

**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT**

**NO. R. 2414**

**26 August 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 section 1 of the Criminal and Related Matters Amendment Act, 2021 (Act No. 12 of 2021), with the approval of the Minister of Justice and Correctional Services, made the rules in the Schedule.

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## SCHEDULE

## GENERAL EXPLANATORY NOTE:

[                      ] Words or expressions in bold type in square brackets indicate omissions from the existing rules.

\_\_\_\_\_ Words or expressions underlined with a solid line indicate insertions into the existing rules.

## Definition

1. In this Schedule "the Rules" means the Rules Regulating the Conduct of the Proceedings of the Magistrates' Courts of South Africa published under Government Notice No. R. 740 of 23 August 2010, as amended by Government Notice Nos. R. 1222 of 24 December 2010, R. 611 of 29 July 2011, R. 1085 of 30 December 2011, R. 685 of 31 August 2012, R. 115 of 15 February 2013, R. 263 of 12 April 2013, R. 760 of 11 October 2013, R. 183 of 18 March 2014, R. 215 of 28 March 2014, 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, R. 1604 of 17 December 2021, R. 2134 of 3 June 2022 and R. 2298 of 22 July 2022.

## Insertion of rule 34A in the Rules

2. The following rule is hereby inserted after rule 34 of the Rules:

**"Tariff of fees and allowances for intermediaries in proceedings other than criminal proceedings"**

**34A. The tariff of fees and allowances for intermediaries appointed in terms of section 51A(1) of the Act appearing at proceedings other than criminal proceedings, and who are not in the full-time employment of the State, shall be those set out in Table E of Annexure 2 to the Rules."**

## Insertion of Table E in Annexure 2 to the Rules

3. The following table is hereby inserted after Table D of Annexure 2 to the Rules:

**"TABLE E**  
**TARIFF OF FEES PAYABLE TO INTERMEDIARIES IN PROCEEDINGS OTHER**  
**THAN CRIMINAL PROCEEDINGS**

**1. Fee for appearing in court:**

- (a) An intermediary appointed to render assistance to a witness in proceedings other than criminal proceedings, shall be entitled to the following fees for appearing in court:
- (i) for appearing, including time spent in a District Court: R150,00 per hour or part thereof, subject to a maximum of R1 200,00 per day; or
  - (ii) for appearing, including time spent in a Regional Court of a Regional Division: R180,00 per hour or part thereof, subject to a maximum of R1 440,00 per day.
- (b) The fees contemplated in paragraph (a) shall be calculated from the beginning of the hour at which the intermediary is required to appear in court to the end of the hour at which the intermediary is excused from court.

**2. Transport, travelling and parking or toll allowances:**

An intermediary appointed to render assistance to a witness in proceedings other than criminal proceedings, shall be entitled—

- (a) to the following transport and travelling expenses for each journey actually and necessarily taken between the court house and his or her residence or place of business:
- (i) For use of public transport, an amount equal to the fare for the least expensive transport along the shortest route; or
  - (ii) For use of private transport, an allowance, as prescribed from time to time for the Public Service: Provided that the maximum amount allowed shall not exceed that permitted for a 1551 - 1750 cc petrol or diesel engine capacity; and
- (b) upon satisfactory proof having been produced to the court manager or registrar or clerk of the court, to the reimbursement for his or her reasonable actual expenses incurred in respect of parking and toll fees:

Provided that, for an intermediary who resides and carries on business at different physical locations, the transport or travelling allowance shall be calculated from the place of residence or place of business, whichever is closer to the court house, or such other place to which the intermediary is summoned, as the court may direct in terms of section 51A(3) of the Act.

**3. Subsistence allowance:**

(a) Subject to paragraphs (b), (c) and (d), an intermediary who is, for the purpose of rendering intermediary services to a witness, absent from his or her residence and—

(i) is obliged to be absent from his or her residence for 24 hours or longer, shall be entitled to claim such allowances as prescribed from time to time for the Public Service; or

(ii) is obliged to be absent from his or her residence for less than 24 hours, shall be entitled to claim the reasonable actual expenses incurred:

Provided that the claim is accompanied by the necessary corroborative documents to support the expenses, as prescribed from time to time for the Public Service, or to the satisfaction of the court manager or registrar or clerk of the court.

(b) The allowances provided for in paragraph (a) are payable for the full period for which the intermediary is absent from his or her residence for purposes of appearing in court.

(c) In calculating the period of absence for purposes of paragraph (a), an intermediary is allowed 24 hours for each distance of 600 kilometres or part thereof travelled.

(d) The allowance provided for in paragraph (a) is not payable if the fare of an intermediary includes the cost of meals and accommodation.”.

**Commencement**

4. These rules come into operation on **01 October 2022.**