is prohibited; and

(c) which is licensed to conduct the business of adult premises under the Businesses Act, 1991 (Act No. 71 of 1991);

"**advertisement**" means any visual or oral communication, representation, reference or notification of any kind –

(a) which is intended to promote the sale, leasing or use of any goods or services; or

(b) which appeals for or promotes the support of any cause;

"**Advertising Regulatory Board**" means the Advertising Regulatory Board NPC, with

registration number 2018/528875/08, and is the self-regulatory entity which regulates the content of advertising, or any entity that replaces it, but has the same functions;

"**business of adult premises**" means a business contemplated in section 24 (1) of the Act;

"**child**" means a person under the age of 18 (eighteen) years;

"**classification guidelines**" means the classification guidelines contemplated in section 4A (1)(a) of the Act;

"**classifier**" means a person appointed in terms of section 4A (1)(e) of the Act to examine and classify any film, game or publication submitted to the FPB in terms of the Act;

"**commercial online distributor**" means a distributor in relation to films, games and publications which are distributed for commercial purposes using the internet;

"**commercial purposes**" means to sell or hire, offer to sell or hire, or cause to be sold or hire, in exchange for commercial consideration;

"**Compliance Officer**" means a member of staff of the FPB appointed to undertake the functions listed in section 15A of the Act;

"**day**" means any number of days prescribed in these Regulations and shall be reckoned exclusively of the first and inclusively of the last day unless the last day falls on a Saturday, Sunday or official South African Public Holiday, in which case the last day shall be the next succeeding business day;

"**FPB**" means the Film and Publication Board, established in terms of section 3 of the Act;

"**film festival**" means an organised, extended exhibition of films in one or more cinemas

or screening venues, usually in a single locality showcasing international releases as well as films produced by film producers in the domestic film industry;

“**game festival**” means an organised, extended exhibition of games in one or more screening venues, usually in a single locality showcasing international releases;

"**home-entertainment format**" means a film intended for viewing in private, through any electronic, mechanical or other device;

"**ICASA**" means the Independent Communications Authority of South Africa, established in terms of section 3 of the Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000);

“**internet**” means the Internet as defined in section 1 of the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002);

“**non-compliant**” means a failure or refusal to comply with the Act, Regulations, Classification Guidelines or the terms and conditions contained in an online distribution agreement;

"**prescribed fee**" means the applicable fee prescribed by regulation by the Minister, in consultation with the Minister of Finance, from time to time, under section 31 (1)(a) of the Act;

“**pornography**” means the explicit description or exhibition of sexual subjects or activity in films, games and publications in a manner intended predominantly to stimulate erotic rather than aesthetic feelings;

"**public-entertainment format**" means a film that is intended for screening or exhibition to the public in cinemas, theatres and other public places;

“**public holiday**” means a public holiday referred to in section 1 of the Public Holidays Act, 1994 (Act 36 of 1994);

"**rating**" means the allocation of an appropriate age restriction on a film, game or publication to –

(a) provide consumer advice to enable adults to make informed viewing, reading and gaming choices, both for themselves and for children in their care; and

(b) protect children from exposure to disturbing and harmful materials and from premature exposure to adult experiences;

"**reasonable period of time**" means the amount of time that is fairly required to do whatever is required to be done, conveniently under the permitted circumstances;

"**registration certificate**" means a certificate issued by the FPB in terms of section 18 of the Act to registered distributors of films or games in order to –

(a) distribute specified films or games;

(b) exhibit specified films or games; or

(c) distribute specified films or games contemplated in section 24 of the Act from adult premises; and

"**URL**" means the Uniform Resource Locator, a protocol for specifying addresses on the Internet and an address that identifies a particular file on the internet, usually consisting of the protocol, as "http", followed by the domain name.

PART 2

REGISTRATION AS DISTRIBUTOR

2. Registration as a distributor. – (1) With the exception of a member of the Press Council of South Africa or a member of the Advertising Regulatory Board, both of

whom are exempt from such requirement, an application for registration as a distributor of films in terms of section 18 (1)(a) of the Act shall be made on the relevant Form provided by the FPB or submitted through an electronic system accessible on its website, accompanied by –

(a) proof of registration of the business of the distributor in terms of the applicable legislation;

(b) a document confirming that the applicant's tax affairs are in order;

(c) a declaration that the applicant warrants to the best of its knowledge and insofar as it is reasonably aware, that it complies with the laws and regulations applicable to it, with its legal obligations pertaining to its business in general and with its obligations as a distributor of films and undertakes to continue to take all reasonable and necessary steps to ensure that such compliance is maintained; and

(d) proof of payment of the prescribed fee.

(2) An application for registration as a distributor of games in terms of section 18 (1)(a) of the Act shall be made on the relevant Form provided by the FPB or submitted through an electronic system accessible on its website, accompanied by –

(a) proof of registration of the business of the distributor in terms of the applicable legislation;

(b) a document confirming that the applicant's tax affairs are in order;

(c) a declaration that the applicant warrants to the best of its knowledge and insofar as it is reasonably aware, that it complies with all the laws and regulations applicable to it, with its legal obligations pertaining to its business in general and with its obligations as a distributor of games

and undertakes to continue to take all reasonable and necessary steps to ensure that such compliance is maintained; and

(d) proof of payment of the prescribed fee.

(3) The FPB may –

(a) issue to a distributor a registration certificate, valid for a period of 1 (one) year from the date of issue thereof; or

(b) issue to a distributor a temporary registration certificate, valid for a period of not more than 3 (three) months from the date of issue thereof; and

(c) when issuing certificates referred to in sub-regulation (3)(a) and (3)(b), impose any conditions it considers necessary for the better achievement of the objects and purposes of the Act.

(4) In the event that the application contemplated in sub-regulation 2(1) is made by an applicant who is a broadcaster contemplated in section 18 (6) of the Act and who is licensed and authorised by ICASA to broadcast films classified as "X18" or which contains depictions, descriptions or scenes of explicit sexual conduct, which would have justified an “X18” classification, the application shall be accompanied by –

(a) a certified copy of the original licence and authorisation issued by ICASA to broadcast films classified as "X18" or which contain depictions, descriptions or scenes of explicit sexual conduct, which would have justified an “X18” classification and containing any conditions imposed;

(b) proof of payment of the prescribed fee; and

(c) a detailed statement on the measures put in place by the applicant to ensure that children below the age of 18 (eighteen) years of age are not exposed and are protected from exposure and access to films classified as "X18" or which contain depictions, descriptions or scenes of explicit sexual conduct, which would have justified an “X18” classification.

3. Renewal of registration certificate as distributor. – (1) An application for the renewal of a registration certificate as a distributor, including as an online distributor, shall be made on the relevant Form provided by the FPB or submitted through an electronic system accessible on its website, accompanied with the proof of payment of the prescribed fee and either a confirmation that the supporting documents set out in sub-regulation 2(1), when applying for renewal of the registration certificate as a distributor of films, or set out in sub-regulation 2(2) , when applying for renewal of the registration certificate as a distributor of games, are still valid and accurate, or where there have been any changes to provide copies of the said supporting documentation.

(2) The application for the renewal of a registration certificate as a distributor in terms of sub-regulation (1) must be made before the date of expiry or, in the case of a registration certificate contemplated in regulation 2(3)(a), within 30 (thirty) days from the date of expiry of the registration certificate.

(3) If an application for the renewal of a registration certificate as distributor is not made within 30 (thirty) days from the date of expiry of that registration certificate, such distributor shall cease to be registered as a distributor of films or games.

(4) A distributor who has made an application for the renewal of a registration certificate within the 30 (thirty) days from date of expiry of that registration certificate, the registration certificate of such a distributor will be deemed to be of full force and effect until such time as the renewal application has been processed and the outcome of the application has been communicated by

the FPB.

4. **Display of registration certificate**. – (1) Unless otherwise permitted by the FPB, a registration certificate contemplated in regulation 2(3)(a) or 2(3)(b) must be displayed conspicuously –

(a) inside all premises;

(b) in any other registered business; or

(c) on the platform of the commercial online distributor;

at which the distribution of films and games occurs.

PART 3

SUBMISSION OF PUBLICATIONS, FILMS AND GAMES FOR CLASSIFICATION AND DISPLAY REQUIREMENTS

5. **Request for examination and classification of publications**. – (1) A request made in terms of section 16 (1) of the Act that a publication which is to be or is being distributed in the Republic be referred to a committee for classification or rating in terms of section 16 (4) of the Act, shall be submitted in writing to the FPB and shall contain –

(a) the title of the publication, the date and number of the edition or issue, the name and address of such publisher's South African distributor;

(b) the publication or a copy thereof or, where it is impractical to submit the publication or a copy thereof, the full address of the place where the FPB may examine the publication;

(c) the full name and address, contact telephone, cellular phone and an

e-mail address, if available, of the person making the request, unless that person wishes to remain anonymous; and

(d) the reasons for requesting the examination and classification of the publication, with reference to the page numbers and specific paragraphs or lines forming the subject of the report.

(2) The FPB shall, upon receipt of a request contemplated in sub-regulation (1) and save for where the person wishes to remain anonymous –

(a) acknowledge receipt of the request and, if the request meets all the requirements of sub-regulation (1) , inform the requester of the time, date and venue when the publication will be examined for classification or rating and of his or her rights in terms of section 19 of the Act;

(b) where the request does not meet all the requirements of sub-regulation (1), inform the requester in writing to submit the outstanding documents or information before the publication may be examined and classified or rated; and

(c) where the person requesting classification or rating is not the publisher or distributor, provide a copy of the completed request to –

(i) the publisher or distributor of the publication forming the subject of the request; or

(ii) any person whose financial interests could be detrimentally affected by a decision of the FPB on such application, and inform such person concerned of his or her rights in terms of section 19 of the Act.

(3) The exemption of a publication in terms of section 16 (1) and (2) of the Act in instances where a person requests the FPB for a publication to be

classified in terms of section 16 of the Act shall only apply to either publications that are published by a member of the Press Council of South Africa or an advertisement that falls under the jurisdiction of the Advertising Regulatory Board as defined in these Regulations.

6. **Compulsory submission of publications**. – (1) Any distributor, other than the publisher who is a member of the Press Council of South Africa or an advertiser who is a member of the Advertising Regulatory Board, who intends to publish for distribution, or to distribute, a publication contemplated in section 16 (2) of the Act, shall submit the publication to the FPB together with the relevant Form provided by the FPB, and the prescribed fee, for examination and classification, before it may be distributed within the Republic.

7. **Display of certificate of classification on publications classified as "X18"**. – (1) If a publication is a magazine or newspaper classified as "X18" or which contains depictions, descriptions or scenes of explicit sexual conduct, which would have justified an ‘X18’ classification, it must be distributed in a non-transparent wrapper, which is marked "X18" and, except for a newspaper contemplated in section 16 (1) and (2) of the Act, the certificate of classification must be conspicuously displayed on the bottom right hand corner of the magazine cover.

(2) If a publication is a book which is classified as "X18" or which contains depictions, descriptions or scenes of explicit sexual conduct, which would have justified an “X18” classification, the conditions of display of the certificate of classification shall be imposed by the classification committee.

8. **Display of publications containing adult content**. – (1) Any publication, including a publication that is published by a member of the Press Council of South Africa or an advertisement that falls under the jurisdiction of the Advertising Regulatory Board contemplated in section 16 (1) and (2) of the Act, containing adult content shall –

(a) be enclosed in a wrapper or bag prior to being distributed or displayed in any outlet, other than adult premises, for distribution; and

(b) not be displayed within reach of children, or next to or among publications intended for children.

(2) Except for a publication contemplated in section 16 (1) and (2) of the Act, a certificate of classification shall be conspicuously displayed on the bottom right hand corner of the cover of any publication containing adult content.

9. Application for classification of films. – (1) Where a distributor applies for the classification of a film, or the trailer of a film, in terms of section 18 (1)(b) of the Act, such application shall be made on the relevant Form provided by the FPB or submitted through an electronic system accessible on its website, together with copies of the film or trailer and proof of payment of the prescribed fee.

(2) Where a film, or the trailer of a film, to be classified is in home-entertainment format, a copy of that film or trailer, in the format of its intended distribution, must accompany the application for classification.

(3) Where a film, or the trailer of a film, to be classified is in a public-entertainment format, the applicant must, at its own expense, arrange for the screening of that film or trailer to the FPB at a venue, and on a date and at a time agreed to by the FPB.

(4) Where a film, or the trailer of a film, has been classified in terms of the Act, the entity who applied for the classification of that film or trailer must, if the film or trailer is in a home-entertainment format, provide a copy of that film or trailer in the format in which it was classified, to the FPB free of charge.

10. Application for classification of exempted films. – (1) An application for the classification of a film which has been exempted in terms of section 22 or 23 of the Act shall, if it is intended for general distribution, be made on the relevant

Form provided by the FPB or submitted through an electronic system accessible on its website, and accompanied by proof of payment of the prescribed fee.

11. Application for classification of games. – (1) An application for the classification of a game in terms of section 18 (1)(b) of the Act shall be made on the relevant Form provided by the FPB or submitted through an electronic system accessible on its website and accompanied by the proof of payment of the prescribed fee and copies of every game intended to be distributed.

(2) The application for the classification of a game must be accompanied by –

(a) a written report which accurately and fully describes the game and its classifiable elements as prescribed in the Classification Guidelines of the FPB; and

(b) a recording of the game which illustrates how classifiable elements as prescribed in the Classification Guidelines of the FPB are presented.

(3) The written report referred to in sub-regulation (2)(a) shall indicate whether the game does –

(a) contain child pornography, propaganda for war or is an incitement to imminent violence;

(b) advocate hatred based on an identifiable group characteristic that constitutes an incitement to cause harm;

(c) depict explicit sexual conduct which violates or shows disrespect for the right to human dignity of any person;

(d) depict bestiality, incest, rape, conduct or an act which is degrading of human beings;

(e) depict conduct which constitutes incitement of or encourages harmful behaviour;

(f) depict the explicit infliction of sexual or domestic violence;

(g) depict explicit presentation of extreme violence; or

(h) contain explicit sexual conduct.

(4) If the FPB is of the opinion that a demonstration of the game is necessary for the proper examination of the game for classification, the applicant shall, on a date and at a time and venue appointed by the FPB, demonstrate that game to the FPB.

(5) Where a game has been classified, the distributor who applied for the classification of that game shall provide a classified copy thereof to the FPB, free of charge, in the format in which it will be distributed.

12. Display of classification decisions. – (1) Every publication, film and game, classified in terms of the Act, these Regulations and Classification Guidelines of the FPB, must in terms of section 18A of the Act –

(a) display a label in the prescribed form if it is a film or game approved for sale or hire; or

(b) conspicuously display the FPB's classification decision and logo on the landing page of the online medium, the online medium catalogue and at the point of sale of the commercial online distributor services.

(2) The prescribed specifications for the classification triangle, the classification age restriction, consumer advice shall be in terms of the illustration as reflected in the Form provided by the FPB.

(3) The prescribed specification for the logo, classification triangle, the classification age restriction, consumer advice contemplated in sub-regulation (2) may not be reproduced in any format other than in terms of the Act and these Regulations.

(4) Every poster, and every advertisement in any media, of a film or game referred to in sub-regulation (1) shall display, conspicuously and clearly visible on the poster or in the advertisement –

(a) the classification, age restriction, consumer advice and any other condition imposed on the distribution of that film or game; or

(b) the letters "TBC" within the classification triangle prior to the classification of the film or game by the distributor.

13. Re-classification of publications, films or games. – (1) An application for the re-classification of a publication, film or game in terms of section 18J of the Act, shall be made only after a period of 1 (one) year from the date when the publication, film or game was first classified, on the relevant Form provided by the FPB or submitted through an electronic system accessible on its website, and accompanied by the proof of payment of the prescribed fee.

(2) A request made in terms of section 18J (2) of the Act by a member of the public who is aggrieved or offended by a classification decision in respect of a publication, film or game, shall be made on the relevant Form provided by the FPB or submitted through an electronic system accessible on its website, together with proof of payment of the prescribed fee which application shall contain –

(a) the title of the publication, film or game;

(b) the full name and address, contact telephone, cellular phone and an e-mail address, if available, of the person making the request, unless

that person wishes to remain anonymous; and

(c) the reasons for requesting the re-examination and re-classification of the publication, film or game, with reference where applicable to the portion/s of the content forming the subject of the report.

(3) The FPB shall, upon receipt of a request contemplated in sub-regulation (2), save where the person wishes to remain anonymous –

(a) acknowledge receipt of the request within 7 (seven) days of communication of the request;

(b) where the request does not meet all the requirements of sub-regulation (1), inform the requester in writing to submit the outstanding documents or information before the publication, film or game may be re-examined and re-classified or rated;

(c) if the request meets all the requirements of sub-regulation (1), inform and request the distributor of the publication, film or game to make representations; and

(d) if a decision has been made to reclassify the publication, film or game inform the requester and distributor of the time, date and venue when the publication, film or game will be re-examined for re-classification or rating.

(4) In the case of a film or game in a public-entertainment format, the applicant shall, where required to do so, at his or her own expense, make arrangements for the exhibition of the film, or a demonstration of the game, to the FPB on a date and at a time and venue appointed by the FPB.

14. Application to appear before FPB. – (1) An application to appear before the FPB or classification committee, to adduce oral or written evidence and, to

address the FPB or the that classification committee in terms of section 19 of the Act shall be made in writing to the FPB within 7 (seven) days from the date on which the person becomes aware, by a person –

(a) who has referred a publication to a classification committee for classification in terms of section 16 (1) or submitted a publication for classification in terms of section 16 (2);

(b) who has applied for the classification or the reclassification of a publication, film or game;

(c) who has applied for a permit, exemption or licence;

(d) who is a publisher of a publication which is the subject of an application for classification; or

(e) whose financial interest could be detrimentally affected by a decision of the FPB on such application, or regarding an exemption or Permit, the withdrawal of which is being considered.

(2) The FPB or the classification committee shall respectively, upon receipt of an application contemplated in sub-regulation (1) –

(a) acknowledge receipt of the application within 7 (seven) days;

(b) provide the time, date and location on which the applicant shall appear before the FPB or the classification committee, to adduce oral or written evidence and, to address same; and

(c) having considered the arguments, the FPB or the classification committee shall inform the applicant in writing within 30 (thirty) days of the outcome, the reasons for and grounds upon which such a decision is based, which shall include, in the case of a “refused classification” or

a "XX" classification of a publication, film or game a reference to the particular section of the Act which formed the basis of the decision.

PART 4

ACCREDITATION OF COMMERCIAL ONLINE DISTRIBUTORS' CLASSIFICATION SYSTEM

15. Accreditation of a Foreign or International Classification System. – (1) An application by a commercial online distributor for the accreditation of classification ratings issued by any foreign or international classification authority or body in relation to the classification of publications, where applicable, films or games in terms of section 18D of the Act shall be made on the relevant Form provided by the FPB or submitted through an electronic system accessible on its website and accompanied by proof of payment of the prescribed fee.

(2) The application referred to in sub-regulation (1) must indicate –

(a) the accessibility by the FPB of the applicant's online service for compliance, monitoring and auditing purposes; and

(b) the alignment of the foreign or international ratings to the applicable ratings in terms of the Act and the Classification Guidelines of the FPB.

(3) The FPB shall, upon receipt of an application contemplated in sub-regulation (1) –

(a) acknowledge receipt of the application for the accreditation of classification ratings issued by any foreign or international classification authority or body in relation to the classification of films or games within 7 (seven) days; and

(b) if the application meets all the requirements of sub-regulation (1),

inform the applicant in writing of the outcome within 30 (thirty) days; or

(b) where the application does not meet all the requirements of sub-regulation (1) , inform the applicant in writing to submit the outstanding documents or information before the application shall be considered.

(4) On approval of the application, the FPB shall issue the applicant within 7 (seven) days a Notice of Accreditation of the classification ratings issued by any foreign or international classification authority or body in terms of section 18D of the Act.

(5) Until such time that the application as contemplated in sub-regulation (1) is approved by the FPB, the distributor must –

(a) submit the publication, where applicable, film or game to the FPB together with the relevant Form provided by the FPB, and the prescribed fee, for examination and classification; or

(b) in line with the Permit issued in terms of regulation 17(4) undertake self-classification of its own publications, films or games in accordance with the Act, these Regulations and the Classification Guidelines of the FPB, before it may be distributed within the Republic.

(6) The accreditation of classification ratings issued by any foreign or international classification authority or body approved by the FPB in terms of section 18D of the Act shall only be valid for 1 (one) year but may be renewed annually on payment of the annual prescribed fee.

(7) Should the classification ratings issued by any duly approved foreign or international classification authority or body fail to meet all the requirements of sub-regulation (2) and the commercial online distributor fails to remedy any noncompliance within 30 (thirty) days of receipt of written notice from the FPB calling upon it to do so, the accreditation shall be suspended

pending the rectification or remedying of such noncompliance.

PART 5

SUBMISSION OF ONLINE CONTENT FOR CLASSIFICATION

16. Submission of online content for classification. – (1) Any distributor, other than that of a publication, or a film, that is published or exhibited by a member of the Press Council of South Africa or an advertisement that falls under the jurisdiction of the Advertising Regulatory Board contemplated in section 16 (1) and (2) of the Act, who has been issued with a registration certificate by the FPB as such of a publication, film or game and who wishes to distribute online any publication, which falls within the ambit of section 16 (2) of the Act, or a film or game, in terms of section 18 of the Act, must, unless that publication, film or game is already classified by the FPB, submit such publication, film or game for classification.

PART 6

PROCEDURE FOR THE APPLICATION BY COMMERCIAL ONLINE DISTRIBUTORS TO SELF-CLASSIFY CONTENT

17. Procedure for application for self-classification of films, games and publications. – (1) An application in terms of section 18C of the Act by a commercial online distributor for an annual Permit to conduct classifications of publications, where applicable, films or games, shall be made on the relevant Form provided by the FPB or submitted through an electronic system accessible on its website, and accompanied by –

(a) proof of registration of the business of the applicant in terms of the applicable legislation;

(b) a document confirming that the applicant's tax affairs are in order;

(c) a declaration that the applicant warrants to the best of its knowledge and insofar as it is reasonably aware, that it complies with the laws and regulations applicable to it, with its legal obligations pertaining to its business in general and with its obligations as a distributor of films or games and undertakes to continue to take all reasonable and necessary steps to ensure that such compliance is maintained; and

(d) proof of payment of the prescribed fee.

(2) The FPB must, upon receipt of an application contemplated in sub-regulation (1) –

(a) acknowledge receipt of the application for the annual Permit within 7 (seven) days; and

(b) if the application meets all the requirements of sub-regulation (1) inform the applicant in writing of the outcome within 30 (thirty) days; or

(c) where the application does not meet all the requirements of sub-regulation (1) inform the applicant in writing to submit the outstanding documents or information before the application shall be considered.

(3) On approval of the application, the FPB must issue the applicant with a Permit in terms of section 18C of the Act within 7 (seven) days.

(5) The Permit must accredit the applicant to be an authorised commercial online distributor and to undertake self-classification of publications, where applicable, films or games distributed by it on its own online distribution platform in accordance with the Act, these Regulations and –

(a) the Classification Guidelines of the FPB; or

(b) an accredited foreign or international classification system in terms of regulation 15(4) in respect of publications, films or games.

(6) The commercial online distributor may provide the FPB on request and within a reasonable period of time a product list of all publications, films and games offered for sale or hire through the online medium.

(7) The commercial online distributor must inform the FPB within 7 (seven) days after the Permit has been issued of its “XX” and “X18” classifications of publications, films or games to enable the FPB to publish these classifications in the Government Gazette, after which such classifications are deemed to have been made by the FPB.

(8) Should any of the publications, films or games after due inquiry be in conflict with, or the commercial online distributor not classify publications, films or games in accordance with the Act, these Regulations and the Classification Guidelines of the FPB and the commercial online distributor fails to remedy any noncompliance within 30 (thirty) days of receipt of written notice from the FPB calling upon it to do so, the Permit shall be suspended pending the rectification or remedying of such noncompliance by the commercial online distributor.

(9) Until such time that the application contemplated in sub-regulation 17(1) of Schedule 1 is approved by the FPB, the applicant must submit any publication, where applicable, film or game which is to be distributed by it on its own online distribution platform to the FPB together with the relevant Form provided by the FPB, and the prescribed fee, for examination and classification before it may be distributed within the Republic.

(10) The Permit in terms of section 18C of the Act may be renewed annually on payment of the annual prescribed fee.

18. Classification by the Distributor and Display of FPB logo. – (1) The issuing of the Permit in terms of section 18C of the Act is subject to the following conditions –

(a) the distributor must classify the publications, where applicable, films and/or games which has not yet been classified by the FPB in accordance with the Act, these Regulations and the Classification Guidelines of the FPB; and

(b) the distributor must display the classification as described in regulation 12(1) on the details page of the applicable content.

19. Training on the Act, Regulations and Classification Guidelines of the FPB. – (1) Representatives of the commercial online distributor responsible for classification of publications, where applicable, films or games intended for distribution in South African may in terms of section 18C (3) of the Act be requested to attend a training workshop to be organized and provided by the FPB on the Act, these Regulations and/or the Classification Guidelines of the FPB at a time and venue as agreed between the parties from time to time.

20. Compliance Monitoring by the FPB. – (1) For the duration of the Permit issued in terms of regulation 17(3) the commercial online distributor shall within a reasonable period of time and upon request by the FPB make available any or all the classification decisions of, the publications, where applicable, films or games in order to assess whether the classification decision by the commercial online distributor is in line with the Classification Guidelines of the FPB.

(1) The FPB may submit any written queries to the commercial online distributor in relation to the application of the Act, these Regulations and the Classification Guidelines of the FPB.

PART 7

PROCEDURE FOR APPOINTMENT OF CLASSIFICATION COMMITTEES

21. Appointment of classification committees. – (1) The FPB shall, whenever a publication, film or game is submitted for examination and classification, appoint a classification committee from the panel of classifiers appointed in terms of section 4A (1)(e) of the Act, to examine, classify and rate that publication, film or game, as the case may be, in accordance with the relevant sections of the Act, these Regulations and the Classification Guidelines of the FPB.

(2) In order to ensure that the classification committee is constituted by classifiers with the relevant skills and experience necessary for the proper examination and appropriate classification and rating of the publication, film or game referred to it, the FPB shall have regard to the nature, genre, theme and/or content of the publication, film or game to be examined, classified and rated.

(3) A classifier shall hold the following relevant skills and experience, namely –

(a) A Bachelor's Degree or equivalent qualification (NQF Level 6) and/or work experience in relevant fields, including:

(i) arts and culture;

(ii) social, legal, psychological or educational services;

(iii) communications sciences;

(iv) advocacy and community services;

(v) media or political studies; or

(vi) any other relevant field of experience necessary for the proper examination an appropriate classification of the type of material

referred to by FPB;

(b) Knowledge on the Act, these Regulations and Classification Guidelines of the FPB;

(c) Ability to interpret and apply relevant legislation;

(d) Report writing and analytical skills; and

(e) A good understanding of visual and new media, and converging technology.

PART 8

PROCEDURE FOR CLASSIFICATION OF PUBLICATIONS, FILMS AND GAMES

22. Procedure for classification of publications, films and games by classification committees. – (1) Every member of a classification committee shall, in respect of every publication, film or game referred to that classification committee for classification –

(a) examine such publication, film or game in its entirety, except with respect to child pornography, having regard to section 16 (4) and (6), with regards to the examination and classification of publications, section18 (3) and (5), with regards to the examination and classification of films or games, of the Act and the Classification Guidelines of the FPB;

(b) immediately after the examination of such publication, film or game, record his or her opinion in the classification report about the appropriate classification and rating of that publication, film or game, with reference to the Classification Guidelines of the FPB and the

relevant sections of the Act; and

(c) immediately after completion of the classification report contemplated in sub-regulation (1)(b) together with other members of the classification committee, discuss such opinion on the appropriate classification or rating of that publication, film or game in order to reach consensus regarding the final classification and rating of that publication, film or game.

(2) When the members of the classification committee have reached consensus or made a majority decision, one of the classifiers shall record the consensus or majority decision of the classification committee in the final classification committee report, specifying the reasons for that decision with reference to the Classification Guidelines of the FPB and the relevant sections of the Act.

(3) Where a classification committee fails to reach consensus or make a majority decision, the classification committee must request the FPB, in writing in the final classification committee report, to appoint an additional classifier to that classification committee.

(4) Where the FPB, in response to a request by the classification committee, appoints an additional classifier to the classification committee, the publication, film or game to be classified must be regarded as not having been classified or rated and the procedures set out in sub-regulations (1) and (2) must apply afresh to that publication, film or game.

(5) Where, in the opinion of a classification committee, an expert opinion may be required for the proper classification or rating of a publication, film or game, the classification committee must request the FPB, in writing, to appoint an expert to assist the classification committee in the classification or rating of a publication, film or game.

(6) An expert appointed to assist the classification committee shall not be

entitled to vote on the appropriate classification or rating of that publication, film or game, but may express his or her opinion, in writing, for the benefit of the classification committee.

(7) Where, in the opinion of a classification committee, a demonstration of a game is necessary for the proper classification or rating of that game, the classification committee must request the FPB, in writing, to arrange for such demonstration of that game to that classification committee.

(8) A member of the classification committee shall, at the end of examination and classification –

(a) collate all the reports of classifiers;

(b) ensure that every report has been duly signed by the relevant classifier; and

(c) submit all the reports to the classification office of the FPB, accompanied by the publication, film or game, if it is in a home-entertainment format.

(9) Every member of a classification committee must, treat as confidential all discussions, notes and reports related to the examination and classification of a publication, film or game referred to the classification committee and must not divulge any such information to the public or the applicant.

(10) If, after examination, the classification committee is satisfied that a publication contains material contemplated in section 16 (4)(a) or (b) of the Act, or a film or game contains material contemplated in section 18 (3)(a) or (b) of the Act and in either instance a report containing such classification decision has been compiled, the classification decision must be referred to the Chief Executive Officer of the FPB to deal with the matter in terms of section 16 (5) or (6) or section 18 (4) or (5) of the Act, as the case may be.

(11) Where a publication, film or game has been classified, the distributor who applied for the classification of that publication, film or game must provide a classified copy thereof to the FPB, free of charge, in the format in which it will be distributed.

23. Publications, films or games containing child pornography. – (1) If the classification committee discovers an image or scene of child pornography during any classification process, the publication, film or game classification process must be handled as follows –

(a) The classification process must be stopped, unless the classification committee is satisfied that the image or scene evokes predominantly aesthetic rather than erotic feelings where the image or scene depicts a person, real or simulated, who is, or who is depicted or described or presented as being, under the age of 18 (eighteen) years –

(i) engaged in an act that constitutes a sexual offence;

(ii) engaged in an act of sexual penetration;

(iii) engaged in an act of sexual violation;

(iv) engaged in an act of self-masturbation;

(v) displaying the genital organs of such person in a state of arousal or stimulation;

(vi) unduly displaying the genital organs or anus of such person;

(vii) displaying any form of stimulation of a sexual nature of such person's breasts;

(viii) engaged in sexually suggestive or lewd acts;

(ix) engaged in or as the subject of sadistic or masochistic acts of a sexual nature;

(x) engaged in any conduct or activity characteristically associated with sexual intercourse;

(xi) showing or describing such person –

(aa) participating in, or assisting or facilitating another person to participate in; or

(bb) being in the presence of another person who commits or in any other manner being involved in, any act contemplated in sub-regulation (1)(a) (i) to (x) ; or

(xii) showing or describing the body, or parts of the body, of such person in a manner or in circumstances which, within the context, violate or offend the sexual integrity or dignity of that person or any category of persons under 18 or is capable of being used for the purposes of violating or offending the sexual integrity or dignity of that person, any person or group or categories of persons.

(b) In the event that the classification committee stops the classification process as envisaged in sub-regulation (1)(a) the members of the committee shall compile their classification reports noting the page, time or scene, in the publication, film or game respectively at which child pornography appeared and submit such reports to a certified content analyst at the FPB who shall analyse the page, time or scene of the publication, film or game respectively in order to determine

whether the content contains child pornography.

(c) In the event that the certified content analyst of the FPB confirms that the page, time or scene of the publication, film or game respectively identified by the members of the committee contains an image or scene of child pornography, the classification report in question together with the assessment by the certified content analyst of the FPB must be submitted to the Chief Executive Officer of the FPB.

(d) The Chief Executive Officer of the FPB must hand to the South African Police Service and National Director of Public Prosecutions –

(i) copies of the classification reports;

(ii) the assessment by the certified content analyst of the FPB;

(iii) an affidavit recording the chain of events; and

(iv) the publication, film or game containing child pornography.

(e) The Chief Executive Officer of the FPB must, in writing, inform the applicant who submitted the publication, film or game for classification of the decision, in terms of section 16 (4)(a) of the Act, to refuse to classify the publication, film or game and of his or her right to appeal to the Appeal Tribunal within 30 (thirty) days from the date of such notification.

(2) Subject to the applicant pursuing the appeal to the Appeal Tribunal referred to in sub-regulation 23 (1)(e), where if the appeal is heard and the decision of child pornography is confirmed, or where the applicant fails to launch an appeal to the Appeal Tribunal, the FPB shall advise the applicant or distributor to surrender all publications, films or games and other material that contain child pornography to the FPB for handing over thereof, to the

South African Police Service for criminal investigation or prosecution.

PART 9

EXEMPTIONS

24. Application to be exempted from the Act in respect of certain publications, films and games. – (1) Any person or institution may, in respect of publications, which are required to be classified in terms of section 16 of the Act, or films or games, which are required to be classified in terms of section 18 of the Act, that, include educational or cultural materials endorsed by learning institutions, films on skills demonstrations or instructions, music, sports, physical exercise, design and spiritual events, content of a public interest, children's educational content, documentaries which may have not been exhibited on a broadcasting platform, or content that promotes gender equality, on the relevant Form provided by the FPB or submitted through an electronic system accessible on its website, apply for exemption from full classification and from section 24A of the Act by submitting –

(a) the full name and surname of the applicant or, in the case of a registered business, full names and surnames of all those directly connected with the business and the nature of the business;

(b) the physical address of the person or institution applying for exemption;

(c) the contact details of the person or institution applying for exemption;

(d) the occupation of the person, if applicable;

(e) a document confirming that the applicant's tax affairs are in order;

(f) a declaration that the applicant warrants to the best of its knowledge and insofar as it is reasonably aware, that it complies with the laws and

regulations applicable to it, with its legal obligations pertaining to its business in general and with its obligations as a distributor of films or games and undertakes to continue to take all reasonable and necessary steps to ensure that such compliance is maintained;

(g) proof of payment of the prescribed fee; and

(h) detailed reasons for the application for exemption.

(2) If the FPB decides not to grant an exemption to the publication, film or game submitted in terms of sub-regulation (1) the FPB shall submit such film, game or publication for classification in terms of section 18 of the Act.

(3) Where the FPB submits any publication, film or game for full classification in terms of sub-regulation (2) the applicant shall be liable for the full classification fee.

(4) Every application for exemption of a publication, film or game must be considered separately and on its own merit.

25. Procedure for exemption of films intended for exhibition at film festivals. – (1) Any person or institution may, in writing, on the relevant Form provided by the FPB or submitted through an electronic system accessible on its website, apply to the FPB for exemption from full classification and from section 24A (2)(a) of the Act in respect of films intended for exhibition at a film festival, by submitting 30 (thirty) days prior to the date of the festival –

(a) the full name and surname of the applicant or, in the case of a registered business, full names and surnames of all those directly connected with the business and the nature of the business;

(b) the physical address of the person or institution applying for exemption;

(c) the contact details of the person or institution applying for exemption;

(d) the occupation of the person, if applicable;

(e) a document confirming that the applicant's tax affairs are in order;

(f) a declaration that the applicant warrants to the best of its knowledge and insofar as it is reasonably aware, that it complies with the laws and regulations applicable to it, with its legal obligations pertaining to its business in general and undertakes to continue to take all reasonable and necessary steps to ensure that such compliance is maintained;

(g) proof of payment of the prescribed fee;

(h) an application for exemption in writing and a detailed statement stating the basis of the application;

(i) a list and copies of all films to be exhibited at the film festival;

(j) a brief summary of the narrative of each film indicating the various classification elements in respect of each film as prescribed in Classification Guidelines of the FPB; and

(k) an affidavit by the applicant to the effect that there is or has been no contravention of chapter 1, 2 and 3 of the Criminal Law (Sexual Offences Act and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007) and section 24B of the Act.

(2) Upon receipt of the application and supporting documents, the FPB must decide whether to grant an exemption or not.

(3) If the FPB decides not to grant an exemption to a film submitted in terms of sub-regulation (1) the FPB must submit such film for full classification in

terms of section 18 of the Act.

(4) Where the FPB submits any film for full classification in terms of sub-regulation (3) the applicant shall be liable for the full classification fee.

(5) No exemption shall be granted in respect of a film which if submitted for classification, would be classified as "X18".

(6) No application for exemption that is submitted less than 30 (thirty) days prior to the film festival shall be considered by the FPB.

(7) Where the application for an exemption is approved, the applicant must ensure that before screening the film at the relevant film festival or cinema, it displays the classification rating allocated by the FPB and a cautionary message indicating that the film –

(a) was exempted from full classification at the request of the applicant;

(b) was classified by the FPB in terms of section 18 of the Act; and

(c) may not be screened without a full classification at any other event or venue.

(8) The applicant may not beyond the exemption period publicly screen or distribute such film.

(9) The cautionary notice contemplated in sub-regulation (7) must be as follows –

“WARNING

This film has not been classified in terms of the Films and Publications Act, 1996, and has been exempted from full classification for the purposes of this

film festival which begins on [*insert date*] and ends on [*insert date*].This film may not be screened at any venue or event without submission for classification to the FPB."

(10) The notice contemplated in sub-regulation (9) shall be displayed for not less than 10 (ten) seconds.

26. Procedure for exemption of games intended for exhibition or distribution at game festivals. – (1) Any person or institution may, in writing, on the relevant Form provided by the FPB or submitted through an electronic system accessible on its website, apply to the FPB for exemption from full classification and from section 24A (2)(a) of the Act in respect of games intended for screening or distribution at a game festival, by submitting 30 (thirty) days prior to the date of the festival –

(a) the full name and surname of the applicant or, in the case of a registered business, full names and surnames of all those directly connected with the business and the nature of the business;

(b) the physical address of the person or institution applying for exemption;

(c) the contact details of the person or institution applying for exemption;

(d) the occupation of the person, if applicable;

(e) a document confirming that the applicant's tax affairs are in order;

(f) a declaration that the applicant warrants to the best of its knowledge and insofar as it I reasonably aware, that it complies with the laws and regulations applicable to it, with its legal obligations pertaining to its business in general and undertakes to continue to take all reasonable and necessary steps to ensure that such compliance is maintained;

(g) proof of payment of the prescribed fee;

(h) an application for exemption in writing and a detailed statement stating the basis of the application;

(i) a list of the games to be exhibited or distributed at the game festival;

(j) brief reports which accurately describe the games and their respective classifiable elements as prescribed in the Classification Guidelines of the FPB, recordings of the games which illustrates how classifiable elements as prescribed in the Classification Guidelines of the FPB are presented; and

(k) an affidavit by the applicant to the effect that there is or has been no contravention of chapter 1, 2 and 3 of the Criminal Law (Sexual Offences Act and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007) and section 24B of the Act.

(2) Upon receipt of the application and supporting documents, the FPB must decide whether to grant an exemption or not.

(3) If the FPB decides not to grant an exemption to a game submitted in terms of sub-regulation 26(1) of Schedule 1, the FPB must submit such game for full classification in terms of section 18 of the Act.

(4) Where the FPB submits any game for full classification in terms of sub-regulation (3) the applicant shall be liable for the full classification fee.

(5) No exemption shall be granted in respect of a game which if submitted for classification, would be classified as "X18".

(6) No application for exemption that is submitted less than 30 (thirty) days prior to the game festival must be considered by the FPB.

(7) Where the application for an exemption is approved, the applicant must ensure that before screening or distribution of the game at the relevant game festival, it displays a cautionary message indicating that the game –

(a) was exempted from full classification at the request of the applicant;

(b) was classified by the FPB in terms of section 18 of the Act; and

(c) may not be screened or distributed without a full classification at any other event or venue.

(8) The applicant may not beyond the exemption period publicly screen or distribute such game.

(9) The cautionary notice contemplated in sub-regulation (7) shall be as follows –

“WARNING

This game has not been classified in terms of the Films and Publications Act, 1996, and has been exempted from full classification for the purposes of this game festival which begins on [*insert date*] and ends on [*insert date*].This game may not be screened or distributed at any venue or event without submission for classification to the FPB."

(10) The notice contemplated in sub-regulation (9) must be displayed for not less than 10 (ten) seconds.

PART 10

ADULT PREMISES

27. Application for exemption to distribute films, games and publications classified as "X18" at a physical premises. – (1) Any distributor who intends to apply for an exemption to exhibit or distribute a publication, film or game classified as "X18" in terms of section 24 (1) of the Act at a physical premises, must first obtain a licence to conduct the business of adult premises, issued by a licensing authority in terms of the Businesses Act, 1991 (Act No. 71 of 1991), before submitting an application for an exemption on the relevant Form provided by the FPB or submitted through an electronic system accessible on its website, and submit the application to the FPB, accompanied by –

(a) a certified copy of the licence issued by the licensing authority;

(b) proof of registration of the business of the applicant in terms of the applicable legislation;

(c) a document confirming that the applicant's tax affairs are in order;

(d) a declaration that the applicant warrants to the best of its knowledge and insofar as it is reasonably aware, that it complies with the laws and regulations applicable to it, with its legal obligations pertaining to its business in general and undertakes to continue to take all reasonable and necessary steps to ensure that such compliance is maintained;

(e) proof of payment of the prescribed fee;

(f) an illustration in the form of a photograph, of the prominent display at all entrances of the premises, prohibiting the entry of persons under the age of 18 (eighteen) years; and

(g) an explanation indicating how the business shall ensure that children under the age of 18 (eighteen) would not be able to access the premises.

(2) Notices stating that no persons under the age of 18 (eighteen) years may enter the licensed premises where films, games or publications classified as "X18" are distributed must be conspicuously displayed on the outer side of all entrances to such premises.

(3) A film, game or publication classified as "X18" may not be distributed on any of the platforms listed here, namely –

(a) by mail order;

(b) on social media; or

(c) by any retail outlet other than adult premises.

DISTRIBUTION OF FILMS OR GAMES CLASSIFIED AS "X18" ONLINE

28. Application for exemption to distribute publications, films and games classified as "X18" online. – (1) An application for exemption by a registered film or game distributor to distribute a film or game classified as "X18" online in terms of section 24 (3) of the Act shall be made on the relevant Form provided by the FPB or submitted through an electronic system accessible on its website and accompanied by –

(a) proof of registration of the business of the applicant in terms of the applicable legislation;

(b) a document confirming that the applicant's tax affairs are in order;

(c) a declaration that the applicant warrants to the best of its knowledge and insofar as it is reasonably aware, that it complies with the laws and regulations applicable to it, with its legal obligations pertaining to its business in general and undertakes to continue to take all reasonable and necessary steps to ensure that such compliance is maintained;

and

(d) proof of payment of the prescribed fee.

(2) The application referred to in sub-regulation (1) must indicate how the distributor shall ensure –

(a) that children under the age of 18 (eighteen) would not be able to access a film or game classified as "X18" online or any promotion of such a film or game;

(b) that the classification and age restriction are clearly displayed on the screen of the user throughout the screening;

(c) that the user has confirmed that he or she is 18 (eighteen) years or older prior to commencing viewing of the film, playing the game or viewing the promotion of the film or game;

(d) that it shall not distribute any promotion of the film or game to be accessed without it being paid for by way of a credit card or another child secure method agreed to by the FPB; and

(e) the keeping of a register, solely for the distributor's private records and kept for 1 (one) year from the date on which distribution took place, indicating –

(*i*) all instances where access was granted to a user; and

(*ii*) the user's name, address and verified age.

(3) The FPB must, upon receipt of an application contemplated in sub-regulation (1) –

(a) acknowledge receipt of the application for exemption by a registered film or game distributor to distribute a film or game classified as "X18" online in terms of section 24 (3) of the Act within 7 (seven) days; and

(b) if the application meets all the requirements of sub-regulation 28(1) of Schedule 1, inform the applicant in writing of the outcome within 30 (thirty) days; or

(c) where the application does not meet all the requirements of sub-regulation 28 (1) of Schedule 1, inform the applicant in writing to submit the outstanding documents or information before the application shall be considered.

(4) On approval of the application, the FPB must issue the applicant with a Notice of Exemption in terms of section 24 (3) of the Act within 7 (seven) days.

(5) Until such time that the application as contemplated in sub-regulation (1) is approved by the FPB, the distributor shall not be exempted to distribute a film or game classified as "X18" online.

(6) Should a distributor, knowingly or negligently, grant access to a film or game classified as "X18" to a child under the age of 18 (eighteen) then he or she shall be guilty of an offence as contemplated in section 24A (4) of the Act.

(7) The exemption of a registered film or game distributor to distribute a film or game classified as "X18" online in terms of section 24 (3) of the Act shall only be valid for 1 (one) year but may be renewed annually on payment of the annual prescribed fee.

PART 11

OBLIGATIONS OF INTERNET SERVICE PROVIDERS IN RELATION TO THE

DUTY TO REGISTER WITH THE FPB AND DISPLAY REGISTRATION CERTIFICATES

29. Internet Service Providers. – (1) An application for registration as an internet service provider in terms of section 27A of the Act shall be made on the relevant Form provided by the FPB or submitted through an electronic system accessible on its website and accompanied by –

(a) proof of registration of the business of the applicant in terms of the applicable legislation;

(b) a document confirming that the applicant's tax affairs are in order; and

(c) a declaration that the applicant warrants to the best of its knowledge and insofar as it is reasonably aware, that it complies with the laws and regulations applicable to it, with its legal obligations pertaining to its business in general and undertakes to continue to take all reasonable and necessary steps to ensure that such compliance is maintained.

(2) Every internet service provider must, when making an application for registration as an internet service provider, indicate in the application form all measures, or steps taken or put in place to ensure that children are not exposed to child pornography and pornography.

(3) The FPB may, in terms of section 27A of the Act, require an internet service provider to demonstrate that the measures contemplated in sub-regulation (2) are still effective.

30. Display of registration certificate. – (1) The registration certificate as an internet service provider shall be displayed conspicuously –

(a) inside all premises;

(b) in any other registered business; or

(c) on the platform of the internet service provider.

PART 12

COMPLAINTS AGAINST PROHIBITED CONTENT, DISTRIBUTION OF PRIVATE SEXUAL PHOTOGRAPHS AND FILMS AND FILMING AND DISTRIBUTION OF FILMS AND PHOTOGRAPHS DEPICTING SEXUAL VIOLENCE AND VIOLENCE AGAINST CHILDREN

31. Complaints by any person about unclassified, prohibited content, or potential prohibited content in terms of services being offered online, the distribution of private sexual photographs and films and filming, and distribution of films and photographs depicting sexual violence and violence against children. – (1) A complaint regarding unclassified, prohibited content, or potential prohibited content in relation to services being offered online by any person in terms of section 18E and section 18H of the Act, the distribution of private sexual photographs and films, and filming in terms of section 18F of the Act, and distribution of films and photographs depicting sexual violence and violence against children in terms of section 18G, shall be made on the relevant Form provided by the FPB or submitted through an electronic system accessible on its website.

(2) The FPB shall, upon receipt of a complaint contemplated in sub-regulation (1) –

(a) acknowledge receipt of the complaint within 7 (seven) days; and

(b) inform the applicant in writing of the outcome of the investigation of the complaint within 30 (thirty) days.

(3) Should the FPB establish after investigation that there is merit in the

complaint and/or that the prohibited content or content being hosted or distributed using the internet constitutes prohibited content in terms of the Act or has not been submitted for examination and classification as required in terms of section 16, 18, 18C or 18D, the FPB may subject to due process of law –

(a) compel the internet service provider concerned to furnish the FPB or a member of the SAPS with information of the identity of the person who published the prohibited content; and

(b) in the case of either a non-commercial online distributor or internet service provider, issue a take-down notice in accordance with the procedure in section 77 of the Electronic Communications and Transactions, 2002 (Act No. 25 of 2002).

(4) Should the FPB establish after investigation that there is merit in the complaint, the FPB may subject to due process of law compel the internet service provider concerned to furnish the FPB or a member of the SAPS with information of the identity of the person who published the private sexual photograph or film, or a film or photograph depicting sexual assault and violence against children.

(5) A non-commercial online distributor or internet service provider that receives either a notice to compel the provision of information of the identity of the person who published the private sexual photograph or film, or a film or photograph depicting sexual assault and violence against children in terms of sub-regulation 31(3)(a) and 31(4) of Schedule 1 respectively, or a take-down notice in terms or sub-regulation 31(3)(b) of Schedule 1 shall be provided with an opportunity to respond to the complaint before being required to either furnish information or comply with the take-down notice.

(6) In the event that the certified content analyst of the FPB confirms that

content, which is hosted outside the Republic, contains child pornography, the complaint report shall be submitted to the Chief Executive Officer of the FPB who shall hand a copy of the report to the SAPS or the law enforcement officials in the country concerned.

PART 13

GENERAL PROVISIONS

32. Version of a publication, film or game submitted for classification. – (1) Where a publication or film is not, in all respects, the same as that which was first classified in terms of the Act, these Regulations and Classification Guidelines of the FPB, a copy of the publication or film, incorporating any changes made since it was first classified, must be submitted with the application form.

(2) Where a game is not, in all respects, the same as that which was first classified in terms of the Act, these Regulations and Classification Guidelines of the FPB, a brief report which accurately describes the game and its respective classifiable elements as prescribed in the Classification Guidelines of the FPB coupled with recordings of the game which illustrates how classifiable elements as prescribed in the Classification Guidelines of the FPB are presented, must be submitted with the application form.

33. Application for authorisation to screen trailers with higher ratings in same screening with films with non-restrictive ratings. – (1) An application for approval to exhibit in public, during the same screening session, or to distribute on the same film, an advertisement or a trailer of a film with a more restrictive classification than the featured film shall be made on the relevant Form provided by the FPB or submitted through an electronic system accessible on its website and accompanied by the proof of payment of the prescribed fee.

34. Application for copy of classification decision. – (1) An application for a

copy of any classification decision of a classification committee shall be made on the relevant Form provided by the FPB or submitted through an electronic system accessible on its website and accompanied by the proof of payment of the prescribed fee.

35. Application for list of films classified by FPB. – (1) An application for a list of all films classified by the FPB shall be made on the relevant Form provided by the FPB or submitted through an electronic system accessible on its website and accompanied by the proof of payment of the prescribed fee.

36. Notice of contravention. – (1) A Compliance Officer may issue a notice of contravention on a Form provided by the FPB, to any person or entity that is found to have been in contravention of provisions of the Act.

(2) The notice of contravention contemplated in sub-regulation (1) must contain the following information –

(a) The date of contravention;

(b) the provision/s of the Act contravened;

(c) a statement explaining –

(i) the steps taken to determine that there is a contravention of the Act;

(ii) the evidence collected that established the contravention;

(iii) the analysis of the evidence against the relevant provisions of the Act contravened; and

(iv) the date of a follow-up inspection.

37. Notice to remove from display. – (1) A notice to remove non-compliant publications, films and games must be on a Form provided by the FPB or electronically accessible on its website and must contain the following information:

(a) the name and physical address or URL of the online platform of the person or entity;

(b) the date of the notice;

(c) the section of the Act contravened;

(d) the number and list of titles of publications, films and games to be removed;

(e) the conditions of such removal; and

(f) a statement of the right to object to the notice of removal.

38. Conditions for publications, films and games removed from display. – (1) Publications, films and games removed from display must –

(a) be sealed in a marked seal bag and seal numbers recorded in the notice;

(b) be stored in safe storage within the premises; and

(c) not be displayed until the distributor complies with the Act.

SCHEDULE 2

PART 1

1. Definitions. – In this Schedule, any word or expression to which a meaning has been assigned by the Act, shall have the meaning so assigned and, unless the context otherwise indicates –

"**answer**" means a document as described in regulation 12 of Schedule 2 and filed by a respondent;

"**appeal**" means a matter initiated by section 20 (1) of the Act;

"**appellant**" means a party who initiates an appeal in terms of section 20 (1) of the Act;

"**applicant**" means a person who files an application in terms of regulation 10(1);

"**application**" means a request submitted in terms of regulation 10(1);

"**certified copy**" means a copy of a document certified by a Commissioner of Oaths;

"**chairperson**" means the officer of the Appeal Tribunal appointed in terms of section 20 (2) of the Act;

"**deliver**" depending on the context, means to serve, or to file, a document;

"**Enforcement Committee**", depending on the context, means either –

(a) the body established by section 3 of the Act;

(b) a panel of the enforcement committee convened in terms of section 6B (1) of the Act; or

(c) the registrar of the Enforcement Committee;

"**file**", when used as a verb, means to deposit with the registrar;

"**initiating document**" means the application to bring a matter before the Appeal Tribunal;

"**initiating party**" means the applicant or the appellant, as the case may be;

"**intervenor**" means any person who has been granted standing to participate in particular proceedings before the Appeal Tribunal;

"**member**" means a person appointed to the Appeal Tribunal;

"**Notice of Appeal**" means an initiating document as described in regulation 10(1);

"**public holiday**" means a public holiday referred to in section 1 of the Public Holidays Act, 1994 (Act 36 of 1994);

"**registrar**" means the officer of the Appeal Tribunal appointed in terms of regulation 4 and includes any acting or assistant registrar;

"**reply**" means a document as described in regulation 13 and filed by a respondent;

"**respondent**" means in respect of an appeal, the FPB;

"**regulation**" includes any footnote to a regulation, and any table included within or referred to in a regulation; and

"**serve**" means to deliver a document to a person other than the registrar.

PART 2

APPEAL TRIBUNAL OFFICE FUNCTIONS

2. Office hours and address of Appeal Tribunal. – (1) The offices of the Appeal Tribunal are seated at the Head Office of the FPB and are open to the public every Monday to Friday, excluding public holidays, from 09h00 to 16h00.

(2) Despite sub-regulation 2(1) in exceptional circumstances the Appeal Tribunal may accept documents for filing on any day and at any time.

(3) Subject to regulations 5 and 6 any communication to the Appeal Tribunal, or to a member of the staff of the FPB assigned to assist the Appeal Tribunal, may be –

(a) delivered by hand at –

The Film and Publication Board
Eco Glade 2
420 Witch Hazel Street
Eco Park
Centurion
0169

(b) addressed by post to –

The Film and Publication Board
Private Bag X31
Highveld Park
0169

(c) communicated by telephone on **+27 012 003 1400**;

(d) transmitted by Fax on **+27 012 661 0074**; or

(d) transmitted by electronic mail to **information@fpb.org.za**.

3. Condonation of time limits. – (1) On good cause shown, the Chairperson of the Appeal Tribunal may condone late performance of an act in respect of which these regulations prescribe a time limit, other than a time limit that is binding on the Appeal Tribunal itself.

(2) The Chairperson of the Appeal Tribunal may have regard to the following:

(a) The nature and extent of the delay;

(b) the reason for the failure to act or make a submission timeously;

(c) the nature and extent of any prejudice in not granting condonation; and

(d) whether it would be in the public interest that the appeal be allowed.

3. Registrar. – The Chairperson of the Appeal Tribunal must appoint a suitably qualified person in terms of section 11 of the Act to act as registrar of the Appeal Tribunal, with the authority to carry out the functions of that office in terms of these regulations.

DELIVERY OF DOCUMENTS

4. Delivery of Documents. – (1) A notice or document may be delivered in any manner set out herein in the table below.

Method of Delivery	Date and Time of Deemed delivery
By sending the notice or a copy of the document by electronic mail, if the person has an address for receiving electronic mail; or	On the date and at the time recorded by the computer used by the sender, unless there is conclusive evidence that it was delivered on a different date or at a different time.

By sending the notice or a copy of the document by registered post to the person's last-known address; or	On the 7th day following the day on which the notice or document was posted as recorded by a post office, unless there is conclusive evidence that it was delivered on a different day.
If the person is a participant in any proceedings of the Tribunal, and is represented by a representative, by delivering the notice, or handing a copy of the document to that representative; or	On the date and at the time recorded on a receipt for the delivery.
By any other means authorised by the Appeal Tribunal.	In accordance with the order of the Appeal Tribunal.

(2) Subject to sub-regulation (4) a document delivered by a method listed in the second column of the Table referred to in sub-regulation (1) will be deemed to have been delivered to the intended recipient on the date and at the time shown opposite that method, in the second column of that table.

(3) If, in a particular matter, it proves impossible to deliver a document in any manner provided for in these regulations, the person concerned may apply to the Appeal Tribunal for an order of substituted service.

(4) Subject to sub-regulation (2), if the date and time for the delivery of a document referred to in the table is outside of the office hours of the Appeal Tribunal as set out in sub-regulation 2(1), that document will be deemed to have been delivered on the next day.

(5) A document that is transmitted by electronic mail must accompany a cover message, in either case setting out –

(a) the name, address, and telephone number of the sender;

(b) the name of the person to whom it is addressed, and the name of that person's representative, if it is being sent to the representative of a person;

(c) the date and time of the transmission;

(d) the total number of pages sent, including the cover page; and

(e) the name and telephone number of the person to contact if the transmission appears to be incomplete or otherwise unsuccessful.

5. Filing documents. – (1) The Appeal Tribunal must assign distinctive case numbers to each appeal lodged.

(2) The Appeal Tribunal must ensure that every document subsequently filed in respect of the same proceedings is marked with the same case number.

(3) The Appeal Tribunal may refuse to accept a document subsequently filed in respect of the same proceedings that is not properly marked with the assigned case number.

(4) Any document to be filed in terms of the Act or these regulations must contain the following information –

(a) legal name;

(b) address for service;

(c) telephone number;

(d) if available, email address; and

(e) if the person is not an individual, the name of the individual authorised to deal with the Appeal Tribunal on behalf of the person filing the document.

6. Fees. – (1) The prescribed fee for filing an initiating document is set out in the FPB Tariffs.

7. Form of notices and applications. – (1) An appeal against a decision contemplated in section 6B (1)(a), section 16 (1) and section 20 (1) of the Act must be made on the relevant Form provided by the FPB or submitted through an electronic system accessible on its website, and accompanied by the proof of payment of the prescribed fee, and submitted to the Appeal Tribunal within 30 (thirty) days from the date on which the applicant was notified of the decision of the Enforcement Committee or the FPB respectively.

(2) The relevant Form shall be signed by the appellant in person or by his or her legal representative and shall be accompanied by a statement from the appellant setting out the detailed grounds for appeal and the relief sought.

(3) The Appeal Tribunal may, at its discretion, require that the film, advertisement, trailer or game which the subject of the appeal be re-screened at the expense of the applicant, unless a copy of the video or disc, or video or disc version of the film, advertisement or trailer, had already been provided to the FPB and there have since been no changes to the film, advertisement, trailer or game.

8. Access to information. – (1) Any person, upon payment of the prescribed fee, may inspect or copy any Appeal Tribunal record –

(a) if it is not restricted information; or

(b) if it is restricted information, to the extent permitted, and subject to any conditions imposed, by –

(i) this regulation; or

(ii) an order of the Appeal Tribunal.

APPEAL TRIBUNAL PROCEDURES

9. Initiating appeal proceedings. – (1) An appeal may be filed within a period of 30 (thirty) days from the date on which he or she was notified of the decision or could reasonably be deemed to be aware of the decision, in the prescribed manner to the Appeal Tribunal –

(a) by any person who lodged a complaint with the FPB regarding any publication which was referred to a classification committee for a decision and classification in terms of section 16 of the Act;

(b) any person who applied for the classification of a film, trailer of a film, or game to the FPB in terms of section 18 of the Act;

(c) the publisher or distributor of a publication which formed the subject of any complaint or submission in terms of section 16;

(d) by any person who has lodged an application to appear before the FPB or the classification committee, to adduce oral or written evidence and, to address the FPB or the classification committee in terms of section 19 of the Act; or

(e) any person where the Enforcement Committee has made findings in terms of section 6B (1)(b) of the Act.

(2) If, in respect of a particular matter, more than one-person files an appeal in terms of sub-regulation (1), the registrar must combine those referrals under a common case number.

(3) The person who files an appeal must serve a copy of it within one (1) day after filing on –

(a) the respondent; and

(b) on each other person who has previously filed a Complaint Referral in that matter.

10. Form of appeal. – (1) An appeal proceeding in respect of a decision of the classification committee for a publication may be initiated only by filing an appeal on the relevant Form provided by the FPB or submitted through an electronic system accessible on its website as required by regulation 10(1)(a) or 10(1)(c).

(2) An appeal proceeding in respect of a decision of the classification committee for a film, advertisement, trailer or game may be initiated only by filing an appeal on the relevant Form provided by the FPB or submitted through an electronic system accessible on its website as required by regulation 10(1)(b).

(3) An appeal proceeding in respect of a finding of the FPB or classification committee in terms of section 19 of the Act may be initiated only by filing an appeal on the relevant Form provided by the FPB or submitted through an electronic system accessible on its website as required by regulation 10(1)(d).

(4) An appeal proceeding in respect of a finding of the Enforcement Committee may be initiated only by filing an appeal on the relevant Form provided by the FPB or submitted through an electronic system accessible on its website as required by regulation 10(1)(e).

(5) The relevant Form must be signed by the appellant in person or by his or her legal representative and shall be supported by a statement setting out in numbered paragraphs –

(a) a concise statement setting out the detailed grounds for appeal; and

(b) the relief sought.

11. Answer. – (1) Within fifteen (15) days after being served with an appeal filed, a respondent who wishes to oppose the Appeal Referral must –

(a) serve a copy of their answer on the Appeal Tribunal, on the person who filed the Appeal Referral, and on each other person who has previously filed an Appeal Referral in that matter; and

(b) subject to sub-regulation (3) , file the answer with proof of service.

(2) An answer that raises only a point of law must set out the question of law to be resolved.

(3) Any other answer must set out in numbered paragraphs –

(a) a concise statement of the grounds on which the appeal is opposed;

(b) the material facts or points of law on which the respondent relies; and

(c) an admission or denial of each ground and of each material fact relevant to each ground set out in the appeal.

(4) An allegation of fact set out in the appeal that is not specifically denied or admitted in an answer will be deemed to have been admitted.

(5) In an answer, the respondent must qualify or explain a denial of an allegation, if necessary, in the circumstances.

12. Reply. – (1) Within ten (10) days after being served with an answer that raises issues not addressed in the appeal, other than a point of law alone, the person who filed the appeal may –

(a) serve a reply on the respondent and on each other person who filed an Appeal Referral in the matter; and

(b) file a copy of the reply and proof of service.

(2) A reply must be in a statement form, setting out in numbered paragraphs-–

(a) an admission or denial of each new ground or material fact raised in the answer; and

(b) the position of the replying party on any point of law raised in the answer.

(3) If a person who filed an appeal does not file a reply, they will be deemed to have denied each new issue raised in the answer, and each allegation of fact relevant to each of those issues.

13. Amending documents. – (1) The person who filed an appeal may apply to the Appeal Tribunal by notice at any time prior to the end of the hearing of that complaint for an order authorising them to amend their relevant Form, as filed.

(2) If the Appeal Tribunal allows the amendment, it must allow any other party affected by the amendment to file additional documents consequential to those amendments within a time period allowed by the Appeal Tribunal.

14. Completion of complaint file. – (1) Subject to any order made in terms of regulation 14 or regulation 27 , the filing of documents is complete when an appeal or answer has not been responded to within the time allowed.

15. Pre-hearing conferences. – (1) Within 10 (ten) days after the filing of documents is completed, a member of the Appeal Tribunal assigned by the Chairperson may

convene a pre-hearing conference on a date and at a time determined by that member with –

(a) each complainant who has filed an appeal;

(b) interveners; and

(c) the respondent.

(2) If a point of law has been raised, and it appears to the assigned member of the Appeal Tribunal at a pre-hearing conference to be practical to resolve that question before proceeding with the pre-hearing conference, the member may –

(a) direct the registrar to set only that question down for hearing by the Appeal Tribunal; and

(b) may adjourn the pre-hearing conference pending the resolution of that question by the Appeal Tribunal.

(3) The assigned member of the Appeal Tribunal may adjourn a pre-hearing conference from time to time.

(4) Pre-hearing conferences may be conducted in person or by telephone or both, need not follow formal regulations of procedure, and are not open to the public.

16. Other powers of member at pre-hearing conference. – (1) At a pre-hearing conference, the assigned member of the Appeal Tribunal may give directions in respect of –

(a) technical or formal amendments to correct errors in any documents filed in the matter;

(b) clarifying and simplifying the issues;

(c) obtaining admissions of particular facts or documents;

(d) the production and discovery of documents whether formal or informal;

(e) witnesses to be called by the Appeal Tribunal at the hearing, the questioning of witnesses and the language in which each witness will testify;

(f) a timetable for –

(i) the exchange of summaries of expert opinions or other evidence that will be presented at the hearing; and

(ii) any other pre-hearing obligations of the parties;

(iii) determine the procedure to be followed at the hearing, and its expected duration;

(iv) a date, time and schedule for the hearing; or

(v) any other matters that may aid in resolving the appeal.

(2) At a pre-hearing conference, the assigned member of the Appeal Tribunal may require each participant to submit at a date to be determined, but before the hearing, a written statement summarising its argument, if any, with respect to the appeal, and identifying what it believes are the major unresolved issues.

(3) After concluding a pre-hearing conference, the assigned member of the Appeal Tribunal must issue an order recording any agreements or rulings arising from matters considered at the pre-hearing conference.

(4) A member of the Appeal Tribunal assigned by the Chairperson may schedule a further pre-hearing conference on their own motion, and the provisions of this regulation apply to such a conference.

17. Settlement conference. – At any time before the Appeal Tribunal makes a final order in a complaint proceeding, the Appeal Tribunal, on its own initiative or at the request of the participants, may order an adjournment of the proceedings to allow the participants to attempt to reach agreement on any outstanding issue.

18. Appeal record. – The FPB must file a record of the decision or finding which is the subject of the appeal within 5 (five) days after being served with a copy of the appeal.

19. Heads of argument. – (1) No later than 15 (fifteen) days before the date set for hearing the appeal, the appellant must –

(a) serve a copy of the appellant's heads of argument on each respondent; and

(b) file those heads of argument and proof of service.

(2) No later than 10 (ten) days before the date set for hearing the appeal, each respondent must –

(a) serve a copy of their heads of argument on the appellant; and

(b) file those heads of argument and proof of service.

20. Appeal hearing. – (1) Upon receiving an appeal, the registrar must –

(a) set down a date and time for the hearing of the appeal; and

(b) serve a Notice of Set-Down on the appellant and each respondent.

(2) The final decision of the Appeal Tribunal shall be pronounced in open proceedings immediately after the conclusion of the hearing.

(3) The written reasons for the final decision shall be given to the parties or their representatives without undue delay but no later than 15 (fifteen) days after the conclusion of the hearing.

(4) After issuing written reasons for its decision, the Registrar of the Appeal Tribunal must publish a notice of its decision on the website of the FPB.

21. Urgent appeals. – (1) A person may file an appeal and indicate in its statement for the appeal to be heard on an urgent basis.

(2) In deciding whether, or not, to allow an urgent application for appeal, the Chairperson of the Appeal Tribunal shall have regard to the following factors –

(a) Whether failure to do so would cause serious financial or other prejudice to the appellant;

(b) the impact of such an order on other interested persons; and

(c) whether it is in the public interest, specifically whether it is in the best interests of the child, and whether that interest would adversely be affected or protected by such a decision.

(3) An urgent appeal shall be heard within 3 (three) days from date of receipt of such application.

REPRESENTATION OF PARTIES, INTERVENORS, WITNESSES, AND INTERPRETERS

22. Representation of parties. – (1) A representative acting on behalf of any person in any proceedings must notify the registrar and every other party, advising them of the following particulars –

(a) the representative's name;

(b) the postal address and place of employment or business; and

(c) if a telephone number and email address are available, those details.

(2) A person who terminates their representative's authority to act in any proceedings, and then acts in person or appoints another representative, must notify the registrar and every other party of that termination, and of the appointment of another representative, if any, and include that representative's particulars, as set out in sub-regulation 23 (1) of Schedule 2.

(3) On receipt of a notice in terms of sub-regulation 23 (1) or 23 (2) of Schedule 2, the address of the representative or the party, as the case may be, will become the address of record for notices to and for service on that party of all documents in the proceedings.

(4) Despite sub-regulation 23 (3) of Schedule 2, a person who, before receiving a notice in terms of sub-regulation 23 (1) or 23 (2) of Schedule 2, has sent a notice to, or effected service on, a party somewhere other than at the address of record will be deemed to have validly served that item, unless the Appeal Tribunal orders otherwise.

(5) A representative in any proceedings who ceases to act for a party must deliver a notice to that effect to that party and every other party concerned.

(6) A notice delivered in terms of sub-regulation 23 (5) of Schedule 2 must state the names and addresses of each party who is being notified.

(7) After receiving a notice referred to in sub-regulation 23 (5) of Schedule 2, the address of the party formerly represented becomes the address for notices to, and for service on, that party of all documents in the proceedings, unless a new address is furnished for that purpose.

23. Joinder or substitution of parties. – (1) The Appeal Tribunal, or the assigned member, as the case may be, may combine any number of persons, whether jointly, jointly and severally, separately, or in the alternative, as parties in the same proceedings, if their respective rights to relief depend on the determination of substantially the same question of law or facts.

(2) If a party to any proceedings has been incorrectly or defectively cited, the Appeal Tribunal or the assigned member, as the case may be, on application and on notice to the party concerned, may correct the error or defect.

(3) If in any proceedings it becomes necessary to substitute a person for an existing party, any party to those proceedings, on application and on notice to every other party, may apply to the Appeal Tribunal or the assigned member, as the case may be, for an order substituting that party for an existing party, and the Appeal Tribunal or the assigned member, as the case may be, may make an order, or give directions as to the further procedure in the proceedings.

(4) An application to join any person as a party to proceedings, or to be substituted for an existing party, must be accompanied by copies of all documents previously delivered, unless the person concerned or that person's representative is already in possession of those documents.

(5) No joinder or substitution in terms of this regulation will affect any prior steps taken in the proceedings.

WITHDRAWALS, POSTPONEMENTS, SET-DOWN AND MATTERS STRUCK-OFF

24. Withdrawals and postponements. – (1) At any time before the Appeal Tribunal has heard a matter, the initiating party may withdraw all or part of the matter by –

(a) serving a Notice of Withdrawal on each party; and

(b) filing the Notice of Withdrawal with proof of service.

(2) If the parties agree to postpone a hearing, the initiating party must notify the registrar as soon as possible.

25. Set down of matters. – (1) If a matter has been postponed to a date to be determined in the future, any party to the matter may apply to the registrar for it to be re-enrolled, but no preference may be given to that matter on the roll, unless the Chairperson decides otherwise.

(2) The registrar must allocate a time, date and place for the hearing and send a Notice of Set Down to each party.

(3) If a matter is postponed to a specific date, the registrar need not send a Notice of Set Down to the parties.

26. Matters struck-off. – (1) The Appeal Tribunal member presiding at a hearing may strike a matter off the roll if the initiating party is not present.

(2) If a matter is struck off the roll, the matter may not be re-enrolled unless –

(a) that party concerned files a statement setting out a satisfactory explanation for the failure to attend the hearing; and

(b) a member of the Appeal Tribunal assigned by the Chairperson, on considering the explanation offered, orders the matter to be re-enrolled.

27. Default orders. – (1) If a person served with an initiating document has not filed a response within the prescribed period, the initiating party may apply to have the order sought issued against that person by the Appeal Tribunal.

(2) On an application in terms of sub-regulation 28 (1) of Schedule 2, the Appeal Tribunal may make an appropriate order –

(a) after it has heard any required evidence concerning the motion; and

(b) if it is satisfied that the initiating document was adequately served.

(3) Upon an order being made in terms of sub-regulation 28 (2) of Schedule 2, the registrar must serve the order on the person described in sub-regulation 28 (1) of Schedule 2 and on every other party.

PROCEDURES GENERALLY

28. Late filing, extension and reduction of time. – (1) A party to any matter may apply to the Appeal Tribunal to condone late filing of a document, or to request an extension or reduction of the time for filing a document, by filing a request.

(2) Upon receiving a request in terms of sub-regulation (1) the registrar, after consulting the parties to the matter, must set the matter down for hearing at the earliest convenient date.

29. Conduct of hearings. – (1) If, in the course of proceedings, a person is uncertain as to the practice and procedure to be followed, the member of the Appeal Tribunal presiding over a matter may give directions on how to proceed.

(2) Subject to these regulations, the member of the Appeal Tribunal presiding over a matter may determine the time and place for the hearing before the Appeal Tribunal.

(3) The Appeal Tribunal may condone any technical irregularities arising in any of its proceedings.

30. Guidelines. – (1) The Appeal Tribunal, by notice published in the Government Gazette, may issue guidelines or requirements concerning the form and style of any documents provided for in these Regulations.

31. Record of hearing. – (1) The registrar must compile a record of any proceeding in which a hearing has been held including –

(a) the initiating document;

(b) the notice of any hearing;

(c) any interlocutory orders made by the Appeal Tribunal or a member;

(d) all documentary evidence filed with the Appeal Tribunal;

(e) the transcript, if any, of the oral evidence given at the hearing; and

(f) the final decision of the Appeal Tribunal and the reasons.

32. Pending matters. – (1) Any matter pending before the Appeal Tribunal under the Act and Regulations published in Government Gazette No. R. 184 of 20 March 2014, before the effective date of the Regulation and not fully addressed at that time, must be concluded by the Appeal Tribunal in terms of such Act and Regulations, despite its repeal or amendment.

SCHEDULE 3

PART 1

1. Definitions. – In this Schedule any word or expression to which a meaning has been assigned in the Act, shall have the meaning so assigned and, unless the context otherwise indicates –

"**general effective date**" means the date on which these Regulation came into operation; and

PART 2

REPEAL OF REGULATIONS AND SHORT TITLE

2. Repeal of Regulations. – The Regulations published in Government Gazette No. R. 184 of 20 March 2014 are hereby repealed.

3. Short title. – These Regulations are called the Films and Publications Regulations, 2022.

PART 3

TRANSITIONAL ARRANGEMENTS

4. Continuation of pre-existing online distribution agreements. – (1) As of the general effective date, every pre-existing online distribution agreement that was, immediately before that date, entered into in terms of section 22 of the Act, continues to exist, as if it had been entered into in terms of the Act.

(2) If, as a consequence of the coming into effect of these Regulations and the repeal of the Regulations published in Government Gazette No. R. 184 of 20 March 2014, a conflict, dispute or doubt arises within the duration of the online distribution agreement after the effective date, the provisions of the online distribution agreement prevails.

5. General preservation of regulations, rights, duties, notices and other instruments. – (1) Any right or entitlement enjoyed by, or obligation imposed on, any person in terms of any provision of the Regulations published in Government Gazette No. R. 184 of 20 March 2014 that had not been spent or fulfilled immediately before the effective date is a valid right or entitlement of, or obligation imposed on, that person in terms of any comparable provision of these Regulations, as from the date that the right, entitlement or obligation first arose, subject to the provisions of these Regulations.

(2) A notice given by the FPB to another person in terms of any provision of the Regulations published in Government Gazette No. R. 184 of 20 March 2014 must be considered as notice given in terms of any comparable provision of these Regulations, as from the date that the notice was given under the Regulations published in Government Gazette No. R. 184 of 20 March 2014.

(3) An application that, before the effective date, had been filed in accordance with the Regulations published in Government Gazette No. R. 184 of 20 March 2014 must be regarded as having been satisfactorily filed for any comparable purpose of these Regulations.

DEPARTMENT OF EMPLOYMENT AND LABOUR

NO. R. 2433 **2 September 2022**

CODE OF GOOD PRACTICE: PROTEST ACTION TO PROMOTE OR DEFEND SOCIO-ECONOMIC INTERESTS OF WORKERS

Notice is hereby given that the Code of Good Practice: Protest Action to Promote or Defend Socio-Economic Interests of workers set out in the Schedule is issued by the Executive Director of National Economic Development and Labour Council (NEDLAC) in terms of section 203(1) of the Labour Relations Act, 1995 (Act No. 66 of 1995).

LISA SEFTEL
EXECUTIVE DIRECTOR: NEDLAC

DATE: 19/08/2022

CODE OF GOOD PRACTICE: PROTEST ACTION TO PROMOTE OR DEFEND THE SOCIO-ECONOMIC INTERESTS OF WORKERS

(Section 77 of the Labour Relations Act 66 of 1995)

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PART A: INTRODUCTION

1. Purpose.

(1) This Code of Practice is intended to provide practical guidance to those who engage in discussions concerning the promotion or defence of the socio-economic interests of workers and the resolution of these matters through facilitation, conciliation, mediation or protest action as contemplated in section 77 of the LRA.

(2) The purpose of this Code is to —

(a) strengthen and promote the consideration of matters concerning the socio-economic interests of workers;

(b) recognise the importance of dialogue and worker participation in the consideration of these matters;

(c) provide mechanisms to promote this dialogue and the consideration of these matters; and

(d) provide guidelines to NEDLAC, facilitators and other appropriate forums to which these matters are referred for the proper and effective consideration of these matters.

2. Interpretation.

(1) Any person interpreting the LRA must take this Code into account.

(2) Any interpretation of this Code must promote the spirit, purport and objects of the constitutional rights which are implicated by section 77. The Code may not be interpreted as imposing any unconstitutional limitation on the right to protest action as provided for in the LRA or applied in a way that undermines the right to protest action.

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(3) This Code is intentionally general as circumstances may differ and departure from its norms, subject to the requirements of the LRA, may be justified in appropriate circumstances.

3. Abbreviations and definitions.

Unless the context otherwise indicates, the following have meanings assigned to them in the table below —

(1) "**days**" refers to calendar days;

(2) "**Digest**" refers to the Digest of the decisions and principles of the Freedom of Association Committee of the Governing Body of the ILO; Fifth (revised) edition 2006;

(3) "**Executive Director**" means the Executive Director of NEDLAC appointed in terms of clause 17.2 of the NEDLAC Constitution or an alternate appointed by the Executive Director;

(4) "**facilitator**" means a facilitator referred to in item 21;

(5) "**ILO**" means the International Labour Organisation;

(6) "**LRA**" means the Labour Relations Act 66 of 1995, and includes any regulation made in terms thereof;

(7) "**Labour Relations Regulations**" means the Regulations published under section 208 of the LRA;[1]

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[1] GNR.1016 of 19 December 2014 (*GG* No. 38317), as amended by GNR.816 of 8 July 2016 (*GG* No. 40128), GNR.24 of 22 January 2019 (*GG* No. 42178), GNR.468 of 27 March 2019 (*GG* No. 42335) and GNR.1139 of 23 October 2020 (*GG* No. 43835).

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(8) "**NEDLAC**" means National Economic, Development and Labour Council established in terms of section 2 (1) of the National Economic, Development and Labour Council Act 35 of 1994;

(9) "**referring party**" means the registered trade union or trade unions or federation or federations of trade unions which refer a matter of socio-economic interest to workers to NEDLAC; and

(10) "**respondent party**" means the party or parties to whom the section 77 referral is directed and which are required to consider the matter giving rise to the intended protest action.

PART B: PROTECTED PROTEST ACTION

4. Protest action.

(1) Protest action is the partial or complete concerted refusal to work, or the retardation or obstruction of work, for the purpose of promoting or defending the socio-economic interests of workers, but not for a purpose referred to in the definition of strike.[2] Protest action is often referred to as a 'protest strike' or a 'socio-economic strike'.

(2) The ILO's Freedom of Association Committee has always recognised the right to strike by workers and their organisations as a legitimate and essential means of promoting and defending the economic and social interests of their members and workers in general.[3]

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[2] S 213 of the LRA.

[3] Paragraphs 520 to 544 of Chapter 10 (Right to strike) of the Digest are set out in Annexure B.

Final

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5. Protected protest action.

(1) For protest action to be protected —

(a) the protest action must be called by a registered trade union or federation of trade unions;

(b) the registered trade union or federation of trade unions calling the protest action must have notified NEDLAC of the reasons for and nature of the intended protest action;

(c) the issue giving rise to the intended protest action must concern a matter of socio-economic interest to workers;

(d) the matter giving rise to the intended protest action must have been considered by NEDLAC or any other appropriate forum in which the parties concerned are able to participate in order to resolve the matter; and

(e) at least 14 calendar days before the commencement of the protest action, the registered trade union or federation of trade unions must have served a notice on NEDLAC of its intention to proceed with the protest action.

(2) All employees, regardless of whether they are members of the referring party, may participate in protected protest action after there has been compliance with the requirements of section 77 of the LRA, except employees employed in maintenance or essential services.[4]

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[4] For the definitions of "maintenance service" and "essential service" see sections 75 (1) and 213 of the LRA respectively.

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6. The nature of the protection.

(1) Protest action that complies with section 77 of the LRA affords workers participating in the action, the protections conferred by section 67 of the LRA.

PART C: PROCEDURAL REQUIREMENTS

7. Delivery of notices and documents.

(1) A notice or other document must be delivered by hand, registered post, telefax or email.

(2) Notices must be served upon NEDLAC. The contact details are reflected in the LRA Forms 4.4 and 4.5.

8. Section 77 (1)(b) notice.

A registered trade union or federation of trade unions must submit to NEDLAC a notice concerning possible protest action in accordance with the LRA 4.4 Form.[5]

9. Section 77 (1)(d) notice.

The registered trade union or federation of trade unions must serve a notice on NEDLAC of its intention to proceed with the protest action in accordance with the LRA 4.5 Form.[6]

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[5] Regulation 9 of the Labour Relations Regulations.

[6] *Ibid.*

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10. The sequence of the section 77 referral.

(1) The section 77 referral must be processed in the following sequence:

(a) service of the section 77 (1)(b) notice (Form LRA 4.4);

(b) consideration as contemplated in section 77 (1)(c) by NEDLAC or an independent facilitator appointed by the standing committee or another appropriate forum determined by the standing committee in terms of item 24; and

(c) service of the section 77 (1)(d) notice (Form LRA 4.5).[7]

(2) Protest action cannot be launched until the processes envisaged in subitem (1) have been concluded.[8]

11. Time limits.

(1) Section 77 does not expressly set any time limits. They cannot be 'read into' that section because, unlike disputes between unions and individual employers, the kind of issue reserved for protest action is often not one that can be resolved as expeditiously as a labour dispute.[9]

(2) Protest action should nevertheless not be unduly delayed and should be conducted within a reasonable time having regard to the nature of the matter, the scale of the intended protest action, and the time it would reasonably be expected to take to ensure legal compliance and the orderly conduct of the protest action.

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[7] *Business SA v COSATU* [1997] 5 BLLR 511 (LAC).

[8] *Ibid.*

[9] *Congress of SA Trade Unions v Business Unity SA* [2021] 4 BLLR 343 (LAC).

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12. Variance of time periods in this Code.

(1) Subject to subitem (2), the parties involved in a section 77 referral may agree to vary the time periods specified in this Code.

(2) A variation of time periods involving additional expenditure by NEDLAC will only be valid if the Executive Director has agreed to it.

(3) The Standing Committee may condone the non-adherence to time periods on good cause shown.

PART D: SUBSTANTIVE REQUIREMENTS

13. The nature of socio-economic interests of workers.

(1) The matter giving rise to the intended protest action must concern a matter that promotes or defends the socio-economic interests of workers.

(2) The expression 'socio-economic interests' has a wide meaning. There is no definitive test for whether an issue concerns a matter of socio-economic interest. Whether an issue concerns a matter of socio-economic interest will depend the particular circumstances of each case.

(3) Protest action is for the purposes of promoting or defending the socio-economic interests of workers, but not for the purpose referred to in the definition of strike. Therefore, matters of socio-economic interests exclude —

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(a) matters of mutual interest between employer and employee;[10] and

(b) matters of a purely political nature.[11]

(4) Matters of socio-economic interest include —

(a) issues that are major social and economic policy trends which have a direct impact on the trade union's members and on workers in general, in particular as regards employment, social protection and standards of living;[12] and

(b) matters which fall within the ambit of the social status and economic position of workers in general such as the imbalances in the education system as a result of past government policy.[13]

(5) When determining whether a matter is a matter of socio-economic interest an interpretation should be preferred which —

(a) does not limit fundamental rights; and

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[10] Protest action may not be for the purpose referred to in the definition of strike. The purpose of a strike is to remedy a grievance or resolve a dispute in respect of any matter of mutual interest between employer and employee. Matters of mutual interest between employer and employee include: (a) *"all interest disputes between employer and employee (broadly, disputes about the creation of new rights) and rights disputes between employer and employee (broadly, disputes about the interpretation and application of existing rights) … "*; and (b) matters that are "*the subject of any term of any collective agreement, referral for conciliation or the subject of any strike or lock-out [which is] work-related, or … concern the employment relationship.*" (Vanachem Vanadium Products (Pty) Ltd v National Union of Metalworkers of South Africa and others [2014] 9 BLLR 923 (LC) at paras 16-17.)

[11] See Digest, para 528, Annexure B.

[12] Digest, para 527, Annexure B.

[13] *Government of the Western Cape Province v COSATU & Another* [1998] 12 BLLR 1286 (LC).

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(b) gives effect to the LRA's primary objects, which includes (i) giving effect to the obligations incurred by South Africa as a member state of the ILO;[14] (ii) is in compliance with the Constitution; and, (iii) is in compliance with the South Africa's public international law obligations. [15]

14. Consideration of the issues giving rise to the referral.

(1) Section 77 (1)(c) requires consideration of the issues with a view to reaching consensus.

(2) The process of consideration —

(a) is not superficial or cosmetic engagement;

(b) requires the referring party and the respondent party to engage with a view to reaching consensus on the matters giving rise to the referral;

(c) does not require agreement or deadlock on the objective facts; and

(d) does not require the referring party to be tied into a process which, though ongoing, has no potential of being resolved.[16]

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[14] Section 1 (b) of the LRA.

[15] Section 3 of the LRA.

[16] *Government of the Western Cape Province v COSATU & Another* [1998] 12 BLLR 1286 (LC) at paras 26 and 28.

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(3) In determining whether a matter has been considered, all relevant factors must be taken into account, including but not limited to the following —

(a) the nature of the matters giving rise to the intended protest action;

(b) the prospect of the matter being resolved; and

(c) the nature and extent to which the parties have engaged before the section 77 (1)(b) referral.

(4) A matter is regarded as having been considered if —

(a) the referring and respondent parties have resolved the matter;

(b) the referring and respondent parties agree that the matter has been considered and the agreement is recorded in writing;

(c) the Standing Committee, facilitator or chairperson of the forum to which the matter was referred determines that the matter has been considered after taking into account the factors listed in subitem (3); or

(d)(i) the referring party has attended the meetings convened for purposes of considering the matter within six weeks of the referral; and

(ii) the parties have not agreed to attend further meetings to consider the matter.

PART E: STANDING COMMITTEE

15. Establishment of the NEDLAC Standing Committee.

NEDLAC will establish a Standing Committee to manage section 77 referrals.

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16. Composition of the Standing Committee.

(1) The Standing Committee is composed of the Executive Director and one person appointed by each of the social partners.

(2) Each social partner must appoint a standing alternative member eligible to attend a Standing Committee meeting when the principal member is not able to attend the meeting.

(3) The Executive Director[17] must chair the meetings of the Standing Committee. In the Executive Director's absence, a member of the Standing Committee elected by the members present must chair the meeting.

17. Functions of the Standing Committee.

The functions of the Standing Committee are —

(1) to oversee and manage the section 77 process;

(2) to determine whether NEDLAC has jurisdiction, include whether the matter giving rise to the referral is a matter of socio-economic interest to workers;

(3) to determine whether a facilitator should be appointed to facilitate consideration of the matter;

(4) to determine whether the referral should be submitted to another appropriate forum within or outside of NEDLAC for consideration;

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[17] The definition of Executive Director includes an alternate appointed by the Executive Director. See item 3(3).

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(5) if the matter is not referred to a facilitator or another appropriate forum to facilitate consideration of the matter;

(6) to determine whether the matter has been considered as contemplated in item 14 (4)(c); and

(7) to produce reports as contemplated in this Code.

18. Quorum of the Standing Committee.

(1) The Standing Committee is quorate —

(a) if any three of the four social partners are represented at the meeting; or

(b) those present at a subsequent meeting convened after the Standing Committee meeting which was not quorate.

(2) Unless the representatives of the social parties and the referring and responding parties agree otherwise, the adjourned Standing Committee must be scheduled within three days of the non-quorate Standing Committee meeting.

19. Obligations of the Standing Committee Members.

The members of the Steering Committee must —

(1) strive to promote trust, mutual understanding and the constructive engagement of the parties; and

(2) act to promote social dialogue and the resolution of matters referred in terms of section 77.

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20. Decisions of the Standing Committee.

(1) Taking into consideration the provisions of item 19, the Standing Committee must strive to make decisions by consensus.

(2) If consensus cannot be reached, decisions must be made by a majority vote of the representatives of the social partners. If a majority is not achieved, the Executive Director will have a casting vote.

21. Facilitators.

(1) NEDLAC will appoint a panel of facilitators who have knowledge, experience and expertise in conciliation, mediation or facilitation to facilitate the consideration of matters giving rise to a section 77 (1)(b) notice.

(2) The panel must represent a broad cross-section of the population of the Republic.

PART F: PRE-CONSIDERATION PROCESSES

22. Administrative compliance of section 77 (1)(b) Notice.

(1) In this item "compliant" means a section 77 (1)(b) notice that is substantively in compliance with the requirements of section 77 (1)(b) and regulation 9 of the Labour Relations Regulations.

(2) Within three days of receipt of a section 77 (1)(b) notice —

(a) the Executive Director must determine whether the notice is compliant; and

(b) if the Executive Director is of the view that the notice is not compliant, the Executive Director must inform the referring party in writing that the notice is not compliant and the reasons for this.

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23. Referral of section 77 (1)(b) notice to the Standing Committee.

(1) The Executive Director must refer a compliant section 77 (1)(b) to the Standing Committee within three days of the receipt of the notice.

(2) Within five days of the referral of the notice to the Standing Committee, the committee must meet to consider whether the issue is a matter of socio-economic interest, and accordingly whether NEDLAC has jurisdiction to consider the referral.

(3) If the Standing Committee determines that the issue giving rise to the referral is not a socio-economic matter, the Executive Director must inform the referring party within three working days of the Standing Committee's decision and the reasons for its decision.

24. The body to consider the referral.

(1) The Standing Committee must determine whether a compliant referral will be considered by —

(a) a facilitator;

(b) the Standing Committee; or

(c) another appropriate forum in or outside of NEDLAC.

(2) An 'appropriate forum' is a forum that is in a position to influence the outcome of the matter under consideration. Examples of such forums include task groups set up in certain industries.

(3) If the Standing Committee appoints a facilitator or another forum in or outside NEDLAC to consider the matter, the Standing Committee must —

(a) record the brief, timeframes and terms and conditions of the facilitator or the other forum; and

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(b) require regular briefings from the facilitator or the other forum.

(4) The time frames for the consideration of a matter giving rise to the intended protest action by the Standing Committee or another appropriate forum are those set out in items 28(8) and 28(9) below.

(5) The Standing Committee may terminate the referral of the matter to a facilitator or another forum.

PART G: FACILITATING CONSIDERATIONS

25. Appointment of a facilitator.

(1) Subject to subitem (2), the Executive Director must appoint the facilitator from the panel of facilitators referred to in item 21(1).

(2) Before appointing the facilitator, the Executive Director must —

(a) propose to the referring and responding three possible facilitators from the panel of facilitators referred to in item 21(1);

(b) appoint the facilitator agreed upon by the parties;

(c) appoint one of the three facilitators if the parties are unable to agree upon the name of a facilitator.

26. The nature of facilitation.

Facilitation includes —

(1) mediation and conciliation;

(2) making without prejudice recommendations to the parties; and

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(3) with the agreement of the parties, making written with prejudice recommendations to the parties.

27. The first meeting to consider the referral.

(1) At the first meeting the following issues must be addressed —

(a) the procedure to be followed during the facilitation;

(b) the exact issues pertaining to and underlying the referral;

(c) the broad areas to explore in order to reach an agreement;

(d) the information required to consider the matter;

(e) whether the parties' delegations are, and will be, composed of persons who can effectively engage in the discussions with a view to reaching consensus; and

(f) the date and time of additional facilitation meetings.

(2) A matter referred to in subitem (1) may be dealt with in any subsequent facilitation meetings that are held.

28. Facilitation rules.

(1) The facilitator will chair the meetings between the parties.

(2) A facilitation is conducted on a with prejudice basis unless the parties agree that the facilitation or a part of the facilitation will be conducted on a without prejudice basis.

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(3) Despite item 27(1)(a) and subitem (2) the facilitator may, after consultation with the parties —

(a) decide on any issue of procedure that arises in the course of the meetings between the parties;

(b) direct that the parties to engage in consultations without the facilitator being present;

(c) direct that a party engages in a without prejudice meeting with the facilitator; and

(d) arrange further facilitation meetings.

(4) By agreement between the parties, the facilitator may perform any other function.

(5) The facilitator may not disclose information or a document that a party privately disclosed in confidence to the facilitator before, during or after the facilitation, to any other party or person without the consent of the party disclosing it, unless the facilitator is required by law to make the disclosure.

(6) The part of the facilitation conducted on a without prejudice basis may not be disclosed in any court proceedings.

(7) No person may require the facilitator to attend legal proceedings to give evidence about or to produce any records or notes relating to any part of the facilitation that was conducted on a without prejudice basis.

(8) Unless the parties agree otherwise, a facilitator must conduct at least four facilitation meetings within six weeks of the referral being delivered, unless —

(a) the dispute is settled in a lesser number of meetings; or

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(b) the facilitator is of the view that there is no prospect of the matter being resolved.

(9) After consultation with the parties and the Executive Director, the facilitator may arrange additional meetings to consider the matter if —

(a) an extension of time is necessary to ensure a meaningful conciliation process;

(b) the refusal to agree to the extension by a party is unreasonable; and

(c) there are reasonable prospects of reaching an agreement.

(10) A facilitation meeting must be reconvened within five working days, or within such further period which the referring and responding parties agree to if either representatives of the referring or responding parties do not attend a facilitation meeting.

(11) If the one or more of the responding parties fail to attend the subsequent meeting referred to in subitem (10), the facilitator must facilitate consideration of the matter unless it is agreed otherwise.

29. Consideration by the Standing Committee or another appropriate forum.

Items 27 and 28 apply with the changes required by the context when the matter is facilitated by the Standing Committee or another appropriate forum to which it has been referred.

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30. Obligations of the referring and respondent parties.

(1) To achieve the orderly and constructive consideration of matters giving rise to the intended protest action, the referring and respondent parties and their representatives must —

(a) strive to promote trust, mutual understanding and constructive engagement with each other; and

(b) act in good faith.

(2) Engagements should be conducted in a rational, courteous and constructive manner. Disruptive or abusive behaviour must be avoided.

(3) Parties should attend agreed meetings unless there is a good reason for not attending, in which case the party that cannot attend should give reasonable notice of its non-attendance to avoid wasteful expenditure and inconvenience to the other parties.

(4) Parties should not act in a manner that has the effect of unreasonably delaying the process of consideration by, for example, failing to agree upon dates and times for meetings, failing to attend agreed meetings or arriving late without good cause, changing representatives, failing to secure a mandate or refusing to engage for the purposes of reaching agreement.

(5) Parties should be open to modifying their standpoints and responses during the course of the engagements.

(6) Parties should endeavour, as far as possible, to ensure that their representatives remain the same throughout the course of engagements and that they are properly mandated to modify positions and responses.

(7) The parties' representatives should endeavour to present the responses provided by the other party as accurately as possible.

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(8) The parties should remain open to continue engagements even after the section 77 (1)(d) notice has been served.

(9) Representatives of the parties should be requested to sign the declaration in Annexure A to this Code.

31. Report to the Standing Committee.

(1) Within five days of the last meeting at which the referral was considered a written report must be sent to the Standing Committee by —

(a) the facilitator, in the case where a facilitator was appointed;

(b) the Executive Director, in the case where the Standing Committee conducted the facilitation; and

(c) the Chairperson of the forum, in the case where the referral was submitted to another forum.

(2) The written report must record —

(a) the matter giving rise to the referral and intended protest action;

(b) the manner in which the matter was considered; and

(c) the outcome of the consideration.

(3) By agreement of the parties, the report may also provide advice to the parties about possible ways to resolve the matters giving rise to the referral.

(4) The Executive Director must produce the written report within five days of the date upon which it was due if the appointed facilitator or chairperson of the forum to which it was referred fail to produce the report timeously.

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PART H: DISPUTE RESOLUTION

32. Labour Court.

The Labour Court has jurisdiction to —

(1) review and set aside NEDLAC's decision that the matter is not a matter of socio-economic interest to workers;

(2) interdict protest action if there has been non-compliance with the provisions of section 77 (1)(b), (c) or (d); and

(3) limit the protected nature or duration of the protest action by weighing the importance to the workers of the matter giving rise to the action against the nature and duration of the proposed action.

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ANNEXURE A: GOOD FAITH DECLARATION

In the negotiations between:

(Name of referring party)

and

(Name of responding party)

on

(Short description of the matters giving rise to intended protest action)

I,

(name), (capacity) of the (name of entity)

declare that—

(1) I will participate in the engagements in good faith and with the sincere intention of resolving the matter.

(2) I will treat the participants in the consideration of the matter giving rise to the intended protest action with respect and engage in a rational, constructive and courteous manner.

(3) I will not deliberately delay matters by, for example, failing to respond quickly to communications, to agree dates and times for meetings, to attend meetings, and to attend meetings without a mandate.

(4) I will, accordingly, ensure to the best of my ability that I and the other members of our team —

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(a) will attend agreed meetings and, if for good reason we are unable to do so, I will ensure that reasonable notice of our non-attendance is given to avoid wasteful expenditure and inconvenience; and

(b) are properly mandated when we attend negotiation and conciliations meetings.

(5) I will faithfully communicate any proposals or counterproposals arising from engagements.

(6) I will not conduct myself in any way that may constitute conduct that undermines the consideration of the matter giving rise to the intended protest action.

Signed on (date) at (place)

(Name and contact details)

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ANNEXURE B: EXTRACT FROM ILO'S DIGEST

Paragraphs 520 to 544 of Chapter 10 (Right to strike) of the Digest state the following:

"Importance of the right to strike and its legitimate exercise

520. While the Committee has always regarded the right to strike as constituting a fundamental right of workers and of their organizations, it has regarded it as such only in so far as it is utilized as a means of defending their economic interests.

521. The Committee has always recognized the right to strike by workers and their organizations as a legitimate means of defending their economic and social interests.

522. The right to strike is one of the essential means through which workers and their organizations may promote and defend their economic and social interests.

523. The right to strike is an intrinsic corollary to the right to organize protected by Convention No. 87.

524. It does not appear that making the right to call a strike the sole preserve of trade union organizations is incompatible with the standards of Convention No. 87. Workers, and especially their leaders in undertakings, should however be protected against any discrimination which might be exercised because of a strike and they should be able to form trade unions without being exposed to anti-union discrimination.

525. The prohibition on the calling of strikes by federations and confederations is not compatible with Convention No. 87.

Objective of the strike (strikes on economic and social issues, political strikes, solidarity strikes, etc.)

526. The occupational and economic interests which workers defend through the exercise of the right to strike do not only concern better working conditions or

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collective claims of an occupational nature, but also the seeking of solutions to economic and social policy questions and problems facing the undertaking which are of direct concern to the workers.

527. Organizations responsible for defending workers' socio-economic and occupational interests should be able to use strike action to support their position in the search for solutions to problems posed by major social and economic policy trends which have a direct impact on their members and on workers in general, in particular as regards employment, social protection and standards of living.

528. Strikes of a purely political nature and strikes decided systematically long before negotiations take place do not fall within the scope of the principles of freedom of association.

529. While purely political strikes do not fall within the scope of the principles of freedom of association, trade unions should be able to have recourse to protest strikes, in particular where aimed at criticizing a government's economic and social policies.

530. In one case where a general strike against an ordinance concerning conciliation and arbitration was certainly one against the government's policy, the Committee considered that it seemed doubtful whether allegations relating to it could be dismissed at the outset on the ground that it was not in furtherance of a trade dispute, since the trade unions were in dispute with the government in its capacity as an important employer following the initiation of a measure dealing with industrial relations which, in the view of the trade unions, restricted the exercise of trade union rights.

531. The right to strike should not be limited solely to industrial disputes that are likely to be resolved through the signing of a collective agreement; workers and their organizations should be able to express in a broader context, if necessary, their dissatisfaction as regards economic and social matters affecting their members' interests.

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532. The solution to a legal conflict as a result of a difference in interpretation of a legal text should be left to the competent courts. The prohibition of strikes in such a situation does not constitute a breach of freedom of association.

533. If strikes are prohibited while a collective agreement is in force, this restriction must be compensated for by the right to have recourse to impartial and rapid mechanisms, within which individual or collective complaints about the interpretation or application of collective agreements can be examined; this type of mechanism not only allows the inevitable difficulties which may occur regarding the interpretation or application of collective agreements to be resolved while the agreements are in force, but also has the advantage of preparing the ground for future rounds of negotiations, given that it allows problems which have arisen during the period of validity of the collective agreement in question to be identified.

534. A general prohibition of sympathy strikes could lead to abuse and workers should be able to take such action provided the initial strike they are supporting is itself lawful.

535. The fact that a strike is called for recognition of a union is a legitimate interest which may be defended by workers and their organizations.

536. A ban on strikes related to recognition disputes (for collective bargaining) is not in conformity with the principles of freedom of association.

537. Protest strikes in a situation where workers have for many months not been paid their salaries by the Government are legitimate trade union activities.

538. A ban on strike action not linked to a collective dispute to which the employee or union is a party is contrary to the principles of freedom of association.

539. Provisions which prohibit strikes if they are concerned with the issue of whether a collective employment contract will bind more than one employer are contrary to the principles of freedom of association on the right to strike; workers and their

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organizations should be able to call for industrial action in support of multi-employer contracts.

540. Workers and their organizations should be able to call for industrial action (strikes) in support of multi-employer contracts (collective agreements).

541. The Committee has stated on many occasions that strikes at the national level are legitimate in so far as they have economic and social objectives and not purely political ones; the prohibition of strikes could only be acceptable in the case of public servants exercising authority in the name of the State or of workers in essential services in the strict sense of the term, i.e. services whose interruption could endanger the life, personal safety or health of the whole or part of the population.

542. A declaration of the illegality of a national strike protesting against the social and labour consequences of the government's economic policy and the banning of the strike constitute a serious violation of freedom of association.

543. As regards a general strike, the Committee has considered that strike action is one of the means of action which should be available to workers' organizations. A 24-hour general strike seeking an increase in the minimum wage, respect of collective agreements in force and a change in economic policy (to decrease prices and unemployment) is legitimate and within the normal fi eld of activity of trade union organizations.

544. A general protest strike demanding that an end be brought to the hundreds of murders of trade union leaders and unionists during the past few years is a legitimate trade union activity and its prohibition therefore constitutes a serious violation of freedom of association."

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DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 2434 **2 September 2022**

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 for the Minister for Justice and Correctional Services, made the rules in the Schedule.

SCHEDULE

GENERAL EXPLANATORY NOTE:

[ ] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

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, R. 507 of 27 June 2014, 571 of 18 July 2014,

R. 5 of 9 January 2015, R. 32 of 23 January 2015, R. 33 of 23 January 2015, R. 318 of 17 April 2015, R. 545 of 30 June 2015, R. 2 of 19 February 2016, R. 1055 of 29 September 2017, R. 1272 of 17 November 2017, R. 632 of 22 June 2018, R. 1318 of 30 November 2018, R. 842 of 31 May 2019, R. 1343 of 18 October 2019, R. 107 of 7 February 2020, R. 858 of 7 August 2020, R. 1156 of 30 October 2020, and R. 1602 of 17 December 2021.

Amendment of rule 5 of the Rules

2. Rule 5 of the Rules is hereby amended by the substitution for sub-rule (1) of the following sub-rule:

"(1) Every person making a claim against any other person may, through the office of the registrar or clerk of the court, sue out a simple summons or a combined summons addressed to the sheriff directing the sheriff to inform the defendant among other things that, if the defendant disputes the claim and wishes to defend, the defendant shall-

(a) within the time stated in the summons, give notice of intention to defend; and

(b) after complying with paragraph *(a),* if the summons is a combined summons, within 20 days after giving such notice, deliver a plea (with or without a claim in reconvention), or an exception, or an application to strike out: Provided that an exception or application to strike out shall be in the manner and within the timeframes provided for in rule 19.".

Amendment of rule 43 of the Rules

3. Rule 43 of the Rules is hereby amended by—

(a) the substitution for paragraph *(b)* of sub-rule (1) of the following paragraph:

"*(b)* A warrant of execution against immovable property shall contain—

(i) a full description of the nature, magisterial district and physical address of the immovable property to enable it to be traced and identified by the sheriff; and

(ii) sufficient information to enable the sheriff to give effect to sub-rule (3) hereof, including the title deed number, the erf number or sectional title unit number and exclusive use area to enable the Registrar of Deeds to identify the immovable property and record the attachment as an interdict against the immovable property."; and

(b) the substitution in sub-rule (11) for paragraph *(b)* of the following paragraph:

"*(b)* Any loss sustained by reason of the purchaser's default may, on the application of any aggrieved creditor **[whose name appears on the sheriff's distribution account]** referred to in paragraph (14)*(c)*, be recovered from the purchaser under judgment of a magistrate given on a written report by the sheriff, after notice in writing has been given to the purchaser that the report will be laid before a magistrate for the aforesaid purpose.".

Amendment of rule 67 of the Rules

4. Rule 67 of the Rules is hereby amended by—

(a) the substitution in sub-rule (2)*(b)* for sub-paragraph (ii) of the following sub-paragraph:

"(ii) be sent by electronic means, and if not possible by registered post."; and

(b) the substitution in sub-rule (5A) for paragraph *(a)* of the following paragraph:

"*(a)*(i) A person contemplated in the first proviso of section 309(1)*(a)* of the Criminal Procedure Act, 1977, who wishes to appeal against his or her conviction or sentence or order, shall do so in writing to the registrar or clerk of the court within 10 days after the passing of the sentence or order following on the conviction and shall also send a copy of such notice of appeal to the director of public prosecutions concerned or in a case in which the prosecution was not at the public instance, to the prosecutor concerned.

(ii) In the event of the appeal being struck-off or removed from the roll for any reason, the appeal shall then be re-enrolled within 10 days of the date of such striking-off or removal, failing compliance therewith the appeal shall lapse.".

Amendment of Annexure 1 to the Rules

5. Annexure 1 to the Rules is hereby amended by the substitution for Forms 2B and 2C of the Forms contained in the Annexure hereto.

Amendment of Annexure 2 to the rules

6. Annexure 2 to the rules is hereby amended—

(a) by the substitution for Tables A and B of the following Tables, respectively:

"TABLE A
COSTS

PART I
GENERAL PROVISIONS

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

2. *(a)* For the purpose of computing costs, the expression 'amount in dispute' means, where costs are awarded to the plaintiff, the amount or value of the judgment and 'amount or value of the judgment' means, where more than one claim is involved in the action, the total of the amounts involved in the judgment. Where costs are awarded to the defendant, the expression 'amount in dispute' means, the amount or value of the claim, and 'amount or value of the claim' means, where more than one claim is involved in the action, the total of the amounts of all the claims. The amount or value of the judgment or claim shall be inclusive of interest but exclusive of costs. If a matter is settled at any time the costs shall be taxed on the scale laid down in the agreement of settlement.
(b) Where the amount in dispute is not apparent on the face of the proceedings and—
(i) the matter is instituted in the Magistrates' Court for a District, costs shall be computed on Scale C; or
(ii) the matter is instituted in the Regional Court for a Regional Division, costs shall be computed on Scale D,
unless the court orders otherwise.

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

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

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

6(i) 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 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).

7. Where the amount allowed for an item is specified, the amount shall be inclusive of all necessary attendances and services (other than services by the sheriff for the magistrate's court) in connection therewith save that for the necessary filing of documents at court a charge shall be allowed at **[R30,00]** R33,00 per document.

8. Where the amount allowed for an item is left blank—
(a) the drawing of documents (not pleadings) shall be allowed at **[R30,00]** R33,00 for each folio;
(b) copies for filing, service and an attorney's copy to retain shall also be allowed;
(c) **[R30,00]** R33,00 shall be allowed for each necessary service;
(d) **[R30,00]** R33,00 shall be allowed per document for the necessary filing of documents at court.

9. *(a)* Where any document appears to the court to be unnecessary prolix, the court may disallow the whole or any part of the fee therefor.
(b) Where printed forms of documents to be copied are available, the fees for copying shall be limited to the necessary particulars inserted in such printed forms.

10. *(a)* A folio shall consist of 100 written or printed words or figures or part thereof.
(b) Four figures shall be reckoned as one word.

11. *(a)* Unless otherwise provided, a charge for perusal shall be allowed at **[R11,50]** R12,50 per folio in respect of any document or pleading necessarily perused.
(b) For necessary copies, including photocopies, of any document or papers not already provided for in this tariff, per A4 size page **[R4,50]** R5,00.

12. Where there are more defendants than one **[R19,00]** R21,00 shall be added in respect of each additional defendant for each of items 2 and 3 of Part II and items 2 and 7 of Part III.

13. Where the judgment debt is payable in instalments in terms of the judgment or an agreement, a fee of 10% on each instalment collected in redemption of the capital, costs and interest shall be allowed, subject to a maximum of **[R459,00]** R499,00 on each instalment. No additional fee shall be charged for any attendance in connection with the receipt or payment of any instalment.

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

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

16. Any amount necessarily and actually disbursed in tracing the debtor shall be allowed in addition to the fees laid down in this tariff.

17. Item 10A and 14A of Part III in the tariff to Table A are also applicable to Part IV of the tariff to Table A.

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.

PART II
UNDEFENDED ACTIONS

	R
Item 1 - Registered letter of demand in terms of section 56 of the Act	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts	**[R45,00]** R49,00
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division	**[R61,00]** R67,00
Item 2 - Summons, inclusive of a letter of demand other than the letter of demand referred to in item 1:	
(a) Claim or claims where the aggregate amount of the claim or claims does not exceed R7 000,00	**[R151,50]** R165,00
(b) Claim or claims where the aggregate amount of the claim or claims exceeds R7 000,00 but does not exceed R50 000	**[R502,50]** R547,00
(c) Claim or claims where the aggregate of the claim or claims exceeds R50 000 but does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts	**[R743,00]** R808,00
(d) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division or when the matter is in respect of a cause of action in terms of section 29(1B)(a) of the Act	**R969,50]** R1055,00
Item 3 - Judgment:	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the amount in 2(a)	**[R151,50]** R165,00
(b) Claim or claims where the aggregate of the claim or claims exceeds the amount in 2(b) but is not more than R50 000	**[R383,50]** R418,00

	R
(c) Claim or claims where the aggregate of the claim or claims exceeds R50 000 but does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts.	**[R627,00]** R682,00
(d) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division or when the matter is in respect of a cause of action in terms of section 29(1B)(a) of the Act	**[R815,00]** R886,00
Item 4 - Notice in terms of rule 12(2)	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts.	**[R71,50]** R78,00
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division or when the matter is in respect of a cause of action in terms of section 29(1B)(a) of the Act.	**[R93,00]** R101,00
Item 5 - Notice in terms of rule 54(1)	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts.	**[R71,50]** R78,00
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division.	**[R93,00]** R101,00
Item 6 - Affidavit or certificate	-
Item 7 - Attending court at the request of the magistrate when claim is referred to court for judgment or to obtain provisional sentence when claim is undefended	as allowed under item 15 on the scale for defended actions.
Item 8 - For each registered letter forwarded to the debtor in terms of section 57(1) or (3) or section 58(2), of the Act by the creditor or his or her attorney, including copies	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts.	**[R46,50]** R51,00
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in	**[R62,50]** R68,00

	R
respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division.	
Item 9 - Admission of liability and undertaking to pay debt in instalments or otherwise (section 57 of the Act)	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts.	**[R121,50]** R132,00
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division.	**[R157,00]** R170,00
Item 10 - Consent to judgment or to judgment and an order for the payment of judgment debt in instalments (section 58 of the Act)	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts.	**[R121,50]** R132,00
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division.	**[R157,00]** R170,00

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

PART III
DEFENDED ACTIONS (AND INTERPLEADER PROCEEDINGS)

Item	**Scale A R**	**Scale B R**	**Scale C R**	**Scale D R**
1 Instructions to sue or defend or to counterclaim or defend a counterclaim, perusal of all documentation and consideration of merits and all necessary consultations to issue summons	**[R606,00]** R659,00	**[R804,50]** R875,00	**[R968,50]** R1095,00	**[R1258,00]** R1369,00
2 Summons	**[R304,50]** R331,50	**[R423,00]** R460,00	**[R506,50]** R551,00	**[R656,00]** R713,00
2A Particulars of Claim or Declaration	**[R304,50]** R331,50	**[R423,00]** R460,00	**[R506,50]** R551,00	**[R656,00]** R713,00
3 Appearance	**[R50,50]** R55,00	**[R50,50]** R55,00	**[R63,00]** R69,00	**[R81,00]** R89,00

Item	Scale A R	Scale B R	Scale C R	Scale D R
4 Notice under rules 12(2)and 21B(2)	[R50,50] R55,00	[R50,50] R55,00	[R63,00] R69,00	[R81,00] R89,00
5 Plea	[R304,50] R331,50	[R423,00] R460,00	[R506,50] R551,00	[R656,00] R713,00
6 Claim in reconvention	[R304,50] R331,50	[R423,00] R460,00	[R506,50] R551,00	[R656,00] R713,00
7 Reply, if necessary	[R304,50] R331,50	[R423,00] R460,00	[R506,50] R551,00	[R656,00] R713,00
8 Drawing up of all documents not specifically mentioned, including request for further particulars, schedule of documents, all affidavits, subpoenas, any notice not otherwise provided for and drawing up of statements by witnesses	-	-	-	-
9 Production of documents for inspection, or inspecting documents, per quarter of an hour or part thereof of the time spent	[R180,50] R196,00	[R180,50] R196,00	[R226,50] R246,00	[R292,00] R318,00
10. ...				
10A Pagination and indexing of pleadings per quarter of an hour or part thereof :	[R121,00] R132,00	[R121,00] R132,00	[R147,50] R161,00	[R191,00] R208,00
11 The recording of statements by witnesses, per quarter of an hour or part thereof	[R180,50] R196,00	[R180,50] R196,00	[R226,50] R246,00	[R292,00] R318,00
12 Notice of trial or reinstatement	[R50,50] R55,00	[R50,50] R55,00	[R63,00] R69,00	[R81,00] R89,00
13 Preparing for trial (if counsel not employed)	[R1007,00] R1095,00	[R1370,00] R1490,00	[R1643,00] R1788,00	[R2136,00] R2323,00
14 Attendance at settlement negotiations, for each quarter of an hour or part thereof actually spent in such negotiations	[R180,50] R196,00	[R180,50] R196,00	[R226,50] R246, 00	[R292,00] R318,00
14A Drawing up heads of argument per quarter of an hour or part thereof:	[R180,50] R196,00	[R180,50] R196,00	[R226,50] R246,00	[R292,00] R318,00
15 Attending court during trial, or at an on-the-spot inspection, or at postponement or examination on commission, for each quarter of				

Item	Scale A R	Scale B R	Scale C R	Scale D R
an hour or part thereof spent in court while the case is actually being heard-				
(a) if an advocate is not employed	**[R180,50]** R196,00	**[R180,50]** R196,00	**[R226,50]** R246,00	**[R292,00]** R318,00
(b) if an advocate is employed	Nil	**[R71,50]** R78,00	**[R88,00]** R96,00	**[R113,00]** R123,00
16 Attending pre-trial conference, for each quarter of an hour or part thereof actually spent in such conference	**[R180,50]** R196,00	**[R180,50]** R196,00	**[R226,50]** R246,00	**[R292,00]** R318,00
17 Attending court to hear reserved judgment, per quarter of an hour or part thereof	**[R37,00]** R40,00	**[R37,00]** R40,00	**[R44,50]** R49,00	**[R57,50]** R63,00
18 Correspondence-				
(a) for each necessary letter or telegram, per folio	**[R28,50]** R31,00	**[R28,50]** R31,00	**[R37,00]** R40,00	**[R46,50]** R50,00
(b) for each letter or telegram received, provided that a fee for perusal shall not be allowed in addition to the fee herein provided for	**[R19,50]** R21,50	**[R28,50]** R31,00	**[R37,00]** R40,00	**[R46,50]** R50,00
19 Attendances: For each necessary attendance not otherwise provided for, per attendance	**[R19,50]** R21,50	**[R28,50]** R31,00	**[R37,00]** R40,00	**[R46,50]** R50,00
20 Necessary formal telephone calls, per call	**[R19,50]** R21,50	**[R28,50]** R31,00	**[R37,00]** R40,00	**[R46,50]** R50,00
21 Telephone consultations: For every 5 minutes or part thereof, subject to a maximum fee per consultation of **[R174,50]** R190,00 for Scales A to C and **[R225,50]** R246,00 for Scale D	**[R50,50]** R55,00	**[R50,50]** R55,00	**[R63,00]** R69,00	**[R81,00]** R89,00
22 Each necessary consultation, per quarter of an hour or part thereof	**[R180,50]** R196,00	**[R180,50]** R196,00	**[R226,50]** R246,00	**[R292,00]** R318,00
23 The court may, on request made at the hearing, allow in addition to the fee prescribed in item 13 above a refresher fee in postponed or partly heard trials	**[R627,00]** R682,00	**[R887,00]** R965,00	**[R1063,00]** R1157,00	**[R1381,00]** R1503,00

Item	Scale A R	Scale B R	Scale C R	Scale D R
24 Time spent waiting at court (owing to no court being available) per quarter of an hour or part thereof	[R121,00] R132,00	[R121,00] R132, 00	[R147,50] R161,00	[R191,00] R208,00
25 Travelling time [subject to the provisions of rule 33(9)] per quarter of an hour or part thereof	[R121,00] R132,00	[R121,00] R132,00	[R147,50] R161,00	[R191,00] R208,00
26 Subsistence and travelling expenses as laid down in rule 33(9)	The actual reasonable subsistence and travelling expenses as laid down in rule 33(9)			

PART IV
OTHER MATTERS

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

ITEM	*Scale A R*	*Scale B R*	*Scale C R*	*Scale D R*
1. *(a)* Instructions to make application or to oppose or to show cause (the court may on request allow a higher amount)	[R152,00] R165,00	[R304,50] R331,00	[R361,50] R394,00	[R470,00] R512,00
(b) Instructions to make application for liquidation of close corporation, perusal of all documentation and consideration of merits, and all necessary consultations	[R743,00] R808,00	[R743,00] R808,00	[R890,50] R969,00	[R1158,00] R1260,00
2. Drawing up of all documents, affidavits, applications and notices, orders, etc	-	-	-	-
3. Attending court on hearing:				
(a) If unopposed or opposed (if an advocate is not employed), for each quarter of an hour or part thereof actually spent in court	[R180,50] R196,00	[R180,50] R196,00	[R226,50] R246,00	[R292,00] R318,00
(b) If opposed (if an advocate is employed), for each quarter of an hour actually spent in court or part thereof	Nil	[R71,50] R78,00	[R88,50] R96,00	[R113,00] R123,00
4. *(a)* Fee for preparation for argument when opposed	[R627,00] R682,00	[R739,00] R804,00	[R890,50] R969,00	[R1158,00] R1260,00
(b) Fee for preparation for trial where proceedings are referred to trial or oral evidence	[R627,00] R682,00	[R739,00] R804,00	[R890,00] R969, 00	[R1158,00] R1260,00

ITEM	*Scale A* *R*	*Scale B* *R*	*Scale C* *R*	*Scale D* *R*
5. Consultations and settlement negotiations – when opposed, per quarter of an hour or part thereof	**[R180,50]** R196,00	**[R180,50]** R196,00	**[R226,50]** R246,00	**[R292,00]** R318,00

ITEM	Scale
TAXATION OF COSTS In connection with a bill of costs for services rendered by an attorney, the attorney shall be entitled to charge :	R
6. For drawing the bill of costs, making the necessary copies and attending settlement, 11 percent of the attorney's fees, either as charged in the bill, if not taxed, or as allowed on taxation.	
7. In addition to the fees charged under item 6, if recourse is had to taxation for arranging and attending taxation, and obtaining consent to taxation, 11 percent on the first R10 000,00 or portion thereof, 6 percent on the next R10 000,00 or portion thereof and 3 percent on the balance of the total amount of the bill.	
8. Attending on review of taxation, for each quarter of an hour or part thereof in court while review is actually being heard	**[R180,50]** R196,00
9. Notice of application for review of taxation and service	-
10. Affidavit, where necessary	-

EXECUTION	
11. (a) Issue of warrant of execution, ejectment, and delivery up of possession	**[R121,50]** R132,00
(b) For each reissue thereof	**[R50,50]** R55,00
12. Inclusive fee for work done in connection with releasing of immovable property attached	**[R151,50]** R165,00
13. Inclusive fee for work done in connection with sale in execution of immovable property only (excluding work in respect of which fees are already provided for elsewhere and the drawing up of the conditions of sale)	**[R384,00]** R418,00
14. (a) Drawing up of notice of sale in terms of rule 41(8) or rule 43**[(6)]** (7)*(b)*(i), or conditions of sale in terms of rule 43**[(7)]** (8)*(a)*(i)	-
(b) For all other work done and papers and documents supplied to the sheriff of the magistrate's court in connection with a sale in execution of movable property, an inclusive fee of	**[R262,00]** R285,00
15. Security for restitution, where necessary	**[R99,50]**

	R109,50

WHERE AN ADVOCATE IS EMPLOYED	
16. Instructions for exception or application, where allowed	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts	**[R180,50]** R196,00
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division	**[R234,50]** R255,00
17. Instructions on trial	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts	**[R230,50]** R251,00
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division	**[R290,00]** R315,00
18. Drawing brief on exception or application, where allowed	-
19. Drawing brief on trial	-
20. Attending each necessary consultation with an advocate, per quarter of an hour or part thereof	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts	**[R75,00]** R82,00
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division	**[R94,00]** R103,00

FEES TO ADVOCATES	
21. With brief to argue exception or application	**[R887,00]** R964,00
22. With trial brief for the first day, not exceeding	**[R2514**

FEES TO ADVOCATES	
	,50] R2736,00
23. In any court held more than 30 km from the nearest town where a provincial or local division (other than a Circuit Court) of the High Court sits, a travelling allowance (in addition to the fee on brief) may be allowed by special order of the court at	**[R6,00]** R6,50 per km
24. Each necessary consultation, per quarter of an hour	**[R180,50]** R196,00
25. For every day exceeding one on which evidence is taken or arguments heard, a refresher not exceeding	**[R1511 ,50]** R1644,00
26. Drawing up pleadings	**[R404,50]** R441,00
Notes:	
(a) In regard to items 22 and 25 a fee in lieu of the fee for the first day's hearing shall be allowed as follows when the case is settled or withdrawn or postponed at the instance of any party on or before the date of hearing:	
(i) not more than two days prior to the date of hearing: The fee otherwise allowable on taxation for the first day's hearing;	
(ii) not less than three days and not more than seven days prior to the date of hearing: Two thirds of the fee under (i); and	
(iii) not less than eight days and not more than 21 days prior to the date of hearing: Half of the fee under (i).	
(b) The court may on request allow a higher fee for an advocate in regard to items 22, 24, 25 and 26.	
(c) A fee for travelling time by an advocate shall be allowed at the same rate as for attorneys under rule 33(9).	

MISCELLANEOUS	
27. Obtaining certified copy of judgment	**[R91,00]** R99,00
28. Obtaining payment in terms of rule 18(4)	**[R63,00]** R69,00
29. Request for security in terms of rule 62(1)	-
30. Furnishing security in terms of rule 62(1)	-

TABLE B
COSTS

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

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

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

3. The following shall be allowed in addition to the fees laid down in the Tariff to this Part:
(a) All necessary disbursements incurred in connection with the proceedings.
(b) A fee of 10% on each instalment collected in redemption of the capital and costs of the action, subject to a maximum amount of **[R459,00]** R499,00 on every instalment. Where the amount is payable in instalments the collection fees shall be recoverable only on payment of every instalment. Such fees shall be in substitution for and not in addition to the collection fees prescribed in paragraph 13 of Part 1 of Table A.
(c) All necessary disbursements incurred in connection with any prior abortive proceedings under section 72, if the court has so ordered.
(d) Any amount necessarily and actually disbursed in tracing the judgment debtor, where the capital amount of the debt at the time the tracing agent was employed was not less than **[R502,00]** R546,00. The total amount to be allowed for each tracing shall not exceed **[R383,50]** R417,00.

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

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

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TARIFF		
		R
(a)	Where the claim does not exceed the amount of R1 000,00	**[R253,00]** R276,00
(b)	Where the claim exceeds the amount of R1 000,00 but is not more than R2 000,00	**[R383,50]** R417,00
(c)	Where the claim exceeds the amount of R2 000,00	**[R452,00]** R492,00
(d)	Warrant of arrest (Form 40A)	**[R99,50]** R109,00
(e)	(i) Emoluments attachment order (Form 38)	**[R202,00]** R218,00
	(ii) Reissue (Certificates included)	**[R161,00]** R175,00
(f)	Application for costs on notice (including appearance in court)	**[R99,50]** R109,00
(g)	Obtaining a certified copy of a judgment	**[R99,50]** R109,00
(h)	Affidavit or certificate by the judgment creditor or his or her attorney	**[R71,00]** R77,00
(i)	For each registered letter forwarded to the debtor in terms of sections 65A(2), 65E(6) or 65J(2) of the Act by the creditor or his or her attorney	**[R46,00]** R50,00
(j)	Affidavit or affirmation by debtor Rule 45(7)	**[R121,00]** R131,00
(k)	Request for an order under section 65 of the Act	**[R71,00]** R77,00
(l)	Attending postponed proceedings in terms of section 65E(3) of the Act or attending proceedings at court pursuant to the arrest of a judgment debtor, director or officer or pursuant to a notice referred to in 65A(8)(b)	**[R99,50]** R109,00
(m)	Subpoena:	
	(i) Drawing up of subpoena, per folio	**[R28,50]** R31,00
	(ii) Every necessary attendance, per attendance	**[R19,00]** R21,00
(n)	(i) Correspondence: For every necessary letter or telegram written or received, including copy to retain, provided that a fee for perusal shall not be allowed in addition to the fee herein provided for, per folio	**[R28,50]** R31,00
	(ii) Attendances: For each necessary attendance not otherwise provided for, per attendance	**[R28,50]** R31,00
	(iii) Necessary formal telephone calls, per call	**[R28,50]** R31,00

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

1. Subject to the provisions of paragraphs 2 and 3 no fees other than those laid down in the Tariff to this Part shall be allowed.

2. Paragraph 3*(a)*, *(b)* and *(d)* of the general provisions under Part 1 of this Table shall apply *mutatis mutandis* to this Part.

3. All necessary disbursements incurred in connection with any prior abortive proceedings under section 65 shall be allowed if the court has so ordered.

4. For the purpose of the Tariff to this Part the amount of the claim shall, subject to the provisions of paragraph 3*(d)* of the general provisions under Part 1 of this Table, be the total of the capital amount outstanding at the date of the first institution of proceedings in terms of section 72 of the Act.

TARIFF	
(a) Where the claim does not exceed R200.00	**[R152,00]** R165,00
(b) Where the claim exceeds R200.00	**[R323,00]** R352,00
(c) Obtaining certified copy of a judgment	**[R91,00]** R99,00
(d) Application for an order of execution against the garnishee	**[R91,00]** R99,00
(e) Garnishee order (Form 39)	**[R121,00]** R131,00

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

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

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

(b) In addition to the fees stated below, the administrator shall be entitled to a fee of 10% on each instalment collected for the redemption of capital and costs, which amount is included in the 12,5 % in terms of section 74L(2) of the Act.

2. For the purposes of items 4 and 5 of the Tariff to this Part, a folio shall consist of 100 written or printed words or figures and four figures shall be reckoned as one word.

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TARIFF			
Item	One to ten creditors	Eleven to twenty creditors	Twenty-one or more creditors
	R	R	R
1. Instructions to apply for administration order, including the necessary perusal of summonses, demands, etc, and ascertaining the amount of assets and liabilities, including all attendances and correspondence necessary in connection therewith	**[R180,50]** R196,00	**[R252,50]** R275,00	**[R403,00]** R439,00
2. Instructions on application under section 74Q(1) or to oppose such application or the granting of administration order	**[R142,00]** R156,00	**[R142,00]** R156,00	**[R142,00]** R156,00
3. Drawing up application for administration order or review thereof and affidavit, including all annexures thereto and all attendances, excluding attendance in court	**[R252,00]** R274,00	**[R252,00]** R274,00	**[R252,00]** R274,00
4. Making copies of application, affidavit and annexures for creditors, per page	**[R4,50]** R5,00	**[R4,50]** R5,00	**[R4,50]** R5,00
5. Perusal of application and other documents served, if any, per folio. Note: The fees under this item are only claimed by the attorney or an opposing party.	**[R11,00]** R12,00	**[R11,00]** R12,00	**[R11,00]** R12,00
6. Attending court:			
(a) On postponement or setting aside, if not occasioned by the attorney or his or her client;	**[R68,00]** R74,00	**[R68,00]** R74,00	**[R68,00]** R74,00
(b) On any other hearing	**[R142,00]** R156,00	**[R271,00]** R295,00	**[R271,00]** R295,00
7. For furnishing to a creditor by the administrator of the information referred to in section 74 m(a) of the Act, per application	**[R19,00]** R21,00	**[R19,00]** R21,00	**[R19,00]** R21,00
8. For furnishing of a copy of the debtor's statement of affairs referred to in sections 74 and 74A(1) of the Act by the administrator in terms of section 74M(b) or of a list or account referred to in section 74G(1) or 74J of the Act or of the debtor's statement of affairs referred to in section 65I(2) of the Act, per page	**[R4,50]** R5,00	**[R4,50]** R5,00	**[R4,50]** R5,00
9. Correspondence and attendances	**[R29,00]** R32,00	**[R29,00]** R32,00	**[R29,00]** R32,00"

(b) by the substitution for Part II of Table C of the following Part:

"**PART II**
SHERIFFS WHO ARE NOT OFFICERS OF THE PUBLIC SERVICE

1A. For registration of any document for service or execution upon receipt thereof: **[R11,00]** R12,00

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

(i) within a distance of 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R44,00]** R48,00;

(ii) within a distance of 12 kilometres, but further than 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R52,00]** R57,50;

(iii) within a distance of 20 kilometres, but further than 12 kilometres from the court-house of the district for which the sheriff is appointed: **[R71,00]** R77,00;

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

(i) within a distance of 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R37,50]** R41,50;

(ii) within a distance of 12 kilometres but further than 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R44,00]** R48,00;

(iii) within a distance of 20 kilometres but further than 12 kilometres from the court-house of the district for which the sheriff is appointed: **[R63,00]** R69,00;

(c) (i) Where a document must be served together with a process of the court and is mentioned in such process or is an annexure thereto, no additional fees shall be charged for service of the document, otherwise **[R11,00]** R12,00 may be charged for every separate document served;

(ii) No fees shall be charged for a separate document when process in criminal matters is served;

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

(iv) Where a mandator instructs the sheriff, in writing, to serve or execute a document referred to in item 1B(a) or (2)(a) on an urgent basis or after hours, the sheriff shall charge an additional fee of **[R235,00]** R256,00 for such service irrespective of whether the service or execution was successful, which additional fee shall be paid by the mandator, save where the court orders otherwise;

(v) For the purpose of sub-paragraph (iv)—

(aa) "urgent" means on the same day or within twenty four hours of the written instruction; and

(bb) "after hours" means any time—

(aaa) before 7h00 or after 19h00 on Mondays to Fridays; or

(bbb) on a Saturday, Sunday or public holiday.

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

(i) within a distance of 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R63,00]** R69,00;

(ii) within a distance of 12 kilometres, but further than 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R71,00]** R77,00;

(iii) within a distance of 20 kilometres, but further than 12 kilometres from the court-house of the district for which the sheriff is appointed: **[R88,00]** R96,00;

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

(i) within a distance of 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R52,00]** R57,50;

(ii) within a distance of 12 kilometres, but further than 6 kilometres from the court-house of the district for which the sheriff is appointed: **[R63,00]** R69,00;

(iii) within a distance of 20 kilometres, but further than 12 kilometres from the court-house of the district for which the sheriff is appointed: **[R78,50]** R86,00;

(c) (i) For the ejectment of a defendant from the premises referred to in the warrant of ejectment: **[R37,50]** R41,00 per half hour or part thereof (except extraordinary expenses necessarily incurred)

(ii) A further fee of **[R24,50]** R27,00 shall be paid after execution for every person over and above the person named or referred to in the process of ejectment, in fact ejected from separate premises: Provided that where service on any person other than the judgment debtor, respondent or garnishee is necessary in order to complete the execution, the fee laid down in item 1B*(a)* may be charged in respect of each such service.

(d) for the execution of any writ against immovable property—

(i) for execution, including service of notice of attachment upon the owner of the immovable property and upon the registrar of deeds or other office charged with the registration of such property, and if the property is in occupation of some other person other than the owner, also upon such occupier: **[R208,50]** R227,00;

(ii) for notice of attachment to a single lessee or occupier: **[R19,00]** R21,00;

(iii) identical notices where there are several lessees, occupiers or owners, for each after the first: **[R6,50]** R7,50;

(iv) for making valuation report for purposes of sale, per half hour or part thereof: **[R52,50]** R57,50;

(v) when a sheriff has been authorised to sell property and the property is not sold by reason of the fact that the attachment is withdrawn or stayed, all the necessary notice for the withdrawal or stay of the attachment: **[R208,00]** R227,00; Upliftment of judicial attachment on immovable property: **[R208,00]** R227,00;

(vi) for ascertaining and recording what bonds or other encumbrances are registered against the property, together with the names and addresses of the persons in whose favour such bonds and encumbrances are so registered including any correspondence in connection therewith (in addition to reasonable expenses necessarily incurred): **[R104,50]** R114,00;

(vii) for notifying the execution creditor of such bonds or other encumbrances and of the names and addresses of the persons in whose favour such bonds or other encumbrances are registered: **[R19,00]** R21,00;

(viii) for consideration of proof that a preferent creditor has complied with the requirements of rule 43(5)(a): **[R11,00]** R12,00;
(ix) for notice referred to in rule 43(6): **[R19,00]** R21,00;
(x) for considering of notice of sale prepared by the execution creditor in consultation with the sheriff; and
for verifying that notice of sale has been published in the newspapers indicated and in the *Gazette*, inclusive fee for such consideration and verification: **[R104,50]** R114,00.
(xi) for forwarding a copy of the notice of sale to every judgment creditor who had caused the immovable property to be attached and to every mortgagee thereof whose address is known, for each copy: **[R19,00]** R21,00;
(xii) for affixing a copy of the notice of sale to the notice board of the magistrates' court referred to in rule 43(7)(e) and at or as near as may be to the place where the sale is actually to take place, an inclusive fee of **[R45,00]** R49,00 and travelling costs referred to in item 4(a);
(xiii) for considering the conditions of sale prepared by execution creditor; for considering further or amended conditions of sale submitted by interested party; settling of conditions of sale: **[R104,50]** R114,00 for each attendance;
(xiv) for all necessary attendances prescribed by any law related to auctions, in particular the Consumer Protection Act, 2008 (Act No. 68 of 2008): **[R315,00]** R343,00;
(xv) for the conducting of an auction, save that this fee may not be charged if commission is claimed in terms of items 2(d)(xvi) and (xvii): **[R208,00]** R227,00;
(xvi) On the sale of immovable property by the sheriff as auctioneer, 6 per cent on the first R100 000,00, 3.5 per cent on R100 001,00 to R400 000,00 and 1.5 per cent on the balance of the proceeds of the sale, subject to a maximum commission of R40 000,00, in total, and a minimum of R3 000,00 (inclusive in all instances of the sheriff's bank charges and other expenses incurred in paying the proceeds into his or her trust account), which commission shall be paid by the purchaser;
(xvii) If an auctioneer is employed as provided in rule 43(10), 3 per cent on the first R100 000,00, 2 per cent on R100 001,00 to R400 000,00 and 1 per cent on the balance thereof, subject to a maximum commission of R22 850,00, in total, and a minimum of R3 000,00 (inclusive in all instances of the sheriff's bank charges and other expenses incurred in paying the proceeds into his or her trust account), which commission shall be paid by the purchaser;
(xviii) for written notice to the purchaser who has failed to comply with the conditions of sale: **[R52,50]** R57,00;
(xix)for any report referred to in rule 43(11): **[R52,50]** R57,00;
(xx) for informing judgment debtor of the cancellation referred to in rule 43(11)*(a)*(iii): **[R19,00]** R21,00;
(xxi) for giving notice referred to in rule 43(11)*(c)*: **[R19,00]** R21,00;
(xxii) for giving transfer to the purchaser: **[R25,00]** R27,00;
(xxiii) for receipt of certificate referred to in rule 43(14)*(a)*: **[R19,00]** R21,00;
(xxiv) for preparing a plan of distribution of the proceeds (including necessary copies) and for forwarding a copy to the registrar: **[R104,50]** R114,00;
(xxv) for giving notice to all parties who have lodged writs and to the execution debtor that the plan of distribution will lie for inspection, for every notice: **[R19,00]** R21,00;
(xxvi) for the report referred to in rule 43A(9)*(d)*: **[R52,50]** R57,00.

3. Compilation of any return in terms of rule 8, in duplicate: **[R17,50]** R19,50.

4. *(a)* The Sheriff shall, in addition to the fees mentioned in items 1B*(a)*, 1B*(b)*, 2*(a)* and 2*(b)*, but subject to item 4*(b)* and *(c)*, be allowed a travelling allowance of R6,00 per kilometre, or part thereof, for the shortest possible forward and return journey from the office of the Sheriff to the place of service or execution and back.

(b) The travelling allowance mentioned in items 4*(a)*, 5*(a)* and 5*(c)*(i) shall be calculated on the distance reckoned from the office of the sheriff if—

(i) the sheriff's office is situated within the area of jurisdiction allocated to the sheriff by the Minister; and

(ii) the distance from the sheriff's office is less than the distance reckoned from the court-house closest to the address for service.

(c) If the requirement in item 4*(b)* is not met, then the travelling allowance mentioned in items 4*(a)*, 5*(a)* and 5*(c)*(i) shall be calculated on the distance reckoned from the court-house closest to the address for service.

5. *(a)* In respect of the discharge of any official duty other than those mentioned in items 1 and 2, but subject to item 4*(b)* and *(c)*, a travelling allowance of R6,00 per kilometre for every kilometre, or part thereof, shall be payable to the sheriff for going and returning.

(b) A travelling allowance shall include all the expenses incurred in travelling, including train fares.

(c) A travelling allowance shall be calculated in respect of each separate service, except that—

(i) where more services than one can be done on the same journey, the distance from the sheriff's office to the first place of service may be taken into account only once, and shall be apportioned equally to the respective services, and the distance from the first place of service to the remaining places of service shall similarly be apportioned equally to the remaining services; and

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

(d) When it is necessary for the sheriff to convey any person under arrest, an allowance of R6,00 per kilometre in respect of that portion of his or her journey on which he or she was necessarily accompanied by such person shall be allowed.

6. *(a)* Making an inventory, including the making of all necessary copies and time spent on stock-taking: **[R37,50]** R41,00 per half hour or part thereof.

(b) For assistance, if necessary, with the making of an inventory, **[R37,50]** R41,00 per half hour or part thereof.

7. The perusing, drawing up and completing of a bail bond, deed of suretyship or indemnity bond: **[R11,00]** R12,00 .

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

(a) (i) For each officer necessarily left in possession, a reasonable inclusive amount not exceeding **[R132,00]** R142,00 per day.

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

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

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

9. *(a)* **'possession'** shall mean actual physical possession by a person employed and paid by the sheriff, whose sole work for the time being is to remain on the premises where the goods have been attached, and who, in fact, remains in possession for the period for which possession is charged.
(b) **'cost of removal'** shall mean the amount actually and necessarily disbursed for removal or attempted removal if the goods were removed by a third party or an attempt was made to remove them, if they were removed by the sheriff him- or herself, such amount as would fairly be allowable in the ordinary course of business if the goods were removed by a third party, or an attempt was made to so remove them.
(c) **'cost of storage'** shall mean the amount actually and necessarily paid for storage if the goods were stored with a third person or, if the sheriff provided the storage, such amount as would fairly be allowable in the ordinary course of business if the goods were stored with a third person.

10. *(a)* (i) Where a garnishee order is paid in full or in part, to the sheriff, 9 per cent on the amount paid with a minimum fee of **[R70,50]** R76,50 and a maximum of **[R691,50]** R752,50.
(ii) For the execution of any warrant against movable property—

(aa) when a warrant is paid in full or in part on presentation to the sheriff, 9 per cent on the amount so paid with a minimum fee of **[R70,50]**, R76,50 and a maximum of **[R691,50]** R752,50

(bb) when a warrant is paid in full or in part to the sheriff after attachment but before sale, 9 per cent on the amount so paid with a minimum fee of **[R70,50]** R76,50 and a maximum of **[R691,50]** R752,50;

(cc) when moneys are taken in execution, 9 per cent of the amount so taken, but subject to a maximum of **[R691,50]** R752,50.

(b) Notice of attachment to defendant and to each person to be notified: **[R11,00]** R12,00

11. *(a)* Where property is released from attachment in terms of rule **[41(7)*(f)*(i)]** 41(18)(*a*), or the warrant of execution is withdrawn or stayed, or the judgment debtor's estate is sequestrated after the attachment, but before the sale, 2,3 per cent of the value of the goods attached, subject to a maximum of **[R208,00]** R227,00: Provided that if a sale subsequently takes place in consequence of the said attachment, the amount so paid shall be deducted from the commission payable under item 12.
(b) Commission referred to in item 11*(a)* shall not be chargeable against a judgment debtor on the value of movable property attached and subsequently released pursuant to a claim by a third party, unless notwithstanding a claim by a third party, the removal of such property is done at the express direction of the judgment creditor, in writing, in which event the judgment creditor shall be liable to the sheriff for commission at a rate of 2,3% of the value of the goods and costs.".

12. Where the warrant of execution against movables is completed by sale, 9 per cent for the first R15 000,00 or part thereof, and thereafter 6 per cent, with a maximum of **[R9209,50]** R10018,50.

13. For the insurance of attached property, if deemed necessary, and on written instructions of the judgment creditor to the sheriff, in addition to the premium to be paid, an all-inclusive amount of **[R37,50]** R41,00 .

14. ...

15. When immovable property has been attached in execution and the attachment lapses, as referred to in section 66(4) of the Act: **[R63,00]** R69,00.

16. ...

17. In addition to the fees allowed by items 10 to 13, both inclusive, there shall be allowed—

(a) the sum actually and reasonably paid by the sheriff or the auctioneer for printing, advertising and giving publicity to any sale or intended sale in execution.

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

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

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

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

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

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

an amount of **[R11,00]** R12,00 shall be payable.

22. For the conveyance of any person arrested by the sheriff or committed to his or her custody from the place of custody to the court on a day subsequent to the day of arrest: **[R37,50]** R41,00 per journey and **[R71,00]** R77,00 per hour, or part thereof, for attending at court.

23. For the examination of an indicated newspaper**[s and the *Gazette*]** in which the notice of sale has been published, as referred to in rule **[41(8)*(c)*]** 41(19)(*c*): **[R11,00]** R12,00.

24. ...

25. For affixing a copy of the notice of sale on the notice board or door of the court-house or other public building and at or as near as may be to the place where the said sale is actually to take place referred to in rule **[41(8)*(b)*]** 41(19)(*b*): **[R25,50]** R28,00 and travelling costs, referred to in item 5*(a)*.

26. For **[the drawing up preparing and, issuing, signing of interpleader summons]** interpleaders referred to in Magistrates' Courts Rule 44: **[R104,50]** R209,00.

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

28. For the writing of each necessary letter, facsimile or electronic mail, excluding formal letters accompanying process or returns: **[R19,00]** R21,00.

29. Each necessary attendance by telephone: **[R18,00]** R20,00.

30. Sending and receiving of each necessary facsimile or electronic mail per page (in addition to telephone charges): **[R6,50]** R7,50.

31. ...

32. For the making of all necessary copies of documents: **[R5,00]** R5,50, per A4 size page

33. *(a)* A request to tax an account of a sheriff shall be **[done]** made in writing within **[90]** 20 days after the date on which the account of which the fees are disputed, has been rendered.
(b) For the drawing up of the bill for taxation and attendance of the taxation by the sheriff: **[R71,00]** R77,00.

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

35. *(a)* Drafting of notice to the judgment debtor in terms of section 65A(8)*(b)* of the Act: **[R19,00]** R21,00.
(b) Service of the notice referred to in paragraph *(a)*: Tariff as prescribed in item 1B*(a)*.
(c) Attempted service of the notice referred to in paragraph *(a)*: Tariff as prescribed in item 1B*(b)*.
(d) The tariff, as prescribed in item 4, shall apply to paragraphs *(b)* and *(c)*.

36. *(a)* For the arrest or attempted arrest of a judgment debtor in terms of section 65A(6) of the Act:
(i) The tariff as prescribed in item 2*(a)* or item 2*(b)*, as the case may be.
(ii) The tariff, as prescribed in item 4, shall apply to this item.

(b) For the handing over of the judgment debtor to the South African Police Service, prisoners' friend or clerk of the court or other lawful place of detention:
(i) The tariff, as prescribed in item 2*(a)*.
(ii) Travelling costs from place of arrest to place of handing over to the relevant authority, referred to in paragraph *(b)*, per kilometre or part thereof: R6,00.
(iii) Waiting time in regard to handing over the judgment debtor to the relevant authority, referred to in paragraph *(b)*: **[R37,50]** R41,00, per half hour or part thereof, with a maximum of **[R139,00]** R151,00.".

Commencement

7. These rules and forms come into operation on **08 July 2022**.

27

ANNEXURE

"**No. 2B – Combined Summons**

*** For use in the District Court**

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF.....

HELD AT..... Case No.....of 20.....

In the matter between:

..... Plaintiff

and

..... Defendant

To the sheriff or his/her deputy:

INFORM A.B., of ..... (state residence or place of business and if known, gender, occupation and place of employment) .....(hereinafter called the defendant), that C.D., (state gender and occupation), of ..... (state residence or place of business) ..... (hereinafter called the plaintiff), hereby institutes action against him or her in which action the plaintiff claims the relief and on the grounds set out in the particulars annexed hereto.

INFORM the defendant further that if he or she disputes the claim and wishes to defend the action he or she shall—

(i) within ..... days of the service upon him or her of this summons file with the clerk of this court at..... (set out the physical address and electronic mail address of the clerk of the court) notice of his or her intention to defend and serve a copy thereof on the plaintiff or plaintiff's attorney, which notice shall give an address referred to in rule 13(3) for the service upon the defendant of all notices and documents in the action;

(ii) thereafter, and within 20 days after filing and serving notice of intention to defend as aforesaid, file with the clerk of the court and serve upon the plaintiff or plaintiff's attorney a plea (with or without a counter-claim), or an exception or application to strike out in the manner and within the timeframes provided for in rule 19 **[, exception, notice to strike out, with or without a counter-claim]**.

INFORM the defendant further that if defendant fails to file and serve notice as aforesaid judgment as claimed may be given against him or her without further notice to him or her, or if, having filed and served such notice, defendant fails to plead, except, make application to

strike out or counter-claim, judgment may be given against him or her. And immediately thereafter serve on the defendant a copy of this summons and return the same to the clerk of the court with whatsoever you have done thereupon.

DATED at .....this .....day of .....20.....

.....

Clerk of the Court

* Consent to judgment.

I admit that I am liable to the plaintiff as claimed in this summons (or in the amount of R..... and costs to date) and I consent to judgment accordingly.

Dated at ..... this ..... day of ....., 20.....,

.....

Defendant

WITNESSES:

1. (full names)....., (signature).....

(address).....

2. (full names)....., (signature).....

(address).....

OR

* Notice of intention to defend.

To the Clerk of the Court.

Kindly take notice that the defendant hereby notifies his or her intention to defend this action.

Dated at ..... this ..... day of ....., 20.....,

.....

Defendant/Defendant's attorney

15 km physical address from the court-house for acceptance of service of process or documents

.....

Postal address

.....

Facsimile (fax) number (where available).....

Electronic mail (e-mail) address (where available).....

(Give full address for acceptance of service of process or documents within fifteen kilometres from the court-house and also the postal address.)

* The original notice must be filed with the clerk of the court and a copy thereof served on the plaintiff or plaintiff's attorney.

Costs if the action is undefended will be as follows:

Summons.....R

Judgment.....R

Attorney's charges.....R

Sheriff's fees.....R

Sheriff's fees on re-issue.....R

Total:.....R

ANNEXURE

Particulars of Plaintiff's Claim

.....

Dated at.....this.....day of.....20.....

.....

Plaintiff/Plaintiff's Attorney

Address of Plaintiff/Plaintiff's Attorney

.....

.....

Plaintiff's Advocate (if any)

No. 2B – Combined Summons

*** For use in the Regional Court**

IN THE REGIONAL COURT FOR THE REGIONAL DIVISION OF.....

HELD AT..... Case No.....of 20.....

In the matter between:

.....Plaintiff

and

.....Defendant

To the sheriff or his/her deputy:

INFORM A.B., of ..... (state residence or place of business and if known, gender, occupation and place of employment) .....(hereinafter called the defendant), that C.D. (state gender and occupation), of ..... (residence or place of business) ..... (hereinafter called the plaintiff), hereby institutes action against him or her in which action the plaintiff claims the relief and on the grounds set out in the particulars annexed hereto.

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INFORM the defendant further that if he or she disputes the claim and wishes to defend the action he or she shall—

(i) within ..... days of the service upon him or her of this summons file with the registrar of this court at ..... (set out the physical address and electronic mail address of the registrar of the court) notice of his or her intention to defend and serve a copy thereof on the plaintiff or plaintiff's attorney, which notice shall give an address referred to in rule 13(3) for the service upon the defendant of all notices and documents in the action;

(ii) thereafter, and within 20 days after filing and serving notice of intention to defend as aforesaid, file with the registrar of the court and serve upon the plaintiff or plaintiff's attorney a plea, exception (with or without a counter-claim), or an exception or application to strike out in the manner and within the timeframes provided for in rule 19 **[, exception, notice to strike out, with or without a counter-claim]**.

INFORM the defendant further that if defendant fails to file and serve notice as aforesaid judgment as claimed may be given against him or her without further notice to him or her, or if, having filed and served such notice, defendant fails to plead, except, make application to strike out or counter-claim, judgment may be given against him or her. And immediately thereafter serve on the defendant a copy of this summons and return the same to the registrar of the court with whatsoever you have done thereupon.

DATED at .....this .....day of .....20.....

.....

Registrar

* Consent to judgment.

I admit that I am liable to the plaintiff as claimed in this summons (or in the amount of R..... and costs to date) and I consent to judgment accordingly.

Dated at ..... this ..... day of ....., 20.....,

.....

Defendant

WITNESSES:

1. (full names)....., (signature).....

(address).....

2. (full names)....., (signature).....

(address).....

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OR

* Notice of intention to defend.

To the Registrar.

Kindly take notice that the defendant hereby notifies his or her intention to defend this action.

Dated at ..... this ..... day of ....., 20.....,

.....

Defendant/Defendant's attorney

15 km physical address from the court-house for acceptance of service of process or documents

.....

Postal address

.....

Facsimile (fax) number (where available).....

Electronic mail (e-mail) address (where available).....

(Give full address for acceptance of service of process or documents within fifteen kilometres from the court-house and also the postal address.)

* The original notice must be filed with the registrar of the court and a copy thereof served on the plaintiff or plaintiff's attorney.

Costs if the action is undefended will be as follows:

Summons.....R

Judgment.....R

Attorney's charges.....R

Sheriff's fees.....R

Sheriff's fees on re-issue.....R

Total:.....R

ANNEXURE

Particulars of Plaintiff's Claim

.....

Dated at ..... this .....day of.....20.....

.....

Plaintiff/Plaintiff's Attorney

Address of Plaintiff/Plaintiff's Attorney

.....

.....

Plaintiff's Advocate (if any)

No. 2C – COMBINED SUMMONS (DIVORCE MATTERS)

*** For use only in the Regional Court**

IN THE REGIONAL COURT FOR THE REGIONAL DIVISION OF _____

HELD AT_____ CASE NUMBER:_____

IN THE MATTER BETWEEN:—

_____PLAINTIFF

Identity Number:

AND

_____DEFENDANT

Identity Number:

TO THE SHERIFF OR HIS/HER DEPUTY: _____

INFORM (Full names of the Defendant): _____

A MAJOR MALE/FEMALE BY OCCUPATION: _____

OF (Address):

_____

(Hereinafter referred to as the defendant),

THAT (full names of the Plaintiff): _____

A MAJOR MALE/FEMALE BY OCCUPATION: _____

OF (Address):

_____

(Hereinafter referred to as the Plaintiff),

HEREBY institutes action against him/her in which action the Plaintiff claims the relief on the grounds set out in the particulars of claim attached hereto;

INFORM the defendant further that if defendant disputes the claim and wishes to defend the action he/she shall within 10 (Ten) days of the service upon him or her of this summons file with the registrar of this court at _____ (here set out the physical address and electronic mail address of the assistant registrar's office) notice of his/her intention to defend and serve a copy thereof on the plaintiff or plaintiff's attorney, which notice shall give an address referred to in rule 13(3) for the service upon the defendant of all notices and documents in the action;

thereafter, and within 20 (Twenty) days after filing and serving notice of intention to defend as aforesaid, file with the assistant registrar and serve upon the plaintiff or plaintiff's attorney a plea (with or without a counter-claim), or an exception or application to strike out in the manner

and within the timeframes provided for in rule 19 **[, exception, notice to strike out, with or without a counter-claim]**.

INFORM the defendant further that if he/she fails to file and serve notice as aforesaid, judgment as claimed may be given against him/her without further notice to him/her, or if, having filed and served such notice, he/she fails to plead, except or to counterclaim, judgment may be given against him/her.

INFORM the defendant also that if he/she does not intend to defend the action, he/she may give written notice to that effect to the plaintiff and the registrar and the action may then, at the written request of the plaintiff, be forthwith set down by the registrar for hearing without further notice to defendant.

And immediately thereafter serve on the defendant a copy of this summons and return the same to the registrar or assistant registrar with whatsoever you have done thereupon.

DATED AT _____ ON THIS _____ DAY OF _____ 20_____

_____

REGISTRAR/ASSISTANT REGISTRAR
REGIONAL COURT
REGIONAL DIVISION OF _____

_____

PLAINTIFF/PLAINTIFF'S ATTORNEY
Address

_____

_____

Postal address

_____

_____

Facsimile (fax) number (where available)

.....

Electronic mail (e-mail) address (where available)

.....

(Give full address for acceptance of service of process or documents within 15 kilometres from the court-house and also the postal address.)

The plaintiff is prepared to accept all subsequent documents and notices at the electronic mail address stated herein.**

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(1) Notice of intention not to Defend

To the Registrar

Kindly take notice that the defendant hereby gives notice that he/she does not intend to defend the action.

Dated at..... this ..... day of ..... 20 .....,

_____

Defendant/Defendant's attorney

OR

(2) Notice of intention to Defend*

To the Registrar

Kindly take notice that the defendant hereby notifies his or her intention to defend this action.

Dated at ..... this ..... day of ....., 20 .....,

.....

Defendant/Defendant's attorney

Address

.....

Postal address

.....

Facsimile (fax) number (where available)

.....

Electronic mail (e-mail) address (where available)

.....

(Give full address for acceptance of service of process or documents within 15 kilometres from the court-house and also the postal address.)

Costs if the action is undefended will be as follows:

Summons.....	R
Judgment.....	R
Attorney's charges.....	R
Sheriff's fees.....	R
Sheriff's fees on re-issue.....	R
Total:	R

*The original notice must be filed with the registrar and a copy thereof served on the plaintiff or plaintiff's attorney.

** Delete if not applicable"

DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

NO. R. 2434 **2 September 2022**

WET OP DIE REËLSRAAD VIR GEREGSHOWE, 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 Geregshowe het kragtens artikel 6 van die Wet op die Reëlsraad vir Geregshowe, 1985 (Wet No. 107 van 1985), en met die goedkeuring van die Minister vir Justisie en Korrektiewe Dienste, die reëls in die Bylae gemaak.

BYLAE

ALGEMENE VERDUIDELIKENDE NOTA:

[ ] Woorde of uitdrukkings in vetdruk in vierkantige hakies dui op weglatings uit 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 voer van die verrigtinge van die Landdroshowe van Suid-Afrika gereël word, afgekondig in Goewermentskennisgewing No. R. 740 van 23 Augustus 2010, soos gewysig deur Goewermentskennisgewing No's. R. 1222 van 24 Desember 2010, R. 611 van 29 Julie 2011, R. 1085 van 30 Desember 2011, R. 685 van 31 Augustus 2012, R. 115 van 15 Februarie 2013, R. 263 van 12 April 2013, R. 760 van 11 Oktober 2013, R. 183 van 18 Maart 2014, R. 215 van 28 Maart 2014 en R. 507 van 27 Junie 2014, R. 5 van 9 Januarie 2015, R. 32 van 23 Januarie 2015, R. 33 van 23 Januarie 2015, R. 318 van 17 April 2015, R. 545 van 30 Junie 2015, R. 2 van 19 Februarie 2016, R. 1055 van 29 September 2017, R. 1272 van 17 November 2017, R. 632 van 22 Junie 2018, R. 1318 van 30 November 2018, R. 842 van 31 Mei 2019, R. 1343 van 18 Oktober 2019., R. 107

van 7 Februarie 2020, R. 858 van 7 Augustus 2020, R.1156 van 30 Oktober 2020 en R. 1602 van 17 Desember 2021.

Wysiging van reël 5 van die Reëls

2. Reël 5 van die Reëls word hierby gewysig deur subreël (1) deur die volgende subreël te vervang:

"(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 aflewer: Met dien verstande dat 'n uitsondering of aansoek om deurhaling op die wyse en binne die tydsbestekke waarvoor in reël 19 voorsiening gemaak word, moet geskied.".

Wysiging van reël 43 van die Reëls

3. Reël 43 van die Reëls word hierby in Afrikaans vertaal, met die wysigings ingesluit:

43. Eksekusie teen onroerende goed

(1) *(a)* Behoudens die bepalings van reël 43A, word geen lasbrief vir eksekusie teen die onroerende goed van enige vonnisskuldenaar uitgeneem nie tensy—

(i) relaas gemaak is teen enige lasbrief uitgereik teen die roerende goed van die vonnisskuldenaar en waaruit dit voorkom dat sodanige persoon onvoldoende roerende goed besit om die lasbrief na te kom; of

(ii) sodanige onroerende goed spesiaal as vatbaar vir eksekusie deur die hof verklaar is, met inbegrip van die transportaktenommer, die erfnommer of deeltiteleenheidnommer en area van uitsluitlike gebruik, om die registrateur van aktes in staat te stel om die onroerende goed te identifiseer en die beslaglegging aan te teken as 'n interdik teen die onroerende goed.

(b) 'n Lasbrief vir eksekusie teen onroerende goed—

(i) moet 'n volledige beskrywing bevat van die aard, landdrosdistrikte en fisieke adres van die goed om die balju in staat te stel om dit op te spoor en te identifiseer; en

(ii) moet voldoende inligting bevat om die balju in staat te stel om aan subreël (3) uitvoering te gee.

(2) Beslaglegging op die onroerende goed moet uitgevoer word deur 'n balju van die distrik waarin die goed geleë is, kragtens 'n lasbrief wesenlik bewoord soos Vorm 32 van Aanhangsel 1.

(3) *(a)* Kennisgewing van die beslagleggings, wesenlik bewoord soos Vorm 33 van Aanhegsel 1, moet deur die balju aan die eienaar van die goed en aan die registrateur van aktes of ander beamptes belas met die registrasie van sodanige goed beteken word, en indien die goed deur iemand anders as die eienaar geokkupeer word, ook aan sodanige okkupant.

(b) Enige kennisgewing in paragraaf *(a)* bedoel, moet—

(i) die aandag op die bepalings van subreël (8)*(a)*(iii) vestig; en

(ii) beteken word behoudens reël 9, behalwe dat betekening aan die registrateur van aktes of ander beampte belas met die registrasie van onroerende goed uitgevoer kan word deur die balju deur middel van 'n geregistreerde brief, behoorlik vooruitbetaal en gepos, geadresseer aan die beampte aan wie beoog word om dit te beteken.

(4) *(a)* By die uitvoer van die beslaglegging, kan die balju geboue of strukture op die onroerende goed betree ten einde vas te stel watter verbeteringe aan die onroerende goed aangebring is, asook die toestand van sodanige verbeteringe: Met dien verstande dat waar die balju na redelike pogings nie toegang tot die onroerende goed of tot enige gebou of struktuur kan kry nie omdat die goed, gebou of struktuur gesluit is, kan die balju 'n slotmaker gebruik om toegang te verkry.

(b) Na beslaglegging, vind enige verkoping in eksekusie plaas in die distrik waar die inbeslaggenome onroerende goed geleë is, en moet waargeneem word deur die balju van die distrik wat eerste op die goed beslag gelê het: Met dien verstande dat die balju in die eerste instansie en behoudens paragraaf *(d)* van subreël (8), by aanvoering van goeie redes die verkoping elders en deur 'n ander balju kan magtig.

(c) By ontvangs van skriftelike opdragte van die vonnisskuldeiser om met die verkoping voort te gaan, moet die balju vasstel en aanteken watter verbande of ander beswarings teen die inbeslaggenome onroerende eiendom geregistreer is, asook die name en adresse van die persone in wie se guns dit geregistreer is en die vonnisskuldeiser dienooreenkomstig in kennis stel.

(5) Behoudens reël 43A en enige bevel deur die hof gegee, word onroerende goed wat onderworpe is aan 'n eis wat voorkeur geniet bo dié van die vonnisskuldeiser nie ter eksekusie verkoop nie tensy—

(a) die vonnisskuldeiser kennisgewing van die voorgenome verkoping, wat wesenlik dieselfde bewoord is as Vorm 34 van aanhangsel 1, aan—

(i) preferente krediteure persoonlik;

(ii) die plaaslike owerheid, indien die eiendom belas is; en

(iii) die regspersoon, as die eiendom 'n deeltiteleenheid is,

laat beteken het waarby 'n beroep op die bogenoemde entiteite gedoen word om binne 10 dae na 'n bepaalde datum 'n redelike reserweprys vas te stel of skriftelik toe te stem tot 'n verkoping sonder reserwe; en aan die balju bewys gelewer het dat daardie entiteite aldus vasgestel of toegestem het, of

(b) die balju oortuig is dat, behoudens die bepalings van artikel 66(2)*(b)* van die Wet, dit onmoontlik is om enige preferente skuldeiser ingevolge hierdie reël van die voorgenome verkoping kennis te gee of so 'n skuldeiser, nadat kennis aan om of haar gegee is, versuim of nagelaat het om 'n reserweprys vas te stel of skriftelik toe te stem tot 'n verkoping sonder reserwe soos in paragraaf *(a)* bedoel in dieselfde tyd wat in daardie kennisgewing gestel is.

(6) Die balju kan by kennisgewing aan enige persoon beteken, vereis dat sodanige persoon alle dokumente in sodanige persoon se besit of beheer betreffende die skuldenaar se titel in daardie goed, onverwyld aan die balju verstrek.

(7) *(a)* Die balju wat die verkoping hou bepaal 'n dag en plek vir die verkoping van die inbeslaggenome onroerende eiendom, maar behalwe met spesiale verlof van 'n landdros, nie minder as 45 dae na betekening van die kennisgewing van beslaglegging nie en stel onverwyld al die ander balju's wat in die distrik aangestel is van die dag en die plek in kennis.

(b) (i) Die vonnisskuldeiser moet in oorleg met die balju 'n kennisgewing van verkoping opstel wat 'n kort beskrywing van die inbeslaggenome onroerende goed bevat, die verbeterings daaraan gedoen, die landdrosdistrik en fisieke adres daarvan, die tyd en plek van die verkoping en die feit dat die voorwaardes by die kantoor van die balju wat die verkoping hou, ingesien kan word.

(ii) Die vonnisskuldeiser moet soveel eksemplare van die kennisgewing van verkoping soos die balju vereis, aan die balju verskaf.

(c) Die vonnisskuldeiser moet—

(i) die kennisgewing een keer in 'n koerant plaas wat daagliks of weekliks sirkuleer in die distrik waar die inbeslaggenome onroerende goed geleë is en in die *Staatskoerant* minstens vyf dae en hoogstens 15 dae voor die datum van die verkoping; en

(ii) aan die balju wat die verkoping hou een bevredigende fotokopie van elk van die kennisgewings wat onderskeidelik in die koerant en die Staatskoerant verskyn het, per hand, of per faksimilee of elektroniese pos verskaf.

(d) Minstens 10 dae voor die datum van die verkoping moet die balju wat die verkoping hou 'n eksemplaar van die kennisgewing van verkoping in paragraaf *(b)* bedoel, stuur aan elke vonnisskuldeiser wat op die onroerende goed beslag laat lê het en aan elke verbandhouer wie se adres bekend is en moet tegelyk daarmee 'n afskrif van die kennisgewing van verkoping aan al die ander balju's aangestel in daardie distrik stuur.

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

(i) een eksemplaar van die kennisgewing op die kennisgewingbord van die landdroshof van die distrik waarin die inbeslaggenome onroerende goed geleë is, aanbring, of as die goed geleë is in die distrik waar die hof waar die lasbrief uitgereik is, geleë is, dan op die kennisgewingbord van daardie hof; en

(ii) een eksemplaar op of so na moontlik aan die plek waar die verkoping werklik sal plaasvind, aanbring.

(8) *(a)* (i) Die vonnisskuldeiser moet minstens 35 dae voor die datum van die verkoping die verkoopsvoorwaardes opstel, wesenlik bewoord soos Vorm 33A in die Aanhangsel 1, waarop die inbeslaggenome eiendom verkoop moet word en dit aan die balju wat die verkoping hou vir die doeleindes van vasstelling voorlê.

(ii) Benewens enige ander terme, sluit die verkoopsvoorwaardes enige voorwaardes deur die hof beveel, in.

(iii) Enige belanghebbende party kan, minstens 25 dae voor die datum van die verkoping, verdere of gewysigde verkoopsvoorwaardes skriftelik aan die balju voorlê.

(iv) Die balju moet, minstens 20 dae voor die datum van die verkoping, die verkoopsvoorwaardes vasstel.

(v) Die uitwinningsverkoping en die verkoopsvoorwaardes moet voldoen aan die bepalings van enige wet wat verband hou met veilings, in die besonder die 'Consumer Protection Act, 2008' (Wet No. 68 van 2008), en die Regulasies daarkragtens uitgevaardig.

(b) (i) Die vonnisskuldeiser moet daarna aan genoemde balju drie eksemplare van die verkoopsvoorwaardes gee, waarvan een in die kantoor van die balju ter insae van belanghebbende partye moet lê vir 15 dae voor die datum van die verkoping.

(ii) Die balju wat die verkoping hou, moet onverwyld 'n afskrif van die verkoopsvoorwaardes verskaf aan alle ander balju's wat in die distrik aangestel is.

(c) Die balju moet, minstens 15 dae voor die datum van die verkoping, een eksemplaar van die verkoopsvoorwaardes aan die vonnisskuldenaar beteken.

(d) Minstens 10 dae voor die datum van die verkoping kan enige belanghebbende party, behoudens reël 43A en enige bevel deur die hof kragtens die bepalings daarvan gegee en met 24-uurkennisgewing aan alle bekende geraakte partye by die landdros van die distrik waarin die inbeslaggenome onroerende goed verkoop sal word, daarom aansoek doen en die landdros kan daarop 'n bevel gee, insluitend 'n gepaste bevel betreffende koste.

(9) Die vonnisskuldeiser moet 'n aktebesorger aanstel om die transport van die inbeslaggenome onroerende eiendom te doen wanneer dit in eksekusie verkoop is: Met dien verstande dat die balju die reg het om 'n nuwe aktebesorger aan te stel sou die aktebesorger deur die vonnisskuldeiser aangestel nie betyds of bevredigend met die transport voortgang maak nie.

(10) *(a)* Onroerende goed waarop vir eksekusie beslag gelê is, moet deur die balju of 'n private afslaer wat ingevolge paragraaf *(b)* aangestel is, op 'n openbare veiling verkoop word.

(b) Die vonnisskuldeiser of enige persoon met 'n belang in die behoorlike verwesenliking van die inbeslaggenome onroerende goed kan, by kennisgewing aan die balju binne 15 na beslaglegging, maar behoudens die bepalings wat hierop volg, vereis dat sodanige goed deur 'n afslaer verkoop word in die gewone loop van sake en kan in sodanige kennisgewing die afslaer wat gebruik moet word, benoem.

(c) (i) Waar 'n kennisgewing ingevolge paragraaf *(b)* gegee word deur enige persoon behalwe die vonnisskuldeiser, moet sodanige kennis vergesel gaan van die deposito van 'n bedrag voldoende om die bykomende uitgawe van verkoping deur afslaer in die gewone loop van sake, te dek, en by gebrek van sodanige deposito sal sodanige kennisgewing van nul en gener waarde wees.

(ii) 'n Kennisgewing ingevolge paragraaf *(b)* verstryk indien die dienste van 'n afslaer nie verkry kan word nie.

(iii) Indien daar surplus opbrengs van die verkoping van die onroerende goed is nadat aan die eis van die vonnisskuldeiser voldoen is en alle lasbriewe vir eksekusie wat by die balju ingedien is op of voor die dag net voor die datum van die verkoping en alle koste gedek is, moet die deposito aan die deponeerder terugbetaal word: Met dien verstande dat indien daar geen surplus is nie, die deposito vir sover nodig mag wees, gebruik word om die afslaer se gelde en uitgawes te betaal.

(d) Indien twee of meer kennisgewings ingevolge paragraaf *(b)* gegee word, geniet die eerste voorkeur.

(11) *(a)* (i) As die koper versuim om enige verpligtinge deur die koper verskuldig ingevolge die verkoopsvoorwaardes na te kom, kan die koop summier deur 'n regter op grond van 'n verslag van die balju wat die verkoping hou en na behoorlike kennisgewing aan die koper, gekanselleer word en die inbeslaggenome onroerende goed kan weer te koop aangebied word.

(ii) Die verslag moet vergesel gaan van 'n kennisgewing wat wesenlik bewoord is soos vorm 33B van Aanhangsel 1.

(iii) Indien die verkoping gekanselleer word, moet die balju die vonnisskuldenaar van die kansellasie verwittig.

(b) Enige verliese gely vanweë die koper se versuim kan op aansoek van 'n benadeelde skuldeiser in paragraaf (14)*(c)* bedoel, van die koper verhaal word kragtens vonnis van 'n regter wat op grond van 'n skriftelike verslag van genoemde balju gegee word nadat die koper skriftelik in kennis gestel is dat die verslag vir die genoemde doel voor 'n regter gelê sal word.

(c) As die koper reeds in besit van die onroerende goed is, kan genoemde balju met kennisgewing aan geraakte persone by 'n regter 'n uitsettingsbevel kry teen die koper of teen iemand wat voorgee die goed deur die koper te okkupeer of die goed andersins okkupeer.

(12) Behoudens die bepalings van reël 43A en subreël (5) hiervan—

(a) geskied die verkoping op die voorwaardes ingevolge subreël (8) bepaal; en

(b) word die onroerende goed aan die hoogste bieër verkoop.

(13) *(a)* Alle gelde ten opsigte van die koopprys van die onroerende eiendom in uitwinning verkoop, word aan die balju betaal en die balju hou daardie gelde in die balju se trustrekening totdat transport aan die koper gegee is.

(b) Die balju wat die verkoping hou gee transport aan die koper teen betaling van die koopsom en vervulling van die verkoopsvoorwaardes. Hy kan vir daardie doel al die nodige doen en enigiets aldus deur hom of haar gedaan is ewe geldig asof hy of sy die eienaar was.

(c) Geen bedrag van die koopgeld word uitbetaal totdat aan die bepalings van subreël (14) voldoen is nie.

(14) *(a)* Na die afsluiting van die verkoping, maar voor voorbereiding deur die balju van 'n distribusieplan, moet die vonnisskuldeiser of sy of haar prokureur die balju voorsien van 'n sertifikaat van alle geld deur die vonnisskuldenaar of sy of haar prokureur betaal na die uitreiking van die lasbrief vir eksekusie.

(b) (i) Binne 10 dae na die registrasiedatum van die transport, moet die balju 'n distribusieplan van die opbrengs voorberei hê in rangorde van voorkeur, en moet 'n eksemplaar van daardie plan aan die griffier en aan al die ander balju's in daardie distrik aangestel, stuur.

(ii) Onmiddellik daarna moet die genoemde balju kennis gee aan alle partye wat lasbriewe ingedien het en aan die vonnisskuldenaar dat die distribusieplan vir insae by sy of haar kantoor en die kantoor van die griffier sal lê vir 15 dae vanaf 'n genoemde datum en tensy sodanige partye hul instemming tot die plan skriftelik aandui, sal daardie plan aldus vir insae lê.

(c) Na aftrekking van uitwinningskoste word die opbrengs in die volgende rangorde van voorkeur verdeel:

(i) Eise van preferente skuldeisers in die volgorde van hul geregtelike voorkeur; en daarna

(ii) Eise van ander skuldeisers wie se lasbriewe by die balju ingedien is, in die rangorde van voorkeur soos vasgelê in artikels 96, en 98A tot en met 103 van die Insolvensiewet, 1936 (Wet No. 24 van 1936).

(d) 'n Belanghebbende persoon wat teen so 'n plan beswaar het—

(i) moet voor die verstryking van die tydperk in paragraaf *(b)*(ii) bedoel, skriftelik aan die balju en alle ander belanghebbende persone skriftelik kennis gee van die besonderhede van die beswaar; en

(ii) binne 10 dae na die verstryking van die tydperk in paragraaf *(b)*(ii) bedoel, sodanige beswaar voor 'n landdros bring vir hersiening met 10 dae kennisgewing aan die balju en die genoemde persone.

(e) Die landdros wat die hersiening doen, moet die geskilpunt aanhoor en beslis en hy kan die distribusieplan wysig of bekragtig of na goeddunke 'n bevel gee, ook betreffende koste.

(f) Indien—

(i) geen beswaar teen so 'n plan ingedien word nie; of

(ii) die belanghebbende partye te kenne gee dat hulle daarmee saamstem; of

(iii) die plan by hersiening bekragtig of gewysig word,

moet die balju na voorlegging van 'n sertifikaat van die aktebesorger dat transport aan die koper gegee is, uitbetaal ooreenkomstig die distribusieplan.

(15) Nóg 'n balju nóg iemand namens die balju koop by enige verkoping in eksekusie hetsy vir sigself of vir enige ander persoon enige onroerende goed wat te koop aangebied word.

Wysiging van reël 67 van die Reëls

4. Reël 67 van die Reëls word hierby in Afrikaans vertaal, met die jongste wysigings ingesluit:

67. Strafappèlle

(1) *(a)* 'n Appellant, anders as 'n persoon wat mondeling aansoek doen om toestemming om te appelleer onmiddellik nadat die vonnis of bevel gegee is soos in artikel 309B(3)*(b)* van die Strafproseswet, 1977, bedoel, wat om toestemming om te appelleer wil aansoek doen ingevolge artikel 309B(1) van daardie Wet, moet dit skriftelik doen by die griffier of klerk van die hof en moet ook 'n afskrif van die aansoek stuur aan die betrokke direkteur van openbare vervolging, of, in 'n geval waar die vervolging nie van staatsweë was nie, aan die betrokke aanklaer.

(b) 'n Appellant wat om kondonering wil aansoek doen soos in artikel 309B(1)*(b)*(ii) van die Strafproseswet, 1977, bedoel, of 'n appellant wat wil aansoek doen om toestemming om verdere getuienis aan te bied soos in artikel 309B(5)*(a)* van daardie Wet bedoel, moet dit skriftelik by die griffier of klerk van die hof doen en moet ook 'n afskrif van die aansoek na die direkteur van openbare vervolgings stuur, of, in 'n geval waar die vervolging nie van Staatsweë, aan die betrokke aanklaer.

(2) *(a)* Waar 'n aansoek om verlof tot appèl skriftelik gedoen word, moet kennis ingevolge artikel 309B(2)*(b)* van die Strafproseswet deur die griffier of klerk van die hof gegee word ten minste 10 dae voor die datum wat vir die aanhoor van die versoek om verlof om te appelleer vasgestel is, tensy die appellant of sy of haar regsverteenwoordiger en die direkteur van openbare vervolgings of enige persoon deur hom of haar in 'n saak aangewys waarvan die vervolging nie van Staatsweë is nie, die ander betrokke aanklaer op 'n korter tydperk ooreengekom het, en moet wesenlik dieselfde bewoord wees as Vorm 57 van Aanhangsel 1.

(b) Die kennisgewing in paragraaf *(a)* bedoel—

(i) moet aan die appellant of sy of haar regsverteenwoordiger en die direkteur van openbare vervolgings of 'n persoon deur hom of haar aangewys of ander betrokke aanklaer oorhandig word en bewys van ontvangs van sodanige kennisgewing moet op 'n afskrif van die kennisgewing aangedui word, wat deur die griffier of klerk van die hof gehou moet word.; of

(ii) moet per elektroniese middele gestuur word en indien dit nie moontlik is nie, per geregistreerde pos.

(3) *(a)* 'n Regsverteenwoordiger wat namens 'n appellant verskyn, moet gelyktydig met die indiening van die aansoek om verlof om te appelleer, 'n volmag indien waarin hy of sy gemagtig word om namens die appellant op te tree, of as 'n regsverteenwoordiger in diens geneem word nadat 'n aansoek om verlof om te appelleer ingedien is, na sodanige aanstelling.

(b) 'n Appellant moet in die aansoek om verlof om te appelleer in subreël (1) bedoel, 'n posadres verstrek waar enige kennisgewing per geregistreerde pos aan hom of haar beteken kan word as hy of sy nie regsverteenwoordiging het nie of as hy of sy nie langer regsverteenwoordiging het nie.

(4) Indien die appellant weens ongeletterdheid of fisieke gebrek, nie 'n aansoek om verlof om te appelleer of kennisgewing van appèl kan uitskryf nie, moet die klerk van die hof dit op sy of haar versoek doen.

(5) Wanneer 'n aansoek om verlof tot appèl goedgekeur word, moet die griffier of klerk van die hof 'n afskrif van die oorkonde van die saak voorberei, insluitend 'n transkripsie daarvan indien dit opgeneem is ooreenkomstig die bepalings van reël 66(1), en sodanige afskrif voor die regterlike beampte plaas wat binne 15 dae daarna 'n verklaring aan die griffier of klerk van die hof moet verstrek waarin—

(a) die feite wat hy of sy bevind dit bewys te wees;

(b) sy of haar redes vir enige feitebevinding wat in die appellant se verklaring van gronde vir appèl gespesifiseer is; en

(c) sy of haar redes vir enige bevinding oor enige regsvraag of oor die toelating of verwerping van getuienis aldus gespesifiseer as teen geappelleer,

uiteengesit word.

(5A) *(a)* (i) 'n Persoon in die eerste bepaling van artikel 309(1)*(a)* van die Strafproseswet, 1977, beoog, wat teen sy of haar skuldigbevinding of vonnis of bevel wil appelleer, moet dit skriftelik doen aan die griffier of klerk van die hof binne 10 dae sedert die oplegging van die vonnis of bevel na die skuldigbevinding en moet ook 'n eksemplaar van sodanige kennisgewing van appèl aan die betrokke direkteur van openbare vervolgings of in 'n saak waarin die vervolging van Staatsweë is, aan die betrokke aanklaer, beteken.

(ii) Indien die appèl om enige rede van die rol deurgehaal of verwyder word, sal die appèl weer op die rol geplaas word binne 10 dae sedert die datum van sodanige deurhaling of verwydering, versuim om daaraan te voldoen sal lei tot die verstryking van die appèl.

(b) Die kennisgewing van appèl in paragraaf *(a)* beoog, moet die gronde waarop sodanige persoon wil appèl aanteken, duidelik en spesifiek uiteensit.

(c) Die bepalings van subreëls (3) tot (8) en (14) en (15) is verder van toepassing met enige veranderinge deur die samehang vereis.

(6) Die griffier of klerk van die hof moet by ontvangs van die regterlike beampte se verklaring in subreël (5) beoog, die appellant onverwyld inlig dat die verklaring verstrek is.

(7) Binne 15 dae nadat die appellant ingevolge subreël (6) ingelig is, kan hy of sy by kennisgewing aan die griffier of klerk van die hof, sy of haar verklaring van gronde van appèl by kennisgewing aan die griffier of klerk van die hof wysig en die regterlike beampte kan, na sy of haar goeddunke, binne 10 dae daarna, 'n verdere of gewysigde verklaring van sy of haar feitebevindings en redes vir uitspraak aan die griffier of klerk van die hof verstrek.

(8) Wanneer 'n appèl aangeteken word in 'n saak waarin die vervolging nie van Staatsweë, moet enige gewysigde verklaring waarvoor in subreël (7) voorsiening gemaak word, deur die appellant ook aan die aanklaer beteken word.

(9) 'n Direkteur van openbare vervolgings of ander aanklaer wat kragtens artikel 310 van die Strafproseswet, 1977, wil appèl aanteken teen die afwys van 'n dagvaarding of aanklag moet, binne 20 dae na sodanige afwysing, 'n kennis van appèl aflewer.

(10) By die aantekening van 'n appèl soos in subreël (9) bepaal, moet die griffier of klerk van die hof 'n afskrif van die oorkonde van die saak, met inbegrip van 'n transkripsie daarvan as dit ooreenkomstig die bepalings van reël 66(1) aangeteken is, en dan die rekord voor die regsbeampte plaas wat binne 15 dae daarna 'n skriftelike verklaring van sy of haar redes vir die afwys van die dagvaarding of aanklag, aan die griffier of klerk van die hof moet verstrek.

(11) 'n Direkteur van openbare vervolgings of ander aanklaer wat 'n appèl kragtens artikel 310 van die Strafproseswet, 1977, oorweeg, moet binne 20 dae na die afhandeling van die strafverrigtinge, 'n skriftelike versoek aan die regterlike beampte rig om 'n saak te stel.

(12) *(a)* By ontvangs van die versoek in subreël (11) bedoel, moet die griffier of klerk van die hof 'n afskrif van die oorkonde van die saak voorberei, met inbegrip van 'n transkripsie daarvan indien dit ooreenkomstig die bepalings van reël 66(1) opgeneem is, en dan die oorkonde voor die regterlike beampte plaas wat binne 15 dae daarna 'n gestelde saak aan die griffier of klerk van die hof moet voorlê, wat 'n afskrif daarvan aan die direkteur van openbare vervolgings, of ander aanklaer, na gelang van die geval, sal oordra.

(b) Die gestelde saak in paragraaf *(a)* beoog, moet in paragrawe verdeel wees en opeenvolgend genommer is en wat in die volgende volgorde georden wees:

(i) Die regterlike beampte se feitebevindings vir sover dit wesentlik is tot die regsvrae waarop 'n beslissing ten gunste van die appellant gegee is;

(ii) regsvrae; en

(iii) die regterlike beampte se besluit oor sodanige vrae en sy of haar redes daarvoor.

(13) Die direkteur van openbare vervolgings of ander aanklaer kan, binne 15 dae na ontvangs deur hom of haar van die gestelde saak, kennis van appèl teen die beslissing oor die regsvrae, aflewer.

(14) Elke kennisgewing van appèl, verklarings van gronde vir appèl, regterlike beampte se verklaring en gestelde saak wat in die rekord ingedien is of aan die griffier of klerk van die hof verstrek is kragtens hierdie reël, word deel van die oorkonde.

(15) *(a)* Die griffier of klerk van die hof moet binne 10 dae na ontvangs deur hom of haar van die verklaring in subreël (7) of (10) bedoel of van die kennisgewing van appèl afgelewer ingevolge subreël (13), na gelang van die geval, aan die griffier van die appèlhof

die oorkonde van die strafverrigtinge of die gemelde saak, saam met drie eksemplare daarvan, oordra.

(b) Wanneer die vervolging van staatsweë is, moet hy of sy ook een sodanige eksemplaar aan die direkteur van openbare vervolgings oordra: Met dien verstande dat indien die appellant nie sy of haar verklaring of gronde vir appèl soos in subreël (7) bedoel, gewysig het nie, moet die griffier of klerk van die hof ook die oorkonde sonder oponthoud oordra nadat die tydperk wat vir 'n wysiging van verklaring van gronde vir appèl toegelaat word, verstryk het.

Wysiging van Aanhangsel 1 tot die Reëls

5. Vorms 2B en 2C van Aanhangsel 1 tot die Reëls is in die Aanhangsel hierby in Afrikaans vertaal, met die jongste wysigings ingesluit.

6. Wysiging van Aanhangsel 2 tot die reëls

Aanhangsel 2 tot die reëls word hierby gewysig—
(a) deur Tabelle A en C onderskeidelik deur die volgende Tabelle te vervang:

"TABEL A
KOSTE

DEEL I
ALGEMENE BEPALINGS

1. Wanneer die bedrag in geskil minder as of gelyk aan R7 000 is, word koste op Skaal A getakseer, wanneer die bedrag in geskil meer as R7 000 is, maar minder of gelyk aan R50 000, word koste op Skaal B getakseer; wanneer die bedrag in geskil R50 000 oorskry, maar minder as of gelyk is aan die maksimum jurisdiksiebedrag van tyd tot tyd deur die Minister ten opsigte van landdroshowe vir distrikte vasgestel, word koste op Skaal C getakseer; wanneer die bedrag in geskil die maksimum jurisdiksiebedrag aldus deur die Minister bepaal ten opsigte van landdroshowe vir distrikte oorskry en die prosesstuk word uit 'n landdroshof vir 'n streeksafdeling uitgereik of wanneer die aangeleentheid handel oor 'n skuldoorsaak ingevolge artikel 29(1B)*(a)* van die Wet, word die koste op Skaal D getakseer.

2. *(a)* Vir die doeleindes van berekening van koste, beteken die uitdrukking 'bedrag in geskil', waar koste aan die eiser toegeken word, die bedrag of waarde van die vonnis en 'bedrag of waarde van die vonnis' beteken, waar meer as een eis in die aksie betrokke is, die totaal van die bedrae in die vonnis betrokke. Waar koste aan die verweerder toegestaan word, beteken die uitdrukking 'bedrag in geskil', waar meer as een eis in die aksie betrokke is, die totaal van die bedrae van al die eise. Die bedrag of waarde van die vonnis of eis sluit rente in

maar sluit koste uit. Indien 'n aangeleentheid te eniger tyd geskik word, word koste getakseer op die skaal in die skikking voorgeskryf.

(b) Waar die bedrag in geskil nie uit verrigtinge ooglopend is nie en–

(i) die aangeleentheid word in die landdroshof vir 'n distrik ingestel, word die koste op Skaal C bereken; of

(ii) die aangeleentheid word in die streekhof vir 'n streeksafdeling ingestel, word die koste op Skaal D bereken,

tensy die hof anders gelas.

3. Koste takseerbaar ingevolge reël 33(19) word geag kragtens 'n vonnis vir die bedrag aangebied of 'n vonnis ingevolge die skikking, na gelang van die geval, toegestaan te wees.

4. Eise vir uitsetting word bereken teen twee maande huur van die perseel.

5. Die koers waarteen koste bereken word, word nie verhoog weens enige eis vir bevestiging van enige interdik of tussentydse bevel nie.

6. Gelde vir advokate 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.

7. Waar die bedrag wat vir 'n item toegelaat word gespesifiseer is, sluit die bedrag alle nodige bywonings en betekenings (behalwe betekenings deur die balju vir die Landdroshof) in verband daarmee in, behalwe dat 'n heffing van **[R30,00]** R33,00 per dokument toegelaat sal word vir die indiening van dokumente by die hof.

8. Waar die bedrag vir 'n item toegelaat oningevul gelaat word-

(a) word die opstel van dokumente (nie pleitstukke nie) toegelaat teen **[R30,00]** R33,00 vir elke folio;

(b) afskrifte vir liassering, betekening en 'n prokureur se afskrif om te hou word ook toegelaat;

(c) **[R30,00]** R33,00 word toegelaat vir elke nodige betekening;

(d) **[R30,00]** R33,00 per dokument word toegelaat vir die nodige indiening van dokumente by die hof.

9. *(a)* Waar enige dokument vir die hof blyk onnodig omslagtig te wees, kan die hof die geheel of enige deel van die gelde daarvoor weier.

(b) Waar gedrukte vorms van dokumente waarvan afskrifte gemaak moet word, beskikbaar is, word die gelde vir afskrifte beperk tot die nodige besonderhede in daardie gedrukte vorms ingevoeg.

10. *(a)* 'n Folio bestaan uit 100 skriftelike of gedrukte woorde of syfers of deel daarvan.

(b) Vier syfers word as een woord gereken.

11. *(a)* Tensy anders bepaal, word 'n heffing vir sorgvuldige deurlesing toegelaat teen **[R11,50]** R12,50 per folio ten opsigte van enige dokument of pleitstuk wat noodsaaklikerwys sorgvuldig deurgelees is.

(b) Vir die nodige afskrifte, met inbegrip van fotostate, van enige dokument of stukke waarvoor nie reeds in hierdie tarief voorsiening gemaak word nie, per A4-grootte folio **[R4,50]** R5,00.

12. Waar daar meer as een verweerder is, word **[R19,00]** R21,00 bygevoeg ten opsigte van elke bykomende verweerder vir elk van items 2 en 3 van Deel I en items 2 en 7 van Deel III.

13. Waar die vonnisskuld ingevolge die vonnis of 'n ooreenkoms in paaiemente betaalbaar is, word 10% op elke paaiement ingevorder ter delging van die kapitaal, koste en rente, toegeken, behoudens 'n maksimum van **[R459,00]** R499,00 op elke paaiement. Geen bykomende geld word gehef vir enige bywoning in verband met die ontvangs of betaling van enige paaiement nie.

14. Die klerk of griffier van die hof keur by taksasie enige heffing wat onnodig aangegaan is, af.

15. Waar die gelde kragtens enige item op grond van tyd bereken word, word die totale tyd op enige een dag spandeer bereken en die gelde vir daardie dag word op daardie totaal bereken.

16. Enige bedrag noodsaaklikerwys en werklik in die opspoor van die skuldenaar uitgegee, word benewens die gelde in hierdie tarief uiteengesit, toegeken.

17. Item 10A en 14A van Deel III in die tarief tot Tabel A is ook van toepassing op Deel IV van die tarief by Tabel A.

18. Gelde aan advokate bedoel in artikel 34(2)*(a)*(i) van die Regspraktykwet, 2014 (Wet No. 28 van 2014), word op taksasie slegs vir items 21 tot 26 van Deel IV toegelaat.

DEEL II
ONVERDEDIGDE AKSIES

	R
Item 1 Geregistreerde aanskrywe ingevolge artikel 56 van die Wet	
(a) Eis of eise waar die totaal van die eis of eise nie die maksimum jurisdiksiebedrag van tyd tot tyd ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry nie en die prosesstuk is uit 'n landdroshof vir 'n streeksafdeling uitgereik.	**[R45,00]** R49,00
(b) Eis of eise waar die totaal van die eis of eise die maksimum jurisdiksiebedrag van tyd tot tyd ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry	**[R61,00]** R67,00
Item 2 Dagvaarding, met inbegrip van 'n aanskrywing buiten die aanskrywing in item 1 bedoel:	
(a) Eis of eise waar die totale bedrag van die eise nie R7 000,00 oorskry nie	**[R151,50]** R165,00
(b) Eis of eise waar die totale bedrag van die eis of eise R7 000,00 oorskry, maar nie R50 000 oorskry nie	**[R502.50]** R547,00

(c) Eis of eise waar die totale bedrag van die eis of eise R50 000 oorskry, maar nie die maksimum jurisdiksiebedrag van tyd tot tyd ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry nie	**[R743,00]** R808,00
(d) Eis of eise waar die totaal van die eis of eise die maksimum jurisdiksiebedrag van tyd tot tyd ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry en die prosesstuk uit 'n landdroshof vir 'n streeksafdeling uitgereik word of wanneer die aangeleentheid ten opsigte van 'n skuldoorsaak ingevolge artikel 29(1B)*(a)* van die Wet is	**[R969,50]** R1055,00
Item 3 Vonnis:	
(a) Eis of eise waar die totaal van die eis of eise nie die bedrag in 2*(a)* oorskry nie	**[R151,50]** R165,00
(b) Eis of eise waar die totaal van die eis of eise die bedrag in 2*(b)* oorskry, maar nie meer as R50 000 is nie	**[R383,50]** R418,00
(c) Eis of eise waar die totaal van die eis of eise R50 000 oorskry, maar nie die maksimum jurisdiksiebedrag van tyd tot tyd ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry nie	**[R627,00]** R682,00
(d) Eis of eise waar die totaal van die eis of eise die maksimum jurisdiksiebedrag van tyd tot tyd ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry en die prosesstuk word uit 'n landdroshof vir 'n streeksafdeling uitgereik of waar die aangeleentheid handel oor 'n skuldoorsaak ingevolge artikel 29(1B)*(a)* van die Wet	**[R815,00]** R886,00

Item 4 Kennisgewing ingevolge reël 12(2)	
(a) Eis of eise waar die totaal van die eis of eise nie die maksimum jurisdiksiebedrag van tyd tot tyd ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry nie	**[R71,50]** R78,00
(b) Eis of eise waar die totaal van die eis of eise die maksimum jurisdiksiebedrag van tyd tot ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry en die prosesstuk word uit 'n landdroshof vir 'n streeksafdeling uitgereik of wanneer die aangeleentheid handel oor 'n skuldoorsaak ingevolge artikel 29(1B)*(a)* van die Wet	**[R93,00]** R101,00
Item 5 Kennisgewing ingevolge reël 54(1)	
(a) Eis of eise waar die totaal van die eis of eise nie die maksimum jurisdiksiebedrag van tyd tot tyd ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry nie	**[R71,50]** R78,50
(b) Eis of eise waar die totaal van die eis of eise die maksimum jurisdiksiebedrag van tyd tot ten opsigte van landdroshowe vir distrikte deur die minister vasgestel, oorskry en die prosesstuk word uit 'n landdroshof vir 'n streeksafdeling uitgereik	**[R93,00]** R101,00
Item 6 Beëdigde verklaring of sertifikaat	
Item 7 – Bywoning van hof op versoek van die landdros wanneer eis na die hof verwys word vir vonnis of om voorlopige vonnis te kry wanneer die eis onverdedig is	soos toegelaat kragtens item 15 op

	die tarief vir verdedigde aksies.
Item 8 Vir elke geregistreerde brief wat ingevolge artikel 57(1) of (3) of artikel 58(2) van die Wet deur die krediteur of sy of haar prokureur, met inbegrip van afskrifte, aan die skuldenaar gestuur word	
(a) Eis of eise waar die totaal van die eis of eise nie die maksimum jurisdiksiebedrag van tyd tot tyd ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry nie.	**[R46,50]** R51,00
(b) Eis of eise waar die totaal van die eis of eise die maksimum jurisdiksiebedrag van tyd tot ten opsigte van landdroshowe vir distrikte deur die minister vasgestel, oorskry en die prosesstuk word uit 'n landdroshof vir 'n streeksafdeling uitgereik	**[R62,50]** R68,00
Item 9 Skulderkenning en onderneming om skuld in paaiemente of andersins te betaal (artikel 57 van die Wet)	
(a) Eis of eise waar die totaal van die eis of eise nie die maksimum jurisdiksiebedrag van tyd tot tyd ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry nie	**[R121,50]** R132,50
(b) Eis of eise waar die totaal van die eis of eise die maksimum jurisdiksiebedrag van tyd tot ten opsigte van landdroshowe vir distrikte deur die minister vasgestel, oorskry en die prosesstuk word uit 'n landdroshof vir 'n streeksafdeling uitgereik	**[R157,00]** R170,00

Item 10 Instemming tot vonnis of tot vonnis en 'n bevel vir die betaling van vonnisskuld in paaiemente (artikel 58 van die Wet)	
(a) Eis of eise waar die totaal van die eis of eise nie die maksimum jurisdiksiebedrag van tyd tot tyd ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry nie	**[R121 ,50]** R132,00
(b) Eis of eise waar die totaal van die eis of eise die maksimum jurisdiksiebedrag van tyd tot ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry en die prosesstuk word uit 'n landdroshof vir 'n streeksafdeling uitgereik	**[R157 ,00]** R170,00

Let wel: Die bedrag van gelde toelaatbaar kragtens items 4, 5, 6, 7, 8, 9 en 10 word sonder taksasie ingesluit in die bedrag van die koste waarvoor die vonnis ingedien word

DEEL III
VERDEDIGDE AKSIES (EN TUSSENPLEITVERRIGTINGE)

Item	Tarief A R	Tarief B R	Tarief C R	Tarief D R
1. Instruksies om te dagvaar of verdedig of van teeneis of van verdediging van	**[R606,00]** R659,00	**[R804,50]** R875,00	**[R968,50]** R1095,00	**[R1258,00]** R1369,00

teeneis, bestudering van alle dokumentasie en meriete en alle nodige konsultasies om dagvaarding uit te reik				
2. Dagvaarding 2A. Besonderhede van eis of deklarasie	[R304,50] R331,50 [R304,50] R331,50	[R423,00] R460,00 [R423,00] R460,00	[R506,50] R551,00 [R506,50] R551,00	[R656,00] R713,00 [R656,00] R713,00
3. Bywoning	[R50,50] R55,00	[R50,50] R55,00	[R63,00] R69,00	[R81,00] R89,00
4. Kennisgewing kragtens reëls 12(2) en 21B(2)	[R50,50] R55,00	[R50,50] R55,00	[R63,00] R69.00	[R81,00] R89,00
5. Pleit	[R304,50] R331,50	[R423,00] R460,00	[R506,50] R551,00	[R656,00] R713,00
6. Eis in rekonvensie	[R304,50] R331,50	[R423,00] R460,00	[R506,50] R551,00	[R656,00] R713,00
7. Antwoord, indien nodig	[R304,50] R331,50	[R423,00] R460,00	[R506,50] R551,00	[R656,00] R713,00
8. Opstel van alle dokumente wat nie spesifiek genoem word nie, met inbegrip van versoek vir verdere besonderhede, bylae van dokumente, alle beëdigde verklarings, dagvaardings, enige kennisgewing waarvoor nie andersins voorsiening gemaak is nie en opstel van verklarings deur getuies		-	-	-
9. Produksie van dokumente vir inspeksie, of inspeksie van dokumente, per kwartier of per gedeelte daarvan van die tyd wat spandeer is	[R180,50] R196,00	[R180,50] R196,00	[R226,50] R246,00	[R292,00] R318,00
10. ...				
10A. Paginering en indeksering van pleitstukke per kwartier of gedeelte daarvan:	[R121,00] R132,00	[R121,00] R132,00	[R147,50] R161,50	[R191,00] R208,00
11. Die afneem van verklarings deur getuies, per kwartier of gedeelte daarvan	[R180,50] R196,00	[R180,50] R196,00	[R226,50] R246,00	[R292,00] R318,00
12. Kennisgewing van verhoor of herinstelling	[R50,50] R55,00	R50,50] R55,00	[R63,00] R69,00	[R81,00] R89,00
13. Voorbereiding vir verhoor (indien 'n advokaat nie gebruik word nie)	[R1007,00] R1095,00	[R1370,00] R1490,00	[R1643,00] R1788,00	[R2136,00] R2323,00

14. Bywoning by skikkingsonderhandelinge, vir elke kwartier of gedeelte daarvan werklik in sodanige onderhandelinge deurgebring	**[R180,50]** R196,00	**[R180,50]** R196,00	**[R226,50]** R246,00	**[R292,00]** R318,00
14A. Opstel van betooghoofde per kwartier of gedeelte daarvan:	**[R180,50]** R196,00	**[R180,50]** R196,00	**[R226,50]** R246,00	**[R292,00]** R318,00
15. Bywoning van hof tydens verhoor, of by 'n uitstel of ondersoek by kommissie, vir elke kwartier of deel daarvan in die hof deurgebring terwyl die saak werklik aangehoor word-				
(a) indien 'n advokaat nie aangestel is nie	**[R180,50]** R196,50	**[R180,50]** R196,50	**[R226,50]** R246,00	**[R292,00]** R318,00
(b) indien 'n advokaat aangestel is	Nul	**[R71,50]** R78,00	**[R88,00]** R96,00	**[R113,00]** R123,00
16. Bywoning van voorverhoorkonferensie, vir elke kwartier of deel daarvan wat werklik in daardie konferensie deurgebring is	**[R180,50]** R196,00	**[R180,50]** R196,00	**[R226,50]** R246,00	**[R292,00]** R318,00
17. Bywoning van hof om gereserveerde vonnis of gedeelte daarvan aan te hoor	**[R37,00]** R40,00	**[R37,00]** R40,00	**[R44,50]** R49,00	**[R57,50]** R63,00
18. Korrespondensie—				
(a) vir elke nodige brief of telegram, per folio	**[R28,50]** R31,00	**[R28,50]** R31,00	**[R37,00]** R40,00	**[R46,50]** R50,00
(b) vir elke brief of telegram ontvang, met dien verstande dat gelde vir bestudering nie toegelaat word saam met die gelde hierin voor voorsiening gemaak nie	**[R19,50]** R21,50	**[R28,50]** R31,00	**[R37,00]** R40,00	**[R46,50]** R50,00
19. Bywonings: Vir elke nodige bywoning waarvoor nie andersins voorsiening gemaak is nie, per bywoning	**[R19,50]** R21,50	**[R28,50]** R31,00	**[R37,00]** R40,00	**[R46,50]** R50,00
20. Nodige formele telefoonoproepe, per oproep	**[R19,50]** R21,50	**[R28,50]** R31,00	**[R37,00]** R40,00	**[R46,50]** R50,00
21. Telefoonkonsultasies: Vir elke 5 minute of deel daarvan, behoudens 'n maksimum tarief per konsultasie van **[R174,50]** R190,00 vir Tariewe A tot C en **[R225,50]** R246,00 vir Skaal D	**[R50,50]** R55,00	**[R50,50]** R55,00	**[R63,00]** R69,00	**[R81,00]** R89,00
22. Elke nodige konsultasie, per kwartier of gedeelte daarvan	**[R180,50]** R196,00	**[R180,50]** R196,00	**[R226,50]** R246,00	**[R292,00]** R318,00

23. Die hof kan, op versoek by die verhoor gedoen, saam met die gelde in item 13 hierbo voorgeskryf, hernuwingsgelde in uitgestelde of gedeeltelik aangehoorde verhore, toeken	**[R627,00]** R682,00	**[R887,00]** R965,00	**[R1063,00]** R1157,00	**[R1 381,00]** R1503,00
24. Tyd by die hof gewag (omdat hof nie beskikbaar is nie) per kwartier of deel daarvan	**[R121,00]** R132,00	**R121,00]** R132, 00	**[R147,50]** R161,00	**[R191,00]** R208,00
25. Reistyd [onderworpe aan die bepalings van reël 33(9)] per kwartier of deel daarvan	**[R121,00]** R132,00	**[R121,00]** R132,00	**[R147,50]** R161,00	**[R191,00]** R208,00
26. Bestaans- en reisuitgawes soos in reël 33(9) gestel	Die werklike redelike bestaans- en ‚reisuitgawes soos in reël 33(9) gestel			

DEEL IV
ANDER AANGELEENTHEDE

Eksepsies, aansoeke om deurhaling, aansoeke om summiere vonnis, verskyning om voorlopige vonnis te verkry wanneer eis verdedig word, tussenaansoeke, arres, interdik, aansoeke kragtens reël 27(9), aansoeke om vonnis, bevel of taksasie te hersien, aansoeke om likwidasie van beslote korporasies en aansoeke ingevolge artikel 65J van die Wet, aansoeke kragtens reël 58 en enige ander aansoeke.

ITEM	*Tarief A* *R*	*Tarief B* *R*	*Tarief C* *R*	*Tarief D* *R*
1. (a) Instruksies om aansoek te doen of om te verdedig of om gronde aan te voer (die hof kan op versoek 'n hoër bedrag toelaat)	**[R152,00]** R165,00	**[R304,50]** R331,00	**[R361,50]** R394,00	**[R470,00]** R512,00
(b) Instruksies om aansoek te doen om likwidasie van beslote korporasie, bestudering van alle dokumentasie en oorweging van meriete, en alle nodige konsultasies	**[R743,00]** R808,00	**[R743,00]** R808,00	**[R890,50]** R969,00	**[R1158 ,00]** R1260,00
2. Opstel van alle dokumente, beëdigde verklarings en kennisgewings, bevele, ens.	-	-	-	-
3. Bywoning van hof by verhoor:				
(a) Indien onverdedig of verdedig (indien advokaat nie aangestel is nie), vir elke kwartier of deel daarvan werklik in die hof deurgebring	**[R180,50]** R196,00	**[R180,50]** R196,00	**[R226,50]** R246,00	**[R292,00]** R318,00
(b) Indien verdedig (indien advokaat aangestel is), vir elke kwartier werklik in die hof deurgebring of deel daarvan	Nul	**[R71,50]** R78,00	**[R88,50]** R96,00	**[R113,00]** R123,00

4. (a) Gelde vir voorbereiding vir betoog wanneer verdedig	**[R627,00]** R682,00	**[R739,00]** R804,00	**[R890,50]** R969,00	**[R1158,00]** R1260,00
(b) Gelde vir voorbereiding vir verhoor waar verrigtinge na verhoor verwys word of mondelinge getuienis	**[R627,00]** R682,00	**[R739,00]** R804,00	**[R890,50]** R969,00	**[R1158,00]** R1260,00
5 Konsultasies en skikkingsonderhandelinge – wanneer verdedig, per kwartier of deel daarvan	**[R180,50]** R196,00	**[R180,50]** R196,00	[R226,50] R246,00	**[R292,00]** R318,00

ITEM	**Tarief**
TAKSASIE VAN KOSTE In verband met 'n kosterekening vir dienste deur 'n prokureur gelewer, het die prokureur die reg om te hef:	R
6. Vir opstel van die kosterekening, maak van die nodige afskrifte en bywoning van skikking, 11 persent van die prokureursgelde, hetsy soos in die rekening gehef, indien nie getakseer nie, of soos by taksasie toegestaan	
7. Benewens die gelde kragtens item 6 gehef, indien van taksasie gebruik gemaak word, vir reëling en bywoning van taksasie, en vir verkryging van toestemming vir taksasie, 11 persent op die eerste R10 000,00 of gedeelte daarvan, 6 persent op die volgende R10 000,00 of gedeelte daarvan en 3 persent op die balans van die totale bedrag van die rekening	
8. Bywoning by hersiening van taksasie, vir elke kwartier of deel daarvan in die hof terwyl hersiening werklik aangehoor word	**[R180,00]** R196,00
9. Kennisgewing van aansoek om hersiening van taksasie en betekening	-
10. Beëdigde verklaring, waar nodig	-

UITWINNING	
11. (a) Uitreiking van 'n uitwinningslasbrief, uitsettingslasbrief, en lasbrief vir lewering van besit	**[R121,50]** R132,00
(b) Vir elke heruitreiking daarvan	**[R50,50]** R55,00
12. Insluitend gelde vir werk gedoen in verband met vrystelling van inbeslaggenome onroerende eiendom	**[R151,50]** R165,00

13. Insluitend gelde vir werk gedoen in verband met uitwinningsverkoping van slegs onroerende goed (uitsluitend werk ten opsigte waarvan gelde reeds elders voor voorsiening gemaak word en die opstel van die verkoopsvoorwaardes)	**[R384,00]** R418,00
14. (a) Opstel van verkopingskennisgewing ingevolge reël 41(8) of reël 43**[(6)]** (7)*(b)*(i), of verkoopsvoorwaardes ingevolge reël 43**[(7)]** (8)*(a)*(i)	-
(b) Vir alle ander werk gedoen en papiere en dokumente aan die balju van die landdroshof voorsien in verband met 'n uitwinningsverkoping van roerende goed, 'n allesinsluitende bedrag van	**[R262,00]** R285,00
15. Sekerheidstelling vir herstel, waar nodig	**[R99,50]** R109,50

WAAR ADVOKAAT AANGESTEL IS	
16. Instruksies vir eksepsie of aansoek, waar toegelaat	
(a) Eis of eise waar die totaal van die eis of eise nie die maksimum jurisdiksiebedrag van tyd tot tyd ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry nie	**[R180,50]** R196,00
(b) Eis of eise waar die totaal van die eis of eise die maksimum jurisdiksiebedrag van tyd tot tyd ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry en die prosesstuk word uit 'n landdroshof vir 'n streeksafdeling uitgereik	**[R234,50]** R255,00

17. Instruksies vir verhoor	
(a) Eis of eise waar die totaal van die eis of eise nie die maksimum jurisdiksiebedrag van tyd tot tyd ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry nie	**[R230,50]** R251,00
(b) Eis of eise waar die totaal van die eis of eise die maksimum jurisdiksiebedrag van tyd tot tyd ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry en die prosesstuk word uit 'n landdroshof vir 'n streeksafdeling uitgereik	**[R290,00]** R315,00
18. Opstel van opdrag by eksepsie of aansoek, waar toegelaat	-
19. Opstel van opdrag vir verhoor	-
20. Bywoning van nodige konsultasie met advokaat, per kwartier of deel daarvan	
(a) Eis of eise waar die totaal van die eis of eise nie die maksimum jurisdiksiebedrag van tyd tot tyd ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry nie	**[R75,00]** R82,00
(b) Eis of eise waar die totaal van die eis of eise die maksimum jurisdiksiebedrag van tyd tot tyd ten opsigte van landdroshowe vir distrikte deur die Minister vasgestel, oorskry en die prosesstuk word uit 'n landdroshof vir 'n streeksafdeling uitgereik	**[R94,00]** R103,00

GELDE VIR ADVOKATE	
21. Met opdrag om eksepsie of aansoek te betoog	**[R887,00]** R964,00
Let wel:	
22. Met verhooropdrag vir die eerste dag, hoogstens	**[R2514 ,50]** R2736,00
23. In enige hof meer as 30 km van die naaste dorp waar 'n provinsiale of plaaslike afdeling (behalwe 'n rondgaande hof) van die Hooggeregshof gesetel is, gehou, 'n reistoelae (benewens die opdraggeld) wat by spesiale bevel deur die hof toegelaat kan word, teen	**[R6,00]** R6,50 per km
24. Elke nodige konsultasie, per kwartier	**[R180,50]** R196,00
25. Vir elke dag meer as een waarop getuienis aangehoor of betooghoofde aangehoor word, 'n verfrisser van hoogstens	**[R1511 ,50]** R1644,00
26 Opstel van pleitstukke	**[R404,50]** R441,00

Notas:
(a) Omtrent items 22 en 25, 'n bedrag in plek van die bedrag vir die eerste dag se verhoor, word soos volg toegelaat wanneer die saak op of voor die verhoordatum deur enige party geskik of teruggetrek word:
(i) hoogstens twee dae voor die verhoordatum: Die gelde andersins toelaatbaar by taksasie vir die eerste dag se verhoor;
(ii) minstens drie dae en hoogstens sewe dae voor die verhoordatum: Twee derdes van die gelde kragtens (i); en
(iii) minstens agt dae en hoogstens 21 dae voor die verhoordatum: Helfte van die geld kragtens (i).
(b) Die hof kan op versoek hoër gelde vir 'n advokaat ten opsigte van items 22, 24, 25 en 26 toeken.
(c) 'n Bedrag vir reistyd deur advokaat word toegelaat teen dieselfde tarief as vir prokureurs kragtens reël 33(9).

DIVERSE	
27. Verkry gesertifiseerde afskrif van vonnis	**[R91,00]** R99,00
28. Verkry betaling ingevolge reël 18(4)	**[R63,00]** R69,00
29. Versoek vir sekerheidstelling ingevolge reël 62(1)	-
30. Voorsien sekerheidstelling ingevolge reël 62(1)	-

TABEL B
KOSTE
DEEL I
ALGEMENE BEPALINGS TEN OPSIGTE VAN VERRIGTINGE INGEVOLGE ARTIKELS 65 EN 65a TOT 65M VAN DIE WET

1. Behoudens die bepalings van paragraaf 3, word geen gelde behalwe dié in die Tarief by hierdie Deel toegelaat nie.

2. Behoudens die bepalings van artikel 65K van die Wet, is die gelde uiteengesit in items *(a), (b)* of *(c)* van die Tarief by hierdie Deel, na gelang van die geval, betaalbaar vir die opstel van die kennisgewing in artikel 65A(1) bedoel, met inbegrip van verskyning by die ondersoek na die vonnisskuldenaar se finansiële posisie in artikel 65D bedoel, of enige verskyning by daaropvolgende opskortings-, wysigings- of opheffingsverrigtinge, en kan , met uitsondering van die gelde kragtens item *(m)* van die tarief toegelaat, slegs een keer gehef word vir die opstel, uitreiking en alle heruitreikings van die kennisgewing en alle uitstelle van die ondersoek, ongeag die getal dae waarop die verrigtinge in die hof aangehoor word: Met dien verstande dat waar die skuldenaar die regsgebied van die hof verlaat nadat die kennisgewing in artikel 65A(1) bedoel, uitgereik is en die kennisgewing in enige ander distrik heruitgereik word, kan die voormelde gelde ook in die ander distrik gehef word indien die hof dit gelas.

3. Die volgende word toegelaat benewens die gelde in die Tarief tot hierdie Deel uiteengesit:

(a) Alle nodige uitbetalings in verband met die verrigtinge aangegaan.

(b) 'n Bedrag van 10% op elke paaiement ter delging van die kapitaal en koste van die aksie, onderworpe aan 'n maksimum bedrag van **[R459,00]** R499,00 op elke paaiement. Waar die bedrag in paaiemente betaalbaar is, is die insamelingsgelde slegs verhaalbaar by betaling van elke paaiement. Sodanige gelde is ter vervanging van en nie bykomstig tot die insamelingsgelde in paragraaf 13 van Deel 1 van Tabel A voorgeskryf nie.

(c) Alle nodige uitbetalings gedoen in verband met enige vorige vrugtelose verrigtinge kragtens artikel 72, as die hof aldus beveel het.

(d) Enige bedrag noodsaaklikerwys en werklik uitbetaal in die opspoor van die vonnisskuldenaar, waar die kapitaalbedrag van die skuld nie minder was nie as **[R502,00]** R546,00 toe die opsporingsagent in diens geneem is. Die totale bedrag wat werk elke opsporing toegeken word mag nie meer as **[R383,50]** R417,00 wees nie. ,

4. Vir die doeleindes van die Tarief tot hierdie Deel, is die bedrag van die eis, behoudens die bepalings van paragraaf 3*(d)*, die totaal van die kapitaalbedrag en koste uitstaande op die datum van die eerste instelling van verrigtinge kragtens artikel 65A(1) van die Wet.

5. Items 1 tot 5 van Deel IV van Tabel A van Aanhangsel 2 is van toepassing ingevolge artikel 65J van die Wet.

TARIEF		
		R
(a)	Waar die eis nie meer as die bedrag van R1 000,00 is nie	**[R253,00]** R276,00
(b)	Waar die eis meer is as R1 000,00, maar nie nie meer as R2 000,00 is nie	**[R383,50]** R417,00
(c)	Waar die eis meer as R2 000,00 is	**[R452,00]** R492,00
(d)	Lasbrief vir arres (Vorm 40A)	**[R99,50]** R109,00
(e)	□ (i) Besoldigingsbeslagbevel (Vorm 38)	**[R202,00]** R218,00
	□ (ii) Heruitreiking (Sertifikate ingesluit)	**[R161,00]** R175,00
(f)	Aansoek om koste by kennisgewing (met inbegrip van verskyning voor hof)	**[R99,50]** R109,00
(g)	Verkryging van gesertifiseerde afskrif van 'n vonnis	**[R99,50]** R109,00
(h)	Beëdigde verklaring of sertifikaat deur die vonnisskuldeiser of sy of haar prokureur	**[R71,00]** R77,00
(i)	Vir elke geregistreerde brief aangestuur aan die skuldenaar ingevolge artikels 65A(2), 65E(6) of 65J(2) van die Wet deur die krediteur of sy of haar prokureur	**[R46,00]** R50,00
(j)	Beëdigde verklaring of bevestiging deur skuldenaar [Reël 45(7)]	**[R121,00]** R131,00
(k)	Versoek om 'n bevel kragtens artikel 65 van die Wet	**[R71,00]** R77,00
(l)	Bywoning van uitgestelde verrigtinge ingevolge artikel 65E(3) van die Wet of bywoning van verrigtinge by die of in navolging van die inhegtenisneming van 'n vonnisskuldenaar, direkteur of beampte in navolging van 'n kennisgewing in 65A(8)*(b)* bedoel	**[R99,50]** R109,00

(m)	Dagvaarding:	
	(i) Opstel van dagvaarding, per folio	**[R28,50]** R31,00
	(ii) Elke nodige bywoning, per bywoning	**[R19,00]** R21,00
(n)	(i) Korrespondensie: Vir elke nodige brief of telegram geskryf of ontvang, met inbegrip van afskrif om te hou, met dien verstande dat gelde vir bestudering nie toegestaan sal word saam met die gelde hierin voor voorsiening gemaak nie, per folio	**[R28,50]** R31,50
	(ii) Bywonings: Vir elke nodige bywoning nie andersins voor voorsiening gemaak nie, per bywoning	**[R28,50]** R31,00
	□ (iii) Nodige formele telefoonoproepe, per oproep	**[R28,50]** R31,00

DEEL II
ALGEMENE BEPALINGS TEN OPSIGTE VAN VERRIGTINGE INGEVOLGE ARTIKEL 72 VAN DIE WET

1. Behoudens die bepalings van paragrawe 2 en 3, word geen gelde behalwe dié in die Tarief by hierdie Deel uiteengesit, toegelaat nie.
2. Paragraaf 3*(a)*, *(b)* en *(d)* van die algemene bepalings kragtens Deel 1 van hierdie Tabel is *mutatis mutandis* van toepassing op hierdie Deel.
3. Alle nodige uitbetalings aangegaan in verband met enige vorige onsuksesvolle verrigtinge kragtens artikel 65, moet toegelaat word indien die hof aldus gelas het.
4. Vir die doeleindes van die Tarief van hierdie Deel, is die bedrag van die eis, onderworpe aan die bepalings van paragraaf 3*(d)* van die algemene bepalings kragtens Deel 1 van hierdie Tabel, die totaal van die kapitaalbedrag uitstaande op die datum van die eerste instelling van verrigtinge ingevolge artikel 72 van die Wet.

TARIEF	
	R
(a) Waar die eis nie meer as R200,00 is nie	**[R152,00]** R165,00
(b) Waar die eis meer as R200,00 is	**[R323,00]** R352,00
(c) Verkryging van 'n gesertifiseerde afskrif van 'n vonnis	**[R91,00]** R99,00
(d) Aansoek om 'n uitwinningsbevel teen die beslagskuldenaar	**[R91,00]** R99,00
(e) Loonbeslagorder (Vorm 39)	**[R121,00]** R131,00

DEEL III
ALGEMENE BEPALINGS TEN OPSIGTE VAN VERRIGTINGE INGEVOLGE ARTIKEL 74 VAN DIE WET

1. Die volgende gelde word toegestaan benewens die gelde uiteengesit in die Tarief by hierdie Deel:

(a) Alle nodige uitbetalings in verband met die verrigtinge aangegaan.

(b) Benewens die gelde hieronder gestel, is die administrateur geregtig op 'n bedrag van 10% op elke paaiement ingesamel vir die kapitaal en koste, welke bedrag ingesluit is in die 12.5% ingevolge artikel 74L(2) van die Wet.

2. By die toepassing van items 4 en 5 van die Tarief tot hierdie Deel, bestaan 'n folio uit 100 geskrewe of gedrukte woorde of syfers en vier syfers word as een word beskou.

TARIEF			
Item	Een tot tien krediteure	Elf tot twintig krediteure	Een-en-twintig of meer krediteure
	R	R	R
1. Instruksies om om 'n administrasiebevel aansoek te doen, met inbegrip van die nodige deurlesing van dagvaardings, eise, ens., en vasstelling van die bedrag van bates en laste, met inbegrip van alle bywonings en korrespondensie wat in verband daarmee nodig is.	**[R180,50]** R196,00	**[R252,50]** R275,00	**[R403,50]** R439,00
2. Instruksies by aansoek kragtens artikel 74Q(1) of om daardie aansoek of die toestaan van administrasiebevel, teen te staan.	**[R142,00]** R156,00	**[R142,00]** R156,00	**[R142,00]** R156,00
3. Opstel van aansoek om administrasiebevel of hersiening daarvan en beëdigde verklaring, met inbegrip van alle aanhangsels daarby en alle bywonings, bywoning in die hof uitgesluit.	**[R252,00]** R274,00	**[R252,00]** R274,00	**[R252,00]** R274,00
4. Maak van afskrifte van aansoek, beëdigde verklaring en aanhangsels vir krediteure, per bladsy	**[R4,50]** R5,00	**[R4,50]** R5,00	**[R4,50]** R5,00
5. Noukeurige deurlesing van aansoek en ander dokumente beteken, indien enige, per folio. Let wel: Die gelde onder hierdie item word slegs deur die prokureur of 'n teenparty geëis.	**[R11,00]** R12,00	**[R11,00]** R12,00	**[R11,00]** R12,00
6. Bywoning van hof:			
(a) By uitstel of tersydestelling, indien nie deur die prokureur of sy of haar kliënt veroorsaak nie;	**[R68,00]** R74,00	**[R68,00]** R74,00	**[R68,00]** R74,00
(b) By enige ander verhoor	**[R142,00]** R156,00	**[R271,00]** R295,00	**[R271,00]** R295,00

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7. Vir voorsiening aan 'n krediteur deur die administrateur van die inligting in artikel 74M*(a)* van die Wet bedoel, per aansoek	**[R19,00]** R21,00	**[R19,00]** R21,00	**[R19,00]** R21,00
8. Vir voorsiening van 'n afskrif van die skuldenaar se vermoëstaat bedoel in artikel 74 en 74A(1) van die Wet deur die administrateur ingevolge artikel 74M*(b)* of van 'n lys of rekening bedoel in artikel 74G(1) of 74J van die Wet of die skuldenaar se vermoëstaat bedoel in artikel 65(2) van die Wet, per folio.	**[R4,50]** R5,00	**[R4,50]** R5,00	**[R4,50]** R5,00
9. Korrespondensie en bywonings	**[R29,00]** R32,00	**[R29,00]** R32,00	**[R29,00]** R32,00"

(b) deur Deel II van Tabel C deur die volgende Deel te vervang:

"**DEEL II**

BALJU'S WAT NIE STAATSAMPTENARE IS NIE

1A. Vir registrasie van enige dokument vir betekening of uitwinning by ontvangs daarvan: **[R11,00]** R12,00

1B. *(a)* By die betekening van 'n dagvaarding, subpoena, kennisgewing, bevel of ander dokument wat nie in item 2 genoem word nie, die reis na en van die plek van betekening van enige van die bogenoemde dokumente—

(i) binne 'n afstand van 6 kilometer van die hofgebou van die distrik waarin die balju aangestel is: **[R44,00]** R48,00;

(ii) binne 'n afstand van 12 kilometer, maar verder as 6 kilometer van die hofgebou van die distrik waarvoor die balju aangestel is: **[R52,00]** R 57,50;

(iii) binne 'n afstand van 20 kilometer, maar verder as 12 kilometer van die hofgebou van die distrik waarvoor die balju aangestel is: **[R71,00]** R77,00;

(b) Vir die poging om die dokumente in paragraaf *(a)* genoem, te beteken, die reis na en van die plek van gepoogde betekening van enige van die bogenoemde dokumente

(i) binne 'n afstand van 6 kilometer vanaf die hofgebou van die distrik waarvoor die balju aangestel is: **[R37,50]** R41,50;

(ii) binne 'n afstand van 12 kilometer maar verder as 6 kilometer vanaf die hofgebou van die distrik waarvoor die balju aangestel is: **[R44,00]** R48,00;

(iii) binne 'n afstand van 20 kilometer maar verder as 12 kilometer van die hofgebou van die distrik waarvoor die balju aangestel is: **[R63,00]** R69,00;

(c) (i) Waar 'n dokument beteken moet word saam met 'n prosesstuk van die hof en in die prosesstuk of 'n aanhangsel daarby vermeld word, word geen bykomende gelde gehef vir betekening van die dokument nie, andersins kan **[R11,00]** R12,00 gehef word vir elke aparte dokument wat beteken word.

(ii) Geen gelde word vir 'n aparte dokument gehef wanneer prosesstukke in strafregtelike aangeleenthede beteken word nie.

(iii) Die betekening van 'n kennisgewing in reël 54(1) bedoel, gelyktydig met die dagvaarding, word nie as 'n aparte betekening beskou nie.

(iv) Waar 'n lasgewing die balju skriftelik opdrag gee om 'n dokument in item 1B*(a)* of (2)*(a)* dringend te beteken of uit te win, hef die balju bykomende gelde van **[R235,00]** R256,00 vir sodanige betekening, ongeag hetsy die betekening of uitwinning suksesvol was, welke bykomende gelde deur die opdraggewer betaal word, tensy die hof anders gelas.

(v) By die toepassing van subparagraaf (iv) beteken—

(aa) 'dringend' op dieselfde dag of binne 24 uur sedert die skriftelike opdrag; en

(bb) 'na-ure' enige tyd—

(aaa) voor 7h00 of na 19h00 op Maandae tot Vrydae; of

(bbb) op 'n Saterdag, Sondag of openbare vakansiedag.

(2) *(a)* By die uitvoering van 'n lasbrief (wat nie teen onroerende goed is nie), interdik, loonbeslagorder of besoldigingsbeslagbevel, die reis na en van die plek van tenuitvoerlegging van die bogenoemde dokumente-

(i) binne 6 kilometer van die hofgebou van die distrik waarvoor die balju aangestel is: **[R63,00]** R69,00;

(ii) binne 12 kilometer, maar verder as 6 kilometer van die hofgebou van die distrik waarvoor die balju aangestel is: **[R71,00]** R77,00;

(iii) binne 20 kilometer, maar verder as 12 kilometer van die hofgebou van die distrik waarvoor die balju aangestel is: **[R88,00]** R96,00;

(b) Vir die gepoogde tenuitvoerlegging van die dokumente in paragraaf *(a)* bedoel, die reis na en van die plek van gepoogde betekening van die bogenoemde dokumente-

(i) binne 6 kilometer van die hofgebou van die distrik waarvoor die balju aangestel is: **[R52,00]** R57,50;

(ii) binne 12 kilometer, maar verder as 6 kilometer van die hofgebou van die distrik waarvoor die balju aangestel is: **[R63,00]** R69,00;

(iii) binne 20 kilometer, maar verder as 12 kilometer van die hofgebou van die distrik waarvoor die balju aangestel is: **[R78,50]** R86,00;

(c) (i) Vir die uitsetting van 'n verweerder van die perseel in die uitsettingslasbrief bedoel: **[R37,50]** R41,00;

(ii) Verdere gelde van **[R24,50]** R27,00 word na tenuitvoerlegging betaal vir elke persoon benewens die persoon genoem of na verwys in die uitsettingsprosesstuk, in werklikheid van 'n aparte perseel uitgeset: Met dien verstande dat waar betekening aan enige persoon behalwe die vonnisskuldenaar nodig is ten einde die tenuitvoerlegging te voltooi, kan die gelde in item 1B*(a)* vasgestel, ten opsigte van elke sodanige betekening gehef word.

(d) vir die tenuitvoerlegging van enige lasbrief teen onroerende goed -

(i) vir uitwinning, met inbegrip van betekening van kennisgewing van beslaglegging aan die eienaar van die onroerende goed en aan die akteregistrateur of ander kantoor belas met die registrasie van sodanige eiendom, en indien die eiendom deur iemand anders as die eienaar geokkupeer word, ook aan daardie okkupant: **[R208,50]** R227,00;

(ii) vir kennisgewing van beslaglegging aan 'n enkele huurder of okkupant: **[R19,00]** R21,00;

(iii) identiese kennisgewings waar daar verskeie huurders, okkupante of eienaars is, vir elkeen na die eerste: **[R6,50]** R7,50;

(iv) vir 'n waardasieverslag vir verkoopdoeleindes, per halfuur of deel daarvan: **[R52,50]** R57,50;

(v) wanneer 'n balju gemagtig is om eiendom te verkoop en die eiendom word nie verkoop nie omdat die beslaglegging ingetrek of opgeskort is, al die nodige kennisgewing vir die intrekking of opskorting van die beslaglegging: **[R208,00]** R227,00; Opheffing van regterlike beslaglegging op onroerende goed: **[R208,00]** R227,00

(vi) vir seker maak en aanteken watter lenings of ander beswarings teen die eiendom geregistreer is, saam met die name en adresse van die persone in wie se guns daardie lenings en beswarings aldus geregistreer is, met inbegrip van enige korrespondensie daarby (saam met redelike uitgawes wat noodsaaklikerwys aangegaan is): **[R104,50]** R114,00;

(vii) vir kennis aan die vonnisskuldeiser van daardie lenings of ander beswarings en van die name en adresse van die persone in wie se guns daardie lenings of ander beswarings geregistreer is: **[R19,00]** R21,00;

(viii) vir oorweging van bewys dat 'n voorkeurskuldeiser aan die vereistes van reël 43(5)*(a)* voldoen het: **[R11,00]** R12,00;

(ix) vir kennisgewing bedoel in reël 43(6): **[R19,00]** R21,00;

(x) vir oorweging van verkopingskennisgewing deur die vonnisskuldeiser voorberei in oorleg met die balju; en
vir verifiëring dat die verkopingskennisgewing in die aangewese koerante en in die *Staatskoerant* gepubliseer is, insluitend gelde vir daardie oorweging en verifiëring: **[R104,50]** R114,00;

(xi) vir die aanstuur van 'n afskrif van die verkopingskennisgewing aan elke vonnisskuldeiser wat die onroerende goed in beslag laat neem het en aan elke verbandhouer daarvan wie se adres bekend is, vir elke afskrif: **[R19,00]** R21,00;

(xii) vir die aanheg van 'n afskrif van die verkopingskennisgewing aan die kennisgewingsbord van die landdroshof bedoel in reël 43(7)*(e)* en by of so naby moontlik aan die plek waar die verkoping werklik gaan plaasvind, 'n inklusiewe bedrag van **[R45,00]** R49,00 en reiskoste soos in item *4(a)* bedoel;

(xiii) vir oorweging van die verkoopsvoorwaardes deur die vonnisskuldeiser voorberei; vir verdere oorweging of gewysigde verkoopsvoorwaardes deur belangstellende party ingedien: **[R104,50]** R114,00 vir elke bywoning;

(xiv) vir alle nodige bywonings voorgeskryf by enige wetsbepalings wat met veilings verband hou, in die besonder die 'Consumer Protection Act', 2008 (Wet No. 68 van 2008): **[R315,00]** R343,00;

(xv) vir die hou van 'n veiling, behalwe dat hierdie gelde nie gehef kan word nie indien kommissie ingevolge items 2*(d)*(xvi) en (xvii) geëis word nie: **[R208,00]** R227,00;

(xvi) by die verkoop van onroerende goed deur die balju as afslaer, 6 persent op die eerste R100 000.00, 3.5 persent op R100 001.00 tot R400 000.00 en 1.5 persent op die saldo van die opbrengs van die verkoping, behoudens 'n maksimum van R3 000.00 (insluitend alle gevalle van die balju se bankkoste en ander uitgawes aangegaan in die betaling van die opbrengs in sy of haar trustrekening), welke kommissie deur die koper betaal sal word;

(xvii) indien 'n afslaer gebruik word soos in reël 43(10) voor voorsiening gemaak, 3 persent op die eerste R100 000.00, 2 persent op R100 001.00 tot R400 000.00 en 1 persent op die balans daarvan, behoudens 'n maksimum kommissie van R22 850.00, in totaal, en 'n minimum van R3 000,00 (insluitend alle gevalle van die balju se bankkoste en ander uitgawes aangegaan in die betaal van die opbrengs in sy of haar trustrekening), welke kommissie deur die koper betaal sal word;

(xviii) vir skriftelike kennisgewing aan die koper wat versuim het om aan die verkoopsvoorwaardes te voldoen: **[R52,50]** R57,00;
(xix) vir enige verslag in reël 43(11) bedoel: **[R52,50]** R57,00;
(xx) vir verwittiging van vonnisskuldenaar van die kansellasie in reël 43(11)*(a)*(iii): **[R19,00]** R21,00;
(xxi) vir gee van kennis bedoel in reël 43(11)*(c)*: **[R19,00]** R21,00;
(xxii) vir gee van oordrag aan die koper**[R25,00]** R27,00;
(xxiii) vir ontvangs van sertifikaat bedoel in reël 43(14)*(a)*: **[19,00]** R21,00;
(xxiv) vir voorbereiding van 'n plan vir die verspreiding van die opbrengs (met inbegrip van nodige afskrifte) en vir die aanstuur van 'n afskrif aan die registrateur: **[R104,50]** R114,00;
(xxv) vir kennisgewing aan alle partye wat lasbriewe ingedien het en aan die vonnisskuldenaar dat die distribusieplan ter insae sal lê, vir elke kennisgewing: **[R19,00]** R21,00;
(xxvi) vir die verslag in reël 43A(9)*(d)* bedoel: **[R52,50]** R57,00.

3. Opstel van enige opgawe ingevolge reël 8, in duplikaat: **[R17,50]** R19,50.

4. *(a)* Die balju word, benewens die gelde in items 1B*(a)*, 1B*(b)*, 2*(a)* en 2*(b)*, bedoel, maar onderworpe aan item 4*(b)* en *(c)*, 'n reistoelaag gegee van R6,00 per kilometer, of deel daarvan, vir die kortste moontlike heen- en terugreis van die kantoor van die balju na die plek van betekening of tenuitvoerlegging en terug.

(b) Die reistoelaag in items 4*(a)*, 5*(a)* en 5*(c)*(i) genoem, word bereken op die afstand gereken van die kantoor van die balju af indien-

(i) die balju se kantoor binne die regsgebied deur die Minister aan die balju toegewys, geleë is; en

(ii) die afstand van die balju se kantoor minder is as die afstand bereken van die hofgebou naaste aan die adres vir betekening.

(c) Indien nie aan die vereiste in item 4*(b)* voldoen word nie, word die reistoelaag genoem in items 4*(a)*, 5*(a)* en 5*(c)*(i) bereken op die afstand gereken van die hofgebou naaste aan die adres vir betekening.

5. *(a)* Ten opsigte van die verrigting van enige ander amptelike plig as dié in items 1 en 2 vermeld, maar onderworpe aan item 4*(b)* en *(c)*, is 'n reistoelae van R6,00 per kilometer vir elke kilometer, of deel daarvan, aan die balju betaalbaar vir die heen- en terugreis.

(b) 'n Reistoelaag sluit die uitgawes aangegaan om te reis in, met inbegrip van treinkaartjies.

(c) 'n Reistoelaag word bereken ten opsigte van elke onderskeie betekening, behalwe dat—

(i) waar meer as een betekening in die loop van dieselfde reis gedoen kan word, kan die afstand van die balju se kantoor na die eerste plek van betekening slegs een keer in berekening geneem word, en word gelyk toegeken aan die onderskeie betekenings, en die afstand vanaf die eerste plek van betekening na die oorblywende plekke van betekening word insgelyks gelyk toegeken aan die oorblywende betekenings; en

(ii) waar betekening van dieselfde prosesstuk deur 'n balju aan meer as een persoon by dieselfde adres van betekening gedoen moet word, word slegs een heffing vir reis toegelaat.

(d) Wanneer die balju enigiemand onder arres moet vervoer, word 'n toelaag van R6,00 per kilometer ten opsigte van daardie deel van sy of haar reis waarop hy of sy noodsaaklikerwys deur daardie persoon vergesel is, toegelaat.

(6)*(a)* Maak van 'n inventaris, met inbegrip van die maak van alle nodige afdrukke en tyd op voorraadopname spandeer: **[R37,50]** R41,00.

(b) Vir bystand, indien nodig, met die maak van 'n inventaris, **[R37,50]** R41,00 per halfuur of deel daarvan.

7. Die bestudering, opstel en invul van 'n borgakte, 'n borgstellingsakte of skadeloosstellingsakte: **[R11,00]** R12,00.

8. Beheer of bewaring van eiendom (geld uitgesluit):

(a) (i) Vir elke beampte noodsaaklikerwys in besit gelaat, 'n redelike allesinsluitende bedrag van hoogstens **[R132,00]** R142,00 per dag.

(ii) Reistoelaes, om losies elke keer in te sluit.

(b) Indien op lewende hawe beslag gelê word, word slegs die noodsaaklike uitgawes om die lewende hawe op te pas en te preserveer, toegelaat.

(c) Indien die goedere verwyder en gestoor word, word slegs die koste van verwydering en stoor toegelaat.

9. *(a)* **'besit'** beteken werklike fisieke besit deur 'n persoon in diens van en betaal deur die balju, wie se enigste werk vir die tyd en wyl is om op die perseel te bly waar die goedere op beslag gelê gelê is, en wat, in werklikheid, in besit bly vir die tydperk waarvoor besit gehou word.

(b) **'koste van verwydering'** beteken die bedrag werklik en noodsaaklikerwys uitbetaal vir verwydering of gepoogde verwydering as die goedere deur 'n derde party verwyder is of 'n poging aangewend is om hulle te verwyder, indien dit deur die balju self verwyder is, sodanige bedrag wat billik toelaatbaar sal wees in die gewone loop van sake indien die goedere deur 'n derde party verwyder is, of 'n poging aangewend is om dit aldus te verwyder.

(c) **'koste van berging'** die bedrag werklik en noodsaaklikerwys betaal vir berging indien die goedere deur 'n derde persoon geberg is of, indien die balju die berging voorsien het, sodanige bedrag wat billik toelaatbaar sal wees in die gewone loop van sake indien die goedere by 'n derde persoon geberg is.

10. *(a)* (i) Waar 'n beslagleggingsorder ten volle, of gedeeltelik, aan die balju betaal word, 9 persent op die bedrag aldus betaal, met minimum gelde van **[R63,00]** R70,50 en 'n maksimum van **[R614,00]** R691,50.

(ii) Vir die tenuitvoerlegging van enige lasbrief teen roerende goed—

(aa) wanneer 'n lasbrief ten volle of gedeeltelik betaal word by voorlegging aan die balju, 9 persent op die aldus betaalde bedrag met minimum gelde van **[R70,50]** R76,50, en 'n maksimum van **[R691,50]** R752,50;

(bb) wanneer 'n lasbrief ten volle of gedeeltelik aan die balju betaal word ná beslaglegging of voor verkoping, 9 persent op die aldus betaalde bedrag met minimum gelde van **[R70,50]** R76,50 en 'n maksimum van **[R691,50]** R752,50; of

(cc) wanneer gelde in uitwinning geneem word, 9 persent van die aldus betaalde bedrag, maar onderworpe aan 'n maksimum van **[R691,50]** R752,50.

(b) Kennisgewing van beslaglegging aan die verweerder en aan elke persoon wat in kennis gestel moet word: **[R11,00]** R12,00

11. *(a)* Waar eiendom van beslaglegging vrygestel word ingevolge reël **[41(7)*(f)*(i)]** 41(18)(*a*), of die uitwinningslasbrief word ingetrek of opgeskort, of die vonnisskuldenaar se boedel word na die beslaglegging gesekwestreer, maar voor die verkoping, 2.3 persent van die waarde van die goedere waarop beslag gelê is, behoudens 'n maksimum van **[R208,00]** R227,00: Met dien verstande dat indien 'n verkoping daarna plaasvind na aanleiding van die voormelde beslaglegging, word die aldus betaalde bedrag afgetrek van die kommissie kragtens item 12 betaalbaar.

(b) Kommissie in item 11(a) bedoel is nie hefbaar teen 'n vonnisskuldenaar op die waarde van roerende goed waarop beslag gelê is en wat daarna vrygestel is in navolging van 'n eis deur 'n derde party nie, tensy ondanks 'n eis deur 'n derde party, die verwydering van sodanige goed volgens uitdruklike, skriftelike opdrag van die vonnisskuldeiser gedoen word, in welke geval die vonnisskuldeiser aan die balju aanspreeklik sal wees vir kommissie teen 'n koers van 2.3% van die waarde van die goedere en koste.

12. Waar die uitwinningslasbrief teen roerende goed by verkoping afgehandel word, 9 persent van die eerste R15 000.00 of deel daarvan, en daarna 6 persent, met 'n maksimum van **[R9 209,50]** R10 018,50.

13. Vir die versekering van eiendom waarop beslag gelê is, en by skriftelike opdrag van die vonnisskuldeiser aan die balju, benewens die premie wat betaal moet woord, 'n allesinsluitende bedrag van **[R37,50]** R41,00

14.....

15. Wanneer vir uitwinning op onroerende goed beslag gelê word en die beslaglegging verstryk, soos in artikel 66(4) van die Wet bedoel: **[R63,00]** R69,00.

16. .....

17. Benewens die gelde deur items 10 tot 13 toegelaat, beide ingesluit, word toegeken—

(a) die bedrag werklik en redelik deur die balju of die afslaer betaal vir die druk, adverteer en gee van publisiteit aan enige verkoping of voorgenome verkoping in uitwinning.

18. Waar die balju kragtens meer as een uitwinningslasbrief in besit is, kan hy of sy gelde vra vir slegs een besit, en sodanige besit word, sover moontlik, gelyk toegedeel aan die verskillende lasbriewe in dieselfde tydperk uitgereik: Met dien verstande dat elke uitwinningsskuldeiser gesamentlik en apart aanspreeklik is vir sodanige besit tot 'n bedrag van nie meer nie as wat kragtens sy of haar uitwinning betaalbaar sou wees indien dit alleen gestaan het.

19. Gelde betaalbaar op die waarde van die goedere waarop beslag gelê is of op die opbrengs van die verkoping van goedere in uitwinning is nie hefbaar op sodanige waarde of opbrengs vir sover dit die bedrag van die lasbrief oorskry.

20. Die gelde en uitgawes van die balju in uitwinning van 'n beslagleggingsorder word bygevoeg by die bedrag wat kragtens die order verhaal staan te word, en is hefbaar teen die vonnisskuldenaar.

21. Indien dit vir die balju nodig is om 'n dokument wat deur hom of haar ontvang is vir betekening of uitwinning na die opdraggewer terug te stuur omdat—

(a) die adres van betekening wat op die prosesstuk verskyn nie in sy of haar regsgebied is nie; of

(b) die opdraggewer versoek het, voor 'n gepoogde betekening of tenuitvoerlegging van die prosesstuk, dat dit aan hom of haar terugbesorg word,

is 'n bedrag van **[R11,00]** R12,00 betaalbaar.

22. Vir die vervoer van enige persoon deur die balju in hegtenis geneem of in sy of haar bewaring geplaas van die plek van bewaring aan die hof op 'n dag wat volg op die dag van inhegtenisname: **[R37,50]** R41,00 per reis en **[R71,00]** R77,00, of deel daarvan, vir bywoning van die hof.

23. Vir die bestudering van 'n aangeduide **[koerante en die *Staatskoerant*]** koerant waarin die verkopingskennisgewing gepubliseer is, soos bedoel in reël **[41(8)*(c)*]** 41(19)(*c*): **[R11,00]**R12,00.

24....

25. Vir die aanheg van 'n afskrif van die verkopingskennisgewing op die kennisgewingbord

of deur van die hofgebou of ander openbare gebou en by of so naby as moontlik aan die plek waar die genoemde verkoping werklik gaan plaasvind bedoel in reël **[41(8)*(b)*]** 41(19)(*b*): **[R25,50]** R28,00 en reiskoste, in item 5*(a)* bedoel.

26. Vir **[die opstel en uitreiking van 'n tussenpleitdagvaarding]** tussenpleitstukke in Landdroshofreël 44 bedoel: **[R104,50]** R209,00

27. Benewens die gelde in hierdie Tabel voorgeskryf, is die balju geregtig op die bedrag werklik uitbetaal vir posgeld en telefoonoproepe.

28. Vir die skryf van elke nodige brief, faks of e-pos, met uitsondering van formele briewe wat prosesstukke of relase vergesel: **[R19,00]** R21,00.

29. Elke nodige bywoning per telefoon: **[R18,00]** R20,00.

30. Stuur en ontvangs van elke nodige faks of e-pos per bladsy (benewens telefoonkoste): **[R6,50]** R7,50.

31. .....

32. Vir die maak van alle nodige afskrifte van dokumente: **[R5,00]** R5,50, per A4-grootte bladsy.

33. *(a)* **['n Versoek om 'n rekening van 'n balju te takseer, moet binne 90 dae na die datum waarop die rekening waarvan die gelde betwis word, gelewer is, gedoen word]** 'n Versoek aan 'n balju om 'n rekening te takseer of word skriftelik gedoen binne 20 dae ná die rekening waarvan die gelde in geskil is, gelewer is.

(b) Vir die opstel van die rekening vir taksasie en bywoning van die taksasie deur die balju: **[R71,00]** R77,00.

34. Bankkoste: Werklike koste aangegaan in verband met bankkoste en tjekvorms.

35. *(a)* Opstel van kennisgewing aan die vonnisskuldenaar ingevolge artikel 65A(8)*(b)* van die Wet: **[R19,00]** R21,00.

(b) Betekening van die kennisgewing in paragraaf *(a)* bedoel: Tarief soos in item 1B*(a)* voorgeskryf.

(c) Gepoogde betekening van die kennisgewing in paragraaf *(a)* bedoel: Tarief soos in item 1B*(b)* bedoel.

(d) Die tarief, soos in item 4 voorgeskryf, is op paragrawe *(b)* en *(c)* van toepassing.

36. *(a)* Vir die inhegtenisname of gepoogde inhegtenisname van 'n vonnisskuldenaar ingevolge artikel 65A(6) van die Wet:

(i) Die tarief soos in item 2*(a)* of item 2*(b)*, na gelang van die geval, voorgeskryf.

(ii) Die tarief, soos in item 4 voorgeskryf, is op hierdie item van toepassing.

(b) Vir die oorhandiging van die vonnisskuldenaar aan die Suid-Afrikaanse Polisiediens, gevangenevriend of hofklerk of ander wettige plek van aanhouding:

(i) Die tarief, soos in item 2*(a)* voorgeskryf.

(ii) Reiskoste van plek van arres na plek van oorhandiging aan die tersaaklike owerheid, in paragraaf *(b)* bedoel, per kilometer of deel daarvan: R6,00.

(iii) Wagtyd rakende oorhandiging van die vonnisskuldenaar aan die tersaaklike owerheid, in paragraaf *(b)* bedoel: **[R37,50]** R41,00, per halfuur of deel daarvan, met 'n maksimum van **[R124,00]** R151,00.".

Inwerkingtreding

7. Hierdie reëls en vorms tree in werking op **08 Julie 2022.**

34

AANHANGSEL

"No. 2B – Gekombineerde dagvaarding

*** Vir gebruik in die Distrikshof**

IN DIE LANDDROSHOF VIR DIE DISTRIK VAN.....
GEHOU TE..... Saakno. .....van 20.....
In die aangeleentheid tussen:
..... Eiser
en
..... Verweerder

Aan die balju en sy/haar adjunk:
VERWITTIG A.B., van ..... (vermeld woning of sakeplek en indien bekend, geslag, beroep en werksplek) .....(hierna die verweerder genoem), dat C.D., (vermeld geslag en beroep), van ..... (vermeld woning of sakeplek) ..... (hierna die eiser genoem), hierby aksie instel teen hom of haar in welke aksie die eiser die regshulp eis op die gronde uiteengesit in die besonderhede hierby aangeheg.

VERWITTIG die verweerder verder dat indien hy of sy die eis betwis en die aksie wil verdedig, hy of sy—

(i) binne ..... dae sedert die betekening aan hom of haar van hierdie dagvaardinglêer aan die klerk van hierdie hof by..... (verstrek die fisieke adres en e-posadres van die klerk van die hof) kennis moet gee van sy of haar voorneme om te verdedig en 'n afskrif daarvan aan die eiser of eiser se prokureur moet beteken, welke kennisgewing 'n adres bedoel in reël 13(3) moet verstrek vir die betekening aan die verweerder van alle kennisgewings en dokumente in die aksie;

(ii) daarna, en binne 20 dae nadat die kennisgewing van voorneme om te verdedig ingedien en beteken is soos hierbo vermeld, 'n eis (met of sonder 'n teeneis), of 'n uitsondering of aansoek om deur te haal op die wyse en binne die tydsbestekke in reël 19 bepaal, by die klerk van die hof moet indien en aan die eiser of eiser se prokureur moet beteken.

35

VERWITTIG die verweerder verder dat indien die verweerder versuim om die kennisgewing soos hierbo genoem in te dien en te beteken, vonnis soos geëis teen hom haar gelewer kan word sonder verdere kennisgewing aan hom of haar, of indien die verweerder, nadat hy of sy sodanige kennisgewing ingedien en beteken het, versuim om te verdedig, eksepsie te gee, aansoek te doen om deurhaling of 'n teeneis in te dien, kan vonnis teen hom of haar gegee word. Beteken onmiddellik daarna 'n afskrif van hierdie dagvaarding aan die verweerder en besorg dit terug aan die klerk van die hof met wat u ook al vervolgens gedoen het.

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

.....

Klerk van die Hof

* Toestemming tot vonnis.

Ek erken dat ek teenoor die eiser aanspreeklik is soos in hierdie dagvaarding geëis (of tot die bedrag van R..... en koste tot op datum) en ek stem toe tot dienoorkomstige vonnis.

Gedateer te ..... op hede die ..... dag van ....., 20.....,

.....

Verweerder

GETUIES:

1. (volle name)....., (handtekening).....

(adres).....

2. (volle name)....., (handtekening).....

(adres).....

OF

* Kennisgewing van voorneme om te verdedig.

Aan die Klerk van die Hof.

Geliewe kennis te neem dat die verweerder hierby kennis gee van sy of haar voorneme om hierdie aksie te verdedig.

Gedateer te ..... op hede die ..... dag van ....., 20.....,

.....

Verweerder/Verweerder se prokureur

15 km fisieke adres van die hofgebou vir aanvaarding van betekening van prosesstukke of dokumente

.....

Posadres

.....

Faksnommer (waar beskikbaar).....

E-posadres (waar beskikbaar).....

(Gee volledige adres vir aanvaarding van prosesstukke of dokumente binne vyftien kilometer vanaf die hofgebou en ook die posadres.)

* Die oorspronklike kennisgewing moet by die klerk van hof ingedien word en 'n afskrif daarvan moet aan die eiser of eiser se prokureur beteken word.

Koste as die aksie onverdedig is sal soos volg wees:

Dagvaarding.....R

Vonnis.....R

Prokureursgelde.....R

Balju se gelde.....R

Balju se gelde by heruitreiking.....R

Totaal:.....R

AANHANGSEL

Besonderhede van Eiser se Eis

.....

Gedateer op hede die ..... dag van..... 20.....

.....

Eiser/Eiser se prokureur

Adres van Eiser/Eiser se Prokureur

.....

.....

Eiser se advokaat (indien enige)

No. 2B – Gekombineerde dagvaarding

*** Vir gebruik in die Streekhof**

IN DIE STREEKHOF VIR DIE STREEKSAFDELING VAN .....

GEHOU TE..... Saakno. .....van 20.....

In die aangeleentheid tussen:

.....Eiser

en

.....Verweerder

Aan die balju of sy/haar adjunk:

37

VERWITTIG A.B., van ..... (vermeld woning of sakeplek en indien bekend, geslag, beroep en werksplek) .....(hierna die verweerder genoem), dat C.D., (vermeld geslag en beroep), van ..... (vermeld woning of sakeplek) ..... (hierna die eiser genoem), hierby aksie instel teen hom of haar in welke aksie die eiser die regshulp eis op die gronde uiteengesit in die besonderhede hierby aangeheg.

VERWITTIG die verweerder verder dat indien hy of sy die eis betwis en die aksie wil verdedig, hy of sy—

(i) binne ..... dae sedert die betekening aan hom of haar van hierdie dagvaardinglêer aan die klerk van hierdie hof by..... (verstrek die fisiese adres en e-posadres van die klerk van die hof) kennis moet gee van sy of haar voorneme om te verdedig en 'n afskrif daarvan aan die eiser of eiser se prokureur moet beteken, welke kennisgewing 'n adres bedoel in reël 13(3) moet verstrek vir die betekening aan die verweerder van alle kennisgewings en dokumente in die aksie;

(ii) daarna, en binne 20 dae nadat die kennisgewing van voorneme om te verdedig ingedien en beteken is soos hierbo vermeld, 'n eis (met of sonder 'n teeneis), of 'n uitsondering of aansoek om deurhaling op die wyse en binne die tydsbestekke in reël 19 bepaal, by die klerk van die hof moet indien en aan die eiser of eiser se prokureur moet beteken.

VERWITTIG die verweerder verder dat indien die verweerder versuim om die kennisgewing soos hierbo genoem in te dien en te beteken, vonnis soos geëis teen hom haar gelewer kan word sonder verdere kennisgewing aan hom of haar, of indien die verweerder, nadat hy of sy sodanige kennisgewing ingedien en beteken het, versuim om te verdedig, eksepsie te gee, aansoek te doen om deurhaling of 'n teeneis in te dien, kan vonnis teen hom of haar gegee word. Beteken onmiddellik daarna 'n afskrif van hierdie dagvaarding aan die verweerder en besorg dit terug aan die klerk van die hof met wat u ook al vervolgens gedoen het.

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

.....

Griffier

* Toestemming tot vonnis.

Ek erken dat ek teenoor die eiser aanspreeklik is soos in hierdie dagvaarding geëis (of tot die bedrag van R..... en koste tot op datum) en ek stem toe tot dienooreenkomstige vonnis.

38

Gedateer te ..... op hede die ..... dag van ....., 20.....,

.....

Verweerder

GETUIES:

1. (volle name) ....., (handtekening) .....

(adres).....

2. (volle name) ....., (handtekening) .....

(adres).....

OF

* Kennis van voorneme om te verdedig.

Aan die Griffier.

Geliewe kennis te neem dat die verweerder hierby kennis gee van sy of haar voorneme om hierdie aksie te verdedig.

Gedateer te ..... op hede die ..... dag van ....., 20.....,

.....

Verweerder/Verweerder se prokureur

15 km fisieke adres vanaf die hofgebou vir aanvaarding van betekening van prosesstukke of dokumente

.....

Posadres

.....

Faksnommer (waar beskikbaar).....

E-posadres (waar beskikbaar).....

(Gee volle adres vir aanvaarding van betekening van prosesstukke of dokumente binne vyftien kilometer vanaf die hofgebou en ook die posadres.)

* Die oorspronklike kennisgewing moet by die griffier van die hof ingedien word en 'n afskrif daarvan moet aan die eiser of eiser se prokureur beteken word.

Kostes as die aksie onverdedig is, sal wees:

Dagvaarding.....R

Vonnis.....R

39

Prokureursgelde.....R

Balju se gelde.....R

Balju se gelde by heruitreiking.....R

Totaal:.....R

AANHANGSEL

Besonderhede van eiser se eis

.....

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

.....

Eiser/Eiser se prokureur

Adres van Eiser/Eiser se prokureur

.....

.....

Eiser se advokaat (indien enige)

40

No. 2C – GEKOMBINEERDE DAGVAARDING (EGSKEIDINGSAKE)

*** Slegs vir gebruik in die Streekhof**

IN DIE STREEKHOF VIR DIE STREEKSAFDELING VAN _____
GEHOU TE_____ SAAKNOMMER:_____
IN DIE AANGELEENTHEID TUSSEN:—

_____EISER
Identiteitsnommer:
EN

_____VERWEERDER
Identiteitsnommer:

AAN DIE BALJU OF SY/HAAR ADJUNK: _____
VERWITTIG (Volle name van die Verweerder): _____ 'N
MEERJARIGE MAN/VROU MET DIE BEROEP: _____ VAN (Adres):
_____
(Hierna die verweerder genoem),
DAT (volle name van die Eiser): _____ 'N
MEERJARIGE MAN/VROU MET DIE BEROEP: _____ VAN (Adres):
_____
(Hierna die Eiser genoem),

HIERBY aksie instel teen hom/haar in welke aksie die Eiser die regshulp op die gronde in die besonderhede van die eis hierby aangeheg, eis;

VERWITTIG die verweerder verder dat indien die verweerder die eis betwis en die aksie wil verdedig, moet hy/sy binne 10 dae sedert hierdie dagvaarding aan hom of haar beteken is 'n kennisgewing by die griffier van hierdie hof indien by _____ (verstrek hierdie fisieke adres en e-posadres van die assistent-griffier se kantoor) van sy of haar voorneme om te verdedig en 'n afskrif daarvan aan die eiser of eiser se prokureur beteken, welke kennisgewing 'n adres bedoel in reël 13(3) sal gee vir die betekening aan die verweerder van alle kennisgewings en dokumente in die aksie;

daarna, en binne 20 dae sedert indiening en betekening van kennisgewing van voorneme om te verdedig soos hierbo vermeld, 'n pleit (met of sonder 'n teenpleit), of 'n eksepsie of aansoek

om zdeur te haal by die assistent-griffier indien en aan die eiser of eiser se prokureur beteken op die wyse en binne die tydsbestekke waarvoor in reël 19 voorsiening gemaak word.

VERWITTIG die verweerder verder dat indien die verweerder versuim om die kennisgewing soos hierbo genoem in te dien en te beteken, vonnis soos geëis teen hom haar gelewer kan word sonder verdere kennisgewing aan hom of haar, of indien die verweerder, nadat hy of sy sodanige kennisgewing ingedien en beteken het, versuim om te verdedig, eksepsie te gee, aansoek te doen om deur te haal of 'n teeneis in te dien, kan vonnis teen hom of haar gegee word.

VERWITTIG die verweerder ook dat indien hy/sy nie voornemens is om die aksie te verdedig nie, hy/sy te dien effekte kennis aan die eiser en die griffier moet gee en die aksie kan dan, by skriftelike versoek van die eiser, onverwyld deur die griffier ter rolle geplaas word vir verhoor sonder verdere kennisgewing aan die verweerder.

En beteken onmiddellik daarna 'n afskrif van hierdie dagvaarding aan die verweerder en besorg dieselfde terug aan die griffier of assistent-griffier met wat u ook al daarna gedoen het.

GEDATEER TE _____ OP HEDE DIE _____ DAG VAN _____ 20_____

_____

GRIFFIER/ASSISTENT-GRIFFIER

STREEKSHOF

STREEKSAFDELING VAN _____

_____

EISER/EISER SE PROKUREUR

Adres

_____

_____

Posadres

_____

_____

Faksnommer (waar beskikbaar)

.....

E-posadres (waar beskikbaar)

.....

(Gee volle adres vir aanvaarding van betekening van prosesstukke of dokumente binne 15 kilometer van die hofgebou en ook die posadres.)

Die eiser is bereid om alle dokumente en kennisgewings wat daarna kom, by die e-posadres wat hierin vermeld word, te aanvaar.**

(1) Kennisgewing van voorneme om nie te verdedig nie

Aan die Griffier

Geliewe kennis te neem dat die verweerder hierby kennis gee dat hy/sy nie voornemens is om die aksie te verdedig nie.

Gedateer te..... op hede die ..... dag van ..... 20 .....,

_____

Verweerder/Verweerder se prokureur

OF

(2) Kennisgewing van voorneme om te verdedig*

Aan die Griffier

Geliewe kennis te neem dat die verweerder hierby kennis gee van sy of haar voorneme om hierdie aksie te verdedig.

Gedateer te ..... op hede die ..... dag van ....., 20 .....,

.....

Verweerder/Verweerder se prokureur

Adres

.....

Posadres

.....

Faksnommer (waar beskikbaar)

.....

E=posadres (waar beskikbaar)

.....

(Gee volledige adres vir aanvaarding van betekening of prosesstukke of dokumente binne 15 kilometer vanaf die hofgebou en ook die posadres.)

Kostes indien die aksie nie verdedig word nie, sal soos volg wees:

Dagvaarding.....	R
Vonnis.....	R
Prokureursgelde.....	R
Baljugelde.....	R
Baljugelde by heruitreiking.....	R
Totaal:	R

*Die oorspronklike kennisgewing moet by die griffier ingedien word en 'n afskrif daarvan moet aan die eiser of eiser se prokureur beteken word.

** Skrap indien nie van toepassing nie"

SOUTH AFRICAN REVENUE SERVICE

NO. R. 2435 **2 September 2022**

CUSTOMS AND EXCISE ACT, 1964.
AMENDMENT OF SCHEDULE NO. 1 (NO. 1/1/1890)

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

ENOCH GODONGWANA
MINISTER OF FINANCE

SCHEDULE

By the insertion of the following Additional Note(s) 5 and 6 after Note 4 in Chapter 87 of Section XVII to Part 1 of Schedule No. 1:

5. Tariff subheading 87.12 includes incomplete bicycles, having the essential character of the complete bicycle.

6. For the purposes of Additional Note 5 an incomplete bicycle, whether or not assembled, is to comprise of at least the following components -

(a) The frame; plus

(b) Any three of the following major components:

(i) One or both wheels;

(ii) The steering unit;

(iii) The brake set;

(iv) The drivetrain;

(v) The fork.

Insofar as the components listed under (b) are incomplete and/or unassembled, General Rule of Interpretation 2 will find application.

SUID-AFRIKAANSE INKOMSTEDIENS

NO. R. 2435 **2 September 2022**

DOEANE- EN AKSYNSWET, 1964.
WYSIGING VAN BYLAE NO. 1 (NO. 1/1/1890)

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

ENOCH GODONGWANA
MINISTER VAN FINANSIES

BYLAE

Deur die invoeging van die volgende Addisionele Opmerking(s) 5 en 6 na Opmerking 4 in Hoofstuk 87 van Afdeling XVII by Deel 1 van Bylae No. 1:

5. Tariefsubpos 87.12 sluit in onvolledige fietse, wat die wesenlike karakter van die volledige fiets het.

6. Vir die doeleindes van Addisionele Opmerking 5, 'n onvolledige fiets, hetsy gemonteer al dan nie, sal bestaan uit ten minste die volgende komponente-

(a) Die raam; plus

(b) Enige drie van die volgende hoofkomponente;

(i) Een of albei wiele;

(ii) Die stuureenheid;

(iii) Die remstelsel;

(iv) Die dryfyn;

(v) Die vurk.

Insover as die komponente gelys onder (b) onvolledig is en/of ongemonteer is, sal Algemene Reël van Interpretasie 2 toepassing vind.

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