



24 April 2018

Via e-mail: [JBalkishun@justice.gov.za](mailto:JBalkishun@justice.gov.za)

Mr R Daya  
Deputy Chief State Law Advisor  
Secretary to the Rules Board for Courts of Law

Dear Mr Daya

**PROPOSED REVISION TO THE SUMMARY JUDGMENT PROCEDURE AND AMENDMENTS TO URC 32**

We refer to your request for comments dated 15 January 2018 and comment as follows:-

1. With reference to sub-rule 32(2)(b), it is suggested that: 'and/or' be used between the following proposed phrases: 'facts upon which the plaintiff's claim is based' and 'explain briefly why the defence as pleaded does not raise any triable issues'.
2. The obligation to obtain leave of the Court may be costly in the event that the Defendant is entitled to oppose. The procedure to obtain consent needs further detail to ensure that costs will not escalate and to keep the procedure clear and practicable.
3. The LSSA would caution against a potential proposal to amend the Magistrates' Court Rules to introduce a similar amended procedure within the Magistrates' Court as: It may have the effect of becoming almost impossible to obtain summary judgements in the Magistrates' Court; increase the number of matters that would proceed to trial and consequently result in the allocation of dates for trial to far later dates than those for opposed motions; and encourage dilatory defendants to delay matters resulting increased costs to litigants and crowded trial rolls.

Yours faithfully

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

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

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.