



8 July 2013

Via e-mail

Adv. J B Skosana
Policy Unit, Department of Justice
17th Floor, Momentum Building
329 Pretorius Street
PRETORIA

Dear Sir

INCREASE IN MONETARY JURISDICTION OF THE MAGISTRATES' CIVIL DISTRICT AND REGIONAL COURTS

We refer to your request for comment on the above matter.

We attach hereto a copy of a submission received from the Cape Law Society, the essence of which is to the effect that:

1. The jurisdiction of the District Courts should be increased to R300 000,00 and that of the Regional Courts to R1 000 000,00.
2. The range of the Regional Courts' jurisdiction should be from R300 001,00 to R1 000 000,00 and not for claims which would ordinarily fall within the District Courts' monetary jurisdiction unless two claims are instituted in the same summons where at least one of the claims is within the Regional Courts' jurisdiction. In such a case, the Court should then have jurisdiction to consider a claim that falls within the District Courts' monetary jurisdiction.
3. The tariff of fees should be increased in order to compensate attorneys adequately for the increase in responsibility when dealing with matters of a high claim value in the Regional Court.

The Kwa-Zulu Natal Law Society holds the view that the monetary jurisdiction of the District Courts should only be increased to R200 000,00 and that of the Regional Civil Courts should range from R200 001,00 to R400 000,00. However, they correctly suggest that if there is a counterclaim below the lowest amount of the Regional Courts' jurisdiction, i.e. a counterclaim

The Law Society of South Africa brings together the Black Lawyers Association, the Cape Law Society, the KwaZulu-Natal Law Society, the Law Society of the Free State, the Law Society of the Northern Provinces and the National Association of Democratic Lawyers in representing the attorneys' profession in South Africa.

which falls within the jurisdiction of the District Court, then the Regional Court should have jurisdiction to hear that counterclaim.

The rationale of the Kwa-Zulu Natal Law Society is that, if the Regional Courts have jurisdiction in claims in convention from R1,00 to R400 000,00, there will be a tendency for such actions to be instituted in the Regional Courts rather than in the District Courts which have jurisdiction over the persons of the Defendants. They would have to travel further to the Regional Courts as they are situated in the larger towns and cities. This would make litigation more costly for them. They argue that this would also reduce the work load for country attorneys.

However, this would not necessarily be the case, given the fact that High Courts already have this jurisdiction and those courts are situated in the larger cities. With the increase in establishment of Regional Courts around the country, this will have the positive effect of having claims instituted in courts closer to the areas in which Defendants reside and the cost of litigating there would be reduced.

We submit these comments and suggestions for your consideration.

Kind regards



Lizette Burger
Professional Affairs Manager
Tel: +27 (0)12 366 8800
Fax: +27 (0) 86 674 6533
E-mail: lizette@lssa.org.za