



14 August 2015

Via e-mail: RajDaya@justice.gov.za / MMokulubete@justice.gov.za

The Secretary
Rules Board for Courts of Law
P O Box 13106
The Tramshed
0126

Dear Mr Daya

PROPOSED AMENDMENTS TO RULE 58 AND FORM 42 OF THE MAGISTRATES' COURTS RULES

We thank you for your invitation for submission of comments on the proposed amendments to Rule 58 and Form 42 of the Magistrates' Courts Rules.

The Law Society of South Africa (LSSA) supports the proposed amendments. We prefer the simpler structure of the alternative paragraph 2(c).

However, whilst we recognise that the stipulated fees for Rule 58 procedures are better placed in the tariff, we maintain the fundamental position that the Rules and the tariff should be amended to allow for these matters to be taxed in the same manner and subject to the same tariff as any other application before Court. We have in the past made significant and substantial representations on the matter to the Rules Board and await the Board's decision thereon.

We trust that our comments will assist you in your deliberations.

Kindly acknowledge receipt.

Kind regards

A handwritten signature in cursive script, appearing to read "Lizette Burger".

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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.