

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

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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	<u>[R45,00]</u> <u>R49,00</u>
(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	<u>[R61,00]</u> <u>R67,00</u>
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	<u>[R151,50]</u> <u>R165,00</u>
(b) Claim or claims where the aggregate amount of the claim or claims exceeds R7 000,00 but does not exceed R50 000	<u>[R502,50]</u> <u>R547,00</u>
(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	<u>[R743,00]</u> <u>R808,00</u>
(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	<u>R969,50]</u> <u>R1055,00</u>
Item 3 - Judgment:	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the amount in 2(a)	<u>[R151,50]</u> <u>R165,00</u>
(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	<u>[R383,50]</u> <u>R418,00</u>

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(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.	<u>[R627,00]</u> <u>R682,00</u>
(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	<u>[R815,00]</u> <u>R886,00</u>
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.	<u>[R71,50]</u> <u>R78,00</u>
(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.	<u>[R93,00]</u> <u>R101,00</u>
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.	<u>[R71,50]</u> <u>R78,00</u>
(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.	<u>[R93,00]</u> <u>R101,00</u>
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.	<u>[R46,50]</u> <u>R51,00</u>
(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	<u>[R62,50]</u> <u>R68,00</u>

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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] <u>R55,00</u>	[R50,50] <u>R55,00</u>	[R63,00] <u>R69,00</u>	[R81,00] <u>R89,00</u>
5 Plea	[R304,50] <u>R331,50</u>	[R423,00] <u>R460,00</u>	[R506,50] <u>R551,00</u>	[R656,00] <u>R713,00</u>
6 Claim in reconvention	[R304,50] <u>R331,50</u>	[R423,00] <u>R460,00</u>	[R506,50] <u>R551,00</u>	[R656,00] <u>R713,00</u>
7 Reply, if necessary	[R304,50] <u>R331,50</u>	[R423,00] <u>R460,00</u>	[R506,50] <u>R551,00</u>	[R656,00] <u>R713,00</u>
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] <u>R196,00</u>	[R180,50] <u>R196,00</u>	[R226,50] <u>R246,00</u>	[R292,00] <u>R318,00</u>
10. ...				
10A Pagination and indexing of pleadings per quarter of an hour or part thereof :	[R121,00] <u>R132,00</u>	[R121,00] <u>R132,00</u>	[R147,50] <u>R161,00</u>	[R191,00] <u>R208,00</u>
11 The recording of statements by witnesses, per quarter of an hour or part thereof	[R180,50] <u>R196,00</u>	[R180,50] <u>R196,00</u>	[R226,50] <u>R246,00</u>	[R292,00] <u>R318,00</u>
12 Notice of trial or reinstatement	[R50,50] <u>R55,00</u>	[R50,50] <u>R55,00</u>	[R63,00] <u>R69,00</u>	[R81,00] <u>R89,00</u>
13 Preparing for trial (if counsel not employed)	[R1007,00] <u>R1095,00</u>	[R1370,00] <u>R1490,00</u>	[R1643,00] <u>R1788,00</u>	[R2136,00] <u>R2323,00</u>
14 Attendance at settlement negotiations, for each quarter of an hour or part thereof actually spent in such negotiations	[R180,50] <u>R196,00</u>	[R180,50] <u>R196,00</u>	[R226,50] <u>R246,00</u>	[R292,00] <u>R318,00</u>
14A Drawing up heads of argument per quarter of an hour or part thereof:	[R180,50] <u>R196,00</u>	[R180,50] <u>R196,00</u>	[R226,50] <u>R246,00</u>	[R292,00] <u>R318,00</u>
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] <u>R196,00</u>	[R180,50] <u>R196,00</u>	[R226,50] <u>R246,00</u>	[R292,00] <u>R318,00</u>
(b) if an advocate is employed	Nil	[R71,50] <u>R78,00</u>	[R88,00] <u>R96,00</u>	[R113,00] <u>R123,00</u>
16 Attending pre-trial conference, for each quarter of an hour or part thereof actually spent in such conference	[R180,50] <u>R196,00</u>	[R180,50] <u>R196,00</u>	[R226,50] <u>R246,00</u>	[R292,00] <u>R318,00</u>
17 Attending court to hear reserved judgment, per quarter of an hour or part thereof	[R37,00] <u>R40,00</u>	[R37,00] <u>R40,00</u>	[R44,50] <u>R49,00</u>	[R57,50] <u>R63,00</u>
18 Correspondence-				
(a) for each necessary letter or telegram, per folio	[R28,50] <u>R31,00</u>	[R28,50] <u>R31,00</u>	[R37,00] <u>R40,00</u>	[R46,50] <u>R50,00</u>
(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] <u>R21,50</u>	[R28,50] <u>R31,00</u>	[R37,00] <u>R40,00</u>	[R46,50] <u>R50,00</u>
19 Attendances: For each necessary attendance not otherwise provided for, per attendance	[R19,50] <u>R21,50</u>	[R28,50] <u>R31,00</u>	[R37,00] <u>R40,00</u>	[R46,50] <u>R50,00</u>
20 Necessary formal telephone calls, per call	[R19,50] <u>R21,50</u>	[R28,50] <u>R31,00</u>	[R37,00] <u>R40,00</u>	[R46,50] <u>R50,00</u>
21 Telephone consultations: For every 5 minutes or part thereof, subject to a maximum fee per consultation of [R174,50] <u>R190,00</u> for Scales A to C and [R225,50] <u>R246,00</u> for Scale D	[R50,50] <u>R55,00</u>	[R50,50] <u>R55,00</u>	[R63,00] <u>R69,00</u>	[R81,00] <u>R89,00</u>
22 Each necessary consultation, per quarter of an hour or part thereof	[R180,50] <u>R196,00</u>	[R180,50] <u>R196,00</u>	[R226,50] <u>R246,00</u>	[R292,00] <u>R318,00</u>
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] <u>R682,00</u>	[R887,00] <u>R965,00</u>	[R1063,00] <u>R1157,00</u>	[R1381,00] <u>R1503,00</u>

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
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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	
	[R6,50] 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.

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.

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**.

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.

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 atthisday of20.....

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).....

31

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 thisday 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.**

(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"